

**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 Angie Hernandez at ahernandez@soelmonte.org or call (626) 579-6540 X3233 to leave a voicemail message. All comments received by 5:00 p.m. on Tuesday, March 16, 2021 will be added to the Planning Commission agenda as part of the public comment.

March 16, 2021, 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**

**COLBY CATALDI, DIRECTOR OF COMMUNITY DEVELOPMENT AND PUBLIC WORKS
IAN MCALEESE, ASSISTANT PLANNER
ANGIE HERNANDEZ, COMMISSION SECRETARY
CHRISTY MARIE LOPEZ, ASSISTANT CITY ATTORNEY**

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 February 16, 2021

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

7. GENERAL BUSINESS

7.a. Brown Act Presentation provided by Assistant City Attorney

The presentation is designed to give an overview of the Brown Act and should be read as a general guide.

7.b. Adoption of Resolution No. 20-11 approving a Conditional Use Permit (CUP NO. 20-11), which would allow for the on-sale of beer and wine in conjunction with an existing restaurant as an ancillary use located at 9706 Garvey Ave., South El Monte, CA 91733

RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 20-11, approving Conditional Use Permit (CUP No. 20-11), as conditioned.

Public Notice was sent on 03/4/2021

8. DIRECTOR UPDATE

9. COMMISSIONER COMMENTS

10. ADJOURNMENT

April 20, 2021 at 6:00 p.m.

**CITY OF SOUTH EL MONTE
PLANNING COMMISSION - MINUTES
Tuesday, February 16, 2021, 6:00 P.M.**

**THE PLANNING COMMISSION CONDUCTED THIS MEETING BY
TELECONFERENCE 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 Commissioners: Leo Barrera, Jeff Ortiz, Larry Rodriguez, Ruby Rose Yepez, and Chairperson Rudy Bojorquez.

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

3. PLEDGE OF ALLEGIANCE

Commissioner Rudy Bojorquez led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

A motion was made by Rodriguez, seconded by Yepez 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 the public comment.

With no public comments, Chairperson Bojorquez closed public comment.

6. CONSENT CALENDAR

6.a. Minutes for December 15, 2020

A motion was made by Barrera, 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. GENERAL BUSINESS

7.a. **Adoption of Resolution No. 20-10 approving a Conditional Use Permit (CUP) (No. 20-10), which would allow for the operation of a used semi-truck sales office and lot located at 1225 Durfee Avenue, South El Monte CA 91733**

This item was continued from the December 15, 2020 and the November 17, 2020 Planning Commission meeting. Planning Commission gave staff direction to provide the applicants' financial statements as well as allowing the two Commissioners who have not visited the site the opportunity to do so.

Assistant Planner McAleese presented the applicant's financial statements and advised the two Commissioners have not been able to schedule a site visit. He presented the staff report that included an overview of the project and the conditions of approval for CUP 20-10 were listed. In his presentation, the validity of the zoning for this type of business was addressed; he included a short history on the previous tenants of this specific location and concluded with Staff recommendation that the Planning Commission adopt Resolution No. 20-10, approving Conditional Use Permit (No. 20-10), as conditioned.

Colby Cataldi, Director of Community Development and Public Works along with Commissioner Yopez disclosed they met with the applicant for a site visit on 02/11/21. Commissioner Rodriguez also disclosed meeting with the applicant for a site visit on 02/12/2021.

Chairperson Bojorquez opened public comment and requested the applicant address the commission with any additional comments. Scott Zeppenfeldt, the applicant representative and Doug Andresen, the architect for the project were available to answer Commissioner's concerns.

Some topics of discussion included the following:

- Fleet and car charging station at project location
- Findings of possible other business types at this location
- Status update of franchise opportunities at this location
- Dual-port charging station; one for fleet vehicles inside of fenced area and car charging vehicle port for public outside of the fenced area.
- If the Dual-port charging station is option is feasible the applicant is willing to make this option a possibility.
- Request wrought-iron fencing throughout the perimeter.

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

The following conditions #48 and #49 were added to Resolution Number 20-10 regarding CUP 20-10 approving an application for conditional use permit (no. 20-10) allowing for the operation of a used semi-truck sales office and lot at 1225 durfee avenue

48. Permittee shall take all steps necessary to install at least two dual port

electric vehicle charging station, with one in the customer parking area and one electric charging station in the outdoor storage and display area. All related infrastructure shall be built at the same time as development of the proposed project, however, the two dual port charging stations may be installed later but in no event later than next 36 months of the approval of this resolution unless amended by the Planning Commission.

49. The applicant shall install a decorative fence which matches the fence along the adjoining uses and SR 60. Said fence shall be subject to approval of the City.

A motion to approve was made by Yepez, second by Barrera and carried 5-0.

Vote: 5 - 0

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

Nays: none

8. **DIRECTOR UPDATE** – Director advised the commission that the General Plan Update efforts have commenced and making headway with feasible deadlines by Fall of 2021. Upcoming attempt to update the City’s Zoning Code in the 21-22 Fiscal Year and its’ importance to support local business economy. Funding efforts to support highly needed Zoning Code updates have been made with results to be announced soon.

9. **COMMISSIONERS’ COMMENTS**

Chairperson Bojorquez – Attended - Meet the Mayor event.

Commissioner Rodriguez – Nothing to report.

Commissioner Ortiz – Attended - Meet the Mayor event.

Commissioner Barrera – Nothing to report.

Commissioner Yepez – Attended – City’s Valentine Event as a volunteer.

8. **ADJOURNMENT**

A motion was made by Rodriguez, second by Ortiz and carried 5-0, to adjourn the meeting at 6:50 p.m.

Vote: 5-0

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

Nays: None



Planning Commission Agenda Report

**Agenda
Item No.
7.b.**

DATE: March 16, 2021

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Colby Cataldi, Community Development Director

PREPARED BY: Ian McAleese, Assistant Planner

SUBJECT: Consideration of Resolution No. 20-11 approving a Conditional Use Permit (CUP) (No. 20-11) to allow for a Type 41 License, on-sale of beer and wine in conjunction with a bona fide eating establishment (“Pho Huynh”).

PUBLIC NOTICE: Notice of public hearing was posted on March 4, 2021

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

PROJECT

LOCATION: Address: 9706 Garvey Ave.
 Project Applicant: Pho Huynh I INC.
 Property Owner: Dat Vang LLC
 Zone: “C-R” (Commercial-Residential)
 Lot Size: 11, 180 square feet (0.26 acres)

SURROUNDING ZONING AND LAND USE:

	Zone	General Plan	Land Use
North	“C-R” (Commercial-Residential)	Mixed Use	Commercial Center
South	“C-R” (Commercial-Residential)	Mixed Use	Single Family Dwelling
East	“C-R” (Commercial-Residential)	Mixed Use	Vacant Industrial Building
West	“C-R” (Commercial-Residential)	Mixed Use	Liquor Store

BACKGROUND: The property located at 9706 Garvey Avenue South El Monte, CA 91733 (“Property”) is currently developed as a 1,872 square foot commercial building that contains a restaurant located on the southeast corner of Garvey Avenue and Humbert Avenue in the City of South El Monte (“City”). The Property has been operating as a Vietnamese restaurant for over fifteen years, with the current owner operating for the past decade.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 20-11, approving Conditional Use Permit (No. 20-11), as conditioned.

ANALYSIS:

General Plan/Zoning Consistency

The Property is designated as “Mixed Use” in the City of South El Monte’s (“City”) General Plan and is zoned “C-R” (Commercial-Residential) in the City’s Zoning Code. The proposed use falls within the scope of the General Plan’s “Mixed Use” land use designation and is also a conditionally permitted use in the “C-R” 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

Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte* by allowing for the expansion of an established family restaurant with beer and wine sales as a secondary use.

Policy 1.4: *Maintain a balanced mix and distribution of land uses throughout South El Monte” and “create opportunities for two types of commercial development: (1) commercial uses that meet the retail and service needs of the local resident and employee populations, and (2) regional-serving retail commercial businesses that capture revenues from a broader population base.* This will serve the area by providing a beer and wine sales in an existing sit-down restaurant that will cater to residents as well as bring in the surrounding population.

