

**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://us02web.zoom.us/j/88419955622> 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: 884 1995 5622

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, August 17, 2021 will be added to the Planning Commission agenda as part of the public comment.

August 17, 2021, 6:00 P.M.

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



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

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

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 July 20, 2021

RECOMMENDATION: Staff recommends that the Planning Commission approve the above reference minutes.

7. PUBLIC HEARING

7.a. Adoption of Resolution No. 21-07 approving a Conditional Use Permit (CUP) (No. 21-07) to allow for a Type 47 License, on-sale of general alcohol in conjunction with a bona fide eating establishment (“Krudos”).

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 21-07, approving Conditional Use Permit (No. 21-07), as conditioned.

Public Notice Mailed: 08/05/2021

8. DIRECTOR UPDATE

9. COMMISSIONER COMMENTS

10. ADJOURNMENT

September 21, 2021 at 6:00 p.m.

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

Tuesday, July 20, 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

Vice-Chairperson Bojorquez stepped in as Chairperson on behalf of Leo Barrera and called the meeting to order at 6:05 p.m.

2. ROLL CALL

Present via teleconference - Commissioners: Jeff Ortiz, Larry Rodriguez, Ruby Rose Yepez, Commissioner Leo Barrera, and 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 Barrera and carried 5-0, to approve the agenda.

Vote: 5-0

Ayes: Commissioners: Ortiz, Rodriguez, Yepez, Barrera 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 June 15, 2021

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

Vote: 5-0

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

Nays: None

7. GENERAL BUSINESS

7.a. Housing Element Update

Presentation by Dudek, Housing Element Consultant. High-level overview of the entire Housing Element Process was reviewed. A review of the Housing Element goals and policies was also reviewed. Followed by a timeline of next steps required for State submittal. The presentation concluded with a discussion period.

Question and Answers included the following:

- 1) Has the City identified any eligible sites? Yes, the city has identified potential eligible sites, but it is not the responsibility of the City to built these units.
- 2) How was the feedback through the Public Comment period? We did not have a huge turnout, but are continuing the outreach efforts via the City's Concerts in the Park event. Stakeholder review period will be open through the October 15 state deadline.
- 3) Director included the following comment: The City has complied with state requirements for the Housing Element Public Comment period. The invitation to provide comment via residents, stakeholders, and developers has been achieved, with the opportunity for additional residential comments to be received via city events.
- 4) School board is willing to assist, send flyer to Superintendent Dr. Evans via email, I'm sure she will be willing to share.
- 5) What is the Percentage of Single-Family Dwelling versus Condos and Townhomes? Single family dwelling units are not likely to be a feasible/attainable approach here in the city or the county. All future housing is being mandated by state requirements that include higher density. The 200-home housing currently being proposed for this city will likely be the last housing development this city will see. There is no more land to develop. The Kruse homes are likely the last of the single-family homes you will see, because of state regulations, no land to develop on, and multi family products are the new way to get the best of both worlds. That's just the reality of our city.
- 6) Notices that go out, Meeting invitations that go out, are those send out in different languages? Yes, we have material in different languages: English, Spanish, Mandarin. The consultant has assisted bilingually (English and Spanish) and will be available on the 19th of August for the City planned event.
- 7) Rezoning to meet the City's needs: Is there a Rosemead plan? What happens is the City needs to work on these residential zones that currently exist next to the commercial/manufacturing zones and the underutilization of these areas are redeveloped into Mixed use zones. The consultant was tasked to share maps of what something like this looks like.
- 8) What about funding? What happened to the funding? City submitted two separate applications, One for \$1M that was for home repairs and

the other for \$1.3M for Mortgage Assistance and ADUs. Given our penalization from the past, our application for Mortgage Assistance and ADUs was automatically deducted points. With the reduction of those points, we did not score high enough for the minimum threshold to be considered an awardee. We were however granted funding for home repairs and are working with the State to execute the Standard Agreement. There was an additional source of funding funneled from the County that City Council recently approved in a smaller amount of \$200K, that will only be able to assist a handful of residents.

- 9) Improvement Programs that include efficiency efforts? Home repair program is being established and will be released soon.

7.b. Review of Tacos El Chaparrito and Conditions of Approval for Conditional Use Permit No. 20-03 located at 9611 Garvey Ave #105, South El Monte CA 91733

RECOMMENDATION: Staff recommends that the Planning Commission review staff's report and evaluate whether the business is operating in compliance with the CUP and/or provide direction to staff to have the CUP agendaized for Planning Commission public hearing to modify existing conditions.

Assistant Planner McAleese presented the staff report. The property located at 9611 Garvey Street South El Monte, CA 91733 ("Property"). In June of 2020, the Planning Commission adopted Resolution No. 20-03 that allowed for establishment of a Type 41 on-sale beer and wine in conjunction with a bona fide eating place ("Project"). CUP No. 20-03 detailed all conditions applicable to the restaurant, Tacos El Chaparrito ("Applicant"), with a condition to review the Conditional Use Permit (CUP) in six months – December 2020. However, the applicant had not received their TYPE 41 license at that time. It was recommended the commission review the applicant's CUP 20-03 in six – months or JULY of 2021. The business received their license in May of 2021 and has been operating for two months. Included in the staff report is a request from the business owner to extend its' current closing hours from 10:00pm to 1:00am. At this time staff is requesting direction from the Planning Commission to either a) file and receive this evaluation that confirms the terms of the Conditional Use Permit are complete or b) Re-open public hearing to modify operating hours, which staff will need to re-post Public Hearing and have this item return to the Commission at a later date.

Some topics of Commissioners' concerns included the following:

- Average closing hours of businesses in this area? There has not been any study on what businesses that possess a Type 41 beer and wine license closing times are. Commission would like to request this information in order to establish a response to the applicant's request to extend the closing time.
- Food Truck still in operation? Yes, the food truck is in operation at this time, it currently picks up the business operation when the location itself closes at 10:00pm. Will the Food truck still be in operation if the closing time is extended? The applicant's representative can answer this question.

