

**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 VIDEO AND
TELECONFERENCE.**

Members of the public will have access to view, listen to and participate in the meeting by joining the meeting at : <https://tinyurl.com/wp9w4j2f> and also the option to call-in at the information below. Teleconference participation shall be available to the public at the following number, 669-900-6833, Meeting ID Code: 2729372801

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, May 18, 2021 will be added to the Planning Commission agenda as part of the public comment.

May 18, 2021, 6:00 P.M.

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



**LEO BARRERA, CHAIRPERSON
RUDY BOJORQUEZ, VICE-CHAIRPERSON
LARRY RODRIGUEZ, 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, Yepez, 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 March 16, 2021

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

7. GENERAL BUSINESS

7.a. Adoption of Resolution No. 21-04 approving a Conditional Use Permit (CUP) (No. 21-04) to upgrade a Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license to allow the off-sale of beer, wine, and distilled spirits at 7-Eleven at 9800 Rush Street.

RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 21-04, approving Conditional Use Permit (CUP No. 21-04), as conditioned.

Public Notice was sent on 05/6/2021

8. DIRECTOR UPDATE

9. COMMISSIONER COMMENTS

10. ADJOURNMENT

June 15, 2021 at 6:00 p.m.

**CITY OF SOUTH EL MONTE
PLANNING COMMISSION - MINUTES**

Tuesday, March 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 6:03 p.m.

2. ROLL CALL

PRESENT Commissioners: Leo Barrera, Jeff Ortiz, Larry Rodriguez, Ruby Rose Yopez, 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 Leo Barrera led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

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

Vote: 5-0

Ayes: Commissioners: Barrera, Ortiz, Rodriguez, Yopez, 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 February 16, 2021

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

Vote: 5-0

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

Nays: None

7. GENERAL BUSINESS

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

The presentation gave 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

Public Notice was sent on 03/4/2021

Assistant Planner McAleese presented the staff report. 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. Application proposing to use the beer and wine license as a secondary use while the primary use of this business is a sit-down restaurant. Conditions include restriction to operation hours no later than 10:00pm. Conditions restrict the sale of beer and wine to patrons that order food and the sale of beer and wine cannot exceed the sale of food. Also restricted are karaoke, pool/billiard tables or any type of live entertainment. Staff recommends that the Planning Commission adopt Resolution No. 20-11, approving Conditional Use Permit (CUP No. 20-11), as conditioned. Disclosure: Commissioner Ortiz and Yopez has eaten at this establishment. Commissioner Barrera and Bojorquez has driven past this location.

Some topics of Commissioners' concerns included the following:

- Hours of Operation? 7:00A-10:00P; Conditions of Approval stipulate confirmed hours of operation- if changes are made, it is considered a violation of conditions.
- Security Plan included? No, applicant did not supply security plan. Sherriff did not recommend any plan be submitted.
- Any incidents reported by Sherriff? No issues reported by Sheriff and Code Enforcement Staff.
- Outdoor dining? Not indicated as part of their site plan submitted.
- Annual CUP review included in Conditions of Approval? Conditions #37 – stipulates a 6-six-month review after approval and an annual review thereafter.
- Installation of inside bar is restricted? If any changes are made, a building permit or tenant improvement would be required.
- Temporary outdoor dining? Current Health orders require the City to issue a temporary outdoor dining permit and ABC issues a temporary beer and wine license to operate outside. City approval requires, ABC approval first along with a specific site plan that includes entrance/exit entryways.

- ABC training for all employees, Read & Understand? Applicant agreed and will comply.

Stan Szeto, the applicant's representative was present to address any concerns Commissioner's might have. He stated he intends to serve alcohol after 110:00AM and does not intend to keep the outdoor dining option as it takes up too many parking spaces. He stated he wanted to incorporate illuminated window signage and requested city recommendations regarding this request. Staff addressed Commissioners stating it has been city policy not necessarily written in the code or signage code, that Conditional Use Permits obtaining a beer and wine license retain a limited 25% window coverage with any type of advertisement. It is up to Commission to allow or modify this policy as needed. Commission chose to keep with current policy that only 25% window coverage be used for any type of advertisement.

Amendment to Condition #5 to read, as amended by the Assistant City Attorney: Restaurant operation shall be limited to only between the hours of 7:00AM to 10:00PM seven days a week.

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

Vote: 5-0

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

Nays: None

8. **DIRECTOR UPDATE** – Director advised the commission that the new chairperson rotation system is in effect and looks forward to the next meeting.

9. **COMMISSIONERS' COMMENTS**

Chairperson Bojorquez – Nothing to report.

Commissioner Rodriguez – Comment: Too many beer and wine licenses coming through Planning Commission, is there an Ordinance to limit these types of applications coming into the City.

