

**CITY OF SOUTH EL MONTE
REGULAR MEETING OF THE SOUTH EL MONTE PLANNING COMMISSION**

*****SPECIAL NOTICE REGARDING COVID-19*****

On March 17, 2020, Governor Newsom issued Executive Order N-29-20 in response to the COVID-19 pandemic, which authorizes the Local Legislative body to hold public meetings via teleconferencing and waives all requirements of the Brown Act requiring the physical presence of Planning Commissioners, staff, or the public as a condition of participation in or quorum for a public meeting.

THIS IS A PLANNING COMMISSION MEETING BY TELECONFERENCE ONLY. Members of the public will have access to listen to and participate in the meeting by calling-in at the information below. Teleconference participation shall be available to the public at the following USA Toll-Free number, 888-204-5987, Access Code: 9671457

Members of the public wishing to submit a general comment or a comment on an agenda item, can email ahernandez@soelmonte.org or call (626) 579-6540 to leave a voicemail message. All comments received by 5:00 p.m. on Tuesday, September 15, 2020 will be added to the Planning Commission agenda as part of the public comment.

SEPTMEBER 15, 2020, 6:00 P.M.

**CITY HALL CHAMBERS
1415 SANTA ANITA AVENUE
SOUTH EL MONTE, CA 91733**



**RUDY BOJORQUEZ, CHAIRPERSON
LARRY RODRIGUEZ, VICE-CHAIRPERSON
LEO BARRERA, COMMISSIONER
RUBY YEPEZ, COMMISSIONER
JEFF ORTIZ, COMMISSIONER**

**CHRISTY MARIE LOPEZ, ASSISTANT CITY ATTORNEY
RENE SALAS, PUBLIC WORKS DIRECTOR
IAN MCALEESE, ASSISTANT PLANNER
ANGIE HERNANDEZ, COMMISSION SECRETARY**

1. CALL TO ORDER

2. ROLL CALL

Commissioners: Bojorquez, Barrera, Yopez, Ortiz and Rodriguez

3. FLAG SALUTE

4. APPROVAL OF AGENDA

This is the time for the commission to remove any items from the agenda, continue, add items, to make a motion to rearrange the order of this agenda, or accept Agenda “as-is”.

5. PUBLIC COMMENT

Any person wishing to address the Planning Commission on any items not on the agenda, or any other matter, is invited to do so at this time. Pursuant to the Brown Act, the Commission cannot discuss or take action on items not on the agenda. Matters brought before the Commission that are not on the agenda may be, at the Commissions’ discretion, be referred to staff or placed on the next agenda.

6. CONSENT CALENDAR

6.a. Minutes for July 21, 2020

RECOMMENDATION: THEREFORE, STAFF RECOMMENDS that the Planning Commission approve the above reference minutes.

7. NON-PUBLIC HEARING

7.a. Review of The Palaces and Conditions of Approval for Conditional Use Permit No. 11-009

RECOMMENDED ACTION: Staff recommends that the Planning Commission review staff’s report and evaluate whether the business is operating in compliance with the CUP and/or provide direction to staff to have the CUP agendized for Planning Commission review at a future meeting.

8. PUBLIC HEARING

8.a. Consideration of Resolution No. 20-08 Approving a Subdivision at 10715-10719 Rush Street to convert three existing warehouses into three warehouse condominiums to be able to sell as individual units.

RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 20-08, approving a Subdivision (No. 20-08), as conditioned.

8. COMMISSIONERS’ AGENDA

8.a. Commissioner’s Report None.

9. STAFF ITEMS

9.a. **Planner's Report:** None.

9.b. **Secretary's Report:** None.

9.c. **Director's Report:** None.

10. ADJOURNMENT

October 20, 2020 at 6:00 p.m.

**CITY OF SOUTH EL MONTE
PLANNING COMMISSION MINUTES
TUESDAY, JULY 21, 2020
6:00 P.M.**

**THE PLANNING COMMISSION CONDUCTED THIS MEETING BY
TELECONFERENCE ONLY IN ACCORDANCE WITH CALIFORNIA GOVERNOR
NEWSOM'S EXECUTIVE ORDERS N-29-20 AND COVID-19 PANDEMIC
PROTOCOLS.**

1. CALL TO ORDER

Chairperson Bojorquez called the meeting to order at 6:01 p.m.

2. ROLL CALL

PRESENT: Leo Barrera, Jeff Ortiz, Larry Rodriguez, Ruby Rose Yepez, and Chairperson Rudy Bojorquez.

Present via teleconference: Christy Marie Lopez, Assistant City Attorney; Rene Salas, Public Works Director; Ian McAleese, Assistant Planner; and Angie Hernandez, Planning Commission Secretary.

3. PLEDGE OF ALLEGIANCE

Chairperson Bojorquez led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

A motion was made by Rodriguez, seconded by Ortiz and carried 5-0 to approve the agenda.

Vote: 5-0

Ayes: Commissioners: Barrera, Ortiz, Rodriguez, Yepez, and Chairperson Bojorquez

Nays: None

5. PUBLIC COMMENT

Chairperson Bojorquez opened and closed public comment after determining there was no one wishing to speak.

6. CONSENT CALENDAR

6.a. Revised Minutes for May 19, 2020

6.b. Minutes for June 16, 2020

A motion was made by Rodriguez, seconded by Ortiz and carried 5-0 to approve Consent Calendar.

Vote: 5-0

Ayes: Commissioners: Barrera, Ortiz, Rodriguez, Yepez, and Chairperson Bojorquez

Nays: None

7. PUBLIC HEARINGS

7.a. Consideration of Resolution No. 20-06 approving a Conditional Use Permit (CUP) (No. 20-06) to allow the construction of a 65,084 square foot warehouse, office and retail space at 2512 Rosemead Blvd, South El Monte CA 91733.

Assistant Planner McAleese presented the staff report.

Discussion ensued by the Planning Commission with concerns related to the increase in commercial truck traffic-primarily delivery trucks and their stress on our streets. The Commission agreed to include additional conditions to the Conditional Use Permit to address the flow of traffic to decrease traffic in this area. Most of the Commissioners were in favor of the project. While one Commissioner expressed concerns regarding the future development of this site as related to its proximity to the Starlight drive-in/swap meet located at 2540 Rosemead Blvd.

Chairperson Bojorquez opened public comment.

Jianhua Deng, Business Owner, addressed the Commission in favor of his project being approved by stating part of his tenant improvements would include a portion of space for retail, but only for his business and not necessarily for open market tenancy. He will be investing a significant amount on sustainable materials to improve the façade. He will be hiring locally, once the repairs are completed.

Kelly Deng, Applicant, spoke in favor of the Commission approving their application, stating they have been doing business in South El Monte over eight years. Their business is expanding, they have done very well over the years and would like to increase their storage and open a retail shop. She stated her business sells a variety of health supplies that range from self-care items like vitamins, medical supplies, dental supplies, oils, etc.

Michael Sun, Architect for JWDA-MS, spoke in favor regarding the project stating the owners have reviewed and accepted all the conditions listed in Resolution 20-06 for the CUP 20-06. He also confirmed the use of permeable material will be used in this project to improve the façade of this building. He stated the warehouse use would be for the business owners to store their products from their other locations.

After determining there was no one else wishing to speak, Chairperson Bojorquez closed public comment.

The Commission agreed to add the following: Condition # 62 All commercial vehicles approaching the property for deliveries or the like, shall approach the property coming from Rosemead Boulevard driving in the North direction. When exiting the property, all commercial vehicles shall be required to travel in the North direction towards the 10 freeway. No right turns shall be allowed on Garvey Avenue or Bruin Avenue.

A motion was made by Ortiz, seconded by Rodriguez and carried 4-1 to adopt Resolution No. 20-06 for property at 2512 Rosemead Blvd, South El Monte, CA 91733.

Vote: 4 ayes -1 nay

Ayes: Commissioners: Barrera, Ortiz, Rodriguez, and Chairperson Bojorquez

Nays: Yopez

At 7:09 p.m. Chairperson Bojorquez recessed at the request made by Assistant City Planner to prepare for the next presentation.

At 7:15pm Commissioner Bojorquez reconvened the meeting.

7.b. Consideration of Resolution No. 20-07 approving a Conditional Use Permit (CUP) (No. 20-07) to allow for the conversion of an existing single tenant 156,255 square foot industrial building into up to seven units for lease at 11077 Rush Street, South El Monte CA 91733

Assistant Planner McAleese presented the staff report.

For the record, Commissioners Bojorquez, Yopez, and Ortiz stated they had a site visit and spoke with the applicant regarding this project, prior to today's Planning Commission meeting. Commissioner Barrera also stated he had a site visit and has provided engineering support services based on his personal employment obligations associated with his job at the San Gabriel Water Company.

Planning Commission discussion ensued regarding advising the neighboring tenants and owners of this project, a radius of 500 feet of those affected were notified. Questions about rezoning were brought up-no rezoning will occur. Additional questions arose if the proposed tenant space qualifies to collect "pos" (point of sale) income tax- yes it will if it has a storefront. If a traffic study was required, the traffic engineer requested the applicant submit the scope of traffic memo with their plan check submittal- no traffic study required.

Chairperson Bojorquez opened public comment.

Wendy Anderson of BirtcherAnderson Realty, LLC, Applicant, made a presentation in favor of the project to the Commission. Also, part of the presentation was Bob Anderson, President of BirtcherAnderson Realty, LLC, Luis Ibanez, Architect, and Marty Akerblom and Fernando Villa, Land Use Counsel Representation. During the presentation the following key points were made: The

project will enhance the current façade, relieve truck traffic by relocating truck docks to the rear of the property, upgrade fire and electrical maintenance repairs, and provide up to seven retail locations based on fair market demand.

Planning Commission requested to add conditions to address the aesthetics and cohesive look pertaining to the fencing of the property as well as the traffic flow of all vehicles exiting the premises.

Public comment continued with the following speakers:

Adjacent Resident, Russell Poblano, detailed his concerns opposing the project due to his experience with the previous owner regarding this project. He requested the Commission add a condition to address noise, dirt, dust and ground vibrations as the previous owner had these similar issues in the past.

Planning commission requested to add a condition to address the odor, smell, noise, ground vibrations and dust.

After determining there was no one else wishing to speak, Chairperson Bojorquez closed public comment.

The following conditions were added:

Condition # 33 No commercial vehicle exiting the property shall make left turns on to Rush Street. The applicant shall install signage notifying all commercial drivers that only right turns are permitted when exiting. Hence signage shall be approved by the City.

Condition #34 Should the activity occur on the property creating a public nuisance, including but not limited to, causing odor, smell, noise, ground vibrations or dust, the Conditional Use Permit may be brought to the Planning Commission for further review at a public hearing. Said public hearing may result in modifications, including additional conditions to the Conditional Use Permit.

Condition #35 The applicant shall take all the necessary steps to ensure all three sides/walls of the property (not Rush Street frontage) shall be modified or updated to ensure all three sides/walls are equal height from grade level and shall have decorative rod iron lattice and or vegetation, so as to buffer the property from the adjacent property use.

A motion was made by Rodriguez, seconded by Yopez and carried 5-0 to adopt Resolution No. 20-07, allowing for the conversion of an existing single tenant 156,255 square foot industrial building into up to seven units for lease at 11077 Rush Street, South El Monte CA 91733.

Vote: 5-0

Ayes: Commissioners: Barrera, Ortiz, Rodriguez, Yopez, and Chairperson Bojorquez

Nays: None

8. COMMISSIONERS' AGENDA

Chairperson Bojorquez – Nothing to report.
Commissioner Rodriguez – Nothing to report.
Commissioner Ortiz – Nothing to report.
Commissioner Barrera – Nothing to report.
Commissioner Yepez – Nothing to report.

9. STAFF ITEMS

Planner's Report – Nothing to report.
Secretary's Report – Nothing to report.
Director's Report – Nothing to report.

10. ADJOURNMENT

A motion was made by Rodriguez, seconded by Barrera and carried 5-0 to adjourn the meeting at 8:38 p.m.

Vote: 5-0

Ayes: Commissioners: Barrera, Ortiz, Rodriguez, Yepez, and Chairperson Bojorquez

Nays: None



Planning Commission Agenda Report

Agenda
Item No.
7.a.

DATE: September 15, 2020

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Rachel Barbosa, City Manager

REVIEWED BY: Rene Salas, Public Works Director

PREPARED BY: Ian McAleese, Assistant Planner

SUBJECT: Review of The Palaces and Conditions of Approval for Conditional Use Permit No. 11-009

BACKGROUND: At its February 19, 2019 meeting, the Planning Commission adopted Resolution No. 18-06 that allowed for modification of conditions of approval associated with Conditional Use Permit (“CUP”) No. 11-009, which was originally approved by the Planning Commission on January 24, 2012. CUP No. 11-009 detailed all conditions applicable to the restaurant, The Palaces located at 9251 Garvey Avenue #G-J. The modification of conditions at the Planning Commission’s meeting on February 19, 2019, were the result of The Palaces operating in violation of several conditions of approval including not providing staff a copy of the Department of Alcoholic Beverage Control (“ABC”) Licensee Education on Alcohol and Drugs Program completion notification, not completing a six month review of their CUP from the initial granting of the CUP, and not notifying the City of change in ownership to conduct a public hearing.

Following the adoption of Resolution 18-06 by the Planning Commission on February 19, 2019, the item was called for review by the City Council. The Council had concerns regarding the item and therefore approved and implemented additional conditions, the primary condition is a six-month review of the business to make sure all conditions are being met and adhered to. The conditions imposed by the City Council were adopted and approved in Resolution No. 19-17 on March 12, 2019.

The Planning Commission conducted a six-month review of Palaces on September 17, 2019 and decided that they were not in violation of their conditions, but recommended staff bring the item back so that the CUP could be modified to require another review to verify the continual compliance of the business. The Planning Commission approved the modified CUP (Resolution No. 19-25) on December 17, 2019 which required Planning Commission review to take place on or around September of 2020 and more often if necessary.

RECOMMENDATION: Staff recommends that the Planning Commission review staff’s report and evaluate whether the business is operating in compliance with the CUP and/or provide direction to staff to have the CUP agendized for Planning Commission review at a future meeting.