- Usually, Type 41 Beer and Wine licenses, return to the Planning Commission within a six-months of operating with the license, Correct? Yes, it has been a practice for the City to grant a six-month operating review of a Type 41 beer and wine license restaurant. No sales of alcohol are conducted from the Food Truck, correct? Yes, that is correct. No alcohol sales are allowed outside the restaurant, it is a condition listed in the Conditions of Approval.
- What is the reasoning behind wanting to extend the operating hours from 10:00pm to 1:00am, if the restaurant stops serving alcohol at 10:00pm and it has a food truck outside serving until 1:00am? The concept would benefit the business owner financially. With the operation of the restaurant open until 1:00am the restaurant is able to conduct more business with the option of alcohol sales as the added financial benefit. The food truck would operate in a minimal fashion only taking to-go orders.

Diego Benitez, the applicant's representative was present to address any concerns Commissioner's might have. He stated the following comment in addition to answering concerns, the food truck would have nothing to do with the operations of the restaurant. The closing time extension would only apply to Thursdays, Fridays and Saturdays, with all other days closing at 10:00pm. There are no alcohol sales conducted from the food truck.

A motion was made by Rodriguez, seconded by Barrera and carried 5-0 to **Receive and File** - Review of Tacos El Chaparrito and Conditions of Approval for Conditional Use Permit No. 20-03 located at 9611 Garvey Ave #105, South El Monte CA 91733 **AND** direct staff to have the CUP agendized for Planning Commission public hearing to modify existing conditions and to instruct staff to conduct research related to similar businesses current closing times.

Vote: 5-0

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

Nays: None

8. **DIRECTOR UPDATE** – Director advised the commission that the budget has been approved. The funding to update the General Plan and Zoning Code updates have been approved and staff will be moving forward with opening the Request for Proposals very soon. Both these updates will take some time to execute, but City staff will begin moving forward with these efforts. The city will be working with the School District to engage in more outreach efforts to support the Public comment period regarding the Housing Element Update. A flyer has been prepared for this event and is currently being shared on social media, our website and city newsletter.

9. **COMMISSIONERS' COMMENTS**

Chairperson Bojorquez – Check with your insurance to see if your Catalytic Converter is covered, we are seeing a lot of theft of these around- be safe and check with your insurance before trying to confront someone. Please keep the Commissioners' informed of more City events, it would be helpful to have an itinerary of timeline of events to follow, this an opportunity for improvement. Please attend Council meetings to keep yourself informed.

Commissioner Rodriguez – Nothing to report. Thank the City for collaborative efforts moving towards building a better community.

Commissioner Ortiz – Attended a El Monte city event re: Catalytic Converter deterrent inspection. Opportunity for improvement would be for upcoming events, city staff please notify us ahead of time or prepare a timeline of events agenda, as the Fourth of July event was not so eventfully planned.

Commissioner Yopez – Attended, City's Car Show event, very well attended full of vendors. Attended the previous City Council meeting as well.

Commissioner Barrera – San Gabriel Valley Water Company co-hosted with the City the Car Show event which was successful, nice cars and great turn out. Attended City of El Monte's famers market event, that was a nice event. Also, City will be hosted National Night Out at Mary Van Dyke Park please come out and participate.

9. ADJOURNMENT

A motion was made by Rodriguez, second by Yopez and carried 5-0, to adjourn the meeting at 7:15 p.m.

Vote: 5-0

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

Nays: None



Planning Commission Agenda Report

**Agenda
Item No.
7.a.**

DATE: August 17, 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. 21-07 approving a Conditional Use Permit (CUP) (No. 21-07) to allow for a Type 47 License, on-sale of general alcohol in conjunction with a bona fide eating establishment (“Krudos”).

PUBLIC NOTICE: Notice of public hearing was posted on August 5, 2021.

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

PROJECT

LOCATION: Address: 1725 Durfee Avenue
 Project Applicant: Mike Iniguez
 Property Owner: Keyhan Shokouhi
 Zone: “C” (Commercial)
 Lot Size: 19,748 square feet (0.45 acres)

SURROUNDING ZONING AND LAND USE:

	Zone	General Plan	Land Use
North	“C” (Commercial)	Commercial	Empty Lot
South	“R-1” (Single Family Residential)	Low Density Residential	Residential Home
East	“C” (Commercial)	Commercial	Restaurant
West	“R-1” (Single Family Residential)	Low Density Residential	Residential Home

BACKGROUND: The applicant, Mike Iniguez (“Applicant”), is applying to upgrade their Type 41 on-sale beer and wine license to a Type 47 on-sale general alcohol use (“Project”) at 1725 Durfee Avenue, South El Monte, California 91733 (“Property”). The Property consists of one parcel having an area of approximately 19,748 square feet (0.45 acres) and one existing building consisting of three units measuring approximately 3,001, 1,722, and 2,476 square feet. On December 17, 2019, the Planning Commission approved a Conditional Use Permit to allow for a

Type 41 on-sale beer and wine license with karaoke as a secondary use to a restaurant. The restaurant has been operating since February 2020 in their current space.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 21-07, approving Conditional Use Permit (No. 21-07), as conditioned.

ANALYSIS:

Conditional Use Permit (CUP) Modification

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 extend past 10:00 p.m. when the City’s noise ordinance becomes more restrictive for residential receiving land uses. 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 based on how they have been operating and because of the existing conditions in the resolution, with many of the surrounding parcels being utilized as commercial. A yearly review was conducted on December 15, 2020 that found no disciplinary action or issues had originated from the restaurant. Condition #38 has been updated to bring the Applicant before Planning Commission in one year to conduct a review to verify that the business has been adhering to the imposed conditions. If for any reason, violations of the noise ordinance or violations of conditions of approval occur, the Planning Commission can bring the project before them for modification or revocation.

Proposed Project

The Applicant would like to enhance the existing restaurant by providing beer, wine, and distilled spirits (ABC License TYPE 47) as secondary uses to the primary restaurant use. The utilization of bar seating is proposed, along with moving seating to include more area on the patio. The upgrade of the license will modify several conditions of approval from the original Resolution No. 19-26, these will include:

6. The sale of beer, ~~and wine,~~ and distilled spirits beverages for consumption off the Property is strictly prohibited.
14. ~~The subject beer and wine license (Type 41 License) shall not be exchanged for any other license without the approval of a Modification to Conditional Use Permit.~~
16. No beer, ~~and wine,~~ or distilled spirits shall be consumed on any property adjacent to the licensed premises under control of the licensee.
17. ~~There shall be no bar or lounge area upon 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,~~ and distilled spirits shall be an ancillary service to the primary restaurant use.