Commissioner Ortiz – Nothing to report.

Commissioner Barrera – Nothing to report.

Commissioner Yepez – Attended – Active Clean SGV Workshop. Encourage staff to take clean mobility survey. Hopefully the new General Plan updates align with clean energy state recommendations.

8. **ADJOURNMENT**

A motion was made by Barrera, second by Yepez and carried 5-0, to adjourn the meeting at 7:43 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: May 18, 2021

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Colby Cataldi, Community Development Director

PREPARED BY: Ian McAleese, Assistant Planner

SUBJECT: Adoption of Resolution No. 21-04 approving a Conditional Use Permit (CUP) (No. 21-04) to upgrade a Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license to allow the off-sale of beer, wine, and distilled spirits at 7-Eleven at 9800 Rush Street.

PUBLIC NOTICE: Notice of public hearing was posted on May 6, 2021.

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

PROJECT

LOCATION: Address: 9800 Rush Street
 Project Applicant: KPS Bhullar, Enterprises dba 7-Eleven
 Property Owner: 9800 Rush, LLC
 Zone: "C-M" (Commercial-Manufacturing)
 Lot Size: 52,660 square feet (1.21 acres)

SURROUNDING ZONING AND LAND USE:

	Zone	General Plan	Land Use
North	"C-M" (Commercial-Manufacturing)	Commercial-Manufacturing	Wholesale
South	"M" (Manufacturing)	Industrial	Wholesale
East	"M" (Manufacturing)	Industrial	Wholesale
West	"C-M" (Commercial-Manufacturing)	Commercial-Manufacturing	Bank

BACKGROUND: The property located at 9800 Rush Street South El Monte, CA 91733 ("Property") is currently developed with a three commercial buildings measuring 3,600 square feet, 5,000 square feet, and 11,681 square feet which contain the existing 7-11, hair salon, and window and door wholesale business located at the southeast corner of Rush Street and Potrero Avenue in the City of South El Monte ("City"). KPS Bhullar, Enterprises dba 7-Eleven

(“Applicant”) currently has CUP 13-001, per City Council Resolution 14-11, dated February 11, 2014 allowing for the off-sale of beer and wine and said Resolution 14-11 will be rescinded and superseded in its entirety by this Resolution 21-04.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 21-04, approving Conditional Use Permit (No. 21-04) as conditioned.

ANALYSIS:

General Plan/Zoning Consistency

The Property is designated as “Commercial-Manufacturing” in the City’s General Plan and is zoned “C-M” (Commercial-Manufacturing) in the City’s Zoning Code. The proposed use falls within the scope of the General Plan’s “Commercial-Manufacturing” land use designation and is also a conditionally permitted use in the “C-M” zone. When considering consistency with the General Plan, staff determined that the proposal will help further the City’s goals and objectives found in the General Plan as detailed below. Further staff has determined that the proposal will comply with 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 establishment of off-sale beer, wine, and distilled spirits as a secondary use to a local convenience store.

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 secondary use to a convenience store that will cater to residents as well as 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 convenience store to expand their product to include distilled spirits in addition to their selection of beer and wine.

The establishment of off-sale beer, wine, and distilled spirits as a secondary use will make the business a viable commercial asset to the City’s economy. The proposed change in sales will also promote a balanced and dynamic economic growth in the area as well as the City as a whole through offering a wider selection of goods. 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 adjacent to the Property are developed as warehouses. 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 the conditions that are included in the resolution, as well as many of the surrounding parcels being utilized as industrial. Sheriff's Department have not experienced any nuisances that have originated from the property.

Proposed Project

The Applicant would like to enhance the existing 7-Eleven convenience store by upgrading their beer and wine license (ABC License TYPE 20) to include distilled spirits (ABC License TYPE 21) for sale at the convenience store. 7-Eleven's hours of operation currently are Monday through Sunday, twenty four hours a day. The applicant has represented to the City that it utilizes five employees working in eight hour shifts.

Under SEMMC Sections 17.14.040(A) and 17.53.020, a CUP is required for any type of off-sale alcohol license. The primary operation of the convenience store is a neighborhood mini-market that serves the community, and the sale of alcohol is ancillary.

Security

The convenience store has an existing surveillance system that is planned to be expanded to capture all indoor and outdoor activity in color, including audio and a silent alarm system which will be carried out through Condition #23. The parking lot area is lit 24 hours a day, 7 days a week, to deter crime and help law enforcement identify perpetrators. Other ways the store works to prevent crime at the Property is to utilize a point of sale (POS) system that alerts the cashier when an age restrictive item is scanned, along with locks, and includes a secret shopper program. 7-Eleven also has three programs that help train employees on crime prevention and deterrence: Crime Deterrence Program, Operation Alert Program, and Come to Age Program(see attached security plan).