ANALYSIS: During the review conducted on September 17, 2019, Planning Commission found that additional reviews would be appropriate to ensure compliance with the CUP. These extra reviews will take place every twelve months after the first review and would be able to be brought before Planning Commission more often if the need arises, or could be waived if determined to be continually operating in compliance. Condition #18 requires the business to come before Planning Commission for review with possible follow-up reviews;

18. The business shall return for review before the Planning Commission on or about September 2020. The review shall include, but not be limited to, an evaluation of all operating characteristics following the implementation of these condition. If additional impacts are identified during said review, the Operator shall be responsible for addressing such issues to the satisfaction of the Planning Commission, including the imposition of additional conditions. After said review, at the request of City Staff or the Planning Commission, the business shall return before the Planning Commission for review not more than one time per year.

Staff has found that the ABC license has been suspended on April 23, 2020. Through correspondence with ABC, the license was suspended for criminal activity that occurred on the premises that ABC was alerted to by the Sheriff's Department. From the conversation with ABC, the criminal activity that led to this suspension was the shooting that took place in 2018. Following up with the Sheriff's Department, staff discovered that the only incident that involved alcohol originating from the business took place on March 3, 2019 where a verbal argument resulted in a physical assault where the suspect was arrested. Sheriff's Department was given a copy of current conditions of approval for review and they did not have any recommendations for additional conditions or modifications of the CUP.

The Palaces has not been in operation since the pandemic began, and currently is unable to utilize their Type 47 license as it is suspended. The current owner has notified the City that he is in the process of selling the business. Other than the call for service on March 3, 2019, the business has not generated any incidents that the Sheriff's Department have responded to, and Code Enforcement as not aware of any other violations or incidents at the location.

CONCLUSION: As long as the business continues to act in good faith and adheres to the conditions set forth in Resolution No. 19-25, then it should not negatively impact the area like it has done in the past. If the Planning Commission review concludes that the business is operating in compliance with the conditions, the next step will be to receive and file the information. In the event the Commission finds that the business is not operating in accordance with all conditions, then it can direct staff to schedule a public hearing before the Planning Commission for additional modification or revocation.

ATTACHMENT
Resolution No. 19-25

PLANNING COMMISSION

RESOLUTION NO. 19-25

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION MODIFYING CONDITIONS OF APPROVAL TO CONDITIONAL USE PERMIT NO. 11-009 ISSUED TO PALACES LOCATED AT 9251 GARVEY AVENUE, SUITES G-J

WHEREAS, In January 2012, the Planning Commission approved Conditional Use Permit No. 11-009 (CUP No. 11-009) for Palaces Restaurant located at 9251 Garvey Avenue, Suites G-J. The CUP permitted karaoke entertainment and the sale and service of beer, wine, and distilled spirits for on-site consumption (Type 47 On-Sale General Eating Place), subject to conditions. Fang Wang (“Operator”) subsequently acquired Palaces. The Operator violated certain conditions of approval contained in CUP 11-009.

WHEREAS, South El Monte Municipal Code (SEMMC) Section 17.68.070 provides:

“Should any violation of conditions of approval occur, the Planning Commission may, after appropriate public notice, reopen the public hearing on the Conditional Use Permit and may impose additional conditions to rectify any violations or may, if such is shown to be warranted, revoke the conditional use permit for cause.”

WHEREAS, On February 19, 2019, the Planning Commission reopened the public hearing on CUP No. 11-009 to consider modifications to the conditions to CUP No. 11-009. After the public hearing was closed, the Planning Commission adopted Resolution No. 18-06, amending and adding new conditions to CUP No. 11-009.

WHEREAS, Pursuant to SEMMC Section 17.74.050(B), two members of the City Council requested that the Commission’s decision be reviewed by the City Council. A duly noticed public hearing *de novo* was held before the City Council on March 12, 2019 to consider modifications to CUP No. 11-009. All evidence, both written and oral, presented at said hearing was considered by the City Council in making this determination. The Operator presented oral evidence.

WHEREAS, On March 12, 2019, the City Council approved and implemented additional conditions in Resolution 19-17. The primary condition being a six-month review of the business to make sure all conditions were being met and adhered to.

WHEREAS, On September 17, 2019, the Planning Commission conducted a six-month review of Palaces and decided that Palaces was not in violation of their conditions, but recommended that City Staff that reopen the item to modify the CUP to require additional review periods to verify the continual compliance of the business.

WHEREAS, On December 17, 2019, the Planning Commission reopened the public hearing on CUP No. 11-009 to consider modifications to CUP No. 11-009. After the public hearing was closed, the Planning Commission adopted Resolution No. 19-25, amending CUP No. 11-009.

THE SOUTH EL MONTE PLANNING COMMISSION HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

Section 1. In 2012, the Project was environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines. At that time, the Planning Commission, exercising independent judgment, determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the action to approve the Project was categorically exempt, under a Section 15301, Class 1 exemption, from CEQA requirements. The proposed modifications to the conditions do not constitute changed circumstances within the meaning of CEQA, and do not result in new significant impacts. The proposed modifications to the conditions would not result in any significant and unavoidable adverse impacts to the environment. Thus, no additional CEQA analysis is required, and the City’s determination from 2012 is still valid. The documents and other material, which constitute the record on which this decision is based, are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 2. Planning Commission hereby makes the following findings. In 2012, the City found:

- (a) The proposed Project and its design and improvements were consistent with the General Plan of the City and compatible with the objectives, policies, general land uses, and programs specified in the General Plan.
- (b) The site was physically suitable for the type of development and the proposed density.
- (c) The proposed Project met all of the required development standards.

The proposed modifications to the conditions of approval do not change these findings and will not adversely affect the General Plan or the Zoning Ordinance.

Section 3. Planning Commission hereby conditionally approves the modification of the conditions to CUP No. 11-009 subject to the following conditions. For ease of reference, most, if not all, of the conditions of approval set forth in CUP No. 11-0009 have been restated below. The following conditions shall supersede all conditions of approval in Resolution 19-17, adopted by the City Council on March 12, 2019.

- 1. There shall be no other forms of entertainment other than karaoke.
- 2. The Operator shall not sell or serve alcoholic beverages unless the Operator maintains in good standing a validly-issued Office of Alcoholic Beverage Control (“ABC”) Type 47 license (On-sale General for Bona Fide Public Eating Place).
- 3. After a duly noticed public hearing, the Planning Commission may revoke this conditional use permit if the Operator or Operator’s employees have sold or served alcoholic beverages to a minor.

4. Alcohol sales shall be sold for on-site consumption and in conjunction with food sales at all times. No change in use, and no expansion of the business beyond the existing exterior walls of the tenant space, shall occur without a modification to this conditional use permit.

5. Noise levels at the property line shall not exceed the levels prescribed by noise regulations as established by South El Monte Municipal Code Chapter 8.20.

6. The premises shall be kept clean and the Operator shall ensure that no trash or litter originating from the site is deposited on neighboring properties, or on the public-right-of-way. Furthermore, the Operator shall submit to the City a Litter and Trash Management plan that shall be reviewed to the satisfaction of the Community Development Director, or his/her designee.

7. Hours of operation, including deliveries to the site during off-peak hours shall not occur prior to 7:00 a.m. All alcohol sales or service of alcohol shall be limited to the hours of 11:00 a.m. to 2:00 a.m. The last alcoholic drink shall be served no later than one half hour before closing.

8. The Operator shall take necessary steps to ensure the orderly conduct of employees, patrons and visitors while on the property.

9. Loitering on the property shall be prohibited and the Operator shall install signs stating "No loitering or consumption of alcoholic beverages" on the exterior of the building and within all parking areas.

10. Video or other coin-operated games in establishments engaged in the retail sale of alcohol for on-premises consumption may be permitted subject to the provisions of Section 5.04.140 of the business license ordinance.

11. No pool tables or outside vending machines shall be permitted.

12. The Operator shall obtain, and maintain in good standing, all other permits and licenses applicable to the operation of the restaurant, the serving of food and the sale and consumption of alcohol. Failure to obtain any applicable permit, or failure to maintain an applicable permit in good standing, shall be cause for revocation of this permit.

13. The Operator shall attend the Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drugs Program, which is offered once each month. It is a three hour course on how to conduct a business where alcoholic beverages are sold. Also, the Operator and all employees shall take a course with an emphasis on the procedure to check verification of legal age. Operator shall provide the Director of Community Development with notification of its satisfactory completion within six months of the effective date of this Resolution.

14. The abandonment or cessation of the use permitted by this conditional use permit for three consecutive months, or for six months during any calendar year, shall terminate the conditional use permit.

15. The Operator shall indemnify, defend and save harmless the City of South El Monte, its officers, agents, employees, and volunteers from any and all claims, lawsuits or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. Operator's obligation to indemnify, defend, and save harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits or actions, and any award of damages or attorney's fees in any such lawsuit or action.

16. The Operator shall comply with all applicable Municipal Code requirements.

17. The Operator shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit to the Director of Community Development within 10 days of the date of the Planning Commission's approval.

18. The business shall return for review before the Planning Commission on or about September 2020. The review shall include, but not be limited to, an evaluation of all operating characteristics following the implementation of these conditions. If additional impacts are identified during said review, the Operator shall be responsible for addressing such issues to the satisfaction of the Planning Commission, including the imposition of additional conditions. After said review, at the request of City Staff or the Planning Commission, the business shall return before the Planning Commission for review not more than one time per year.

19. Food sales shall be available at all times the use is open for business and in compliance with the hours of operation. The use shall be maintained as a bona fide eating establishment for lunch and dinner clientele.

20. Prior to installation, the Operator shall submit any proposed signage for review by the City Department of Community Development, which has the discretion to approve, conditionally approve or disapprove the signage.

21. Operator shall eradicate any and all graffiti on the exterior of the building immediately upon discovery.

22. A lighting plan showing ample lighting both along the arcade and parking lot area during evening hours shall be submitted for review and approval by the Planning Division and to the satisfaction of the Community Development Director or his/her designee within 30 days of obtaining this approval.

23. All areas devoted to landscape shall be planted and maintained on a regular basis.

24. The use of dim lighting within the tenant space is prohibited.

25. The Operator shall make available to patrons a list of phone numbers for taxi or alternative modes of transportation, in a manner acceptable to the Director of Community

Development.

26. The Operator shall make available to the City and local law enforcement a contact phone number and name of person/s who are tasked with addressing any complaints resulting from the operating of the permitted use.

27. The Operator shall post and maintain a copy of these conditions in a conspicuous location and visible to both employees and patrons.

28. The Operator shall conform to all smoking regulations contained in the South El Monte Municipal Code and California Labor Code § 6404.5(b).

29. The Operator shall provide a revised security plan that includes camera position layout with cameras in each private room as well as common space within the business. The security plan shall include updated information regarding safety personnel. Safety personnel shall consist of two individuals devoted to the task of providing safety to the facility.

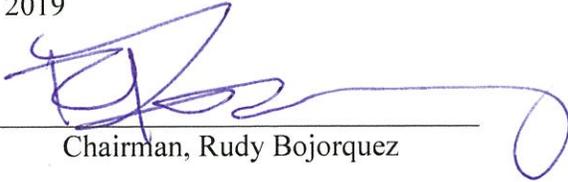
30. Code Enforcement, Sheriff's Department, and Community Development staff shall be allowed to conduct inspections of the restaurant at any time.

31. The Operator shall remove the dark paint, tinting, and interior walls blocking the windows to provide visibility into the establishment to the satisfaction of the Director of Community Development.

Section 4. Any interested party may appeal this decision to the City Council pursuant to SEMMC Section 17.74.050.

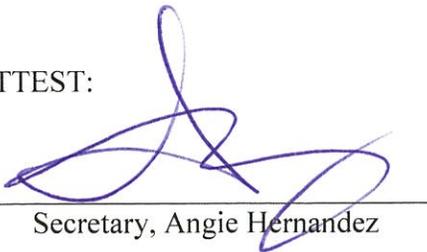
Section 5. The Secretary to the Planning Commission shall certify to the adoption of this Resolution.

ADOPTED this 17th day of December, 2019



Chairman, Rudy Bojorquez

ATTEST:



Secretary, Angie Hernandez

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

I, Angie Hernandez, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 19-25, was duly passed and approved by the Planning Commission of South El Monte, California at a regular meeting of said Commission held the 17th day of December 2019, and that the Resolution was passed by the following vote:

AYES: BOJORQUEZ, ORTIZ, GARRETT AND BARRERA/ APPROVED 4-0
NOES: NONE
ABSENT: NONE
ABSTAIN: RODRIGUEZ



Secretary, Angie Hernandez



Planning Commission Agenda Report

**Agenda
Item No.
8.a.**

DATE: September 15, 2020

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Rachel Barbosa, City Manager

REVIEWED BY: Rene Salas, Public Works Director

PREPARED BY: Ian McAleese, Assistant Planner

SUBJECT: Consideration of Resolution No. 20-08 approving the conversion of three existing warehouses into condominiums for sale at 10715-10719 Rush Street.

PUBLIC NOTICE: Notice of public hearing was posted on September 15, 2020.

ENVIRONMENTAL DETERMINATION: Categorical Exemption, Section 15301 Class 1 – Existing Facilities.

PROJECT

LOCATION: Address: 10715-10719 Rush Street
 Project Applicant: Lily Xiao, Apple Engineering Group
 Property Owner: Mark Freitag
 Zone: “M” (Manufacturing)
 Lot Size: 30,802 square feet (0.71 acres)

SURROUNDING ZONING AND LAND USE:

	Zone	General Plan	Land Use
North	“M” (Manufacturing)	Manufacturing	Manufacturing
South	“M” (Manufacturing)	Manufacturing	Wholesale
East	“M” (Manufacturing)	Manufacturing	Wholesale
West	“M” (Manufacturing)	Manufacturing	Wholesale

BACKGROUND: The property located at 10715 Rush Street (“Property”) is currently made up of three deeded parcels measuring between 9,890 to 11,891 square feet on the north side of Rush Street midway between Santa Anita Avenue and Tyler Avenue in the City of South El Monte (“City”). The three existing warehouses on site measure 5,386, 3,454, and 3,052 square feet and were originally constructed in 1958. In the past, the site has hosted different businesses ranging from manufacturing to wholesale, and is currently operating with two manufacturing businesses

and a single wholesale business. The applicant wishes to convert the existing warehouses into commercial condominiums.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 20-08, approving Subdivision (No. 20-08), as conditioned.