20. At all times when the Property is open for business the sale and service of beer, ~~and wine,~~ **and distilled spirits** shall be made only in conjunction with the sale and service of food. **No alcohol shall be sold to any guest/patron who does not also purchase food.**
24. The employees who sell or serve 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~~ **Responsible Beverage Service (RBS)** 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.
38. The business shall return for review before the Planning Commission on or about ~~December 2020~~ **September 2022**. The review shall include, but not be limited to, an evaluation of all operating characteristics following the implementation of these conditions. If additional impacts are identified during said review, the Operator shall be responsible for addressing such issues to the satisfaction of the Planning Commission, including the imposition of additional conditions. After said review, at the request of City Staff or the Planning Commission, the business shall return before the Planning Commission for review not more than one time per year.

Code Enforcement and Sheriff Review

Since the last review conducted on December 15, 2020, Code Enforcement and the Sheriff's Department have not received any complaints originating from the project in regards to the sale of alcohol. Upon consulting with Code Enforcement, the only issue that has been noticed are delivery trucks blocking traffic on Durfee Avenue and Thienes Avenue. It is recommended that a new Condition #14 be added to restrict delivery trucks to the designated loading zone shown as "delivery parking" on the site plan.

On-Sale Alcohol

The Applicant would like to enhance the restaurant by providing beer, wine, and distilled spirits to its customers. The sale of beer, wine, and spirits is a secondary use to the primary use, which is the restaurant. The on-sale license will allow the restaurant's customers the opportunity to purchase beer, wine, or distilled spirits with meals. Beer, wine, and distilled spirits will be served by a waiter or waitresses in the dining area, or at the bar area that is being proposed.

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 setting up 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 17.14 and 17.53.

Approval of the modified 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. All alcohol will be served in conjunction with food sales only. Staff recommends the Planning Commission adopt Resolution 21-07 to approve Conditional Use Permit No. 21-07 for the change in use at 1725 Durfee Avenue.

ATTACHMENTS:

- A – Draft Resolution No. 21-07
- B – Relevant Code Sections
- C – Vicinity Map/Aerials
- D – Project Plans

ATTACHMENT A

PLANNING COMMISSION

RESOLUTION NO. 21-07

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT (NO. 21-07) ALLOWING FOR A TYPE 47 LICENSE FOR ON-SALE OF BEER, WINE, AND DISTILLED SPIRITS IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT AND OPERATING KARAOKE AT 1725 DURFEE AVENUE AND OPERATING AS KRUDOS

WHEREAS, Mike Iniguez (“Applicant”), filed an application for a Conditional Use Permit (“CUP”) to sell beer, wine, and distilled spirits as a secondary use to a restaurant and operate karaoke (“Project” or “proposed Project”) located at 1725 Durfee Avenue, South El Monte, CA 91733 (“Property” or “project site”); and

WHEREAS, pursuant to South El Monte Municipal Code (“SEMMC”) Sections 17.14.040(E) and 17.53.020, the Project requires Planning Commission review and approval because the Project consists of on-sale beer, wine and spirits in conjunction with a restaurant; and

WHEREAS, Applicant currently has CUP 19-26, per Planning Commission Resolution 19-26, dated December 17, 2019 allowing for the off-sale of beer and wine, along with karaoke; and

WHEREAS, said Resolution 19-26 is hereby rescinded and superseded in its entirety by this Resolution 21-07; and

WHEREAS, a public hearing was held before the Planning Commission on August 17, 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 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 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.” The Zoning Code designation is “C” (Commercial).

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 and karaoke 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 August 17, 2021, which is hereby incorporated into this Resolution 21-07 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC Chapters 17.14 and 17.53 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 is compatible with the surrounding uses and the Project is subject to conditions of approval which will help ensure that surrounding uses are not adversely impacted by any potential secondary impact that would affect property values or present and future developments.

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 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, by offering a use that is not common to the area. As a result, approving this application will not adversely affect the General Plan or the Zoning Ordinance.

D. As conditioned, the proposed Project is consistent with the City’s General Plan. The proposed Project is compatible with the objectives, policies, general land uses, 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 a family restaurant with general alcohol sales as secondary uses;
- (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 unique sit-down restaurant with karaoke 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 upgraded license not common to the area.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby **approves** CUP (No 21-07) to operate a restaurant with on-sale beer, wine, and distilled spirits, with karaoke as secondary uses, subject to the following conditions:

General Conditions

1. The Applicant and the business entity allowed for hereunder shall indemnify, defend and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, lawsuits or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. The Applicant’s obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City’s choice in representing the City in connection with any such claims, losses, lawsuits or actions, and any award of damages or attorney’s fees in any such lawsuit or action.
2. The Applicant and the business entity allowed for hereunder shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit to the Director of Community Development within ten calendar days of the date of the Planning Commission’s approval.
3. The approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within two years from the date of this approval.
4. Applicant and its employees, agents and contractors shall comply with all Municipal Code provisions.

Planning Conditions

5. Sales, service and consumption of beer and wine shall be permitted only between the hours of 11:00 a.m. to 9:30 p.m. Monday-Wednesday, Thursday and Friday until 1 a.m., and Saturday and Sunday from 8:00 a.m. until 1:00 a.m.
6. The sale of beer, wine, and distilled spirits for consumption off the Property is strictly prohibited.
7. The quarterly gross sales of alcoholic beverages 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 alcoholic beverages 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.
8. No pool or billiard tables may be maintained on the Property.
9. This Conditional Use Permit authorizes only karaoke at the restaurant. No live/amplified music, dancing, or any other activity in the restaurant is permitted unless a Modification to this Conditional Use Permit is approved.
10. Karaoke shall only be allowed four days a week on Thursday through Saturday 7:00 p.m. to 12:30 p.m. and Sunday from 7:00 p.m. to 9:30 p.m. inside the restaurant only.
11. The noise level for the karaoke shall not exceed at any time the level of noise permitted under SEMMC Section 8.20.020 to ensure that the entertainment (karaoke) does not become a nuisance to the City or adjacent properties.
12. 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.
13. 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.
14. Deliveries made to the Property shall utilize the designated delivery parking spot in front of 1723 Durfee Avenue, and shall not park in the turn lane on Thienes Avenue or the fire lane on Durfee Avenue.
15. 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.

