

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

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

On September 16, 2021, Governor Newsom signed AB 361, which modified the Brown Act to allow for teleconferencing participation at local legislative body public meetings during a proclaimed state of emergency. Pursuant to Government Code Section 54953(e) as amended by AB 361, City Commissions are authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically available to all members of the public seeking to observe and to address the local legislative body. Public participation will be allowed via the information below.

**THIS IS A PLANNING COMMISSION MEETING BY VIDEO, TELECONFERENCE AND IN-PERSON**

Said public hearing will be held before the Planning Commission of the City of South El Monte in the Council Chambers, located at 1415 Santa Anita Avenue, South El Monte, CA, and remotely by dialing 669-900-6833 and using access code # 884 1995 5622 or by logging on to: <https://us02web.zoom.us/j/88419955622> on TUESDAY, November 16, 2021 at 6:00 p.m., at which time proponents and opponents of the items will be heard. Additional information on any item of the agenda, including Staff Reports, and other pertinent documents are available for review with the Planning Division

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

**November 16, 2021, 6:00 P.M.**

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



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

**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 October 19, 2021**

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

**7. GENERAL BUSINESS**

**7.a. Consideration of Resolution No. 21-01 denying a Conditional Use Permit (CUP) (No. 21-01) to allow for a Type 42 License, on-sale of beer and wine, for a beverage lounge in conjunction with a concert hall (“VIP Lounge”) located at 1221 Peck Road, South El Monte CA 91733.**

*This item was continued from the October 19, 2021 Planning Commission meeting.*

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 21-01 denying CUP (NO. 21-01)

Public Notice was posted 10/07/2021

**7.b. Consideration of Resolution No. 21-14 recommending City Council approve the Resolution to establish basic rules applicable to all SB-9 projects**

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 21-14 recommending that the City Council adopt the Resolution to establish basic rules for SB-9 projects.

Public Notice was posted 11/03/2021

**8. DIRECTOR UPDATE**

**9. COMMISSIONER COMMENTS**

**10. ADJOURNMENT**

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

**CITY OF SOUTH EL MONTE  
PLANNING COMMISSION - MINUTES  
Tuesday, October 19, 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 Jeff Ortiz had an excused absence, Vice chairperson Ruby Yepez called the meeting to order at 6:11 p.m.

**2. ROLL CALL**

Present via teleconference - Commissioners: Leo Barrera. Present in Council Chambers: Larry Rodriguez, and Ruby Rose Yepez. Rudy Bojorquez and Jeff Ortiz had an excused absence.

Present via teleconference: Pam Lee, Partner-City Attorney's Office. Present in Council Chambers: Colby Cataldi, Public Works Director; Ian McAleese, Assistant Planner; and Angie Hernandez, Planning Commission Secretary.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Larry Rodriguez led the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

A motion was made by Rodriguez, seconded by Barrera, and carried 3-0, to approve the agenda.

Vote: 3-0

Ayes: Commissioners: Yepez, Barrera and Rodriguez

Nays: None

**5. PUBLIC COMMENT**

Chairperson Yepez opened the public comment.

Having seen no public comment, Chairperson Yepez closed public comment.

**6. CONSENT CALENDAR**

**6.a.** Minutes for September 21, 2021

A motion was made by Rodriguez, seconded by Barrera and carried 3-0 to approve Consent Calendar.

Vote: 3-0

Ayes: Commissioners: Yopez, Barrera and Rodriguez

Nays: None

## 7. PUBLIC HEARING

### 7.a. **Adoption of Resolution No. 21-06 approving a Conditional Use Permit (CUP) (No. 21-06) to allow for the construction of a 51,436 square foot industrial building, consisting of five units at 9517 Rush Street**

This item was continued from the September 21, 2021 Planning Commission Meeting.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 21-06, approving Conditional Use Permit (No. 21-06) as conditioned.

Public Notice was posted 09/09/2021

Assistant Planner McAleese presented the staff report. The property located at 9517 Rush Street is currently made up of four industrial buildings measuring between approximately 2,280 and 10,200 square feet on the north side of the street between Rosemead Boulevard and Chico Avenue in South El Monte. The Property shares parking and access with 9515 Rush St that contains three industrial buildings. The Property has historically been utilized for manufacturing, wholesale, and warehouse uses, and currently is utilized as warehouse, office, manufacturing, and wholesale.