ANALYSIS:

General Plan/Zoning Consistency

The Property is designated as “Industrial” in the City’s General Plan and is zoned “M” (Manufacturing) in the City’s Zoning Code. The subdivision of the three parcels into a single common lot and three warehouse condominiums (“Proposed use” or “Project”) falls within the scope of the General Plan’s “Industrial” land use designation and is also a permitted use in the “M” zone. When considering consistency with the General Plan, staff determined that the Project will help further the City’s goals and objectives found in the General Plan and satisfy all development requirements within the Zoning Code.

Land Use Element

Policy 1.5: Continue to provide opportunities for establishment and expansion of a broad range of industrial businesses within those areas of the City designated for industrial. This Project will serve the area by allowing for the warehouses to be sold separately which could allow for a greater variety of owner-operators and opportunities.

Goal 6.0: Provide for the revitalization of deteriorating land uses and properties by requiring replacement of broken sidewalk and curb and gutter to improve the Property.

The Project will promote a balanced and dynamic economic growth in the area. Considering all of the above, the proposed Project is consistent with both the General Plan and the Zoning Code.

Tentative Map

The Commission must not approve a tentative map where the following findings are true pursuant to South El Monte Municipal Code (“SEMMC”) Section 16.16.025:

1. The proposed subdivision, including design and improvements, is not consistent with the general plan or any applicable specific or precise plan.
2. The site is not physically suitable for the type or proposed density of development.
3. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or injure fish or wildlife or their habitat.
4. The design of the subdivision or type of improvements is likely to cause serious public health problems.

5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. The city may approve the subdivision if the city finds that the subdivider will provide alternate easements for access or use that are substantially equivalent to the easements previously acquired by the public. This subsection shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction.

6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.

7. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the city engineer that the subdivider can correct such conditions.

8. The proposed subdivision is not consistent with all applicable provisions of the municipal code and the Subdivision Map Act.

Staff believes none of the above findings are met and the approval of Tentative Parcel Map No. 083104 will not be detrimental to persons or properties in the immediate vicinity nor to the City in general because of the conditions that are included in the resolution, as well as many of the surrounding parcels being utilized as industrial.

Proposed Project

The Applicant is proposing to create one common lot and convert three warehouses into condominiums in order to sell the buildings separately. The common lot will contain an easement that will allow the two warehouses in the rear access off of Rush Street. Each of the warehouses will also contain exclusive areas to utilize for parking, loading, and storage.

Off-Street Parking

As the majority use of the buildings are warehousing, SEMMC Section 17.60.020 states that parking shall be provided at one parking space for every one thousand square feet. The buildings' interior square footage requires the following number of parking spaces:

Proposed Use	Size of Area	Required	Proposed
Warehouse	5,238 sq. ft.	6	8
	3,454 sq. ft.	4	6
	3,052 sq. ft.	4	8
		Total Proposed	22
		Total Required	14

Circulation and Loading

Pursuant to SEMMC Section 17.18.160, the Project is required to provide on-site truck maneuvering and loading areas, if possible. As indicated, the Project will provide sufficient on-site circulation due to the size of the Property. On-site loading is provided by five covered loading docks spaces. Any necessary street maneuvering will be unlikely to impact traffic on Durfee Avenue. With on-site maneuvering and ease of entry into the Property it will have little to no impact to this area. Thus, it is anticipated that the Project will continue to be consistent with the City's Zoning Ordinance.

Impacts on Surrounding Uses and Properties

The Property is surrounded by a majority of industrial uses. The Project will not significantly increase the amount of these industrial activities since they are currently existing, and therefore the Project's potential impact on surrounding residential properties would be minimal.

Since the Project is located on Rush Street which is a secondary highway that receives large amounts of truck traffic, and is already existing, there should not be any impact on traffic for the area.

ENVIRONMENTAL REVIEW: This proposed Project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities). Class 1 consists of projects characterized as the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Project falls within the criteria of no expansion of an existing use.

CONCLUSION: Staff has reviewed the Applicant's request and has determined that the proposed Project meets all of the development standards as set forth in SEMMC Chapters 17.18 and 16.16. Approval of Tentative Parcel Map No. 083104, as conditioned, will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. Staff recommends the Planning Commission adopt Resolution No. 20-08 to approve Tentative Parcel Map No. 083104 (Subdivision No. 20-08) for the proposed conversion of three existing warehouses into condominiums.

ATTACHMENTS:

- A – Draft Resolution No. 20-08
- B – Relevant Code Sections
- C – Vicinity Map/Aerials
- D – Project Plans

ATTACHMENT A

PLANNING COMMISSION

RESOLUTION NO. 20-08

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR TENTATIVE PARCEL MAP NO. 083104 (SUBDIVISION NO. 20-08) ALLOWING FOR THE CONVERSION OF THREE EXISTING WAREHOUSES INTO CONDOMINIUMS FOR SALE AT 10715-10719 RUSH STREET

WHEREAS, Lily Xiao, Apple Engineering Group (“Applicant”), filed an application for a Subdivision to construct convert three existing warehouses into commercial condominiums for sale (“Project” or “proposed Project”) located at 10715-10719 Rush Street, South El Monte, CA 91733 (“Property” or “project site”); and

WHEREAS, pursuant to South El Monte Municipal Code (“SEMMC”) Section 16.16.015, the Project requires Planning Commission review and approval because the Project is a tentative map; and

WHEREAS, a public hearing was held before the Planning Commission on September 15, 2020, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

THE PLANNING COMMISSION OF THE CITY OF SOUTH EL MONTE HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1: The Planning Commission hereby finds that the adoption of Resolution 20-08 is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities). Class 1 consists of projects characterized as the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Project falls within the criteria of no expansion of an existing use. The documents and other material, which constitute the record on which this decision is based, are located in the Department of Community Development and are in the custody of the Director of Community Development.

SECTION 2: A record of the public hearing indicates the following:

A. With regard to the application for a tentative map, SEMMC Section 16.16.025 requires that the Planning Commission must not approve said tentative map where the following findings are true:

1. The proposed subdivision, including design and improvements, is not consistent with the general plan or any applicable specific or precise plan.

2. The site is not physically suitable for the type or proposed density of development.
 3. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or injure fish or wildlife or their habitat.
 4. The design of the subdivision or type of improvements is likely to cause serious public health problems.
 5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. The city may approve the subdivision if the city finds that the subdivider will provide alternate easements for access or use that are substantially equivalent to the easements previously acquired by the public. This subsection shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction.
 6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
 7. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the city engineer that the subdivider can correct such conditions.
 8. The proposed subdivision is not consistent with all applicable provisions of the municipal code and the Subdivision Map Act.
- B. The General Plan Land Use designation for the Property is “Industrial.” The Zoning Code designation is “M” (Manufacturing).
- C. The proposed Project promotes the City’s goals and objectives stated in the General Plan. No goal or policy will be impaired.
- D. The operation of the warehouses should not become a nuisance to surrounding properties.

SECTION 3: Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated September 15, 2020, which is hereby incorporated into this Resolution 20-08 by reference, the Planning Commission hereby finds:

- A. As conditioned, the Project meets the requirements of SEMMC Chapter 16.16 and will not be detrimental to the public health, safety or welfare, nor will it adversely affect property values or the present or future development of the surrounding areas. The conditions that are included in this resolution, as well as the fact that many of the surrounding parcels are industrial uses, ensures that this will hold true in the future.

B. Pursuant to SEMMC Section 16.16.015, the approval of the tentative map will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. This is because the Project will be required to operate in a way that does not negatively impact the area through conditions imposed.

C. As conditioned, the Project represents a quality establishment that will be compatible with surrounding wholesale and manufacturing uses, the surrounding area, and the goals of the City. The proposed Project will contribute to the general well-being of the City in that the Project benefits neighboring uses and will be an asset to the surrounding area, as well as to the rest of the City. As a result, approving this application will not adversely affect the General Plan or the Zoning Ordinance.

D. As conditioned, the proposed Project is consistent with the City's General Plan. The proposed Project is compatible with the objectives, policies, general land uses, development and programs specified in the General Plan which includes, but is not limited to, the following goals:

Land Use Element

- (1) Policy 1.5: *Continue to provide opportunities for establishment and expansion of a broad range of industrial businesses within those areas of the City designated for industrial.* This project will serve the area by allowing for the warehouses to be sold separately which could allow for owner-operators; and
- (2) Goal 6.0: *Provide for the revitalization of deteriorating land uses and properties* by requiring replacement of broken sidewalk and curb and gutter to improve the property.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby **approves** Subdivision (No. 20-08) to convert three warehouses into condominiums, subject to the following conditions:

General Conditions

1. The Applicant and the business entity allowed for hereunder shall indemnify, defend, and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, lawsuits, or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation, or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. The Applicant's obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits, or actions, and any award of damages or attorney's fees in any such lawsuit or action.
2. The Applicant and the business entity allowed for hereunder shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit

to the Director of Community Development within ten calendar days of the date of the Planning Commission's approval.

3. The approval shall lapse and become void if the privilege authorized is not utilized or where Final Map has not commenced within two years from the date of this approval.
4. Applicant and its employees, agents and contractors shall comply with all Municipal Code provisions.

Planning Conditions

5. Any graffiti painted or marked upon the Property or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of discovery or notice from the City.
6. The Property shall be maintained in a safe and clean condition and the Applicant shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way. At the end of each business day, the Applicant shall pick up any and all litter including but not limited to large discarded items that may have collected in the Property's parking area and public right-of-way.
7. The Applicant shall maintain all required permits and licenses in good standing.
8. The Applicant shall develop the property in conformance with the proposed plan. Deviations or exceptions shall not be permitted except when approved by a Modification to the Tentative Map as required by the Subdivision Map Act and the Subdivision section of the Municipal Code.

Building Conditions

9. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
10. Site plan shall be submitted for review to demonstrate the existing structures will still be in compliance with fire-resistance rating requirements for exterior walls based on fire separation distance shall comply with Table 602 of the Building Code, and maximum area of exterior wall openings and degree of open protection based on fire separation distance shall comply with Table 705.8 of the Building Code.
11. A reciprocal easement for ingress and egress, sanitary sewer, utility, drainage, water shall be provided for each property that does not front on or have direct access to the public way. Services to each property shall be underground and shall be located in a trench within this easement.

Engineering Conditions

12. The second sheet of building plans, grading plans and/or offsite improvement plans is to

list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.

13. Reconstruct the driveway approach in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.
14. Remove and replace broken and off grade sidewalk in accordance with SPPWC standard plan 113-2, and as directed by the City Engineer or his/her designee.
15. Remove and replace broken and off grade curb and gutter in accordance with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.
16. Should the proposed work generate a street cut into the street, paving shall be half width of the street from property line to property line, as directed by the City Engineer or his/her designee.

Fire Department Conditions

17. The Final map shall be submitted to the Land Development Unit for review and approval prior recordation.

SECTION 5: Any interested party may appeal this decision to the City Council pursuant to SEMMC Section 17.74.050.

ADOPTED this 15th day of September, 2020.

Chairman, Rudy Bojorquez

ATTEST:

Secretary, Angie Hernandez

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

I, Angie Hernandez, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 20-08 was duly passed and adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 15th day of September 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

Secretary, Angie Hernandez

ATTACHMENT B

Chapter 16.16 - TENTATIVE MAP FILING AND PROCESSING

Sections:

16.16.005 - Tentative parcel map and tentative tract map filing; initial processing.

- A. General Filing and Processing Requirements. A tentative map shall be filed for each subdivision. Subdividers shall submit tentative map applications and all information and other materials required by the city engineer to the city engineer for processing. The city engineer shall review the application for completeness and accuracy in compliance with the California Environmental Quality Act (CEQA), this title, the zoning code and applicable provisions of the Map Act.
- B. Referral to Affected Agencies. Within five days of the city's determination that the application is complete, the city engineer shall refer the proposed map to:
 - 1. Any city department, county, state or federal agency, and other entity affected by the subdivision.
 - 2. The following agencies, in the event such agency has filed a territorial map with the city pursuant to the Map Act:
 - a. California Department of Transportation (CalTrans). For any subdivision located within the area shown on the territorial map filed by CalTrans.
 - b. Adjacent Local Agencies. For any subdivision that is located within the area shown on the territorial map filed by that local agency.
 - 3. Public Utilities. Public utility companies and other service agencies, including providers of gas, electrical, telephone, and cable television services, which may provide "will serve" letters to the proposed subdivision.
 - 4. School Districts. The governing board of any elementary, high school, or unified school district within which the proposed subdivision is located.
 - 5. State Department of Education. For any proposed subdivision that includes a proposed public school site.

The city shall consider any recommendations submitted by agencies within fifteen days of the agency's receipt of the map.

(Ord. 1121 § 1(part), 2008)

16.16.010 - Evaluation of application.

After the city deems the application complete, the director and city engineer shall:

- A. Analyze whether the subdivision is consistent with applicable provisions of this code, the general plan, any applicable specific plan, and the Map Act;
- B. Analyze whether the proposed subdivision satisfies the findings in Section 16.16.035; and
- C. Prepare a staff report analyzing the application, and recommending approval, conditional approval, or denial of the proposed subdivision.

(Ord. 1121 § 1(part), 2008)

16.16.015 - Public hearing.

The planning commission shall conduct a duly noticed public hearing on a proposed subdivision.

(Ord. 1121 § 1(part), 2008)

16.16.020 - Applicable law.

In determining whether to approve a tentative map, the city shall apply only those ordinances, policies, and standards in effect at the date the application was determined complete, except:

- A. Where the city has initiated general plan, specific plan or subdivision or zoning code changes and provided public notice as required by Map Act Section 66474.2, in which case the city shall apply those ordinances, policies, and standards in effect at the date it acts on the map; or
- B. Where the applicant has requested changes to ordinances, policies, and standards in connection with its map application in which case the city shall apply those ordinances, policies, and standards adopted pursuant to the applicant's request.

(Ord. 1121 § 1(part), 2008)

16.16.025 - Required findings.