Economic Development Element

Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing the proposed beer and wine sales in conjunction with a restaurant that is uncommon for the area.

The expansion of an established restaurant to include on-sale beer and wine as a secondary use will make the business a viable commercial asset to the City’s economy. The proposed Project will also promote a balanced and dynamic economic growth in the area as well as the City as a whole. Considering all of the above, the proposed Project is consistent with both the General Plan and the Zoning Code.

Conditional Use Permit (CUP)

In order to grant a CUP, the Commission must make the following finding pursuant to South El Monte Municipal Code (“SEMMC”) Section 17.68.040:

The commission shall find that the proposed use shall not be detrimental to persons or properties in the immediate vicinity nor to the city in general.

The parcels directly surrounding the Property are developed as commercial or residential. The operating hours of the business will not extend past 10:00 p.m. when the City's noise ordinance becomes more restrictive for uses projecting into residential parcels. Staff believes the approval of the CUP will not be detrimental to persons or properties in the immediate vicinity nor to the City in general because of Condition #22 that restricts noise levels, as well as many of the surrounding parcels being utilized as commercial.

Proposed Project

The Applicant would like to enhance the restaurant by providing beer and wine (ABC License TYPE 41) as a secondary use to the primary restaurant use ("Project"). The on-sale license will allow the restaurant's customers to purchase beer or wine in conjunction with their meal. Conditions #6, #17, and #19 restrict the sale of beer and wine to patrons that order food and this sale of beer and wine is not to exceed the sale of food. Beer and wine will be kept only in a staff service area, and will not be sold at a bar where patrons can sit and drink. The Applicant is not proposing to provide any live entertainment of any type, such as karaoke, DJ entertainment or pool/billiard tables and Conditions #7, #8, and #36 do not allow these uses without a modification to this CUP.

The restaurant will be open seven days a week from 7:00 a.m. to 10:00 p.m. The Applicant utilizes approximately 20 employees working in two shifts consisting of eight hours to work the restaurant. The Applicant will utilize approximately 10 employees on the largest shift.

Floor Plan

The unit that the Applicant is currently occupying measures approximately 1,872 sq. ft. and consist of a dining area with seating for 128 people, kitchen and storage, and restrooms. The restaurant does not contain a bar area, and all seating is made up of tables and chairs. The restaurant is going to remain as is, and there is no intent to change the layout going forward.

Public Safety Concerns

The Property has not receive calls for service from the Sheriff's Department, and after following up with Code Enforcement and the Sheriff's Department, the business itself is in good standing with both entities. No additional conditions were requested in regards to public safety.

ENVIRONMENTAL REVIEW: The proposed Project is categorically exempt from environmental review pursuant to Section 15301 Class 1 of the California Environmental Quality Act (CEQA) Guidelines. The proposed Project satisfies the criteria for the Class 1 categorical exemption for existing facilities. The criteria is 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 use beyond that existing at the time of the lead agency's determination. This proposed Project falls within the criteria of operation of an existing building and is only expanding operations at the current building.

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 17.15 and 17.51. Approval of the Conditional Use Permit, as conditioned, will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. Additionally, Staff finds that the number of on-sale alcohol licenses is below the maximum allowed by ABC. No additional square footage will be proposed as a result of this application and all alcohol will be served in conjunction with food sales. Staff recommends the Planning Commission adopt Resolution 20-11 to approve Conditional Use Permit No. 20-11 for the proposed use at 9706 Garvey Avenue.

ATTACHMENTS:

- A – Draft Resolution No. 20-11
- B – Relevant Code Sections
- C – Vicinity Map/Aerials
- D – Project Plans

Attachment A

PLANNING COMMISSION

RESOLUTION NO. 20-11

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT (NO. 20-11) ALLOWING FOR A TYPE 41 LICENSE FOR ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT AT 9706 GARVEY AVE

WHEREAS, Pho Huynh I INC. (“Applicant”), filed an application for a Conditional Use Permit (“CUP”) to sell beer and wine as a secondary use to a restaurant (“Project” or “proposed Project”) located at 9706 Garvey Avenue , South El Monte, CA 91733 (“Property” or “project site”)

WHEREAS, pursuant to South El Monte Municipal Code (“SEMMC”) Sections 17.15.020 and 17.51.020, the Project requires Planning Commission review and approval because the Project consists of on-sale beer and wine in conjunction with a restaurant; and

WHEREAS, a public hearing was held before the Planning Commission on March 16, 2021, 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: Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act (CEQA), the proposed Project is categorically exempt from environmental review and a Notice of Exemption has been prepared. The proposed Project qualifies for a Class 1 Categorical Exemption for the Project because the proposed Project is to be operated within existing facilities. The criteria for a Class 1 Categorical Exemption is 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 use beyond that existing at the time of the lead agency’s determination. The Planning Commission finds that the proposed Project meets this criteria and is exempt from the provisions of CEQA. 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 CUP, SEMMC Section 17.68.040 requires that the Planning Commission find that the proposed Project shall not be detrimental to persons or properties in the immediate vicinity nor to the City in general. State law requires that the Project be compatible with surrounding uses.

B. The General Plan Land Use designation for the Property is “Mixed Use.” The Zoning Code designation is “C-R” (Commercial-Residential).

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 restaurant with the service of beer and wine 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 March 16, 2021, which is hereby incorporated into this Resolution 20-03 by reference, the Planning Commission hereby finds:

A. *As conditioned, the Project meets the requirements of SEMMC Chapters 17.15 and 17.51 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.* This is because the Project fits with the surrounding uses.

B. *Pursuant to SEMMC Section 17.68.040, the approval of the CUP will not be detrimental to persons or properties in the immediate vicinity nor to the City in general.* This is so because the Project will be operating within reasonable hours and will be required to operate in a way that does not negatively impact the area.

C. As conditioned, the Project represents a quality establishment that will be compatible with surrounding commercial and residential 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 are consistent with the City’s General Plan. The proposed Project is compatible with the objectives, policies, general land uses, economic development and programs specified in the General Plan which includes, but is not limited to, the following goals:

Land Use Element

- (1) Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte* by allowing for the expansion of an established family restaurant with beer and wine sales as a secondary use;
- (2) Policy 1.4: *Maintain a balanced mix and distribution of land uses throughout South El Monte” and “create opportunities for two types of commercial development: (1) commercial uses that meet the retail and service needs of the local resident and employee populations, and (2) regional-serving retail commercial businesses that capture revenues from a broader population base.* This will serve the area by providing a beer and wine sales in an existing sit-down restaurant that will cater to residents as well as bring in the surrounding population; and

Economic Development Element

- (3) Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing the proposed beer and wine sales in conjunction with a restaurant that is uncommon for the area.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby **approves** CUP (No 20-11) to operate a restaurant with on-sale beer and wine as a secondary use, subject to the following conditions:

General Conditions

1. The Applicant 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 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 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. Sales, service and consumption of beer and wine shall be permitted only between the hours of 7:00 a.m. to 10:00 p.m., seven days a week.
6. The quarterly gross sales of beer and wine shall not exceed the gross sales of food during the same period. The Applicant shall at all times maintain records which reflect separately the gross sales of food and the gross sales of beer and wine of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to any peace officer, Business License staff member, or Planning Division staff member on demand.
7. There shall be no live entertainment, amplified music, dancing, or any other activity in the Project unless a Modification to the Conditional Use Permit is approved.