16. No beer, wine, or distilled spirits shall be consumed on any property adjacent to the licensed premises under control of the licensee.
17. The sale of beer, wine, and distilled spirits shall be an ancillary service to the primary restaurant use.
18. The Applicant shall not permit any loitering on any property adjacent to the Property under control of the licensee(s).
19. At no time shall there be a fee for entrance/admittance into the Property.
20. At all times when the Property is open for business the sale and service of beer, wine, and distilled spirits shall be made only in conjunction with the sale and service of food. No alcohol shall be sold to any guest/patron who does not also purchase food.
21. There shall be no coin operated games maintained on the Property at any time.
22. Food service, with an available menu, shall be available until closing time on each day of operation.
23. The windows of the Property shall not be tinted or covered in any way, which obstructs a clear view of the interior of the Property from the exterior.
24. The employees who sell or serve 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 Responsible Beverage Service (RBS) 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.
25. 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.
26. The Applicant shall maintain all required permits and licenses in good standing.
27. At no time shall there be a minimum drink requirement.
28. The sale of alcoholic beverages for consumption off the Property is prohibited. Signs shall be posted at all exits of the Property, which prohibit alcohol beverages from leaving the confines of the Property.
29. Patrons shall not be allowed to bring into the location any alcoholic beverage to be consumed within the establishment.
30. There shall be no pay telephones installed within the enclosed portion of the Property equipped to receive incoming calls. There shall be no new pay phones of any kind installed on the exterior of the Property.

31. The maximum occupancy of the Property shall be prominently posted and monitored at all times.
32. 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 while the Property 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.
33. All crimes occurring inside or outside of the location shall be reported to the Sherriff Department at the time of the occurrence.
34. At any time when the Applicant is absent from the Property, a responsible party shall be designated who can facilitate any Sherriff inquiries.
35. In January of each year, the Applicant 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.
35. A copy of the approved resolution shall be kept on the premises at all times and presented to any Sheriff, or Business License, or Planning Staff person.
36. The Applicant understands that any violation of these conditions shall be grounds for the suspension, modification or revocation of the Conditional Use Permit.
37. 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.
38. The business shall return for review before the Planning Commission on or about September 2022. The review shall include, but not be limited to, an evaluation of all operating characteristics following the implementation of these conditions. If additional impacts are identified during said review, the Operator shall be responsible for addressing such issues to the satisfaction of the Planning Commission, including the imposition of additional conditions. After said review, at the request of City Staff or the Planning Commission, the business shall return before the Planning Commission for review not more than one time per year.

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

ADOPTED this 17th day of August, 2021.

Chairman, Larry Rodriguez

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. 21-07 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 17th day of August 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

Secretary, Angie Hernandez

ATTACHMENT B

South El Monte, California Municipal Code

Title 17 ZONING

Chapter 17.14 COMMERCIAL ZONE (C)

17.14.010 Intent and purpose.

17.14.020 Permitted uses.

17.14.030 Principal permitted uses.

17.14.035 Residential uses.

17.14.040 Conditional uses.

17.14.045 Secondary uses.

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17.14.070 Minimum lot area.

17.14.080 Maximum building coverage.

17.14.090 Minimum lot width.

17.14.100 Minimum lot depth.

17.14.110 Maximum building height.

17.14.120 Minimum yard requirements.

17.14.130 Accessory buildings and structures.

17.14.140 Access.

17.14.150 Off-street parking and loading.

17.14.160 Loading docks and truck maneuvering.

17.14.170 Vehicle maintenance or repair.

17.14.180 Landscaping.

17.14.190 Fences and walls.

17.14.200 Outdoor storage and operations.

17.14.205 Outdoor display of merchandise for sale.

17.14.210 Exterior lighting facilities.

17.14.220 Refuse enclosures.

17.14.230 Summary C zone.

17.14.010 Intent and purpose.

The intent and purpose of the commercial zone (C) is to provide areas throughout the city in which commercial facilities designed to serve a broad area with a wide range of commercial services may be located. Such zone districts will generally be located along arterial and collector streets and will buffer residential areas from traffic, noise and pollutants. It is the objective of this chapter to achieve development which will be compatible with surrounding uses. (Ord. 822 §1, 1989)

17.14.020 Permitted uses.

No building or structure shall be erected, reconstructed, structurally altered or enlarged, nor shall any building, structure or land be used for any purpose except as provided in this chapter. The following uses shall be permitted in the commercial zone (C). (Ord. 822 §1, 1989)

17.14.030 Principal permitted uses.

When conducted entirely within an enclosed building(s), except for businesses which require operations outside of a building, the following are primary uses permitted within the commercial zone (C). 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. Automobile service stations (minor repairs only) located in excess of five hundred feet of SR-60;
- B. Auto upholstery and auto glass installation located in excess of five hundred feet of SR-60; provided that all activities are to take place within a completely enclosed building with no openings other than required emergency fire exits, facing or adjacent to any residentially zoned property. Such enclosed building shall be of masonry or concrete construction with a ceiling of sound attenuating material installed where such building is located within two hundred feet of any residential zone district;
- C. Health clubs, spas or commercial athletic recreation facilities (handball, racquetball). No alcoholic beverages may be sold or consumed on the premises;