- A. The city shall not approve a tentative map where:
 - 1. The proposed subdivision, including design and improvements, is not consistent with the general plan or any applicable specific or precise plan.
 - 2. The site is not physically suitable for the type or proposed density of development.
 - 3. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or injure fish or wildlife or their habitat.
 - 4. The design of the subdivision or type of improvements is likely to cause serious public health problems.
 - 5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. The city may approve the subdivision if the city finds that the subdivider will provide alternate easements for access or use that are substantially equivalent to the easements previously acquired by the public. This subsection shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction.
 - 6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
 - 7. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the city engineer that the subdivider can correct such conditions.
 - 8. The proposed subdivision is not consistent with all applicable provisions of the municipal code and the Subdivision Map Act.
- B. Additional Required Findings. The code sections addressing condominiums, dedications and exactions, and parcel map waiver contain additional required findings.
- C. Timing of Construction of Improvements. The city may require construction of public improvements within a specified time after recordation of the map if it finds: it is in the interest of the public health and safety; or it is necessary as a prerequisite to the orderly development of the surrounding area.

(Ord. 1121 § 1(part), 2008)

16.16.030 - Conditions of approval.

- A. Mandatory Conditions. The city shall require the subdivider to:
1. Provide parcels, easements or rights-of-way for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and electric, gas and communications services to adequately serve the subdivision.
 2. Mitigate or eliminate environmental impacts identified through the environmental review process.
 3. Comply with the requirements of Chapters 16.12 and 16.40.
 4. Comply with all applicable provisions of this title, the zoning code, municipal code, department of public works standard conditions and the Map Act.
 5. Obtain a certificate or conditional certificate of compliance pursuant to Chapter 16.28 prior to the sale or subdivision of any designated remainder parcels.
- B. Discretionary Conditions. The city may require the subdivider to:
1. Waive direct access rights to any existing or proposed streets;
 2. Reserve sites for public facilities, including schools, park and recreation facilities, fire stations, libraries, and other public uses in compliance with Map Act Section 66479;
 3. Adhere to time limits or phasing schedules for the completion of conditions of approval, where deemed appropriate;
 4. Dedicate land for bicycle paths, local transit facilities (including bus turnouts, benches, shelters, etc.), sunlight easements, and school sites, in compliance with Map Act Chapter 4, Article 3;
 5. Construct public improvements within a specified time after recordation of the map;
 6. Comply with any other conditions deemed necessary by the city to achieve compatibility between the proposed subdivision, its immediate surroundings, and the community, or to achieve consistency with city ordinances or applicable state law.

(Ord. 1121 § 1(part), 2008)

16.16.035 - Effective date of tentative map approval.

The date of the resolution approving the tentative map is the effective date of the tentative map.

(Ord. 1121 § 1(part), 2008)

16.16.040 - Changes to approved tentative map or conditions.

- A. Minor Changes. A subdivider may request the following minor changes to an approved tentative map or its conditions prior to recordation of a parcel or final map: minor adjustments to the location of proposed lot lines and improvements; reductions in the number of approved lots; and modifications to the conditions of approval, consistent with the findings required by subsection D of this section.
- B. Application for Changes. The subdivider shall file an application and filing fee with the city engineer, using the forms furnished by the city engineer, containing the following information:
1. The tentative map number;
 2. The changes requested;

3. Any facts supporting the changes; and
 4. Any information deemed appropriate by the city engineer.
- C. Processing. Proposed changes to a tentative map or conditions of approval shall be processed in the same manner as the original tentative map, except as otherwise provided by this section.
- D. Findings for Approval of Minor Changes. The city shall not modify the approved tentative map or conditions of approval unless it finds the change is necessary because of one or more of the following circumstances, and that all of the applicable findings for approval can still be made:
1. There was a material mistake of fact in the deliberations leading to the original approval;
 2. There has been a change of circumstances; and
 3. A serious and unforeseen hardship has occurred, not due to any action of the applicant.
- E. Effect of Changes on Time Limits. City approval of changes to a tentative map or conditions of approval does not constitute an approval of a new tentative map, and shall not extend any time limits.

(Ord. 1121 § 1(part), 2008)

16.16.045 - Compliance with conditions of approval.

Prior to submitting a final map, the subdivider shall fulfill the conditions of approval including any time limits specified in the resolution and, where applicable, comply with the provisions of Chapter 16.40.

(Ord. 1121 § 1(part), 2008)

16.16.050 - Vesting tentative maps.

- A. Processing of a Vesting Tentative Map. Pursuant to Sections 66498.1 et seq. of the Map Act, a subdivider may file a vesting tentative map. An application for a vesting tentative map shall be in the same form, have the same contents and accompanying data and reports and shall be processed in the same manner as a tentative map. In addition, the application shall include:
1. The words "Vesting Tentative Map" printed conspicuously on the face of the map;
 2. Accurately drawn, preliminary floor plans and architectural elevations for all buildings and structures proposed to be constructed on the property after subdivision;
 3. Plans prepared by a registered civil engineer showing all off-site improvements necessary to carry out the design and improvement requirements of Chapter 16.12.
- B. Findings for Approval. The city shall not approve a vesting tentative map unless the city: determines the proposed development of the subdivision is consistent with the zoning regulations applicable to the property at the time of filing; and makes the findings required for tentative map approval set forth in this chapter.
- C. Expiration of Vesting Tentative Map. An approved vesting tentative map shall be subject to the time limits set forth in this chapter.
- D. Amendment to Vesting Tentative Map.
1. A subdivider may apply for an amendment to the map or conditions of approval prior to the expiration of the vesting tentative map. An amendment request shall be processed as a new application, unless the subdivider is requesting minor changes as defined in Section 16.16.040.
 2. Pursuant to Map Act Section 66498.2, a subdivider may apply for an amendment prior to the expiration of the vesting tentative map to secure a vested right if city ordinances, policies or standards have changed subsequent to the approval of the vesting tentative map.

E. Development Rights Vested.

1. The approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards (excluding fees) in effect at the time the city has determined that the application is complete.
2. If Map Act Section 66474.2 is repealed, approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the city approves or conditionally approves the map.
3. Subsequent land use permits, building permits, extensions of time or other entitlements filed on parcels created by the subdivision may be conditioned or denied only if the city determines that:
 - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
 - b. The condition or denial is required in order to comply with state or federal law.
4. Fees charged for building or land use permits, including but not limited to sewer/water hookup fees and traffic mitigation fees, filed after the approval of a vesting tentative map, shall be as required at the time the subsequent permit applications are filed. Application contents shall be as required by ordinance requirements in effect at the time the subsequent application is filed.

F. Duration of Vested Rights. The development rights vested by this section shall expire if a parcel map or final map is not approved before the expiration of the vesting tentative map pursuant to Section 16.16.065 et seq. If the parcel or final map is approved and recorded, the development rights shall be vested for the following periods of time:

1. An initial time period of twenty-four months from the date of recordation of the parcel or final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
2. The initial twenty-four months shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if processing exceeds thirty days from the date the application is accepted for processing as complete.
3. The subdivider may apply for a one year extension at any time before the initial twenty-four months expires by submitting an application to the city engineer with all required fees. The planning commission shall approve or deny any request for extension. The subdivider may appeal a denial within fifteen days.
4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (F)(1) and (F)(2) above, the vested rights shall continue until the expiration of the building permit, or any extension of that permit.

(Ord. 1121 § 1(part), 2008)

16.16.055 - Expiration of approved map.

An approved map is valid for twenty-four months after its effective date, except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of twenty-four months, the approval shall expire, and the city will terminate processing, unless:

- A. A parcel or final map for the subject subdivision, and related bonds and improvement agreements, have been filed with the city engineer; or

B. An extension of time has been granted pursuant to this chapter.

(Ord. 1121 § 1(part), 2008)

16.16.060 - Extensions of time for maps.

A subdivider may apply for a time extension by filing a written application and required filing fee with the city engineer on or before the date of expiration of the approval or previous extension.

- A. Findings for Extensions. The planning commission may grant extensions to the initial time limit up to a maximum total of six years, if there have been no changes:
1. To the general plan, any applicable specific or precise plan, or this title applicable to the subdivision since the approval of the map;
 2. In the character of the site or its surroundings that adversely affect the policies of the general plan, any applicable specific or precise plan, or applicable standards of this title; and
 3. To the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so there is insufficient capacity to serve the subdivision.
- B. Tentative Maps with Multiple Final Maps. Where a subdivider is required to expend an amount more than one hundred seventy-eight thousand dollars, or as specified in Map Act Section 66452.6, on improvements and multiple final maps are filed covering portions of a single approved tentative map, each filing of a final map shall extend the expiration of the tentative map by an additional thirty-six months from the date of its expiration, or the date of the previously filed final map, whichever is later. The total of all extensions shall not extend the approval of the tentative map more than ten years from its approval.

(Ord. 1121 § 1(part), 2008)

16.16.065 - Map waiver for mobilehome parks.

The planning commission shall waive a map where owners of mobile homes have submitted a waiver application that fully complies with Map Act Section 66428.1, unless the city makes one or more of the findings set forth in Map Act Section 66428.1.

(Ord. 1121 § 1(part), 2008)

Chapter 17.18 - MANUFACTURING ZONE (M)

17.18.010 - Intent and purpose.

The purpose of the manufacturing zone (M) is to provide for and encourage the development of industrial uses in suitable areas throughout the city, and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties and a maximum of protection for the permitted uses through the prohibition of incompatible uses.

(Ord. 822 § 1(part), 1989)

17.18.020 - Permitted uses.

No building or structure shall be erected, reconstructed or structurally altered or enlarged, nor shall any building, structure or land be used for any purpose except as provided in this chapter.

(Ord. 822 § 1(part), 1989)

17.18.030 - Principal permitted uses.

When conducted entirely within an enclosed building(s), except for businesses that, by their nature, require operations outside of a building, the following are primary uses permitted within the manufacturing zone (M). Any permitted use which is located adjacent to, or directly across a public or private street from a residential zone district shall be subject to the development standards contained in Chapters 17.24 through 17.58 of these regulations:

- A. Manufacturing, repair, maintenance, preparation, compounding, processing, packaging, treatment, fabrication or assembly when not specified as a conditional use in the zone or prohibited by Section 17.18.060;
- B. Warehousing and bulk storage;
- C. Wholesaling;
- D. Laboratories, commercial testing, experimental research or similar operations, except that any experimental or research use of animals shall be prohibited;
- E. Offices related to, or supportive of, uses permitted in the manufacturing zone (M);
- F. On-site advertising in accordance with the provisions of Chapter 17.62 of these regulations;
- G. The manufacture of metal alloys, asphalt or asphalt products, cement, lime gypsum or plaster of Paris, coal, coke, charcoal, fuel briquettes and similar products, gas, rubber (natural or synthetic), soap, tallow, grease, lard and similar products, paints and paint products, acetylene, chemicals and chemical products, cellulose and cellophane, and plastics;
- H. Manufacture or processing of perfumes, vinegar, yeast, sauerkraut, and similar highly aromatic products provided that no odors are allowed to emanate from the building(s) in which the operations occur or from the property in general;
- I. Heavy metal works including drop forges, drop hammers, punch presses, forges and forging works;
- J. The refining or rerefining of petroleum or petroleum products;
- K. Radio, television or cellular telephone transmission towers or telephone switching and relay facilities, in accordance with Chapter 17.33 of these regulations;
- L. Water pumping and treatment plants, reservoirs, wells and appurtenant facilities;
- M. Public utility facilities;
- N. Catering housing;
- O. Medical marijuana dispensaries in accordance with Chapter 17.31 of these regulations.

(Ord. 1095 § 1, 2007; Ord. 963 § 12, 1995; Ord. 822 § 1(part), 1989)

(Ord. No. 1131, § 2, 1-26-2010)

17.18.035 - Residential uses.

- A. Each residential use and structure legally existing as of January 1, 1980, is a permitted use in the

manufacturing zone.

- B. Residential uses and structures as set forth in this chapter are defined herein as single-family residential dwellings, two-family dwellings, three-family dwellings, multiple-family dwellings, and mobile homes or trailers designed and used for residential occupancy located within a mobile home park legally established prior to January 1, 1980. Each such mobile home park legally established prior to January 1, 1980, shall comply with the provisions of Chapter 17.42.
- C. The development standards set forth in Chapter 17.08 of this code shall apply to each single-family residential dwelling permitted by this section.
- D. The development standards set forth in Chapter 17.10 of this code shall apply to each two-family dwelling and three-family dwelling permitted by this section.
- E. The development standards set forth in the applicable sections of Chapter 17.12 pertaining to multiple-family dwellings shall apply to all multiple-family dwellings permitted by this section, except townhouses and condominiums.
- F. The development standards set forth in Chapter 17.44 of this code shall apply to each townhouse and condominium permitted by this section.
- G. The development standards set forth in the applicable sections of Chapter 17.42 that are applicable to mobile home sites and structures shall apply to each mobile home and trailer permitted by this section.

(Ord. 984 § 8, 1996)

17.18.040 - Secondary uses.

The following are secondary uses permitted within the manufacturing zone:

- A. Existing single-family residence when such residence is occupied either by the owner of the property or the owner of a business when such is located on the site. The residence shall comply with regulations of the R-1 zone district and when any such structure is no longer occupied in accordance with the provisions of this chapter, it shall be removed within sixty days of notification that it is in violation of these regulations.
- B. Accessory buildings and uses normally associated with any permitted use (see Chapters 17.24 through 17.58 for development standards).
- C. Open storage, provided that the only materials, products, or equipment stored are necessary to the operation of the use being conducted on the site, that all storage is located within a fence, screened area, that storage does not exceed the height of any fence or wall permitted or required, and that storage is not placed within any required yard or parking area.
- D. Living quarters for switchboard or security personnel subject to planning commission approval.
- E. Personal and business services serving the building or complex in which they are located. Such services may include cafeterias, barber and beauty shops, travel services and similar businesses.
- F. Retail sales associated with the principal use in a building or complex in which they are located. Such uses shall not exceed twenty-five percent of the gross floor area occupied by the principal use and shall be subject to approval by the director of planning and community development.
- G. Gateway signs, subject to the provisions of Section 17.62.130 (A)(6).

(Ord. 940 §4, 1993; Ord. 822 §1(part), 1989)

17.18.050 - Conditional uses.