Some topics of Commissioners' concerns included the following:

- Will the integrity of the building will remain, to confirm the only adjustment is sectioning off the units? There will be a demo of two existing units and installation of a 51,000 sq ft building with for rent commercial units.
- Consideration to introduce retail at this location. Will mobile homes west of this location be impacted by this project correct? In manufacturing zone, some retail is allowed, usually show rooms or online sales are allowed 25% sq ft of their lot use dedicated to retail use. There are conditions in place to address noise level once units are constructed. In addition, during construction there are restrictions in place to protect against debris, dust, pollution impacting the surrounding neighbors. Noise ordinance in this area? Starting at 10:00pm noise restrictions take effect similar to those in multi-family areas in the city.
- Directors Comment: Project before you are classic redevelopment. Many similar lots like this where the City works with owners to consolidate their parcels. Working towards demolishing older 1960s-70s type architectural underperforming buildings. This project here is architecturally and environmentally friendly meeting all City development standards and the economical benefits of a project like these significantly out ways what the current condition of this building is now. South El Monte is ripe with similar

projects such as these, that will help shape the Master Plan. Great example of future development here in South El Monte.

- Purple pipe running to this site? Commissioner Barrera answered this question, The purple pipe is installed from Rush / Rosemead to Rush / Tyler. Purple pipe is available to owner.
- No lawn request, California native plants require purple pipe watering access. Model Water Landscape ordinance, require meets standards of low-medium watering required plants to be installed. Based on landscape plan a thorough review will be conducted on this plan, and City does have an extensive list of California native plants applicant can choose from to assist in compliance with this requirement.

Chairperson Yepez opened the public comment.

Having seen no public comment, Chairperson Yepez closed public comment.

A motion was made by Rodriguez, seconded by Barrera, and carried 3-0 to approve Resolution No. 21-06 to allow for the construction of a 51,436 square foot industrial building, consisting of five units at 9517 Rush Street.

Vote: 3-0

Ayes: Commissioners: Yepez, Barrera and Rodriguez

Nays: None

Abstain: None

**7.b. Consideration of Resolution No. 21-05 recommending City Council approve a General Plan Amendment (GPA) (No. 21-02) to update the density of the Mixed Use category of the Land Use Element to match the Commercial-Residential zone.**

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 21-05 recommending that the City Council adopt the General Plan Amendment.

Assistant City Planner began with a quick overview, The City of South El Monte adopted the Commercial-Residential (C-R) zoning code on March 13, 2012 to create a true mixed-use type of zoning that would allow for a combination of commercial and housing. This was also imagined to be the higher density zone that would allow for more housing to be developed vertically since the City is running out of horizontal space to develop housing. The densities that were created for this zone range from 35 dwelling units per acre when located adjacent to single family zoning, 87 dwelling units per acre when developed adjacent to multi-family zoning, and 100 dwelling units per acre when not abutting residential zoning. The newly created C-R zone was paired with the Mixed Use (C/R) land use category in the Land Use Element since that category was not in use, and it matched the goals of the C-R zone. The issue developed that the mixed-use category capped densities at 29 dwelling units per acre, and was not updated to reflect the increased densities of the C-R

zone that was adopted. Because of this, an update to the Mixed-Use category is required to reflect the density in the C-R zone.

Some topics of Commissioners' concerns included the following:

- Does this update conform with the General Plan? Yes, specifically the Land Use Element / Mixed-Use category is in the General Plan and in its' current state does not mirror the Zoning Code. This update will conform both General Plan and Zoning Codes to be consistent with each other.

Chairperson Yepez opened the public comment. Having seen no public comment, Chairperson Yepez closed public comment.

A motion was made by Rodriguez, seconded by Barrera and carried 3-0 to approve Resolution No. 21-05 recommending City Council to approve General Plan Amendment (GPA) (No. 21-02) to update the density of the Mixed-Used category of the Land Use Element to match the Commercial -Residential Zone

Vote: 3-0

Ayes: Commissioners: Yepez, Barrera and Rodriguez

Nays: None

Abstain: None

**7.c. Consideration of Resolution No. 21-01 approving a Conditional Use Permit (CUP) (No. 21-01) to allow for a Type 42 License, on-sale of beer and wine, for a beverage lounge in conjunction with a concert hall ("VIP Lounge").**

RECOMMENDATION: Staff recommends that the Planning Commission conduct a public hearing to discuss proposed Project to evaluate its consistency with South El Monte Municipal Code and continue item for future date.