- D. Automotive sales, leasing or rental located in excess of five hundred feet of SR-60;
- E. Carwashes (automatic or manually operated) and auto detail shops located in excess of five hundred feet of SR-60;
- F. Public utility facilities;
- G. Retail businesses;
- H. Business and professional offices;
- I. Business services, including, but not limited to, blueprinting, photostating, stationery stores, office supplies and equipment, janitorial services and commercial printing and duplicating;
- J. Personal services, including, but not limited to, barber and beauty shops, shoe repair, laundry and dry-cleaning pickup points, tailor shops and clothing alterations, radio and TV sales, service and repair;
- K. Banks, savings and loans and other similar financial institutions, including check cashing services;
- L. Retail bakeries, all goods sold at retail, on site;
- M. Restaurants, cafés, cafeterias, and similar eating establishments;
- N. Medical and dental clinics and offices and medical and dental laboratories and associated uses such as ambulance services and pharmacies;
- O. Fortunetelling;
- P. On-site advertising in accordance with Chapter 17.62 of these regulations;
- Q. Accessory buildings and uses normally associated with any permitted use;
- R. Adult businesses pursuant to the provisions of Chapter 5.25 of the South El Monte Municipal Code. (Ord. 1239 §4, 2019; Ord. 1152 §1, 2011; Ord. 1012 §4, 1999; Ord. 963 §3, 1995; Ord. 822 §1, 1989)

17.14.035 Residential uses.

- A. Each residential use and structure legally existing as of January 1, 1980, is a permitted use in the commercial 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 §2, 1996)

17.14.040 Conditional uses.

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

- A. Bars, taverns, nightclubs (including entertainment) and off-sale of alcoholic beverages;
- B. Billiard halls, pool halls, amusement arcades, bowling establishments, miniature golf courses, indoor theaters and similar uses;
- C. Hotels and motels;
- D. Massage establishment;
- E. On-sale of alcoholic beverages in association with restaurants, cafés, cafeterias and similar eating establishments;
- F. Beverage lounge as defined in these regulations;
- G. Entertainment, live;
- H. Certain commercial activity in conjunction with, or on the site of an automobile service station, subject to the provisions of Chapter [17.30](#);
- I. Off-sale of beer and wine on the site of an automobile service station, subject to the provisions of Chapter [17.52](#);
- J. Automotive repair facilities, including body and fender shops, auto paint shops, engine rebuild, overhaul or repair. Automobile service stations (minor repair only), auto upholstery and auto glass installation, carwashes, auto detailing, automotive sales, leasing, and rental located within five hundred feet of SR-60;
- K. Any use proposed for any property that is one acre or larger in size;
- L. Any use proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger;

M. Any proposed use or resumption, reestablishment, reopening, or replacement of a use that is proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger where the building or structure has been vacant for more than ninety days, or the use has been abandoned or discontinued for more than ninety days;

N. Any other use not specifically permitted or prohibited, which is determined to be compatible with the permitted uses of the commercial zone. (Ord. 1239 §5, 2019; Ord. 1195 §10, 2015; Ord. 1152 §2, 2011; Ord. 1151 §1, 2011; Ord. 1012 §5, 1999; Ord. 1010 §6, 1999; Ord. 1009 §§9, 10, 1999; Ord. 985 §2, 1997; Ord. 963 §5, 1995; Ord. 918 §§2, 5, 1992; Ord. 822 §1, 1989)

17.14.045 Secondary uses.

The following secondary uses are permitted within the commercial zone:

A. Gateway signs, subject to the provisions of Section [17.62.130\(A\)\(6\)](#). (Ord. 940 §2, 1993)

17.14.050 Prohibited uses.

The following are prohibited uses in the commercial zone:

A. Residential uses and structures except as specifically permitted by Section [17.14.035](#);

B. Wholesale businesses, including warehousing and distribution;

C. Manufacturing uses, except where manufacturing occupies less than five percent of the gross floor area and all goods manufactured are sold at retail, on site;

D. 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 effluent;

E. Agricultural uses, including, but not limited to, kennels, catteries, stables and aviaries;

F. The following uses when adjacent to or across a public or private street from a residential zone district:

1. Ambulance services,

2. Any use listed as a conditional use in Section [17.14.040](#), except that hotels, public utility facilities and on-sale of alcoholic beverages in association with restaurants, cafés, cafeterias, and similar eating establishments shall be permitted with a conditional use permit;

G. Off-sale of alcoholic beverages other than beer or wine within five hundred linear feet of any church, school, or park;

H. Metal buildings as defined in Chapter [17.56](#) of these regulations. (Ord. 984 §3, 1996; Ord. 822 §1, 1989)

17.14.060 Property development standards.

The following standards shall apply to uses within the commercial zone (C) provided that automobile service stations, public utility facilities, public and quasi-public buildings and facilities and 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 Chapters 17.24 through 17.58 of these regulations; and provided further, that any lot or parcel which is substandard in width, depth, or area and was legally recorded as a separate lot as of July 1, 1988, may be used for any use permitted by the commercial zone district regulations. Notwithstanding the above, residential uses and structures permitted by Section 17.14.035 shall be subject to development standards contained therein. (Ord. 984 §4, 1996; Ord. 822 §1, 1989)

17.14.070 Minimum lot area.

There are no minimum lot area requirements. (Ord. 822 §1, 1989)

17.14.080 Maximum building coverage.

Refer to Figure 17.14.080 to determine allowable building coverages.

Figure 17.14.080

FORMULA FOR COMPUTING ALLOWABLE BUILDING AREA

$$\text{Building Area} \frac{A}{B} = C \times D = \text{Building Area (E)}$$

$$\text{Parking Area} \frac{E}{F} = G \times H = \text{Parking Area (I)}$$

A = Building lot area (less required setbacks)

B = SF of building per parking space + SF parking space (405 SF) + SF interior landscaping (20 SF per space)

C = Building units (Divide "A" by "B")

D = SF of building area per parking space (based on parking code requirements)

E = Building area

F = SF of building area per parking space (based on parking code requirement)

G = Parking spaces required

H = SF of parking space (405 SF) + interior landscaping (20 SF per space)

(Ord. 963 §5, 1995; Ord. 822 §1, 1989)

17.14.090 Minimum lot width.

There are no minimum lot width requirements. (Ord. 822 §1, 1989)

17.14.100 Minimum lot depth.

There are no minimum lot depth requirements. (Ord. 822 §1, 1989)

17.14.110 Maximum building height.

There are no maximum building height requirements except that any building constructed adjacent to a residentially zoned property shall have a maximum allowable height of twenty-eight feet. (Ord. 822 §1, 1989)