The following uses are permitted subject to obtaining a conditional use permit in accordance with the provisions of Chapter 17.68 of these regulations:

- A. The manufacturing of explosives;
- B. Support services such as: truck and automobile sales, leasing or rental and appurtenant facilities; restaurants; banks and other financial institutions, excluding check cashing services; business, trade and technical schools; labor or trade organizations and business offices; child care centers, when related to the industrial community; industrial medical clinics; and automobile service stations (minor repair only);
- C. Drive-in movie theaters;
- D. Outdoor market when conducted on a single site having an area of five acres or more in addition to the required parking area;
- E. On-sale of alcoholic beverages in association with restaurants, cafes, cafeterias and other similar eating establishments;
- F. Automotive repair facilities, including body and fender shops, auto paint shops, engine rebuild, overhaul or repair;
- G. Massage establishment;
- H. Recreational facilities including, but not limited to, soccer facilities, basketball courts, and water polo facilities;
- I. Any use proposed for any property that is one acre or larger in size;
- J. Any use proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger;
- K. Any proposed use or resumption, reestablishment, reopening, or replacement of a use that is proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger where the building or structure has been vacant for more than ninety days, or the use has been abandoned or discontinued for more than ninety days;
- L. Any other use not specifically permitted or prohibited, which is determined to be compatible with the permitted uses of the manufacturing zone.

(Ord. 978 §3, 1996; Ord. 963 §13, 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1151, § 2, 3-22-2011; Ord. No. 1152, § 3, 3-22-2011; Ord. No. 1195, § 13, 2-24-2015; Ord. No. 1237, § 5, 7-23-2019)

17.18.060 - Prohibited uses.

The following are prohibited uses in the manufacturing zone:

- A. Residential uses and structures except as specifically permitted by either Section 17.18.035 or Section 17.18.040;
- B. Commercial uses except as specifically permitted by Sections 17.18.030, 17.18.040 and 17.18.050;
- C. Churches and schools (public and private);
- D. Industrial uses when such uses are determined to be hazardous in nature, either by virtue of process or product or through the emission of hazardous effluents, offensive odors or pollutants;
- E. The slaughter, dressing, butchering or similar operations involving animals, seafood, poultry or fowl, or the tanning or other treatment of hides, skins, or the like;
- F. Mini-warehouses or mini-storage facilities;

- G. Trucking, transit and transportation terminals and related repair and storage facilities;
- H. Junk yards, salvage yards, contractors' equipment yards, building material yards, machinery and equipment storage yards;
- I. Uses prohibited on property located adjacent to or across a public or private street from a residential zone:
 1. Ambulance services,
 2. Any use which involves the mixing or handling of hazardous or toxic chemicals or products or requires the construction of any H-1 or H-2 structure,
 3. Any use which would involve heavy truck uses. Heavy truck uses meaning any use in which the movement of goods by truck on a regular basis is a major or principal part of the daily operation such as, but not limited to, distribution centers, moving and storage firms, steel distribution or any firm engaged primarily in transshipment of goods,
 4. Machine shops employing such operations as deburring, the use of high speed drilling, sawing or cutting of metals; the use of any punch press over twenty tons capacity, and the use of brakes or other equipment capable of producing excessive noise or vibration, including drop hammers,
 5. Any use which involves the use of cyclones or other similar methods of moving materials which would create excessive or irritating noise,
 6. Any use listed as a conditional use in this section, except that swap meets, drive-in movie theaters, public utility facilities and on-sale of alcoholic beverages in association with restaurants, cafes, cafeterias and similar eating establishments may be permitted with a conditional use permit;
- J. Off-site advertising signs and sign structures;
- K. Reserved;
- L. Any use not specifically permitted by these regulations unless determined by the planning commission to be the same as, or similar to, a permitted use;
- M. Metal buildings as defined and regulated by Chapter 17.56.

(Ord. 984 § 9, 1996; Ord. 822 §1(part), 1989)

17.18.070 - Property development standards.

The following standards shall apply to uses within the manufacturing zone (M) provided that automobile service stations, day care centers and any use located adjacent to or directly across a public or private street from a residentially zoned district shall be subject to development standards contained in Chapter 17.48, and provided further, that any lot or parcel which is substandard in width, depth, or area and was legally recorded as a separate lot as of July 1, 1988, may be used for any use permitted by the manufacturing zone district regulations. Notwithstanding the above, residential uses and structures permitted by Section 17.18.035 shall be subject to development standards contained therein.

(Ord. 984 § 10, 1996; Ord. 822 §1(part), 1989)

17.18.080 - Minimum lot area.

Minimum lot area is ten thousand square feet.

(Ord. 822 §1(part), 1989)

17.18.090 - Maximum building coverage.

See Figure 17.14.080 for allowable building coverages.

(Ord. 963 §14, 1995; Ord. 822 §1(part), 1989)

17.18.100 - Minimum lot width.

Minimum lot width is one hundred feet.

(Ord. 822 §1(part), 1989)

17.18.110 - Minimum lot depth.

Minimum lot depth is one hundred feet.

(Ord. 822 §1(part), 1989)

17.18.120 - Maximum building height.

No requirement except that any building constructed adjacent to a residentially zoned lot shall have a maximum allowable height of twenty-eight feet when located within fifty feet of the zone district boundary.

(Ord. 822 §1(part), 1989)

17.18.130 - Minimum yard requirements.

- A. Front yard: five feet, measured from the front property line. This setback area shall be landscaped.
- B. Side Yard.
 - 1. Interior or key lot: none required;
 - 2. Corner or reversed corner lot: five feet, measured from the front property line. This setback area shall be landscaped;
- C. Rear yard: none required.

(Ord. 822 §1(part), 1989)

17.18.140 - Accessory buildings.

Accessory buildings and structures shall conform to the standards contained in Chapters 17.24 through 17.58 of these regulations.

(Ord. 822 §1(part), 1989)

17.18.150 - Off-street parking and loading.

- A. Off- street parking and loading shall be provided in accordance with Chapter 17.60.
- B. No parking, whether the provision of parking spaces, or other parking, shall be permitted on unpaved areas, including the storage of trucks or other types of equipment.

(Ord. 822 §1(part), 1989)

17.18.160 - Loading docks and truck maneuvering.

- A. All loading docks and doors facing a public or private street shall be located in such a way that all truck maneuvering shall take place on site whenever possible.
- B. All drive approaches shall be so designed as to preclude direct access to a loading door or loading dock from a public or private street wherever possible.

(Ord. 822 §1 (part), 1989)

17.18.170 - Vehicle maintenance and repair.

Must take place within a solid masonry structure enclosed on at least three sides with any openings, other than windows or fire exits, facing away from any public or private street.

(Ord. 822 §1(part), 1989)

17.18.180 - Landscaping.

A minimum of five percent of the total area devoted to parking shall be landscaped as well as other areas not designated for parking, structures, or pedestrian walkways. Landscaping shall consist of grass, groundcover, or other plant material and shall include an accepted automatic irrigation system (sprinklers, bubblers or diffuser heads) or hose bibs not over fifty feet from any portion of a planted area and all landscaping shall be contained within six-inch concrete or eight-inch masonry curbing. Provision of landscaping within parking areas shall be in accordance with Section 17.16.020.

- A. A solid masonry wall, eight feet in height, shall be constructed and maintained along any side or rear property line which adjoins a residential zone, school, church or park, except that the wall shall not exceed forty-two inches in height when it adjoins the front setback of the adjacent residential property, except that the fence may be increased to a height of eight feet if the increase in height consists of wrought iron, chain link or other "see-through" material and the design is approved by the director of planning and community development.
- B. On property which is located in a block which is entirely zoned C-M or M and developed in permitted manufacturing uses, fences or walls shall not exceed eight feet in height on sides, front or rear, provided that any wall located in the front or on the side, in the case of a corner or reversed corner lot, shall be constructed to the rear of the required setback. If outdoor storage is conducted on the property, all fences must be sight-obscuring.
- C. Corner or Reversed Corner Lot. On property at any corner formed by intersecting streets it shall be prohibited to construct, install or maintain any fence, hedge or wall or any other obstruction to view higher than forty inches above the reference point located at either:
 1. The point of intersection with the prolongation of the curblines; or
 2. The point of intersection of the prolongation of the edge of the paved roadway when curblines do not exist.

Within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet from the point of their intersection, or in the case of rounded corners, the triangular area included between the reference point and the curblines or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08.200);

- D. When parking is so located that vehicles are facing a public or private street, a forty-two inch high decorative block wall shall be installed to the rear of the required setback.

(Ord. 822 §1(part), 1989)

17.18.190 - Outdoor storage and operations.

Except as permitted by Section 17.14.205, all business operations in the manufacturing zone must be conducted entirely within a completely enclosed building. However, automobile and light truck sales, automobile service stations, outdoor dining, and other businesses which, by their nature, require operations outside of a building may be conducted outside of a building. Also, certain ancillary operations, such as the immediate loading and unloading of merchandise and supplies, routine property and building maintenance and permitted advertising may be conducted out of doors. Non-spoilable trash and/or recyclable material may be temporarily stored in approved and permitted trash enclosure area(s) for not more than seven days.

(Ord. 1057 §5, 2004; Ord. 822 §1(part), 1989)

17.18.195 - Outdoor display of merchandise for sale.

Businesses selling merchandise at retail in the manufacturing zone may display sale or promotional items outdoors subject to the following regulations:

- A. The merchandise must be displayed on the same lot as the principal location of the business;
- B. The area occupied by the outside display of merchandise shall not exceed an area greater than the gross square footage of the principal building on the lot multiplied by a factor of .025. The maximum permissible area occupied by outdoor display of merchandise shall be five hundred square feet;
- C. The displayed merchandise must be grouped into a single area and visible from the public street. The displayed merchandise shall not block, or diminish the public view of, or physical access to, any other business or use.
- D. The merchandise may not be displayed on, or over, any public right-of-way and may not be located within ten linear feet of any public right-of-way.
- E. The displayed merchandise may not be located in, or encroach into, any required yard or setback, or unpaved area.
- F. The displayed merchandise must not be located in, or encroach into, any designated driveway, required parking space, or designated fire lane.
- G. The displayed merchandise may not block any doorway, designated private pedestrian walkway or access for the handicapped.
- H. The merchandise may not be displayed on top of any portion of any building, hung from, or affixed to building walls, rafters or eaves. Nor may any merchandise be hung from, or affixed to, any fence or wall or inflatable device.
- I. The outdoor display of merchandise shall be subject to all applicable health, safety and fire codes.
- J. The outdoor display of merchandise for sale, is in and of itself, a form of advertising and no additional signage shall be permitted for the displayed merchandise except price signs measuring no larger than three inches by five inches may be affixed to the items displayed for sale.
- K. The outdoor display of merchandise shall be subject to an outdoor display site plan review and approval by the planning commission and said approval shall be subject to conditions, if any, that may be imposed by the planning commission as needed to mitigate any potential negative effects created by the proposed outdoor display, and the planning commission shall deny the application if the planning

commission finds that the outdoor display would be detrimental to persons or properties in the immediate vicinity of the subject property or to the city in general. The planning commission may revoke any approval for cause.

- L. Application for an outdoor display site plan approval shall be made on application forms supplied by the city and pursuant to the instructions provided by the city. At the time of submittal, applicant shall pay an application fee in the same amount as the application fees established for development site plan review.

(Ord. 1057 §6, 2004)

17.18.200 - Exterior lighting facilities.

Shall be arranged in a manner that will not provide a direct glare or create hazardous interference with highways and neighboring properties.

(Ord. 822 §1(part), 1989)

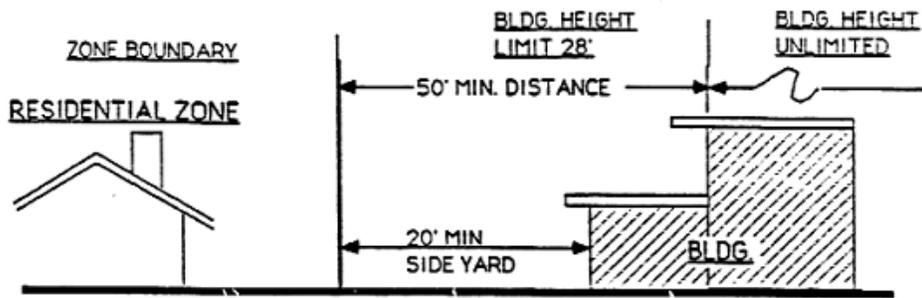
17.18.210 - Refuse enclosures.

There shall be sufficient refuse enclosures provided to serve each development.

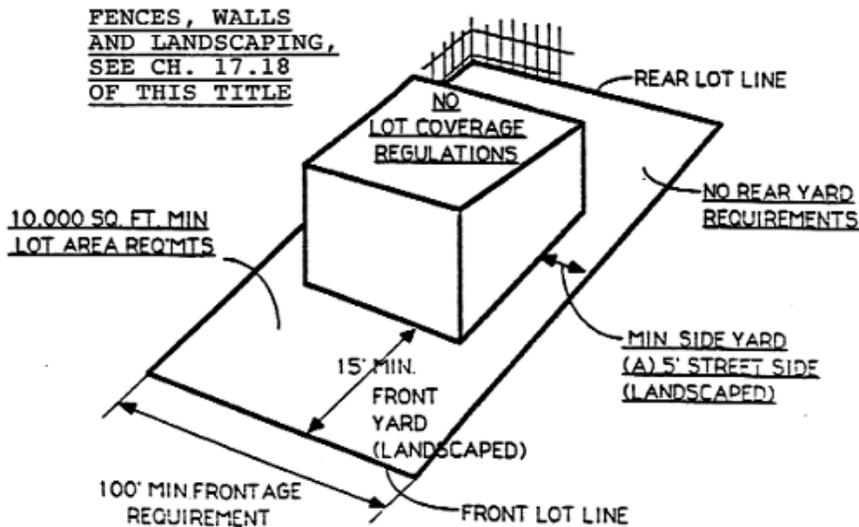
Each enclosure shall have minimum interior dimensions of five feet by seven feet and shall be constructed of wood, masonry, block, or a combination of such materials and shall be designed to be compatible with the principal structure or structures on the site. The number, placement and design of such enclosures shall be determined during review of the proposed development.

(Ord. 822 §1(part), 1989)

SUMMARY M ZONE



1. For property development standards, see Chs. 17.24--17.58 of this title.
2. Parking requirements, see Ch. 17.60 of this title.



Chapter 17.60 - OFF-STREET PARKING AND LOADING

17.60.010 - General provisions.