Because of the issues that can be associated with sales of alcoholic beverages, Condition #21 is being implemented that will require security camera footage to be stored for up to 30 days to allow for local law enforcement to review for any incidents that occur on-site. Condition #22 requires the maintenance of an alarm system that calls for a Sherriff's unit to be dispatched to the location if it is triggered. Condition #18 will require that the Property will remain adequately lit.

Additional Conditions

The CUP includes a number of conditions designed to limit any potential negative impacts created by the proposed use. Among these conditions is Condition #9, which require signage be posted to deter open containers, loitering, and panhandling. Condition #8 requires that the Property maintain untinted windows with limiting advertising signs to 25% of the window area to allow full

transparency. Condition #13 requires that employees at the Property undergo special training related to alcohol service in addition to the training that 7-Eleven provides.

Floor Plan

The existing convenience store is currently laid out with the self-service coolers and freezers located on the south side of the store with beer and wine in lockable coolers to the west of non-alcoholic drinks, cashiers near the only public entrance on the northeast side of the store, and general goods located in the rest of the store. The Applicant is proposing to locate the distilled spirits behind the cashiers on the east wall of the shop.

Sheriff and Code Enforcement Comments

Reports from the Sheriff's Department show that the Property does not have any issues and are always willing to cooperate with local law enforcement. The Sheriff's Department also have commented that the surveillance system currently in use is satisfactory, and would like to see the permanent installation of the plexiglass barriers that were installed at the beginning of the pandemic to help deter potential thieves from trying to grab lottery tickets which Condition #24 will require.

Code Enforcement has found that the property is in good standing with no violations and never has issues with property maintenance.

Existing ABC Licenses

Under the Alcoholic Beverage Control (ABC), Census Tract 4337 allows two off-sale alcohol license and currently there are five existing licenses. Carniceria Las Glorias on the corner of Central Avenue and Rush Street has a Type 21 off-sale beer and wine license. Shell located at the southwest corner of Rosemead Blvd and Rush St. Driftwood Market located at the northwest corner of Vacco Street and Santa Anita Avenue. The fourth license is a wholesale license and is not open to the public. Lastly is the existing Type 20 license that the Applicant holds. Since this will not increase the amount of licenses within this Census Tract, there is no need for a finding of a Public Convenience or Necessity.

ENVIRONMENTAL REVIEW: This 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. The Project falls within the criteria of operation of an existing building and is only adding one more operation to 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 17.16 and 17.53. 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. Staff recommends the Planning

Commission adopt Resolution 21-04 to approve Conditional Use Permit No. 21-04 for the proposed off-sale of beer, wine, and distilled spirits.

ATTACHMENTS:

- A – Draft Resolution No. 21-04
- B – Relevant Code Sections
- C – Vicinity Map/Aerials
- D – Floor/Security Plans

ATTACHMENT A

PLANNING COMMISSION

RESOLUTION NO. 21-04

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT (NO. 21-04) ALLOWING FOR A TYPE 21 LICENSE FOR OFF-SALE OF BEER, WINE, AND DISTILLED SPIRITS IN CONJUNCTION WITH A CONVENIENCE STORE AT 9800 RUSH STREET

WHEREAS, KPS Bhullar, Enterprises dba 7-Eleven (“Applicant”), filed an application for a Conditional Use Permit (“CUP”) to sell beer, wine, and distilled spirits as a secondary use to a grocery store (“Project” or “proposed Project”) located at 9800 Rush Street, South El Monte, CA 91733 (“Property”); and

WHEREAS, pursuant to South El Monte Municipal Code (“SEMMC”) Sections 17.16.040(A) and 17.53.020, the Project requires Planning Commission review and approval because the Project consists of off-sale of alcohol; and

WHEREAS, Applicant currently has CUP 13-001, per City Council Resolution 14-11, dated February 11, 2014 allowing for the off-sale of beer and wine; and

WHEREAS, said Resolution 14-11 is hereby rescinded and superseded in its entirety by this Resolution 21-04; and

WHEREAS, a public hearing was held before the Planning Commission on May 18, 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 is proposed to be operated within existing facilities. The criteria are 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 Project 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 use 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 “Commercial-Manufacturing.” The Zoning Code designation is “C-M” (Commercial-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 off-sale of beer, wine, and distilled spirits as a secondary use to a convenience store 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 May 18, 2021, which is hereby incorporated into this Resolution 21-04 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC Chapters 17.16 and 17.53 and will not be detrimental to the public health, safety or welfare, nor will it adversely affect property 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 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 commercial and industrial 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, it has been determined the requested CUP meets the required findings to approve the request and that the issuance of the license for the off-sale of alcoholic beverages will allow the holder of that license to offer, or provide, a service or product to the general public that is not reasonably accessible, or sufficiently provided, within a specific geographic area of reasonable proportions. The off-sale beer, wine, and distilled spirits will provide a convenience to the public as well as the surrounding community.