8. No pool or billiard tables may be maintained on the Property.
9. 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.
10. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of beer and wine. Interior displays of beer and wine or signs clearly visible to the exterior shall constitute a violation of this condition.
11. The subject beer and wine license (Type 41 License) shall not be exchanged for a public premises license (Type 48 License), nor operated as a public premise without the approval of a Modification to Conditional Use Permit.
12. 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.
13. No beer and wine shall be consumed off the premises or Property.
14. There shall be no bar or lounge area on the Property maintained for the purpose of sale, service, or consumption of beer and wine directly to patrons. Beer and wine shall be served by a waiter/waitress. The sale of beer and wine shall be an ancillary service to the primary restaurant use.
15. The Applicant shall not permit any loitering on any property adjacent to the Property under control of the Applicant.
16. At no time shall there be a fee for entrance/admittance into the premises.
17. At all times when the premises is open for business, the sale and service of beer and wine shall be made only in conjunction with the sale and service of food.
18. There shall be no coin operated games maintained on the premises at any time.
19. Food service, with an available menu, shall be available until closing time on each day of operation.
20. The windows of the premises shall not be tinted or covered in any way, which obstructs a clear view of the interior of the premises from the exterior.
21. The employees who sell or serve beer and wine shall be required to complete a training program in beer and wine compliance, crime prevention techniques, and handling of violence. For new employees of Applicants, such training known as LEAD training offered

- by the Alcohol Beverage Control (ABC) must be completed within 30 days of the date of hire and prior to service of any alcohol. Those already employed shall complete training within 30 days from the date the ABC license is issued and shall not serve alcohol until such has been completed.
22. Noise levels measured at the property line shall not exceed the levels prescribed by the City's noise regulations as set forth in SEMMC 8.20.
 23. The Applicant and all operators shall each take all necessary steps to assure the orderly conduct of employees, patrons, and visitors when they are present on the Property.
 24. The Applicant shall maintain all required permits and licenses in good standing.
 25. At no time shall there be a minimum drink requirement.
 26. The sale of beer and wine for consumption off the premises is prohibited. Signs shall be posted at all exits of the premises, which prohibit alcohol beverages from leaving the confines of the premises.
 27. Patrons shall not be allowed to bring into the location any alcoholic beverages to be consumed within the establishment.
 28. There shall be no pay telephones installed within the enclosed portion of the premises equipped to receive incoming calls. There shall be no new pay phones of any kind installed on the exterior of the premises.
 29. The maximum occupancy of the premises shall be prominently posted and monitored at all times.
 30. The front of the exterior of the premises, as well as all adjacent parking areas under control of the Applicant, shall be illuminated at all times while the premises is open for business. This shall be done in such a fashion that persons standing outdoors at night are identifiable by law enforcement personnel while balancing the lighting so as not to unreasonably illuminate the window area of nearby businesses.
 31. All crimes occurring inside or outside of the location shall be reported to the Sherriff Department at the time of the occurrence.
 32. At any time when the licensee is absent from the premises, a responsible party shall be designated who can facilitate any Sherriff inquiries.
 33. In January of each year, the business shall provide a list of no less than three employees who are available 24 hours a day to the Sheriff's Department Records Bureau. The list of names will be used to facilitate a Sheriff's response to the location in the event of an emergency or other problem that requires entry into the location during non-business hours.

- 34. A copy of this approved resolution shall be kept on the premises at all times and presented to any Sheriff, or Business License or Planning Staff person.
- 35. The Applicant understands that any violation of the foregoing conditions or any operation that constitutes a nuisance shall be grounds for the suspension or revocation of the Conditional Use Permit.
- 36. There shall be no exterior restaurant speakers and no live entertainment outside the restaurant (including the parking lot) unless a Temporary Use Permit (TUP) is obtained from the City.
- 37. The City shall be entitled to review the conditions of the premises and business operations approved herein in approximately six months from the date of the City’s approval, and once a year after that.

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

ADOPTED this 16th day of March, 2021.

Chairman

ATTEST:

Secretary

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. 20-11 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 16th day of March 2021.

AYES:
NOES:
ABSENT:
ABSTAIN:

Secretary

Attachment B

Chapter 17.15 - COMMERCIAL-RESIDENTIAL (C-R)

17.15.010 - Applicability.

The commercial-residential zoning district is applied to areas appropriate for a mix of commercial and residential activities in conformance with the general plan. This district allows for a mix of commercial and residential uses, or just commercial, or just residential land uses.

(Ord. No. 1161, § 1, 3-13-2012)

17.15.020 - Permit requirements.

- A. Permitted Primary Uses and Structures. No building, structure or land shall be used and no building, structure or use in the commercial-residential zone shall be erected, structurally altered, enlarged or established except the following permitted uses, buildings and structures identified with a "P" in Table 17.15-A.
- B. Conditional Uses and Structures. The following uses and structures identified with a "C" in Table 17.15-A may be permitted in the commercial-residential zone subject to approval of a conditional use permit.
- C. Temporary Uses. Temporary uses identified with as "T" in Table 17.15-A shall be allowed subject to approval and compliance with all applicable provisions of this zoning code.
- D. Prohibited Uses. Prohibited uses are identified with no entry in the second column.

Key to Permit Requirements:

Permitted Use - P

Conditional Use—Conditional Use Permit Required - C

Temporary Use - T

Table 17.15-A

Land Uses	C-R
Accessory Uses and Structures	
Accessory uses, buildings and structures, including gazebos, greenhouses, non-commercial workshops, cabanas, dressing rooms, recreational buildings and restrooms	P
Antennas (pole type) and flagpoles	P
Dish antennas	C
Home occupations subject to the approval of a home occupation permit	P

Incidental outdoor storage shall be permitted provided such storage is conducted wholly within an area completely enclosed by a masonry wall not less than five and one-half feet in height, with all entrances and exits enclosed with opaque gates equal in height of the wall. No outdoor storage shall be permitted to project above the height of the masonry wall	P
Swimming pools, spas and saunas	P
Tennis, paddleball, badminton, volleyball and similar recreational courts	P
Solar energy equipment	P
Education, Public Assembly, Recreation	
Commercial court game facilities, including but not limited to racquetball, tennis, paddleball, badminton and volleyball courts	C
Gymnasiums and health clubs including diet centers and tanning salons	C
Places of amusement (bowling alleys, ice skating, roller rinks)	C
Places of worship	P
Private educational institutions (not allowed on the first floor)	C
Theaters	C
Residential Uses	
Live/work units provided that the commercial portion is an office, retail or service use that is permitted in the C-R zone	C
Mixed-use development with a residential component	P
Multiple residential dwelling units, including senior and affordable housing developments	C
Single-family with a minimum density of 30 units per acre. The minimum number of units on each lot is 16 units per lot	P
Multiple-family residential, affordable housing and single room occupancy (SRO) with a minimum density of 30 units per acre	P

Retail Uses	
Alcoholic beverage sales, serving or consumption within any use permitted in the C-R zone	C
Art stores or galleries	P
Audio and visual products	P
Bakery shops, including baking of products sold on the premises only; baking for off-site sales prohibited	P
Bicycle, sales and service	P
Camera stores	P
China and glassware stores	P
Christmas tree sales lots, when maintained between November 1 and December 31	T
Clothing and apparel stores	P
Delicatessens	P
Drapery stores	P
Drugstores	P
Florist and plant shops	P
Food stores and markets	P
Furniture stores	P
Gift shops	P
Hardware stores	P
Hobby shops	P
Household appliance and repair shops	P

Ice cream parlors	P
Interior decorator shops	P
Jewelry stores (including incidental fabrication)	P
Lighting stores	P
Liquor stores	C
Lock and key services	P
Mail order houses, retail	P
Music stores	P
Nurseries and garden supplies	P
Office uses	P
Paint and wallpaper stores	P
Pet shops	P
Pumpkin sales lots, when maintained between October 15 and November 1	T
Radio, television and similar electronic component stores	P
Restaurants, fast food	P
Restaurants, full service	P
Shoe stores	P
Sporting goods stores	P
Stamp and coin shops	P
Stationary stores	P
Supermarkets	P
Taverns	C

Tobacco shops	P
Toy stores	P
Typewriter and office machine sales and service	P
Service Uses	
Answering services	P
Automobile service stations	C
Banks, savings and loans, and finance services	P
Beauty shops	P
Car washes (full or self-service)	C
Carpet cleaning services	P
Copying services, including but not limited to photo stating and blueprinting	P
Data processing services	P
Day care centers	C
Diet centers	P
Domestic pet grooming shops; provided that no animals shall be kept on the premise overnight	P
Dry cleaning and laundry establishments (non-industrial)	P
Electrical appliance repair shops	P
Employment agencies	P
Hotel and extended stay uses	C
Hospitals	P

Laundry operated exclusively as a retail-business with laundry machines that are the automatic type and capable of being operated by the public. Such use shall not include machines ordinarily found in industrial type uses	P
Linen supply services	P
Massage establishment	C
Medical and dental laboratories above the first level only	P
Nightclubs	C
Parcel delivery and pick up services	P
Pawnshops	C
Photocopying and blueprinting services	P
Photo developing stores	P
Portrait studios	P
Printing, other than publishing services	P
Shoe repair	P
Tailor, custom alteration shops	P
Tanning salons	P
Tire stores	P
Tire stores within 500 feet of SR 60	C
Tools sharpening and repair services	P
Travel agencies	P
Vehicle repair garages	
Veterinary offices, including hospitalization services	P
Water softener services	P

Transportation and Communication Uses	
Parking lot/structure facilities	C
Privately operated public utility uses, structures or transmission facilities	C
Publicly operated public utility uses	P
Wireless telecommunication facilities integrated into a building façade or structure or located behind a roof parapet; and located at least 300 feet from any residential zone, measured as the shortest distance, without regard to intervening buildings, from the nearest point of the proposed wireless telecommunication facility to the nearest point of the zone district boundary	C

(Ord. No. 1161, § 1, 3-13-2012; Ord. No. 1195, § 11, 2-24-2015; Ord. No. 1217, § 5, 10-24-17; Ord. No. 1228, § 5, 7-10-2018; Ord. No. 1239, § 6, 12-3-2019)

17.15.030 - General development standards.