- A. Off-street vehicle parking spaces shall be provided at the time of the use of the land, or at the time of the erection of the building or use of the land or building or structure is altered, enlarged converted or increased in capacity by the addition of uses, floor area, dwelling units guest rooms, beds or seats; provided however, that additional parking spaces shall not be required at the time of the erection of an addition to a single-family residence if the director of community development shall find all of the following:
 1. The proposed addition is otherwise in conformity with the provisions of the zoning regulations;
 2. The provision of additional off-street parking of the lot is impossible or impractical because of the size or configuration of the lot and improvement; and
 3. The public safety and welfare will not be unreasonably jeopardized by waiving the requirements of additional off-street parking.
- B. All off-street parking spaces and areas required by these regulations, or otherwise provided, shall comply with all of the conditions, improvements and landscaping requirements set forth in these regulations, and shall be maintained as much as such thereafter in a reasonable and acceptable manner or condition.
- C. All vehicle parking spaces and areas required or otherwise provided shall comply with the following

conditions:

1. The number of spaces shall be determined by the amount of use of land, dwelling units, floor area guest rooms, beds, or seats provided, and such parking spaces and areas shall be maintained thereafter without reduction in the number of spaces required in connection with such buildings, structures and uses of land.
 2. Each parking space shall be developed in accordance with standards established by written resolutions of the planning commission and Section 17.60.030.
 3. Adequate driveways and aisles shall be provided as set forth in these regulations and in any standards adopted by the planning commission.
 4. All vehicle parking spaces shall be on the same lot with the land use, building or structure except as otherwise provided in Section 17.60.040.
 5. Any carport or private garage which fronts upon a private street shall be located so as to provide for a minimum automobile ingress or egress of not less than twenty feet between the property line and the entrance to the garage or carport.
 6. No vehicle parking spaces shall occupy or be designed in a required front yard, or in a side yard on a side street, except as specifically provided in these regulations or in the zone district regulations for the zone in which the property is located.
 7. No parking spaces or areas shall be so designed as to require vehicles to back into a street except for single-family or duplex buildings.
 8. No more than twenty feet of the width of the front yard in residential zones may be used or improved by paving or otherwise vehicle access. This area may be increased to a maximum of thirty feet if three covered spaces are provided in a single structure.
- D. In all zones, parking plans for off-street parking facilities shall be submitted for approval to the planning division prior to the issuance of building permits or certificates of occupancy. All plans shall clearly indicate the proposed development, including parking location, size, design, lighting, landscaping, curb cuts, ingress and egress.
- E. Parking shall be based upon gross floor area, except for office buildings in excess of one story, the parking ratio shall be based on net floor area, which is gross floor area minus elevator shafts, stairwells, open courtyards and balconies. Fractional spaces may be rounded to the nearest whole parking space.
- F. Whenever a nonresidential structure is enlarged or increased in capacity, or when a change in use creates an increase in the amount of off-street parking or loading area required, additional spaces shall be provided. Furthermore, for all existing uses or structures, including residential, hereafter expanded by fifty percent or more of the existing gross floor area, the required off-street parking for the entire property or development shall conform to the most current parking standards.
- G. All required parking spaces shall be used exclusively for operable, currently licensed motor vehicles of tenants, occupants, or visitors of the property.
- H. No parking area shall be counted as both a required parking stall and a loading space.
- I. Requirements for uses not specifically listed herein shall be determined by the community development director, based upon the requirements for comparable uses and upon particular characteristics of the use. Additional parking over and above that required herein may be required upon determination of the planning commission that the specific type of business or user generates a greater demand for more parking than the requirement herein.

J. No tandem parking shall be allowed within private residential areas anywhere in the city, it would adversely impact aesthetic appeal and character of the city.

(Ord. 1120 § 2, 2008; Ord. 822 § 1(part), 1989)

17.60.020 - Parking requirements.

Required vehicle parking shall be provided in accordance with the following schedule. Except that in cases of development for which no specific parking requirements have been established, the planning commission shall establish and approve parking requirements.

Land Use	Required Parking
Residential:	
Single-family dwelling	Two standard spaces within a garage.
Duplex (two-family) or triplex (three-family) dwelling	Two standard spaces per dwelling unit within a garage.
Multiple dwelling	Two standard spaces per dwelling unit with a garage, plus one guest parking for every four units.
Mobile home park	Two standard spaces for each mobile home site or space. The parking may be tandem. One additional space per each five mobile home sites or spaces shall be provided for guests.

Senior housing and very low/low income	0.5 spaces per unit.
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Land Use	Required Parking
Commercial:	
General retail or services	One space for each three hundred square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
General professional offices	One space for each three hundred square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Restaurants, cafes and similar establishments dispensing food and beverages (including drive-ins, drive-through and take out establishments with designated seating areas	One space for each four fixed seats or for each four persons of occupant load in the dining area. There shall also be provided additional ten percent of the required parking with parking to be designated for use by employees. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.

<p>Drive-in, drive-through and take out business with no designated interior or exterior seating areas (including automobile service stations)</p>	<p>One space for each two hundred fifty feet of gross floor area provided, a minimum of five spaces shall be provided. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.</p>
<p>Hotels, motels, boardinghouses, clubs, and lodges</p>	<p>One space for each guest room, suite or dwelling unit, and two spaces for any dwelling unit used by a residential manager. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.</p>
<p>Assemblies such as theaters, auditoriums, arenas, stadiums and similar places of assembly including churches and private schools</p>	<p>One space for each three permanent seats, or if movable or temporary seats are used, one space for each three persons of occupant load. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.</p>

Land Use	Required Parking
Industrial:*	

General manufacturing	One space for each seven hundred fifty square feet of gross floor area up to ten thousand square feet and one for each seven hundred fifty square feet of gross floor area over ten thousand square feet plus one loading area for each five thousand square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Research and scientific manufacturing	One space per seven hundred fifty square feet of gross floor area plus one space for each vehicle owned or leased by any occupant and operated from the site. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Warehousing	One space per thousand square feet of gross floor area plus one space for each vehicle owned or leased by any occupant and operated from the site. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Office	One space for each three hundred square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Self-storage	Parking shall be provided along thirty-foot wide parking/driving lanes adjacent to the storage buildings and a minimum of ten spaces adjacent to the leasing office.
Vehicle related use:	
Auto repair	One space per three hundred square feet of gross floor area.
Auto sales/leasing	One space per seven hundred fifty square feet of lot size plus one space per two thousand five hundred square feet of outdoor display and storage area.
RVs and related	One space per seven hundred fifty square feet of gross floor area plus one space per two thousand five hundred square feet of outdoor display and storage area.

(Ord. 1120 § 3, 2008; Ord. 822 § 1(part), 1989)

17.60.030 - Development standards.

- A. Paving. All parking spaces, maneuvering, turnaround areas, and any driveways shall be paved with asphalt or concrete to city standards.
- B. Marking of Parking Spaces. All parking spaces, except those within private garages or carport, shall be marked with distinguishable materials. Handicapped spaces shall be clearly identified to preclude their use by unauthorized vehicles.
- C. Bumper Guards or Wheel Stops. Bumper guards or wheel stops shall be provided as necessary to protect any buildings, structures, landscaping or other vehicles.
- D. Illumination. All parking areas must be illuminated; lights shall be arranged so that there is no direct reflection of light toward any adjoining premises, public street, private street or alley.
- E. Parking Area. Any parking area, other than that used for single-family or two-family dwellings (duplex), shall be separated from any adjoining residential zone, church, school, or park by a masonry wall six feet in height, except within a required front setback or front yard on the site of adjoining property, in which case the solid wall shall not exceed forty-two inches in height, but may be increased to a total height of six feet if wrought iron, chain link, or other "see through" materials are used and the design is approved by the director of community development.
- F. Driveways and Aisles. The minimum driveway and aisle widths necessary for adequate ingress and egress shall be provided and maintained free and clear of all obstruction as follows:
 1. Minimum one-way driveway widths:
 - a. Single-family or duplex dwellings, ten feet,
 - b. Multiple dwellings, twelve feet,
 - c. All other uses, ten feet;
 2. Driveways affording ingress and egress to a parking area with twenty or more spaces shall be designed for one-way circulation or a double driveway system;
 3. Aisle widths for parking areas shall be in accordance with parking standards adopted by the planning commission.
- G. Landscaping. All parking areas required, or otherwise provided, except for residential zones, shall be landscaped as follows:
 1. A minimum planter strip, as required by regulations of the zone district in which site is located, shall be provided on peripheral sides bounded by a public or private street, except for those areas devoted to crosswalks and traversing driveways.
 2. A minimum of five percent of the total parking area must be landscaped; provided, however, that any such planting beds shall have a minimum width of three feet and a minimum area of twenty square feet. These beds shall be drawn to scale and indicated on the plot plan.
 3. Any unused space resulting from the design of parking may be used for planting purposes; provided, however, that any such planting beds shall have a minimum width of three feet and a minimum area of twenty square feet. These beds shall be drawn to scale and indicated on the plot plan.
 4. In complying with the five percent landscaping requirements, the landscaping shall be distributed throughout the parking area as evenly as possible. When parking areas are not visible from the public right-of-way, the director of community development shall have the option of incorporating the required

parking area landscaping into other areas of the site including, but not limited to, the landscape front setback.

5. Planter curbing shall be used for landscaping containment. The height of such curbing shall be not less than six inches of concrete or eight inches in masonry.
6. All landscaping areas shall contain an accepted irrigation system (sprinklers, bubblers, or diffuser heads) or hose bibs located within fifty feet of all parts of a planted area, and the system shall be shown on the plot plan or on a separate drawing.

(Ord. 1120 § 4, 2008; Ord. 822 § 1(part), 1989)

17.60.040 - Remote parking.

Remote parking (parking located on a site other than that on which the use is located) may be utilized for multiple dwellings and commercial and industrial facilities under the following conditions:

- A. That the lot or parcel to be utilized for remote parking adjoins the lot or parcel it is to serve; or
- B. That the lot or parcel to be utilized for remote parking is separated only by an alley from the lot or parcel it is to serve; and in both cases;
- C. The lot or parcel utilized for remote parking is in the same ownership as the parcel being served or is held in a long-term (twenty-year) recorded lease providing that the owners or lessees and their heirs, assigns or successors in the interest shall maintain the parking facilities so long as the building or use they are intended to serve be maintained. The covenant shall be prepared for the benefit of and in a form acceptable to the city, shall be recorded with the county recorder of Los Angeles County, and shall provided that the covenant may not be revoked, cancelled or modified without the written consent of the city;
- D. That the lot or parcel is located not more than one hundred fifty feet from the lot or parcel to be served, the requirement for a covenant running with the land as shown in subsection C of this section shall apply.

(Ord. 1120 § 5, 2008; Ord. 822 § 1(part), 1989)

17.60.050 - Loading facilities and truck maneuvering.

- A. All loading docks or loading doors facing upon a public or private street shall be located in such a manner that all truck maneuvering shall take place on the site whenever possible.
- B. All drive approaches shall be designed so as to preclude direct access to a loading dock or loading door from the street whenever possible.
- C. All areas used for parking, maneuvering, or vehicle storage shall be paved with asphalt or concrete to city standards.
- D. For every commercial or industrial building erected or established on a lot which abuts an alley, there shall be provided and maintained a twenty-five foot by ten foot by fourteen foot high loading space for each two thousand square feet of gross floor area. Each loading space shall be clearly marked and identified and shall be kept clear and unobstructed at all times.

(Ord. 822 § 1(part), 1989)

17.60.060 - Parking and loading facilities—Nonconforming.

Any use of property which, on the effective date of this section is nonconforming only as to the regulations in this chapter regulating off-street parking and loading facilities may be continued as if the off-street parking and loading facilities were conforming, provided that:

- A. There shall be no further reduction of off-street parking and loading facilities that do not exist on the property as of the effective date of this section; and
- B. The property complies with any applicable regulations requiring handicapped parking.

(Ord. 937 § 1, 1993)

17.60.070 - Maintenance of parking.

- A. Any parking spaces or loading zones that were required when the building was originally constructed or subsequently expanded shall be continually maintained.
- B. All parking areas shall be permanently maintained in a safe and clean condition free of physical obstructions and in good condition. All areas, including landscaping, shall be kept free of trash and weeds. Landscaped planters shall be permanently maintained with healthy nursery stock. Any alteration, enlargement, maintenance or repairs shall be subject to the provisions of this chapter.
- C. Any restriping or other changes made to a parking lot shall be reviewed and approved by the planning division prior to such work being commenced.