E. 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, 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 establishment of off-sale beer, wine, and distilled spirits as a secondary use to a local convenience store;
- (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 secondary use to a convenience store that will cater to residents as well as 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 convenience store to expand their product to include distilled spirits in addition to their selection of beer and wine.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby **approves** CUP (No. 21-04) to operate conduct off-sale of beer, wine, and distilled spirits, 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 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 and City policies.

Planning Conditions

5. Sales of beer, wine, and distilled spirits shall be permitted only between the hours of 6:00 a.m. to 2:00 a.m. Monday-Sunday. During the hours that the sale of beer and wine are not permitted, the coolers must be locked to prohibit customers from purchasing alcohol.
6. Any modification to the location or expansion of alcoholic beverages not in compliance with the submitted floor plan (attached to the staff report) shall be brought back before Planning Commission for modification of conditions of approval.
7. Sales and deliveries of alcoholic beverages under the off-sale privileges of the license shall be restricted to the confines of the building and shall specifically exclude sales of alcoholic beverages outside of the building.
8. The windows of the Property shall not be tinted or covered in any way, including but not limited to advertising or signage, which obstructs 25% or more of the window to provide a clear view of the interior of the Property from the exterior as referenced in SEMMC Section 17.62.070(J).
9. The Applicant shall post signage visible to the patrons of such establishment and persons utilizing the adjacent parking area and public sidewalk informing them that it is unlawful for any person having in his or her possession a bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed to enter, be, or remain on the premises of the establishment and adjacent parking area and public sidewalk. Applicant shall also install signage that indicates no loitering or panhandling is allowed on the premises at any time. All signage and location of the same shall be subject to the approval of the Director.
10. Alcohol consumption inside the store or outside on the subject site is prohibited.
11. 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.
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 or about 7:00pm every 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. The employees who sell alcoholic beverages shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques, and handling of violence. For new employees of licensees such training known as LEAD training offered by the State Department of Alcoholic Beverage Control must be completed within 30 days

- of the date of hire. Those already employed shall complete training within 30 days from the date the ABC license is issued.
14. 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.
 15. At no time shall the Applicant allow those under 21 years of age to sell alcoholic beverages.
 16. A copy of this approved CUP/resolution shall be kept on the premises at all times and presented to any Sheriff, Business License, or Planning Staff person.
 17. The Applicant shall maintain all required permits and licenses in good standing.
 18. The front of the exterior of the Property, as well as all adjacent parking areas under control of the Applicant, shall be illuminated at all times. The lighting shall be installed 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.
 19. All crimes occurring inside or outside of the location shall be reported to the Sheriff's Department at the time of the occurrence.
 20. At any time when the Applicant is absent from the Property, a responsible party shall be designated who can facilitate any Sheriff inquiries.
 21. Security recordings shall be stored for at least 30 days to allow for local law enforcement to review for any incidents that occur on-site.
 22. An alarm system that alerts the Sheriff's Department upon triggering shall be maintained for the convenience store in a good and working condition.
 23. The proposed security plan (attached to the staff report) shall be deployed and maintained while operating under this approval. This shall include the deployment of additional cameras, secret shopper program, point of sale system on all age restricted products, and lockable coolers.
 24. Existing plexiglass barrier at cashier counter shall be maintained permanently.
 25. The Applicant understands that any violation of the foregoing conditions shall be grounds for the suspension, modification or revocation of the Conditional Use Permit.
 26. In the event of a violation of any of the conditions of approval or applicable law, the City may issue a notice of correction to the property owner and tenant. If said violation is not remedied within 30 days, or subsequent violations of the conditions of approval or law occurs within 90 days of any notice of correction, the City may initiate enforcement proceedings, including but not limited to, nuisance abatement or revocation proceedings. The Applicant shall reimburse the City for all staff time, including attorney time, incurred in enforcing the conditions of approval or law.

- 27. Vending machines shall not be permitted on the exterior of the building on the subject site.
- 28. Pay phones shall not be permitted on the Property, whether exterior or interior to the building.
- 29. No alcoholic beverages shall be stored, maintained, displayed or sold from an ice tub.
- 30. The applicant may sell beer in pre-packaged quantities as packaged by the manufacturers of the beer.
- 31. The subject alcoholic beverage license shall not be exchanged for any type of on-sale license.
- 32. Licensees shall not offer, permit, or provide any type of entertainment except when permitted by a valid permit issued by the City.
- 33. The Applicant shall be required to conduct Live Scan background checks in addition to any other required background checks for the employees prior to their working on the premises.