17.14.120 Minimum yard requirements.

- A. Front Yard. No requirements except that a ten-foot front yard shall be required when a C zoned lot is abutting or directly across from a residentially zoned property.
- B. Side Yard.
 - 1. Interior or Key Lot. None required except that a ten-foot side yard shall be required when a C zoned lot is abutting or directly across from a residentially zoned property.
 - 2. Corner or Reversed Corner Lot. None required except that a ten-foot side yard shall be required when a C zoned lot abuts a residentially zoned property.
- C. Rear Yard. None required except that a ten-foot rear yard shall be required when a C zoned lot abuts a residentially zoned property.
- D. Through Lot. A through lot shall maintain the required front yard setback on each frontage required by the zone in which the lot is located. (Ord. 822 §1, 1989)

17.14.130 Accessory buildings and structures.

Accessory buildings and structures shall conform to the standards contained in Chapters [17.24](#) through [17.58](#). (Ord. 822 §1, 1989)

17.14.140 Access.

No building permit shall be issued for any lot or parcel of land unless said lot or parcel has frontage on a dedicated and improved public street or on a private street conforming to street standards established by the city. (Ord. 822 §1, 1989)

17.14.150 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, including the storage of trucks or other similar types of equipment shall be permitted on unpaved areas. (Ord. 822 §1, 1989)

17.14.160 Loading docks and truck maneuvering.

- A. All loading docks and doors facing a public or private street shall be located in such a manner that all truck maneuvering shall take place on-site whenever possible.
- B. All drive approaches shall be so designed as to preclude direct access to a loading door or loading dock from a public or private street whenever possible. (Ord. 822 §1, 1989)

17.14.170 Vehicle maintenance or repair.

No vehicle maintenance or repair, other than that permitted by Section 17.14.040 shall take place on any lot in the commercial zone (C). (Ord. 822 §1, 1989)

17.14.180 Landscaping.

A minimum of five percent of the total area devoted to parking shall be landscaped as well as all other areas not designated for parking, structures, or pedestrian walkways. Landscaping shall consist of grass, ground cover, or other plant materials 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, 1989)

17.14.190 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 six feet if the increase in height consists of wrought iron, chain link or other “see-through” material and the design is approved by the director of planning and community development.

B. Any fence or wall located in the front of any building must be located to the rear of the required setback. No fence or wall in the front of any building may exceed forty-two inches in height if constructed of solid or sight obscuring materials, but may be increased to a total height of six feet if wrought iron, chain link or other “see-through” materials are used and the design is approved by the director of planning and community development.

C. Corner or Reversed Corner Lot. On property at any corner formed by intersecting streets it shall be prohibited to construct, install or maintain any fence, hedge or wall or any other obstruction to view higher than forty inches above the reference point located at either:

1. The point of intersection with the prolongation of the curblines; or
2. The point of intersection of the prolongation of the edge of the paved roadway when curblines do not exist.

Within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet from the point of their intersection, or in the case of rounded corners, the triangular area included between the reference point and the curblines or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08.200). (Ord. 822 §1, 1989)

17.14.200 Outdoor storage and operations.

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

17.14.205 Outdoor display of merchandise for sale.

Businesses selling merchandise at retail 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 0.025. The maximum permissible area occupied by outdoor display of merchandise shall be five hundred square feet.
- C. The displayed merchandise must be grouped into a single area and visible from the public street. The displayed merchandise shall not block, or diminish the public view of, or physical access to, any other business or use.
- D. The merchandise may not be displayed on, or over, any public right-of-way and may not be located within ten linear feet of any public right-of-way.
- E. The displayed merchandise may not be located in, or encroach into, any required yard or setback, or unpaved area.
- F. The displayed merchandise must not be located in, or encroach into, any designated driveway, required parking space, or designated fire lane.
- G. The displayed merchandise may not block any doorway, designated private pedestrian walkway or access for the handicapped.
- H. The merchandise may not be displayed on top of any portion of any building, hung from, or affixed to building walls, rafters or eaves. Nor may any merchandise be hung from, or affixed to, any fence or wall or inflatable device.
- I. The outdoor display of merchandise shall be subject to all applicable health, safety and fire codes.

J. The outdoor display of merchandise for sale, is in and of itself, a form of advertising and no additional signage shall be permitted for the displayed merchandise except price signs measuring no larger than three inches by five inches may be affixed to the items displayed for sale.

K. The outdoor display of merchandise shall be subject to an outdoor display site plan review and approval by the planning commission and said approval shall be subject to conditions, if any, that may be imposed by the planning commission as needed to mitigate any potential negative effects created by the proposed outdoor display, and the planning commission shall deny the application if the planning commission finds that the outdoor display would be detrimental to persons or properties in the immediate vicinity of the subject property or to the city in general. The planning commission may revoke any approval for cause.

L. Application for an outdoor display site plan approval shall be made on application forms supplied by the city and pursuant to the instructions provided by the city. At the time of submittal, applicant shall pay an application fee in the same amount as the application fees established for development site plan review. (Ord. 1057 §2, 2004)

17.14.210 Exterior lighting facilities.

Exterior lighting facilities shall be arranged in a manner that will not provide a direct glare or create hazardous interference with highways and neighboring properties. (Ord. 822 §1, 1989)

17.14.220 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, 1989)

17.14.230 Summary C zone.

- A. For property development standards, see Chs. 17.24—17.58 of this title.
- B. Building, height limitations, see Figure [17.14.080](#).
- C. Parking requirements, see Ch. 17.60 of this title.
- D. Yard requirements, see Section [17.14.120](#) of this chapter. Required only for abutting a residential zone. (Ord. 822 §1, 1989)

Contact:

South El Monte, California Municipal Code

Title 17 ZONING

Chapter 17.53 RETAIL SALE OF ALCOHOLIC BEVERAGES

Note

17.53.010 Purpose and applicability.

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

17.53.030 Off-sale permits—Restrictions.

17.53.040 On-sale permits—Distance requirements.

17.53.050 Operational and performance standards.

17.53.060 Conditional use permit—Expiration.

17.53.070 Modification or revocation.

17.53.080 Design standards.

Note

* **Prior ordinance history:** Ord. 1009.