Table 17.15-B
Commercial-Residential District General
Development Standards

Development Feature	C-R
Minimum Lot Size	Minimum lot area and width required for new parcels
Area	15,000 square feet
Width	100 feet
Maximum Residential Density	35 dwelling units per acre when abutting a single-family zone; 87 dwelling units per acre when abutting a multifamily zone; 100 dwelling units per acre when not abutting any residential zone
Minimum Residential Density	For developments comprised solely as residential, 20 dwelling units per acre

Front and Side Yard Setbacks	None For residential development only, 10 feet shall be required
Interior Setback Abutting a Residential Zone	5 feet for one story, 15 feet for two story and 25 feet for three to five stories. Setbacks are measured from the residential property line
Exceptions to Setbacks Requirements	See Section 17.15.050 for setback exceptions
Distance Between Dwellings	N/A
Maximum Height Limits	Maximum building height is five stories or 65 feet for commercial, commercial/residential and residential developments
Accessory Structures	N/A
Landscaping	Minimum 10 percent of lot area
Fences and Walls	See Section 17.14.190 for commercial uses and Section 17.12.220 for residential uses only
Rooftop Equipment	Must be screened from public view
Lighting	Photometric plan is required
Trash Collection Areas	Min. dim. 8' × 10' interior must be enclosed and screened from public view with a decorative structure
Parking and Loading	Parking demand study required

1. Minimum Lot Size for Multi-Family Development. The minimum lot size in the C-R zoning district shall be fifteen thousand square feet for new multifamily housing development.
2. No Setback Requirements for the First Two Floors from the Garvey or Santa Anita Avenue Property Lines. Above the second story, the setback from the Garvey or Santa Anita Avenue property lines shall be a minimum of five feet. All residential units developed at ground level along Garvey or Santa Anita Avenue shall be required to maintain a ten-foot setback from the front street property line.
3. Minimum Setbacks. No setbacks required from the street property line, except as required for corner cutoffs at

intersections and residential development. If setbacks are provided, these areas shall only be used for landscaping and active pedestrian areas (e.g., plazas, outdoor dining). All street adjacent parking shall be set back a minimum of five feet and the setback area shall be fully landscaped.

4. Corner Cutoff at Intersection. In order to maintain visibility at intersections and to provide architectural interest for buildings at corner locations, buildings shall provide a ten-foot minimum corner cutoff and shall have an entrance to the building from this area. The minimum cutoff area shall be a triangular area that is determined by measuring ten feet back from the corner along both street property lines and drawing a line between the two points.
5. Landscaped Buffer Within Setback Area. Landscaped buffer required. A minimum five-foot wide landscaped buffer shall be provided on the subject property adjacent to any residentially zoned property or intervening alley regardless of the actual building setback that is provided. A landscaped buffer is not required adjacent to an alley at areas where direct vehicular access is provided to the subject property.

(Ord. No. 1161, § 1, 3-13-2012; Ord. No. 1240, § 5, 1-14-2020)

17.15.040 - Additional development standards.

- A. Limitations and Exceptions to Permitted Uses and Structures. Notwithstanding any other provisions of this chapter, the following limitations shall apply to the conduct of any use permitted in C-R zone as applicable:
 1. All uses except outdoor eating areas, parking, growing plants, cut flowers, Christmas tree lots, pumpkin sales lots and provision and storage of shopping carts shall be subject to specific standards contained within this chapter; additionally in the C-R zone, car washes, incidental or temporary uses, service stations, storage yards, vehicle storage or display, tire store uses, and vending machines (vending machines shall not include coin operated amusement devices, rides, scales, or similar devices) shall be conducted entirely within a completely enclosed building which is attached to a permanent foundation. There shall be no outside storage of tools, equipment, supplies or materials.
 2. No wholesaling of goods and materials shall be permitted in the C-R zone; retail sales to the general public only shall be permitted.
 3. Shopping cart storage shall be located on-site adjacent to the entry of a building and shall be screened with a minimum three-foot, six-inch high solid wall/fence or combination of fence and landscaping to obscure the visibility of shopping carts from the adjacent public rights-of-way. Where the director of the community development department, in his/her discretion, determines that screening interferes with the cart removal/retrieval "opening" given the unique location of the building (e.g. corner structure where cart storage may be visible from two or more intersecting public rights of way), the director of the community development department shall exempt the "opening" from the screening requirement and shall determine the orientation, location, size and configuration of the unscreened "opening." Shopping cart storage shall not intrude into any required pedestrian passageway or public right of way.
 4. All shopping carts shall be contained or controlled within the boundaries of store premises, in accordance with the standards set forth in the Municipal Code Title 8, Chapter 8.26.
- B. Performance Standards. In accordance with the goals and precepts of the comprehensive general plan of the city environmental performance standards are hereby established to protect the community from hazards, nuisances and other negative factors; to ensure that land uses are not operated in such a manner as to cause a detrimental effect on adjacent land uses or the community environment; and to preserve and enhance the

lifestyle of South El Monte residents through the protection of the public health, safety and general welfare. In the C-R zone, the following guidelines shall be evaluated on the basis of whether or not the activity is obnoxious to a person of normal sensitivity.

1. **General Provisions.** No land, building or structure shall be used or occupied in any manner so as to create or maintain any dangerous, injurious, noxious or otherwise objectionable condition caused by fire, explosion or other hazards; noise or vibration; smoke, dust or other form of air pollution; liquid or solid refuse or waste; or any other substance, condition or element used in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.
 2. **Air Quality.** Any activity, operation, or device which causes or tends to cause the release of air contaminants into the atmosphere shall comply with the rules and regulations of the South Coast Air Quality Management District and with the following:
 - a. **Visible Emissions.** No visible emissions of air contaminants or particulate matter shall be discharge into the atmosphere. No combustible refuse incineration shall be permitted
 - b. **Dust.** Windborne dusts and debris across lot lines shall be prevented by planting, wetting, compacting, paving or other suitable treatment of land surface; storing, treating or enclosing materials; controlling sources of dust and debris by cleaning; or, such other measures as may be required.
 - c. **Odors.** No odorous material shall be permitted so as to be obnoxious to persons of normal sensitivity as readily detectible at the property line or at any point off-site where the odor is greater.
 3. **Vibration.** No activities shall be permitted which cause objectionable vibration to adjoining property except for construction activities in connection with an effective building permit.
 4. **Noise.** No noise shall be generated which causes the maximum sound level to exceed the noise levels specified in the Municipal Code Title 8, Chapter 8.20. Further, in a mixed use project, no increase in the ambient noise base level for non-residential uses shall be permitted. Such noise measurements shall be taken at the residential zone property line, or at any point within an abutting residential zone, or at a point within the residential portion of the mixed use project, where the noise level from the non-residential use is greater. No steady impulsive noise (such as hammering or riveting) or steady audible tone components (such as whines, screeches or hums) shall be detectible from any residential use which is part or adjacent to the mixed use project.
- C. **Dwelling Unit Size.** The gross floor area of any dwelling unit in the C-R zone shall be not less than provided herein. For the purpose of this section, dens, studies or other similar rooms which may be used as bedrooms shall be considered bedrooms. Living rooms, dining rooms, kitchens or bathrooms shall not be considered bedrooms, except that separate dining rooms in efficiency units or rooms that could be converted into additional bedrooms shall be considered bedrooms.