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

ADOPTED this 18th day of May, 2021

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. 21-04 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 18th day of May, 2021.

AYES:
NOES:
ABSENT:
ABSTAIN:

Secretary, Angie Hernandez

ATTACHMENT B

Chapter 17.16 - COMMERCIAL MANUFACTURING ZONE (C-M)

17.16.010 - Intent and purpose.

The purpose of the commercial manufacturing zone, C-M, is to provide areas within the city in which general commercial and limited manufacturing uses can be co-located. Development standards are imposed in order to control the type and intensity of uses and to ensure quality of design which will enhance the area in which the use is located and which will protect adjacent and neighboring properties.

(Ord. 822 §1(part), 1989)

17.16.020 - 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)

17.16.030 - Principal permitted uses.

When conducted entirely within an enclosed building(s), except for businesses which, by their nature, require operations outside of a building, the following are primary uses permitted within the commercial manufacturing zone (C-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. Any use listed as a principal permitted use in the commercial zone (C) when not prohibited by Section 17.16.060;
- B. Catering houses;
- C. Wholesale and distribution businesses, providing that no trucks shall be based on the premises other than those owned, operated by, and servicing only the use on the site;
- D. Manufacturing, processing, packaging, treatment, fabrication or assembly when not specified as a conditional use in the M zone or prohibited by Section 17.16.060;
- E. Adult businesses pursuant to the provisions of Chapter 5.25 of the South El Monte Municipal Code.

(Ord. 1012 §6, 1999; Ord. 963 §7, 1995; Ord. 822 §1(part), 1989)

17.16.035 - Residential uses.

- A. Each residential use and structure legally existing as of January 1, 1980, is a permitted use in the commercial-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 §5, 1996)

17.16.040 - Conditional uses.

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

- A. Any use listed as a conditionally permitted use in the commercial zone (C) when not prohibited by Section 17.16.060;
- B. Any use not specifically permitted or prohibited which is determined to be compatible with the permitted uses of the commercial manufacturing zone (C-M);
- C. Trade schools;
- D. Massage establishment.

(Ord. 1087 §1, 2006; Ord. 963 §8, 1995; Ord. 918 §§3 and 6, 1992; Ord. 822 §1(part), 1989)

(Ord. No. 1195, § 12, 2-24-2015)

17.16.050 - Secondary uses.

The following uses are allowed when incidental to a permitted use:

- A. Accessory buildings and uses customarily associated with any permitted use (see Chapters 17.24 through 17.58 for development standards);
- B. Outdoor storage, as determined by the director of planning and community development or his representative, provided that the only materials and products or equipment stored are necessary to the operation of a use being conducted on the site. The height of the storage shall not exceed the height of any fence or wall required or permitted by these regulations, and storage shall not be permitted in any required front or side yard or in any area designated for required parking if

such storage would eliminate necessary employee parking or force employees to park on the public street;

C. Gateway signs, subject to the provisions of Section 17.62.130(A)(6).

(Ord. 940 §3, 1993; Ord. 822 §1(part), 1989)

17.16.060 - Prohibited uses.

The following are prohibited uses in the commercial manufacturing zone:

- A. Residential uses and structures except as specifically permitted by Section 17.16.035;
- B. Hotels and motels;
- C. Any uses listed as conditional uses in the manufacturing zone (M) unless specifically permitted by this chapter;
- D. Churches and schools (both public and private);
- 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. Any use when such use is determined to be hazardous in nature, either by virtue of activity or product, or through the emission of noise, pollutants, or hazardous effluents;
- G. 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 involves 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,
 - 5. Any use which involves the use of cyclones or other similar methods of moving materials which could create excessive or irritating noise,
 - 6. Any use listed as a conditional use in the manufacturing zone (M) except that on-sale of alcoholic beverages in association with restaurants, cafes, cafeterias and similar establishments may be permitted with a conditional use permit;
- H. Off-sale of alcoholic beverages other than beer and wine within five hundred linear feet of any church, school, or park;
- I. Metal buildings as defined in Chapter 17.56 of these regulations.

(Ord. 984 §6, 1996; Ord. 963 §9, 1995; Ord. 822 §1(part), 1989)

17.16.070 - Property development standards—Generally.

The following standards shall apply to uses within the commercial manufacturing zone (C-M), provided that automobile service stations, drive through and walkup restaurants, and buildings constructed 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, 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 commercial-manufacturing zone district regulations. Notwithstanding the above, residential uses and structures permitted by Section 17.16.035 shall be subject to development standards contained therein.