(Ord. 1120 § 6, 2008)

Figure 17.60--STANDARD SPACES

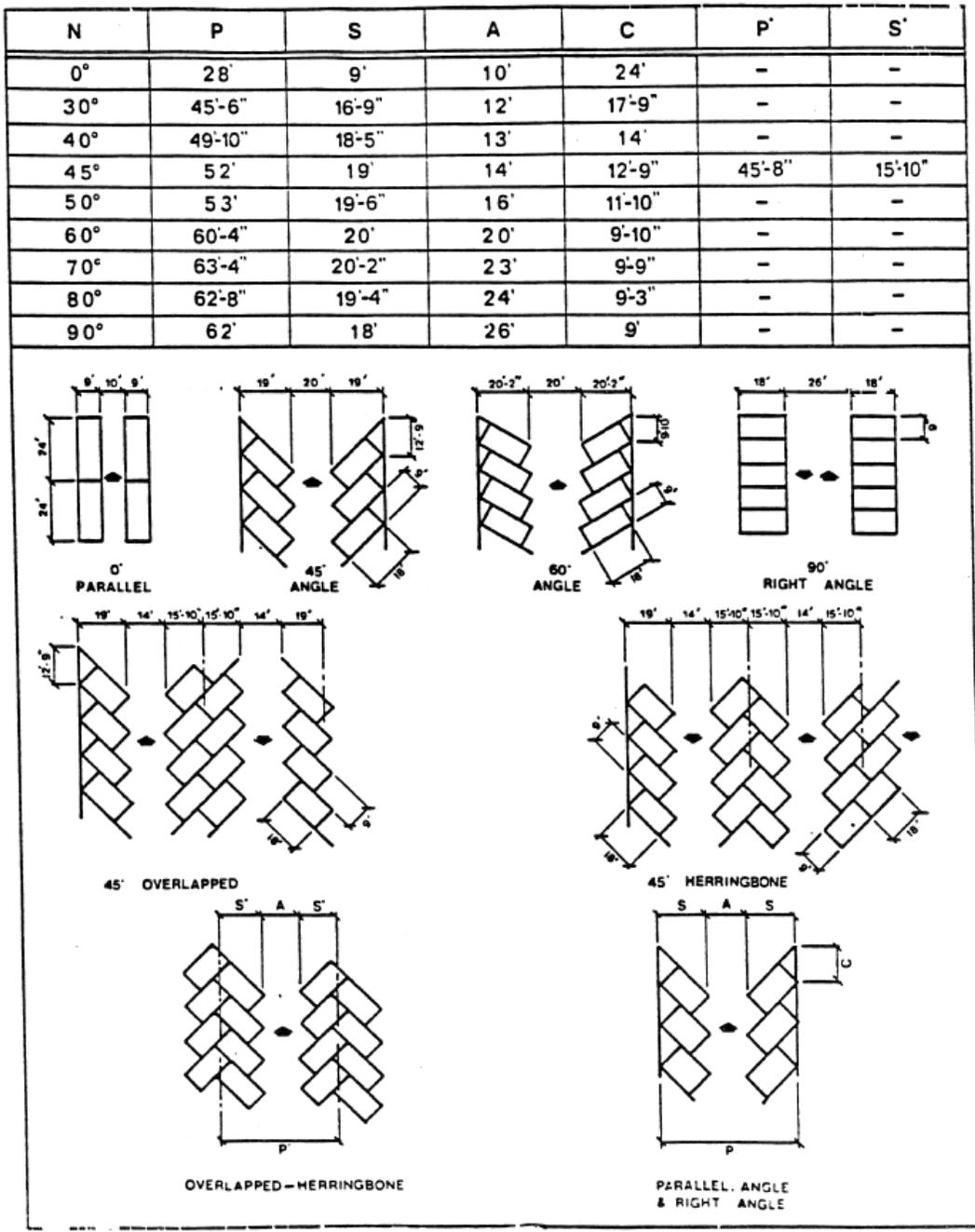
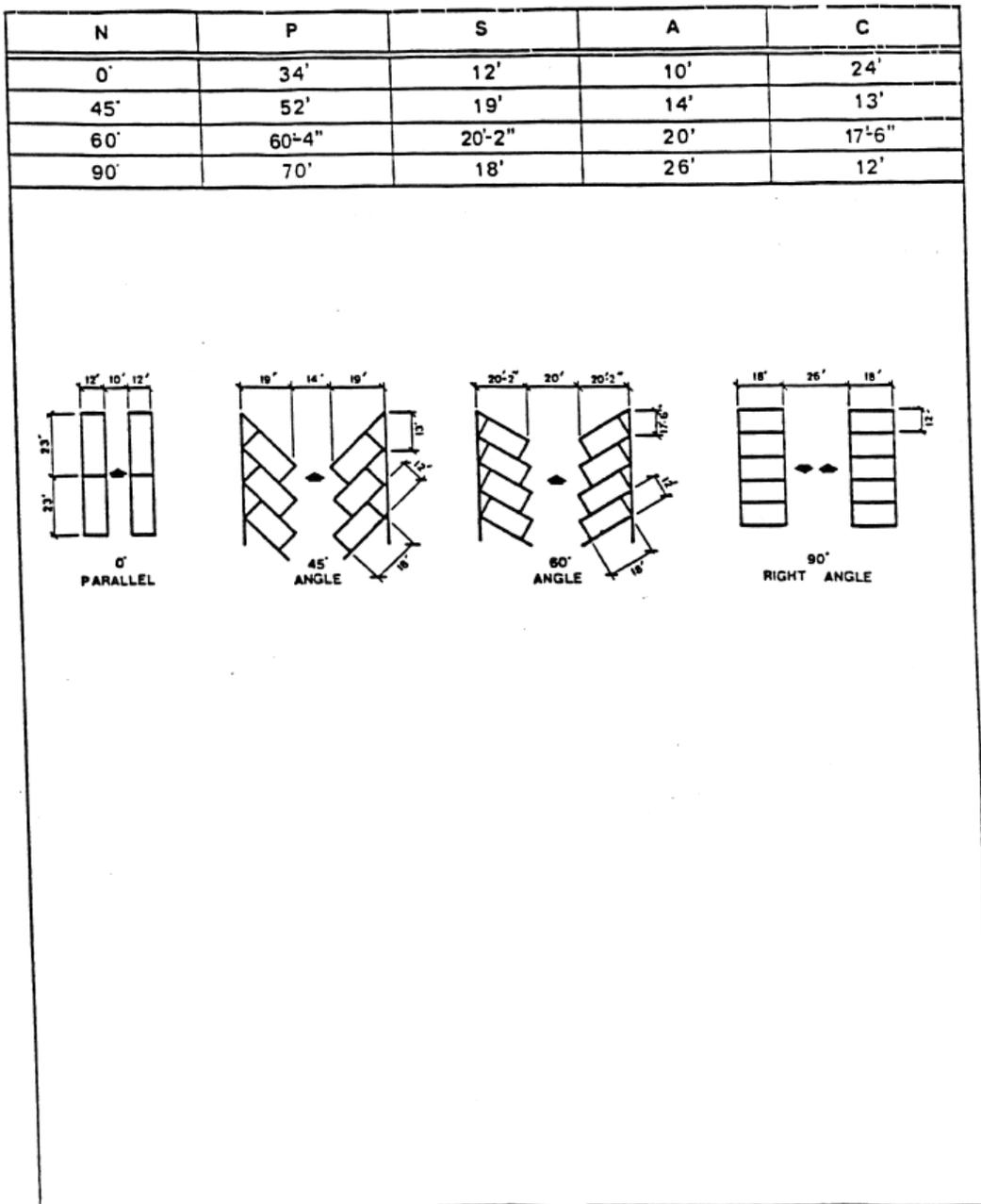
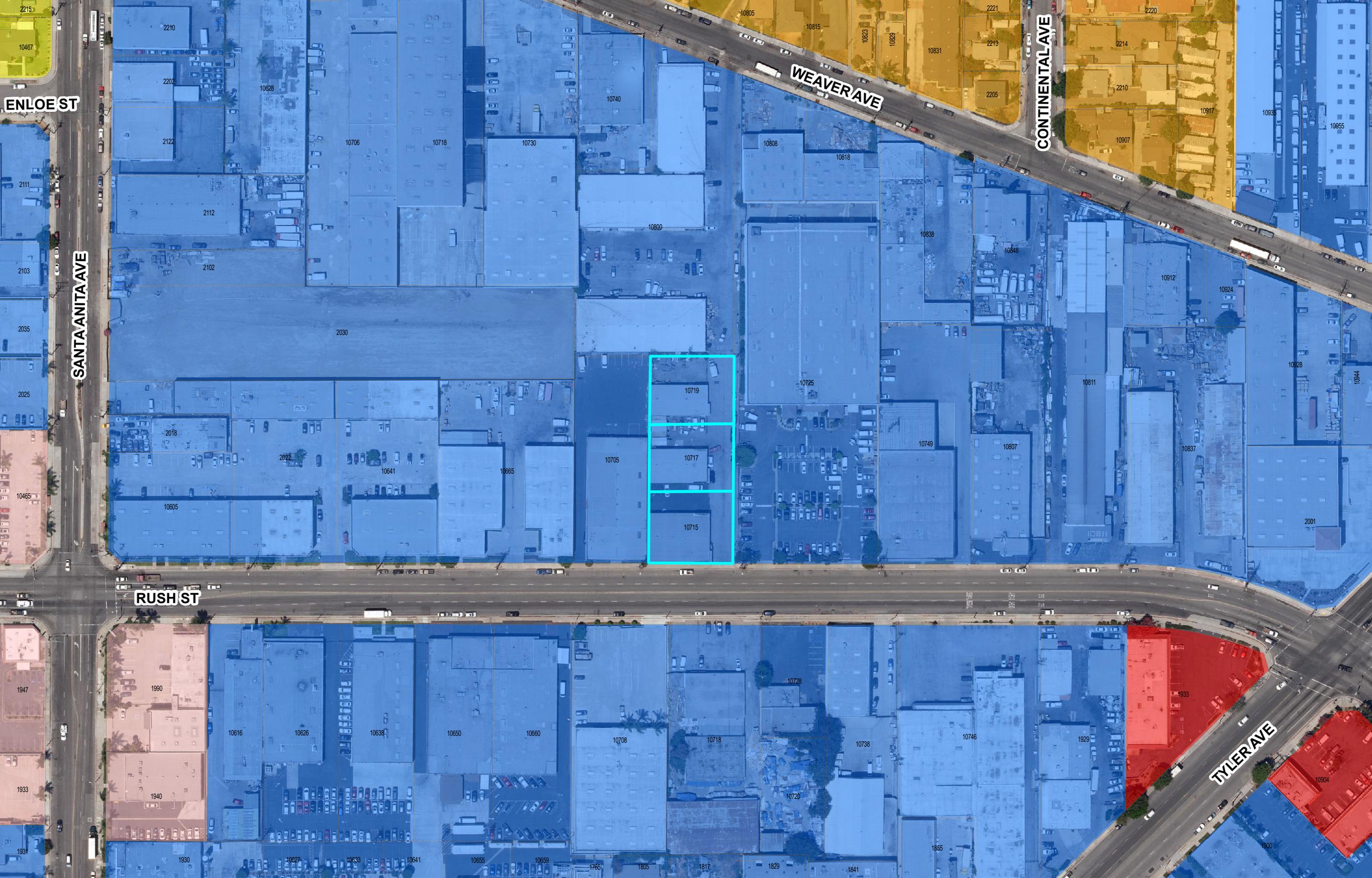


Figure 17.60--HANDICAPPED SPACES



ATTACHMENT C



ENLOEST

SANTA ANITA AVE

RUSH ST

WEAVER AVE

CONTINENTAL AVE

TYLER AVE

2215

10467

2111

2103

2035

2025

10465

1947

1933

1931

2210

2202

2122

2112

2102

2018

10605

1990

1940

1930

10628

10706

10718

10730

2030

2022

10641

10665

10616

10626

10638

10650

10660

10627

10633

10641

10655

10659

1765

1805

1817

1829

1841

1855

10740

10800

10705

10719

10717

10715

10725

10728

10720

10738

10746

10808

10818

10838

10848

10749

10807

10811

10912

10924

10837

2001

10844

10828

10935

10855

10917

2210

2214

2220

2221

2213

2205

10805

10815

10823

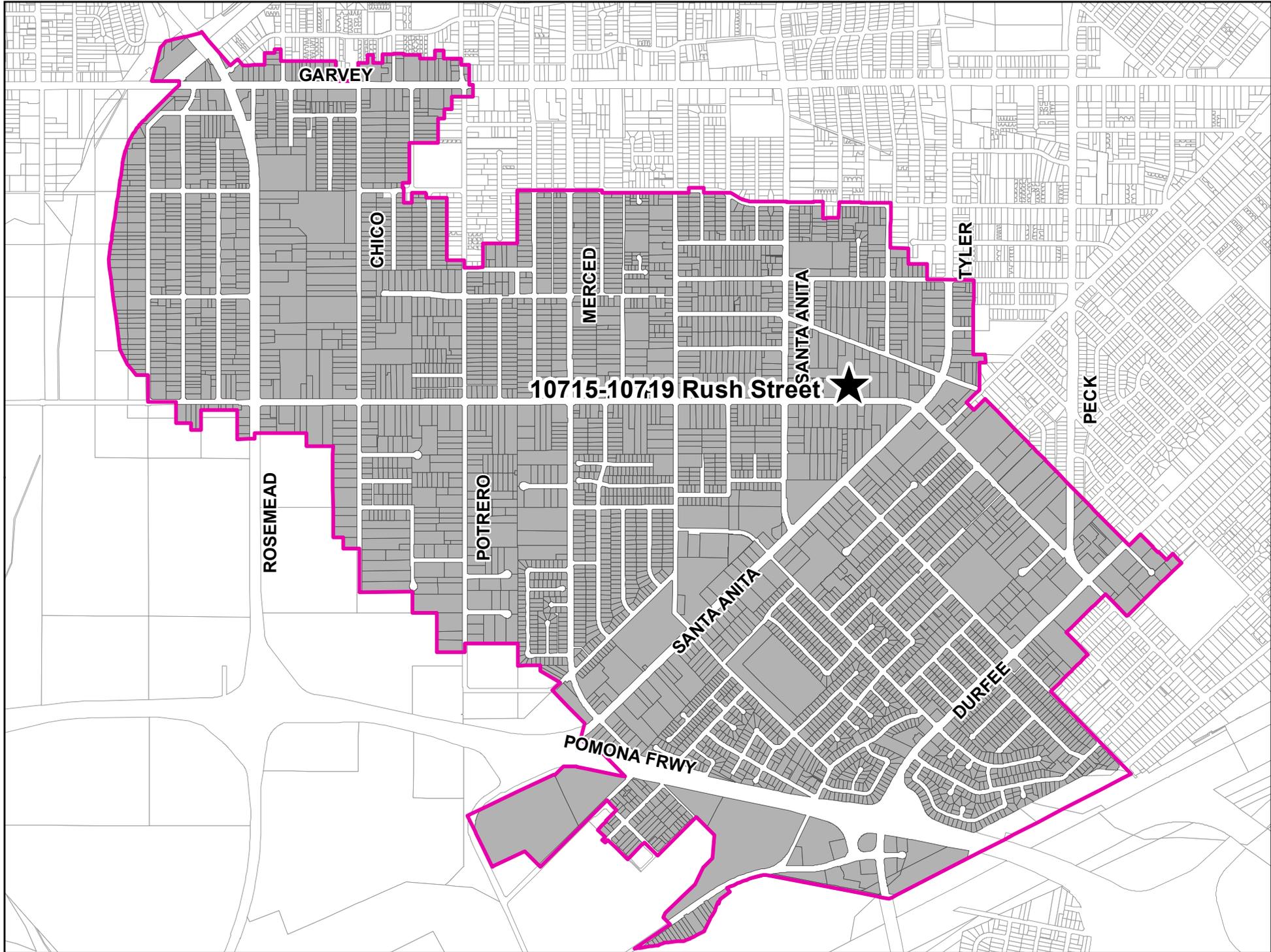
10829

10831

1900

10804

1933



GARVEY

CHICO

MERCED

SANTA ANITA

TYLER

PECK

ROSEMEAD

POTRERO

SANTA ANITA

DURFEE

POMONA FRWY

10715-10719 Rush Street





WEAVER ST

ENLOE ST

RUSH ST

DOREEN AVE

DELCO AVE

THIENES AVE

SANTA ANITA AVE

EL POCHE ST

GRANADA AVE

WEAVER AVE

CONTINENTAL AVE

TYLER AVE

FLORADALE AVE

COGSWELL RD

MOUNTAIN VIEW RD

FINEVIEW ST

★ 10715-10719 Rush Street

ATTACHMENT D

LEGAL DESCRIPTION:

BEING A SUBDIVISION OF A PORTION OF LOT 5, E.J. BALDWIN'S SECOND SUBDIVISION, IN THE CITY OF SOUTH EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 70 PAGE 92 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

OWNER/DEVELOPER:

FREITAG TRUST / FREITAG MARK J TR
1000 RIM DR #7200
DURANGO, CO 81301

CIVIL ENGINEER/LAND SURVEYOR:

APPLE ENGINEERING GROUP 9080
TELSTAR AVE. SUITE 309 EL
MONTE, CA 91731 Tel. (626)
552-9818 EMAIL:
INFO@APPLEENGINEERING.NET WEB:
WWW.APPLEENGINEERING.NET

PROJECT DESCRIPTION

- PROJECT: 3-COMMERCIAL CONDOMINIUM SUBDIVISION.
- PROJECT ADD: 10715 RUSH ST.
SOUTH EL MONTE, CA 91733
- APN: 8104-028-033, 034, 035;
- LOT SIZE:
8104-028-033 8104-028-034 8104-028-035
0.232 / 10,108 0.2291 / 9,979 0.246 / 10,715
TOTAL: 0.7071 AC/30,802 SF
- BUILDING HEIGHT: 1 STORY
- EXISTING ZONING: SEM
PROPOSED ZONING: SEM
- PARKING: TOTAL OFFICE AREA: SF/300= STALLS
TOTAL WAREHOUSE AREA: SF/1,000= STALLS
REQUIRED PARKING STALL;
PROVIDED PARKING STALL;

TENTATIVE PARCEL MAP NO. 083104

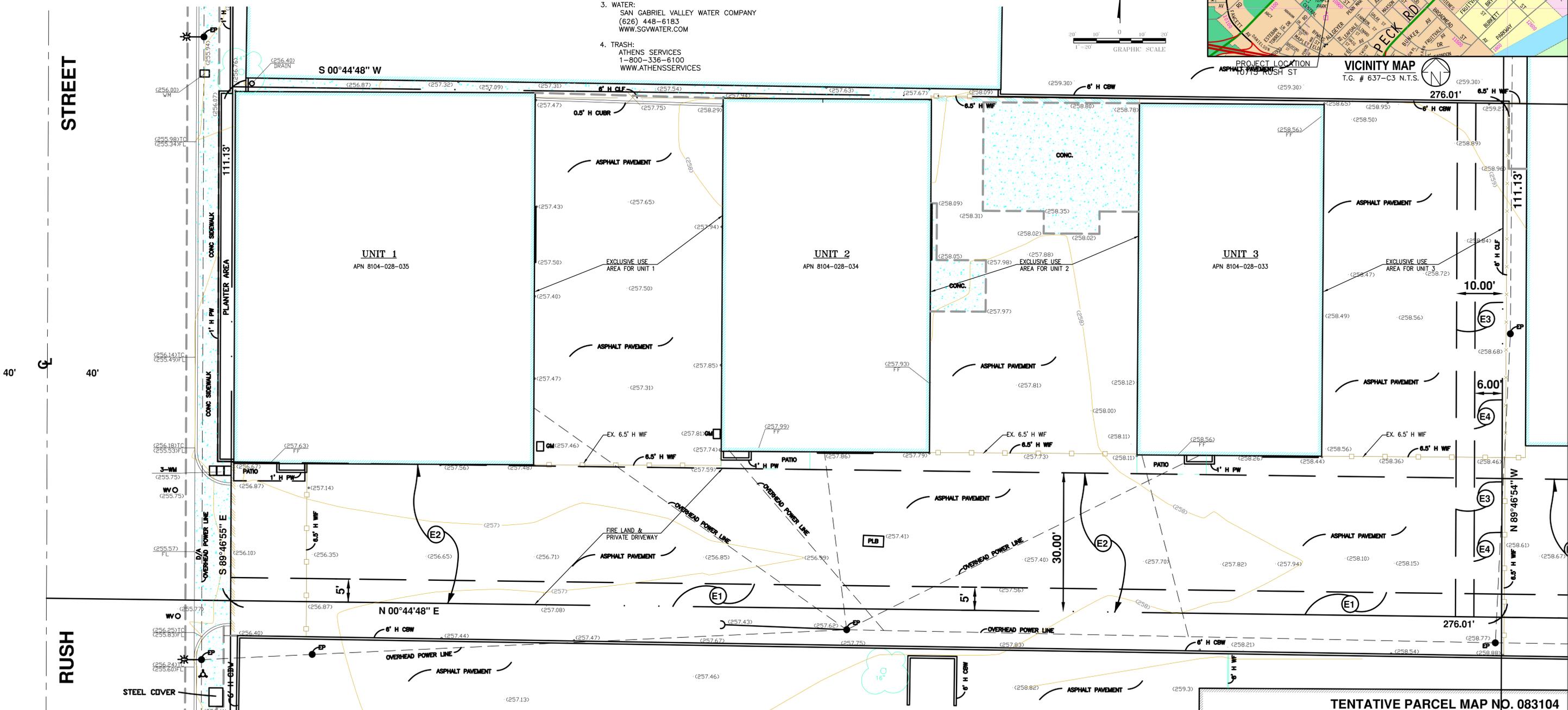
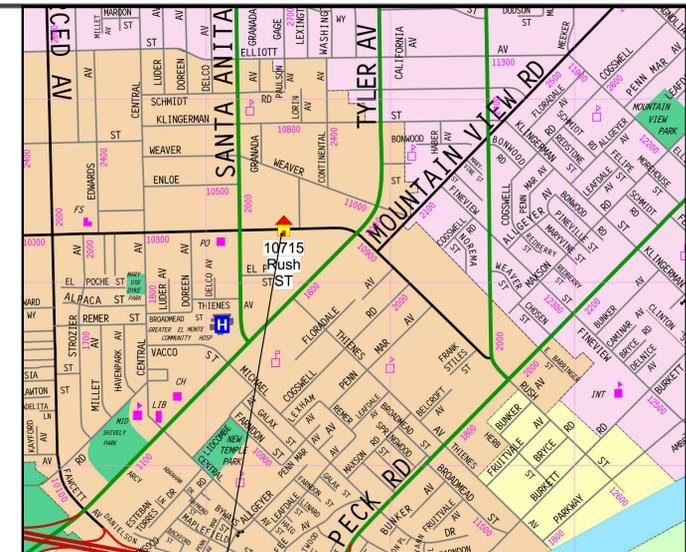
IN THE CITY OF SOUTH EL MONTE, COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF LOT 5, E.J. BALDWIN'S SECOND SUBDIVISION, IN THE CITY OF SOUTH EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 70 PAGE 92 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

UTILITIES SERVICE

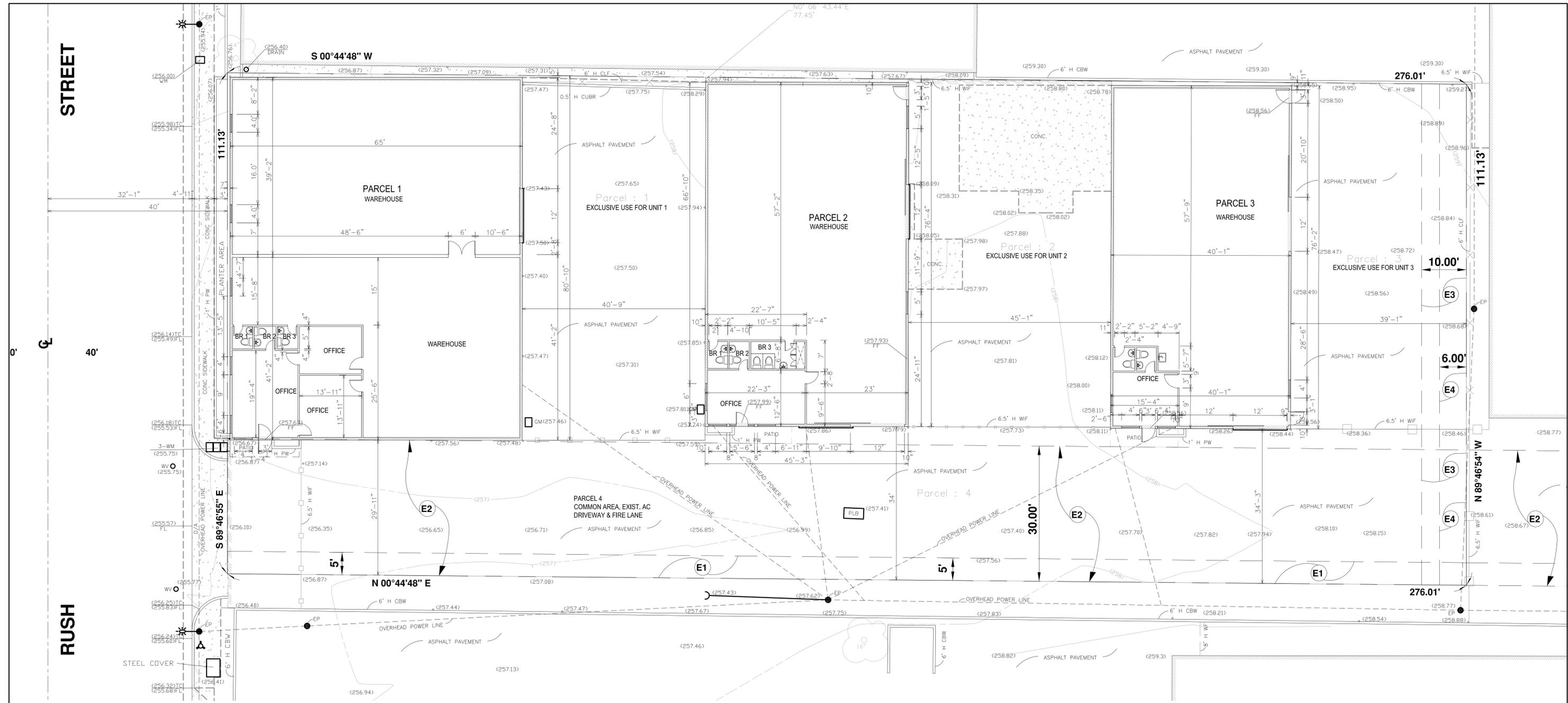
- ELECTRICITY:
SOUTHERN CALIFORNIA EDISON
1-800-655-4555
WWW.SCE.COM
- GAS:
SOUTHERN CALIFORNIA GAS COMPANY
1-800-427-2200
WWW.SOCALGAS.COM
- WATER:
SAN GABRIEL VALLEY WATER COMPANY
(626) 448-6183
WWW.SGVWATER.COM
- TRASH:
ATHENS SERVICES
1-800-336-6100
WWW.ATHENSSERVICES.COM

FOR CONDOMINIUM PURPOSES



TENTATIVE PARCEL MAP NO. 083104

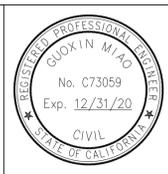
Plan Prepared By: GUOXIN MIAO Date 4/14/2020		SCALE: 1"=10' DATE: 4/14/2020	APN: 8104-028-033,034,035 DRAWN BY: Mike REVISED: Mike
Apple Engineering Group Subdivision, Engineering Design & Survey 9080 TELSTAR AVENUE, SUITE 309 EL MONTE, CA 91731 Tel: (626) 552-9818 EMAIL: info@appleengineering.net		10715 RUSH STREET, SOUTH EL MONTE, CA 91733 SHEET 1 OF 1 JOB NO. P20040	



Parcel Area Table				
Parcel #	Area	Perimeter	Segment Lengths	Segment Bearings
1	8624.18	374.95	81.46 106.55 77.45 3.09 106.39	N0°00'00"E S89°28'18"E S0°06'43"W S0°06'43"W N89°57'53"W
2	6967.97	334.95	90.40 76.80 90.30 77.45	S89°28'18"E S0°11'07"W N89°53'17"W N0°06'43"E
3	6082.58	312.00	79.06 76.58 79.31 0.26 76.80	S89°28'18"E S0°00'01"W N89°48'53"W N0°11'07"E N0°11'07"E
4	8997.86	619.58	106.39 3.09 90.30 0.26 79.31 34.55 276.01 29.67	S89°57'53"E N0°06'43"E S89°53'17"E S0°11'07"W S89°48'53"E S0°00'01"W N89°28'18"W N0°00'00"E



PLAN PREPARED BY:
APPLE ENGINEERING GROUP
 SUBDIVISION, ENGINEERING DESIGN & SURVEYING
 9080 TELSTAR AVENUE, SUITE 309
 EL MONTE, CA 91731
 TEL: (626) 552-9818
 EMAIL: INFO@APPLEENGINEERING.NET



CITY OF SOUTH EL MONTE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION

APPROVED BY: _____ DATE _____
 CITY OF SOUTH EL MONTE
 CITY ENGINEER

REVIEWED AND RECOMMENDED BY: _____ DATE _____

CITY OF SOUTH EL MONTE

10715~10719 RUSH ST.
 APN: 8104-028-033~034

DESIGNED BY: MIKE DATE: 6/22/2020	APPROVED: _____ DATE _____
DRAWN BY: MIKE DATE: 6/22/2020	CITY ENGINEER RCE# _____ DATE _____
LATEST CHANGES BY: MIKE DATE: _____	SHEET _____ OF _____
PLOTTED BY: _____ DATE: 6/22/2020	JOB NO: _____

Y:\2020\220040-10715-10719 Rush St., S El Monte CA - Design\100 Architect\Gen01\220040-site-plan.dwg
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