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, 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, 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, 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, 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 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 7.90.430 of the county 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, 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, 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, 2006)

17.53.080 Design standards.

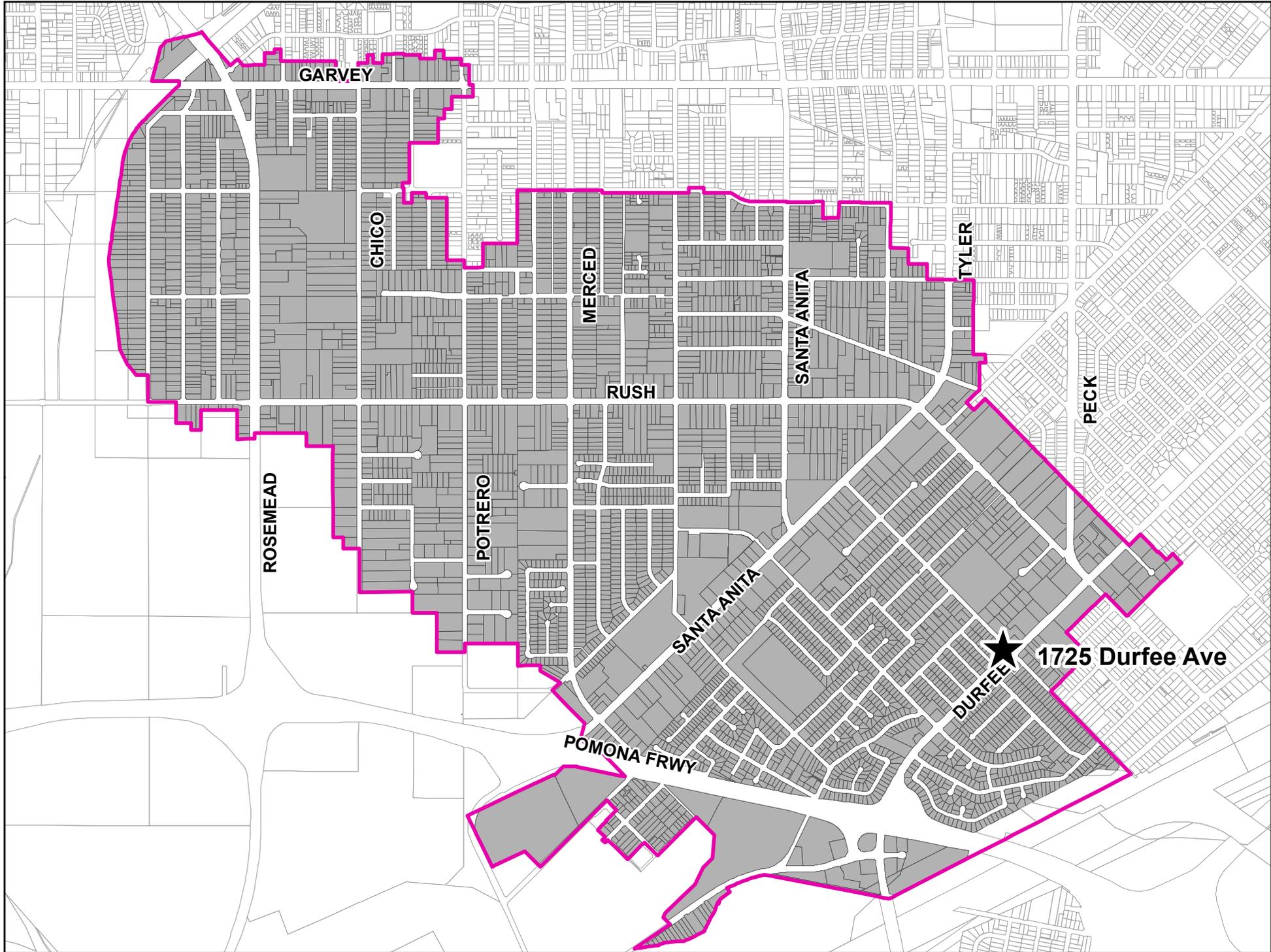
The design and appearance of any establishment, if newly constructed or remodeled on the exterior, shall conform to the city architectural design guidelines and all other applicable development standards. When completed, the establishment shall be compatible with surrounding land uses and zone districts and shall enhance the appearance of the neighborhood in which it is located and the city in general. (Ord. 1084 §2, 2006)

Contact:

City Clerk: 626-579-6540, ext. 3280

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ATTACHMENT C



GARVEY

CHICO

MERCED

RUSH

SANTA ANITA

TYLER

PECK

ROSEMEAD

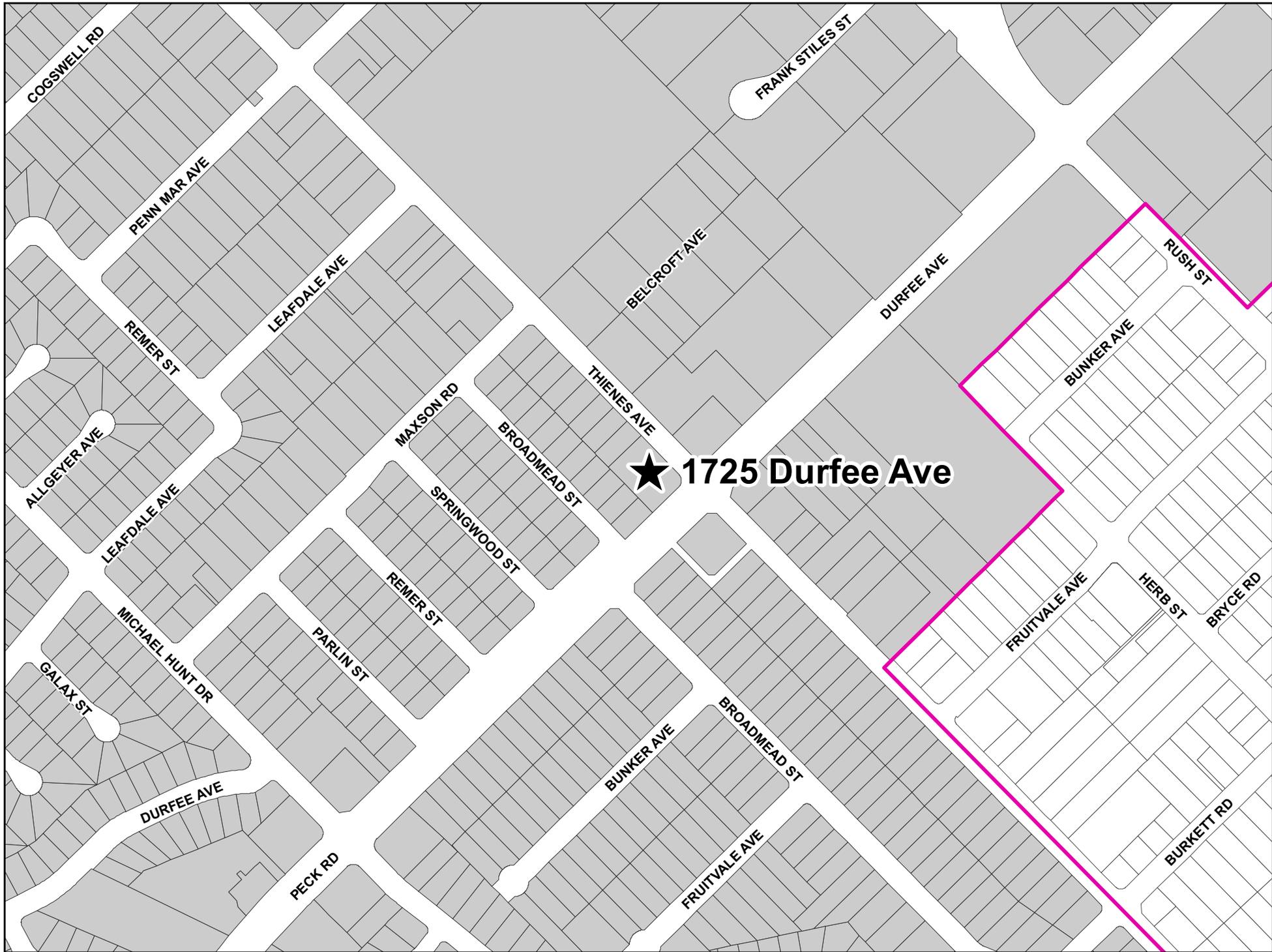
POTRERO

SANTA ANITA

1725 Durfee Ave

DURFEE

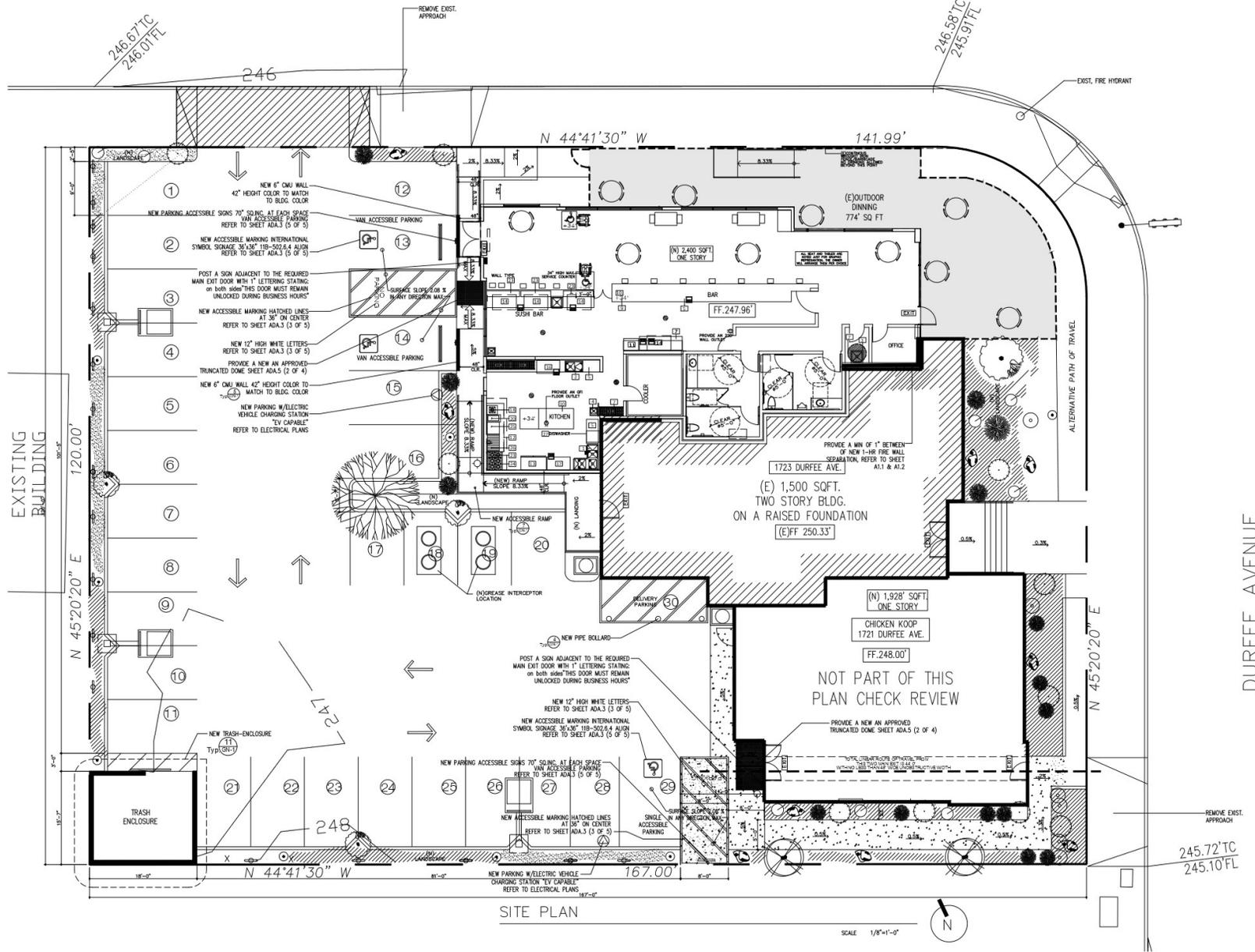
POMONA FRWY



★ 1725 Durfee Ave

ATTACHMENT D

THIEN'S AVE



SITE PLAN