(Ord. 984 §7, 1996; Ord. 822 §1(part), 1989)

17.16.080 - Minimum lot area.

Minimum lot area is seven thousand five hundred square feet.

(Ord. 822 §1(part), 1989)

17.16.090 - Maximum building coverage.

See Figure 17.14.080 for allowable building coverage.

(Ord. 963 §10, 1995; Ord. 822 §1(part), 1989)

17.16.100 - Minimum lot width.

Minimum lot width is fifty feet.

(Ord. 822 §1(part), 1989)

17.16.110 - Minimum lot depth.

There are no minimum lot depth regulations.

(Ord. 822 §1(part), 1989)

17.16.120 - 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.

(Ord. 822 §1(part), 1989)

17.16.130 - Minimum yard requirements.

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

(Ord. 822 §1(part), 1989)

17.16.140 - 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)

17.16.150 - 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 required parking spaces or other parking, shall be permitted on unpaved areas, including the storage of trucks or other similar types of equipment.

(Ord. 822 §1(part), 1989)

17.16.160 - 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 onsite 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 whenever possible.

(Ord. 822 §1(part), 1989)

17.16.170 - Vehicle maintenance and repair.

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)

17.16.180 - 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 Chapter 17.60.

(Ord. 822 §1(part), 1989)

17.16.190 - Fences and walls.

- 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. On property which is located in a block which is entirely zoned CM 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.
- B. 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 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 curbline or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08.200).

- C. 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)

17.16.200 - Outdoor storage and operations.

Except as permitted by Section 17.14.205, all business operations in the commercial-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 §3, 2004; Ord. 822 §1(part), 1989)

17.16.205 - Outdoor display of merchandise for sale.

Businesses selling merchandise at retail in the commercial-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, 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 § 4, 2004)

17.16.210 - Exterior lighting facilities.

Exterior lighting fixtures 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)

17.16.220 - 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)

Chapter 17.53 - RETAIL SALE OF ALCOHOLIC BEVERAGES*

17.53.010 - 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 alcoholic beverages other than, or in addition to, the alcoholic beverages that are the subject of Chapters 17.51 and 17.52 of this title. For the purposes of this chapter, the beverages that are the subject of this chapter are referred to as "alcoholic beverages."

- 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 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 permit to a new owner at the same location.

(Ord. 1084 § 2(part), 2006)

17.53.020 - Conditional use permit—Required (on-sale and off-sale).

A conditional use permit shall be required for any establishments proposing to sell or serve alcoholic beverages for on-site consumption ("on-sale uses") and for retail establishments proposing to sell alcoholic beverages for off-site consumption ("off-sale uses"). This requirement shall be in addition to any other entitlements required. The application for a conditional use permit shall be filed and processed according to the applicable provisions of Chapters 17.68 and 17.74 of this code.

(Ord. 1084 § 2(part), 2006)

17.53.030 - Off-sale permits—Restrictions.

A conditional use permit for off-sale alcoholic beverages shall not be issued if the proposed property is located in any area of undue concentration as defined in Section 23958.4 of the Business and Professions Code, unless it is determined by the planning commission that the public convenience and necessity as defined in Section 17.04.885 of this code would be served by the issuance of the conditional use permit.

(Ord. 1084 § 2(part), 2006)

17.53.040 - On-sale permits—Distance requirements.

No conditional use permit for on-sale alcoholic beverages 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 § 2(part), 2006)

17.53.050 - Operational and performance standards.

Establishments selling or serving alcoholic beverages 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 conditional use permits for the sale or service of alcoholic beverages 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 municipal 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 permit to protect the public health, safety and welfare.
- D. The owner and operator shall each take all necessary steps to ensure 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 § 2(part), 2006)

17.53.060 - Conditional use permit—Expiration.

The regulations set forth in Section 17.68.100 of this title regarding expiration apply to any conditional use permit for alcoholic beverages.

- 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 § 2(part), 2006)

17.53.070 - Modification or revocation.

A conditional use permit granted pursuant to Section 17.53.020 of this chapter 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 permit may modify and/or revoke the conditional use permit pursuant to the provisions in the manner provided by Section 17.68.070 of this title.