Table 17.15-C

Unit Type	Minimum Size Requirements
Efficiency and one bedroom units	750 square feet for the residential development
Two bedrooms units	900 square feet for the residential development
Three or more bedroom units	1,100 square feet for the residential development

Senior affordable units	540 square feet
-------------------------	-----------------

- D. Outdoor Space. A minimum outdoor space of one hundred forty square feet shall be provided per dwelling unit. Outdoor space may be provided as common or private space. Any common outdoor space shall have a minimum level surface dimension of twenty feet and a minimum area of four hundred square feet.
- E. Distance Between Dwellings. A minimum distance of ten feet shall separate exterior walls of separate buildings containing dwelling units on the same lot. The windows or window/door or any one dwelling unit may not face the windows or window/door of any other dwelling unit unless separated by a distance of ten or more feet except where the angle between the wall of the separate dwellings units is ninety degrees or more. Walls parallel to each other shall be considered to be at a zero degree angle.
- F. Access to Dwelling Units. An elevator shall be provided to serve all stories in a building containing more than three dwelling units where the floor area of any dwelling units is located only on the third story and other dwelling units are located on the first and second stories.
- G. Laundry Facilities. Laundry facilities shall be provided to serve all residential dwelling units on a lot. Such laundry facilities, constituting washer and dryer appliances connected utilities, shall be provided in the individual dwelling units where there are three or less dwelling units on a lot. Where there are more than three dwelling units on a lot, laundry facilities shall either be provided in the individual dwelling units or in a common laundry room. A common laundry room shall be in an accessible location and shall have at least one washer and one dryer for each five dwelling units. A minimum of two washers and dryers shall be provided at all times. The washer and dryers shall be maintained in operable condition and accessible to all tenants daily between the hours of seven a.m. to ten p.m.
- H. Storage Space—Private. A minimum of ninety cubic feet of private storage space shall be provided for each residential dwelling unit outside such unit unless a private attached garage, serving only the dwelling unit, is provided. Such private storage space shall have a minimum horizontal surface area of twenty-four square feet and shall be fully enclosed and lockable.

(Ord. No. 1161, § 1, 3-13-2012)

17.15.050 - Setback requirements and exceptions.

- A. Street Front and Street Side Setback. In the C-R zone, no person shall construct, locate or maintain within the space between a street and a setback line established by ordinance or by this title, any building, wall, fence or structure except:
1. General Exceptions.
 - a. Driveway and walks, provided that a driveway shall be limited to that area reasonably necessary to provide safe and efficient ingress to and egress from off-street parking spaces located behind a set-back area.
 - b. Eaves may project into a required setback area for a distance not to exceed thirty inches.
 - c. Flagpoles limited to one per site.
 - d. Footings and public utility vaults if fully subterranean.
 - e. Landscape accent lighting not to exceed eighteen inches in height.

- f. Necessary railings adjacent to stairways.
 - g. Retaining walls, planters or curbs which are not more than eighteen inches in height above the ground surface existing at the time of construction.
 - h. Subterranean parking garages may extend to the street property line including equipment, service, utility and storage areas provided such areas do not have any door, window or other opening to the outside along the street property line.
 - i. Uncovered steps or landings not over four feet high as measured parallel to the natural or finish ground level at the location of the construction may project into the required setback area to the property line.
2. Storage of Material Prohibited. No person shall store materials or equipment within the space between a street and a setback line established by ordinance or by this chapter, except temporarily during construction on the same premises.
- B. Interior Setback (Exceptions). In the C-R zone, no person shall construct, locate or maintain within the space between a property line and an interior setback line established by ordinance or by this title, any building, wall, fence or structure except:
- 1. General Exceptions.
 - a. Boundary line walls.
 - b. Eaves may project into a required setback area for a distance not to exceed thirty inches, provided they do not project closer than thirty inches to an interior property line.
 - c. Footings and public utility vaults if fully subterranean.
 - d. Driveways, walks and parking areas including lighting pursuant to the provisions of Chapter 17.60.
 - e. Railings adjacent to stairways.
 - f. Subterranean and semi-subterranean parking garages may extend to the interior property line including equipment, service, utility and storage areas provided such areas do not have any door, window or other opening to the outside along the interior property line.
 - g. Uncovered steps or landings not over four feet high as measured parallel to the natural or finish ground level at the location of the construction may project into the required setback are four feet for a length of fourteen feet measured parallel to the building.
 - 2. Storage Prohibited. No required interior setback area shall be used to store any motor vehicle, trailer, camper, boat or parts thereof, equipment or any type of antenna except as provided for in this title.

(Ord. No. 1161, § 1, 3-13-2012)

Chapter 17.51 - ON-SALE OF BEER AND WINE

17.51.010 - Purpose and applicability.

The purpose of this chapter is to protect the public health, safety and welfare by providing reasonable, uniform operational and performance standards for establishments selling or serving beer and wine for on-site consumption ("on-sale beer and wine").

- A. The provisions of this chapter shall not apply to establishments lawfully existing on the effective date of these regulations provided the establishment retains the same type of California Alcohol Beverages Control ("ABC") license within a license classification; continues to legally operate without substantial change in mode or

character of operation; and does not expand the square footage of area used for sales or services.

- B. Nothing in this chapter shall prohibit or limit the transfer of a valid, existing on-sale permit to a new owner at the same location.

(Ord. 1084 § 1(part), 2006; Ord. 1009 § 11(part), 1999)

17.51.020 - Conditional use permit—Required.

A conditional use permit shall be required for on-sale beer and wine in addition to any other entitlement required for any use on the subject property. An applicant shall file an application for consideration by the planning commission for approval, conditional approval or denial pursuant to the procedures specified in Chapter 17.68 (Conditional Use Permits) of this code. Any decision of the city to approve, conditionally approve, or deny the application shall be based upon written findings supported by substantial evidence in view of the whole record.

(Ord. 1084 § 1(part), 2006; Ord. 1009 § 11(part), 1999)

17.51.030 - Conditional use permit—Distance requirements.

No conditional use permit for on-sale beer and wine shall be issued for adult businesses, full service bars, taverns, beverage lounges, nightclubs or any use where the sale or service of alcoholic beverages is the primary use, where the property upon which such use is proposed is located within five hundred feet of any establishment with an ABC license for on-sale of alcoholic beverages of any type, religious institution, school, park, or area zoned for residential uses. The distance specified in this section shall be measured in a straight line, without regard for intervening structures and the boundaries of the city, from the nearest property line of the property upon which the use is proposed to the nearest property line of the existing on-sale use, religious institution, school, park or property zoned for residential uses.

(Ord. 1084 § 1(part), 2006; Res. 04-56, 2004; Ord. 1009 § 11(part), 1999)

17.51.040 - Operational and performance standards.

On-sale wine and beer establishments shall be operated in a manner that does not interfere with the normal use and enjoyment of adjoining properties. In addition to any conditions imposed by the city, all such uses shall be subject to the following operational and performance standards:

- A. Noise levels measured at the property line shall not exceed the levels prescribed by the city's noise regulations as set forth in Chapter 8.20 of this code.
- B. The property shall be maintained in a safe and clean condition and the owner shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way.
- C. Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For the purpose of this chapter, the usual hours of operation shall be as permitted by the establishment's ABC license unless the city imposes shorter hours of operation as a condition to the conditional use permit to protect the public health, safety and welfare.
- D. The owner and operator shall each take all necessary steps to assure the orderly conduct of employees, patrons and visitors when they are present on the property.
- E. There shall be no loitering on the property. Signs shall be posted on the exterior wall of the premises and in the parking lot stating that loitering and consumption of alcohol are each prohibited.
- F. Video or other coin-operated games may only be permitted subject to the provisions of Section 7.9.430 of the

business license ordinance.

- G. There shall be no outside vending machines other than newspaper racks or public telephones.
- H. There shall be no adult merchandise, as that term is defined in Section 5.25.020 of this code, visible anywhere on the property and no such merchandise shall be sold to minors.
- I. The permittee shall maintain all required permits and licenses in good standing.
- J. There shall be no sale or service of any alcoholic beverages in the event there is any lapse or breach in the good standing of any one of the permits or licenses issued for such use, or noncompliance with any conditions imposed thereon.

(Ord. 1084 § 1(part), 2006: Ord. 1009 § 11(part), 1999)

17.51.050 - Conditional use permit—On-sale beer and wine—Expiration.

The regulations set forth in Section 17.68.100 of this title regarding expiration apply to any conditional use permit for on-sale of beer and wine.

- A. Notwithstanding Section 17.68.100, a permittee may request an extension of any time limit provided in Section 17.68.100 by filing a written request with the city's community development department before the conditional use permit expires.
- B. A request for an extension of time shall state the reasons why an extension is needed. The planning commission will consider the request at a duly noticed public hearing. Based upon the evidence presented at the public hearing, the planning commission may deny, approve, or conditionally approve the extension for up to one hundred eighty days.

(Ord. 1084 § 1(part), 2006: Ord. 1009 § 11(part), 1999)

17.51.060 - Modification or revocation.

A conditional use permit for the on-sale of beer and wine shall be subject to modification and/or revocation. If, in the opinion of the director of community development, the establishment is operated in a manner as to interfere with the normal use and enjoyment of the surrounding properties, the body taking final action on the application shall conduct a public hearing pursuant to Section 17.68.070 of this code.

(Ord. 1084 § 1(part), 2006: Ord. 1009 § 11(part), 1999)

17.51.070 - Design standards.

The design and appearance of any on-sale establishments, if newly constructed or remodeled on the exterior, shall conform to the city architectural design guidelines and all other applicable development standards. When completed, the establishment shall be compatible with surrounding land uses and zone districts and shall enhance the appearance of the neighborhood in which it is located and the city in general.

(Ord. 1084 § 1(part), 2006: Ord. 1009 § 11(part), 1999)

Chapter 17.68 - CONDITIONAL USE PERMITS

17.68.010 - Purpose.

The purpose of the conditional use permit is to afford the commission the opportunity to review proposed uses, structures, or facilities which could have an adverse effect upon the surrounding area and to place such reasonable conditions upon these uses and developments as to make them more compatible with their surroundings. These conditions may supercede the development standards required elsewhere, but will not permit uses not otherwise permitted.

A conditional use permit shall be required for any use within a zone district which is designated as a conditional use by the district regulations or for such other uses which, by their scope, scale, or nature, would not specifically be permitted uses within any designated zone district, but which would be recognized as uses that would be beneficial to the community as a whole.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.020 - Application and fee.

When it is determined that a conditional use permit is required, application shall be made upon forms prescribed by the commission and shall be accompanied by such exhibits, maps or documents deemed necessary to provide the commission with complete information regarding the request. At the time the application is submitted, a fee, established by written resolution of the city council, shall be paid. No part of the required fee shall be refundable unless the application is withdrawn prior to the publication of the notice of public hearing.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.030 - Public hearing.

Upon receipt of the required application and fee, the commission shall set a hearing date which shall be advertised as provided in Chapter 17.74 of these regulations.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.040 - Required findings.

The commission shall find that the proposed use shall not be detrimental to persons or properties in the immediate vicinity nor to the city in general. If it fails to make these findings, the request shall be denied.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.045 - Consistency with hazardous waste management plan.

Any decision on a proposed zoning amendment shall be consistent with the portions of the county of Los Angeles hazardous waste management plan as approved November 30, 1989, relating to siting of and siting criteria for hazardous waste facilities.

(Ord. 963 §39(part), 1995; Ord. 888-U §2, 1990; Ord. 887 §2, 1990)

17.68.050 - Commission actions.

The commission may grant, conditionally grant, or deny a conditional use permit based on the required findings, on evidence presented by the staff report, the public hearing, or upon its own study and knowledge of the situation.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.060 - Conditions of approval.

The commission may attach such reasonable conditions of approval as it deems are necessary to ensure that the proposed use will be compatible with the surrounding area and with the goals of the city. Such conditions may include, but are not limited to, setbacks, building height, parking, landscaping, and architecture. All conditions shall be binding upon the applicants, their successors and assigns and shall run with the land; shall limit and control the issuance and validity of certificate of occupancy, and shall restrict and limit the construction, location, use and maintenance of all land and structures within the parcel, lot or development.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.070 - Violation of conditions.

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.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.080 - Notice of decision.

Not later than ten days following the commission's decision to grant or deny the conditional use permit, the applicant shall be notified in writing of the commission's decision.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.090 - Effective date and appeal.

If approved, the conditional use permit shall become effective within fourteen days following the commission's approval. The applicant or any other person aggrieved by the commission's decision may appeal to the city council in accordance with Chapter 17.74 of these regulations.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

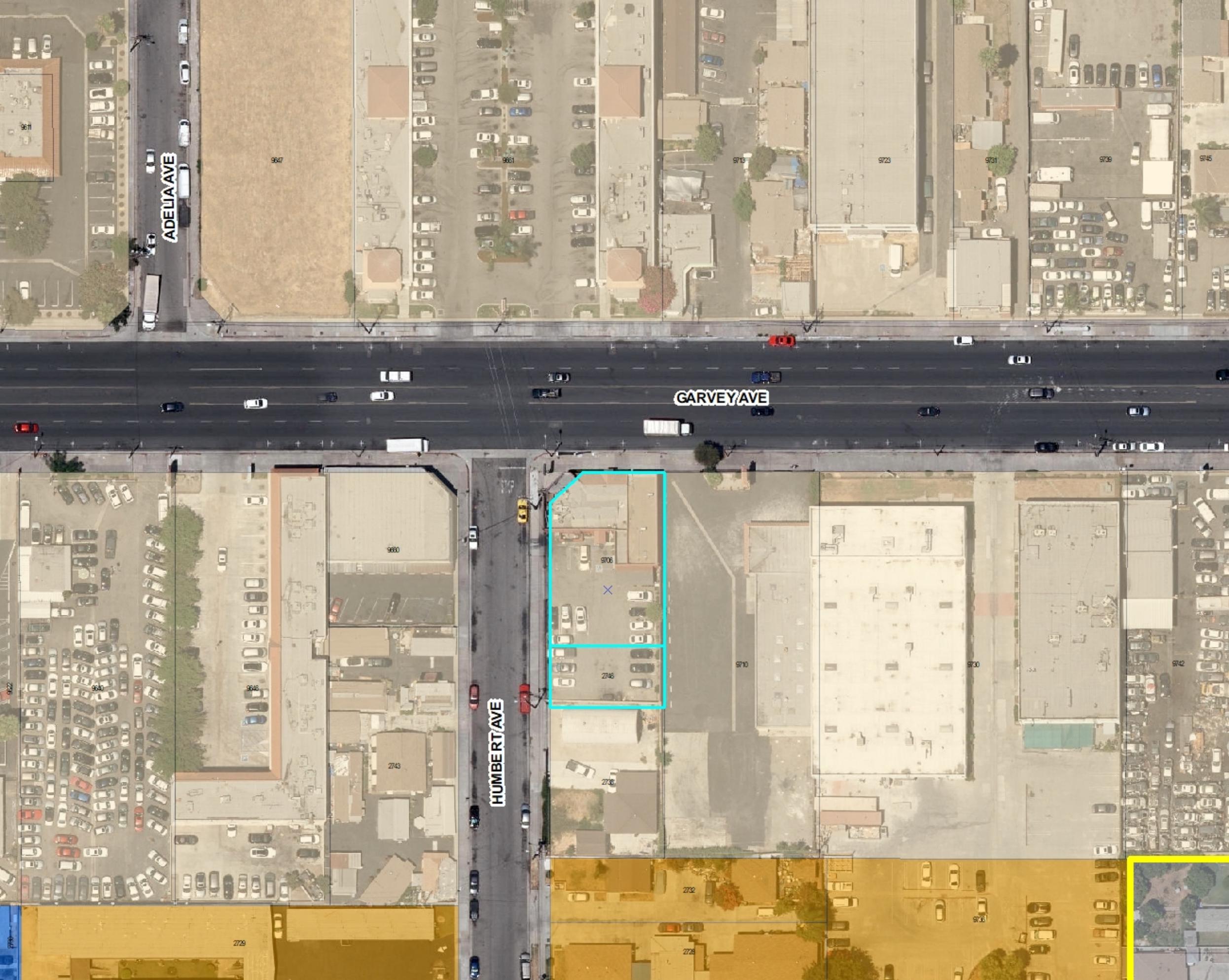
17.68.100 - Expiration and extensions.