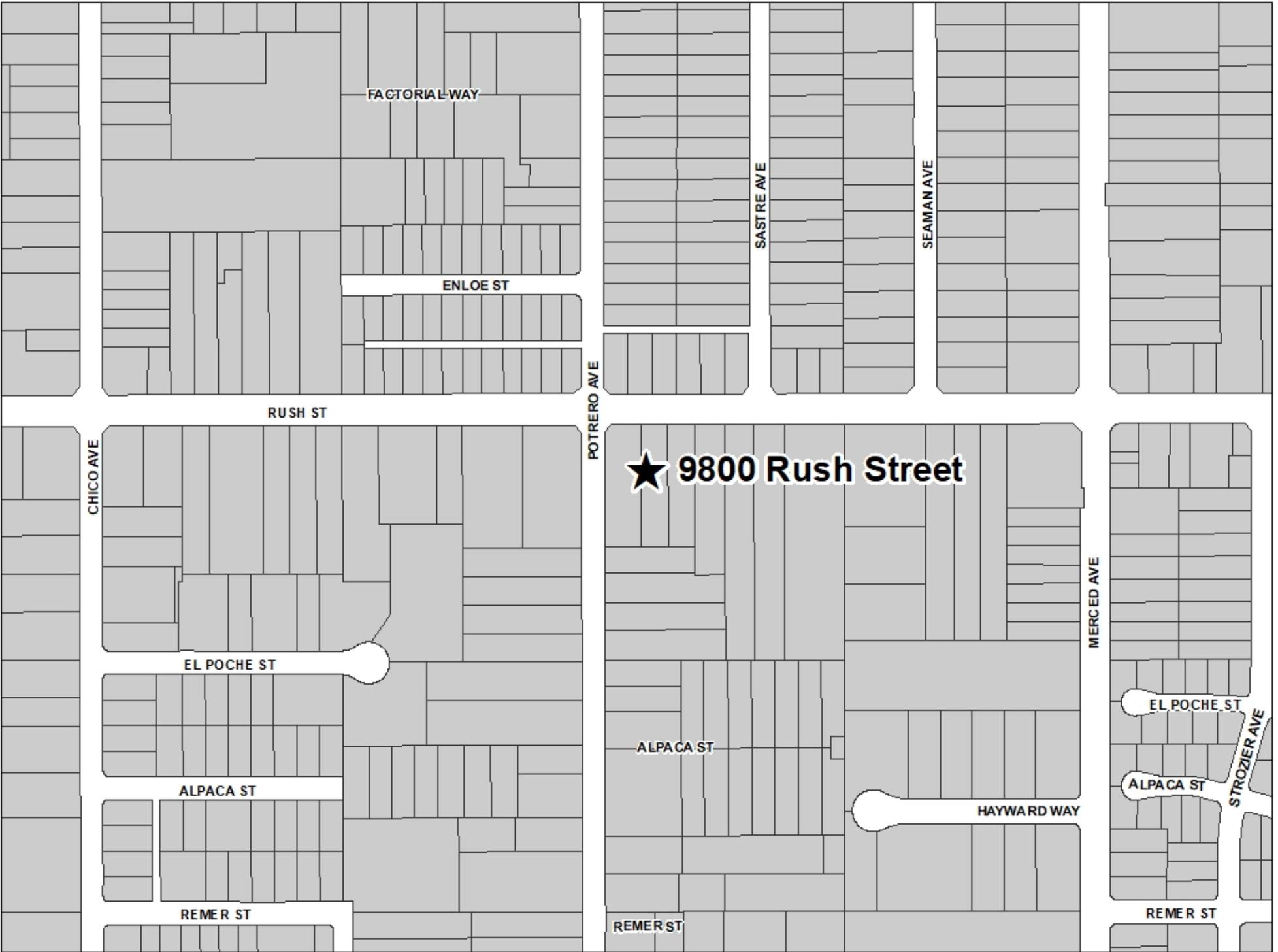
(Ord. 1084 § 2(part), 2006)

17.53.080 - Design standards.

The design and appearance of any establishment, 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 § 2(part), 2006)