- A. Unless otherwise specified, the conditional use permit, if not utilized within twenty-four months from the effective date, shall be deemed null and void. The abandonment or nonuse of a conditional use permit for three consecutive months or for six months during any calendar year, shall terminate the conditional use permit.
- B. If the conditional use permit is not utilized within the twenty-four-month timeframe, the applicant may apply for an extension before the expiration of the permit on a form approved by the community development director.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237, § 6, 7-23-2019)

Attachment C



ADELIA AVE

GARVEY AVE

HUMBERT AVE

967

961

973

972

9731

9739

9745

9706

2746

970

9700

9742

964

2743

960

963

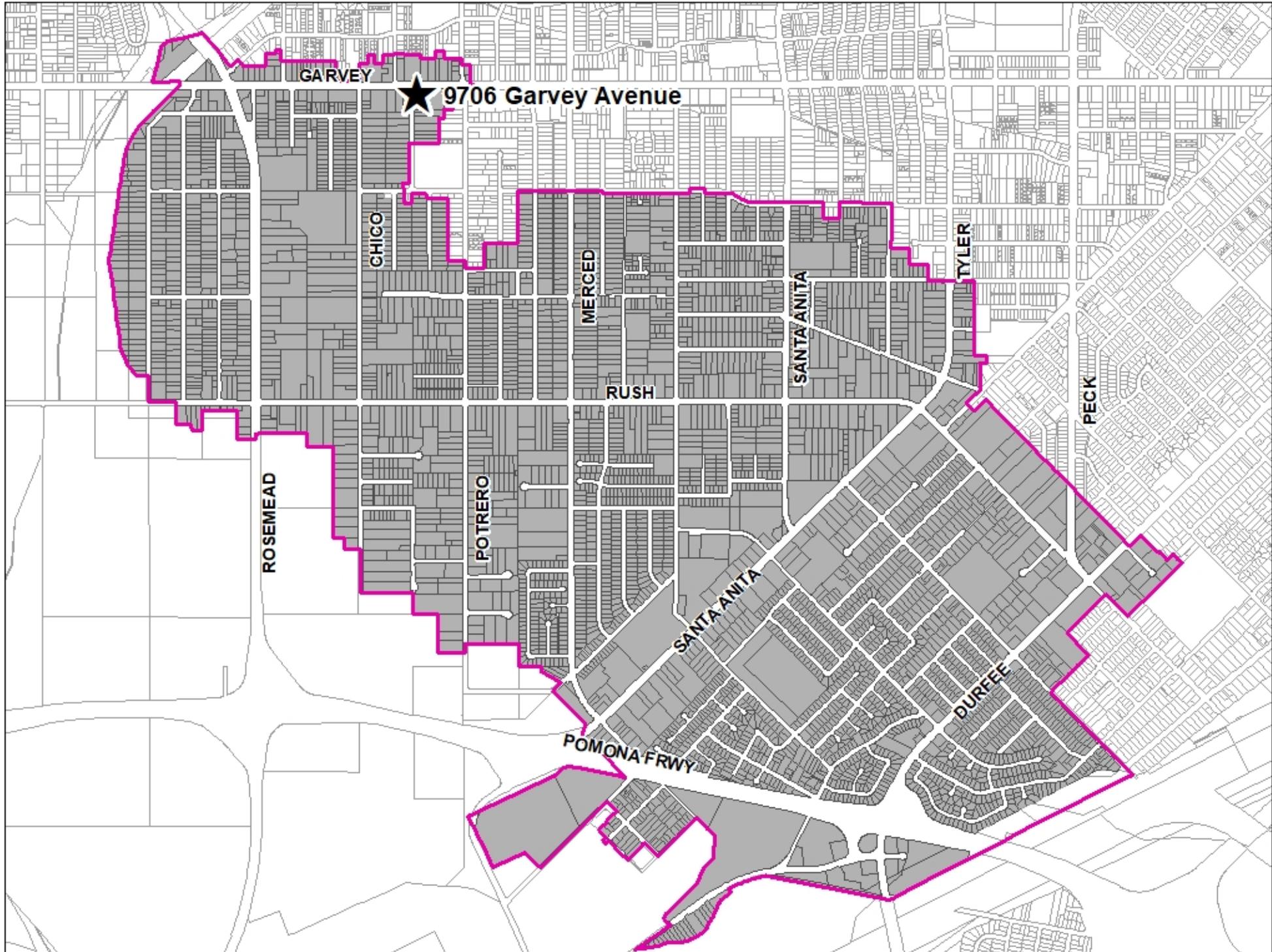
2732

2728

9733

2729

X



GARVEY

★ 9706 Garvey Avenue

CHICO

MERCED

RUSH

SANTA ANITA

TYLER

PECK

ROSEMEAD

POTRERO

SANTA ANITA

DURFEE

POMONA FRWY

Attachment D

TITLE: SITE PLAN

ADDRESS:
9706 GARVEY AVE
SOUTH EL MONTE CA 91733-1226

PROPERTY OWNER(S):
DAT VANG LLC
9706 GARVEY AVE
SOUTH EL MONTE CA 91733-1226

APPLICANT(S):
PHO HUYNH
9706 GARVEY AVE
SOUTH EL MONTE CA 91733-1226
(626) 512-5050

LEGAL DESCRIPTION:
TRACT # 10929 N 110 FT MEASURED ON E LINE OF LOT 1
BLK B
TRACT # 10929 N 40 FT OF S 140 FT OF LOT 1 BLK B

APN:
8102-028-001, 002

ACREAGE: ± 0.257 (11,180 SQFT)

THOMAS GUIDE: LOS ANGELES COUNTY
PAGE/GRID: 627/A2

RADIUS: **DATE:** OCTOBER 21, 2020

SCALE: **NORTH:**

PROJECT :	1017- 102	DRAWN:	SS
SHEET:	1 OF 2	REVISIONS:	
INDEX:	TITLE:	DATE:	BY:
1	SITE PLAN		
2	FLOOR PLAN		

FOR DEPARTMENT USE

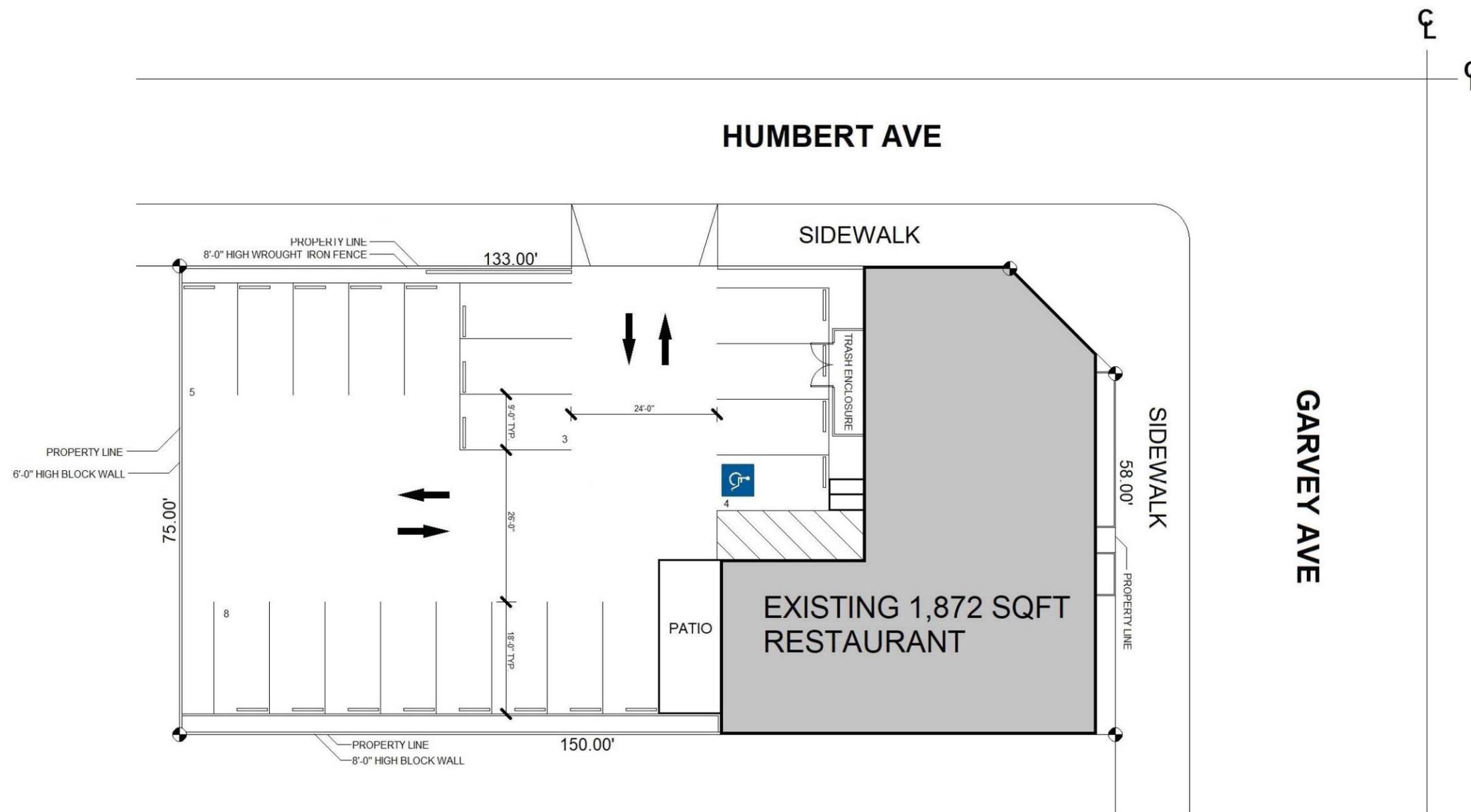
CASE NO. _____
RECEIVED BY: _____
DATE: _____

 **SZETO + ASSOCIATES**
LAND USE ENTITLEMENT CONSULTANTS

CONDITIONAL USE • VARIANCE • SUDIVISION CONSULTING
ZONING • LICENSING • LAND USE PLANNING • RADIUS MAPS

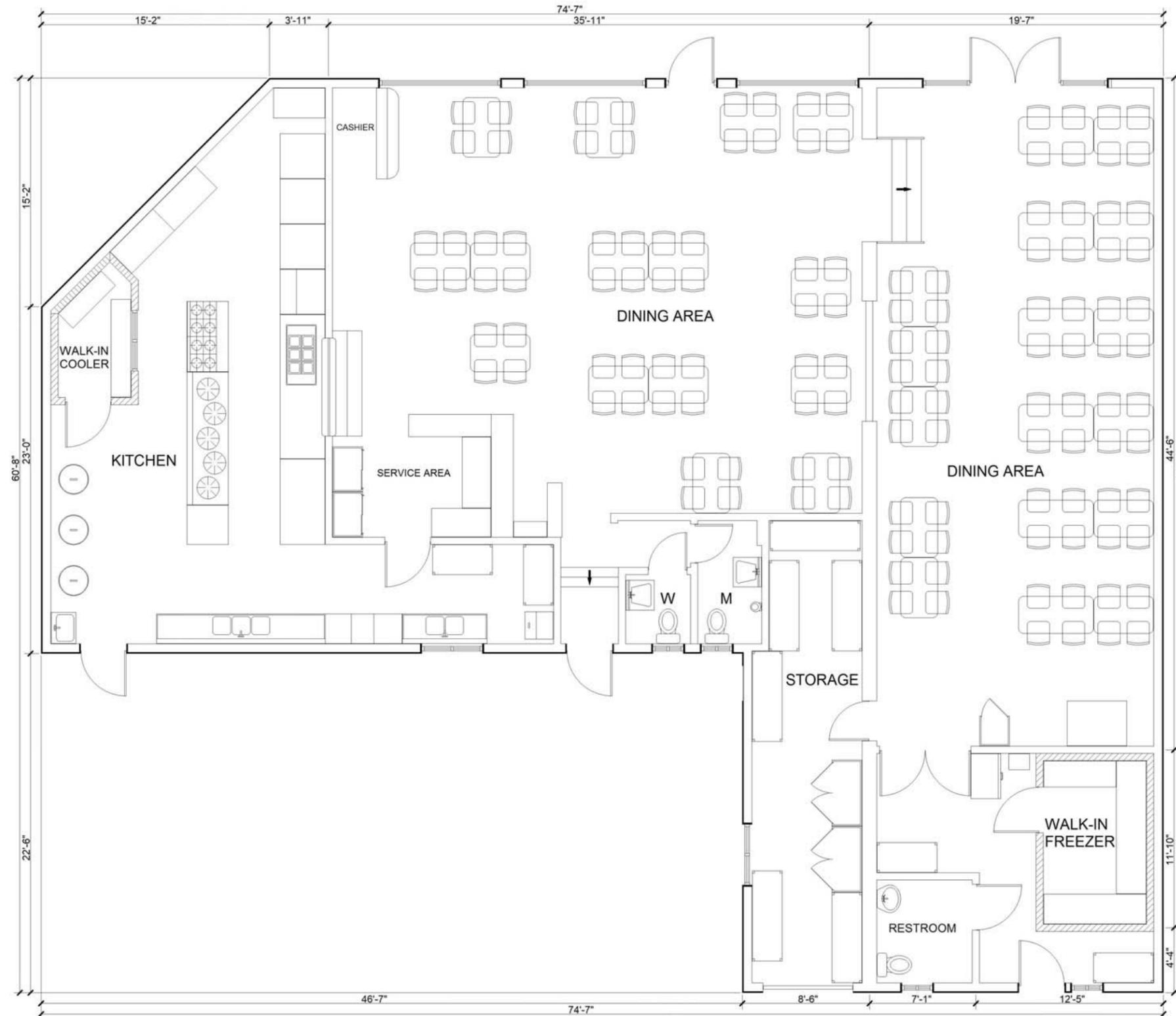
879 W ASHIYA RD
MONTEBELLO CA 90640

TEL (626) 512-5050
FAX
stanleyszeto@sbcglobal.net



EXISTING SITE PLAN
SCALE: 1" = 20.00'





EXISTING FLOOR PLAN
SCALE: 1/8" = 1'-0"



TITLE: FLOOR PLAN

ADDRESS:
9706 GARVEY AVE
SOUTH EL MONTE CA 91733-1226

PROPERTY OWNER(S):
DAT VANG LLC
9706 GARVEY AVE
SOUTH EL MONTE CA 91733-1226

APPLICANT(S):
PHO HUYNH
9706 GARVEY AVE
SOUTH EL MONTE CA 91733-1226
(626) 512-5050

LEGAL DESCRIPTION:
TRACT # 10929 N 110 FT MEASURED ON E LINE OF LOT 1
BLK B
TRACT # 10929 N 40 FT OF S 140 FT OF LOT 1 BLK B

APN:
8102-028-001, 002

ACREAGE: ± 0.257 (11,180 SQFT)

THOMAS GUIDE: LOS ANGELES COUNTY
PAGE/GRID: 627/A2

RADIUS: **DATE:** OCTOBER 21, 2020

SCALE: **NORTH:**

PROJECT :	1017- 102	DRAWN:	SS
SHEET:	2 OF 2	REVISIONS:	
INDEX:	TITLE:	DATE:	BY:
1	SITE PLAN		
2	FLOOR PLAN		

FOR DEPARTMENT USE

CASE NO. _____
RECEIVED BY: _____
DATE: _____

 **SZETO + ASSOCIATES**
LAND USE ENTITLEMENT CONSULTANTS

CONDITIONAL USE • VARIANCE • SUDIVISION CONSULTING
ZONING • LICENSING • LAND USE PLANNING • RADIUS MAPS

879 W ASHIYA RD
MONTEBELLO CA 90640

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