ATTACHMENT C



FACTORIAL WAY

ENLOE ST

RUSH ST

SASTRE AVE

SEAMAN AVE

POTRERO AVE

★ 9800 Rush Street

CHICO AVE

EL POCHE ST

MERCED AVE

ALPACA ST

ALPACA ST

EL POCHE ST

HAYWARD WAY

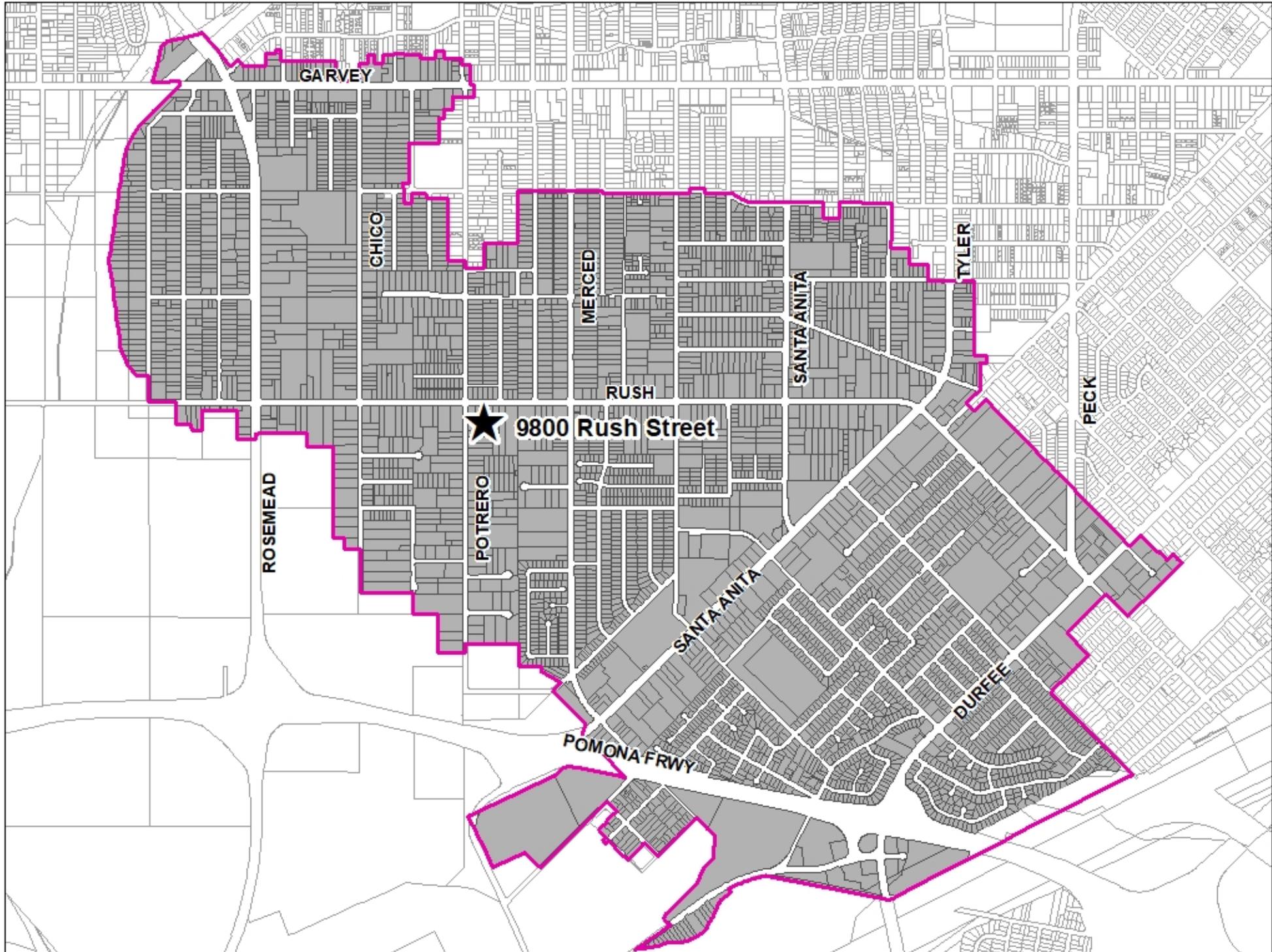
ALPACA ST

STROZIER AVE

REMER ST

REMER ST

REMER ST



Security

- 7-Eleven's Crime Deterrence Program trains employees on four primary crime deterrence components: Visibility into and out of the store, bright interior and exterior lighting, cash control with no more than \$50 in the register during the day and \$30 at night, and store-personnel training.
- 7-Eleven's Operation Alert Program trains employees on operation procedures that will discourage robbery and emphasizes a no-resistance policy toward robbery. The program was adopted by the National Crime Prevention Institute at the University of Louisville and is taught to law enforcement officers throughout the country.
- 7-Eleven's Come to Age Program trains employees on policies, procedures, identifying characteristics of minors, and policies and regulations specific to state law to ensure all stores are prepared and committed to safe and legal sale of age-restricted products. POS System. All employees are required to sign an affidavit stating they are aware of obligations and ramifications should they not comply with the law.

Security

- 7-Eleven will install a surveillance system surrounding building, indoor and Outdoor closed circuit cameras with audio capabilities, silent alarm system, and colored monitor.
- 7-Eleven will direct enforcement operations by Police Department upon receiving complaints.
- Sufficient parking lot lighting for safety of customers and community.
- Hours – 24 hours daily
- Secret Shopper Program
- POS System on all age restricted products
- Lockable Cooler doors on aged restricted products