Public Notice was posted 10/07/2021

Assistant City Planner began with a quick overview, The applicant, Issam Ayad ("Applicant"), is applying to open a concert hall and beverage lounge with a Type 42 on-sale beer and wine ("Project") at 1221 Peck Road, South El Monte, California 91733 ("Property"). The Property consists of one parcel having an area of approximately 44,757 square feet (1.03 acres) and one existing 8,184 square foot union hall consisting of a 3,616 square foot meeting room, a 2,284 square foot first floor, and 2,284 second floor office. The property is located on the northwest corner of Peck Rd and Durfee Ave, just south of SR-60 and is zoned "C" (Commercial). The site historically was used as a labor union hall and office and has recently been utilized as an office and storage site for a security company and non-emergency transportation business.

Some topics of Commissioners' concerns included the following:

- One of the concerns includes the hours of operation, I would like to see a reduction of days, ie. not on Thursdays. The weekends are fine, but I don't think during the week is good option. Traffic is another major concern in this area, specifically speeding vehicles. What can we do here? Director

responded, if the commission desires we can request the traffic engineer to review this area and provide comments. Does the applicant have traffic alternatives? The applicant can be requested to provide or install traffic reducing options and the city would maintain that equipment.

- Selling alcohol is a concern at this location. Will the applicant install block walls? Staff responded; currently the applicant is installing a chain link fence, the commission can condition to install a specific type of fencing. Can you define what a concert hall is? Staff responded; it refers to Live Entertainment. If you would like to request more information regarding what type of booking/events will be held here, we can ask the applicant to provide that information for you.
- Remote parking? Does this mean, parking down the street and off-site parking? Staff responded; Correct – the applicant is proposing to use another lot that he owns to use as additional parking if needed. As-is this option is not a practical one from a planning perspective.
- Type 42 is what type of license? Staff responded; Beer and wine.
- The concert hall use is a concern. Will the space be used as office space during the day and concert hall during the evening? Staff responded; The Applicant is proposing to operate the concert hall seven days a week from 9:00 a.m. to 3:00 p.m. as well as from 5:00 p.m. to 1:30 a.m. and the beverage lounge from 5:00 p.m. to 1:30 a.m. on Thursday through Sunday.
- Concert hall for Private use or Public use? Staff responded; we can ask the applicant to clarify this information.
- Occupancy? Staff responded; Concert hall is 368 seating in chairs, Stage is 44; Total of 412 for the concert hall.
- Patio on the site map, is that part of the VIP lounge as well? Staff responded; the applicant has not proposed any use of this patio, but we can ask the applicant to identify the purpose of the patio. This is of concern since the patio use will increase occupancy count and parking requirements.
- Do the Restroom capacities fulfill the building requirement? Staff responded; we will need to confirm with the Building inspector if the restroom meets building standards.
- Does the applicant currently operate a similar type of business? Staff responded; from our knowledge he does not. He currently operates a non-emergency transportation business and a security business. We can definitely have the applicant provide this information.

Chairperson opened public hearing, having seen no comments closed the public hearing and left the item opened and will continue the item to the next Planning Commission meeting set for November 16, 2021.

A motion was made by Barrera, seconded by Rodriguez and carried 3-0 to **Continue item #7.c** Consideration of Resolution No. 21-01 approving a Conditional Use Permit (CUP) (No. 21-01) to allow for a Type 42 License, on-sale of beer and wine, for a beverage lounge in conjunction with a concert hall (“VIP Lounge”) at 1221 Peck Road, South El Monte CA 91733 **to the November 16, 2021 Planning Commission Meeting.**

Vote: 3-0

Ayes: Commissioners: Barrera, Rodriguez, and Yopez

Nays: None

Abstain: None

8. **DIRECTOR UPDATE** – Director advised the commission that City Council approved a contract for the Rosemead Boulevard enhancement plan. This enhancement plan includes landscape, medians, speed limits, slowing traffic measures, lane capacity and things of that nature. We will have a kick-off meeting with the design consultants in the works. Although this project is in the public right of way, the surrounding land uses is being considered ensuring the design elements are in place. We do have two ongoing projects; one includes acquisition and the other is this design project. This project will align with the General Plan as required. The invitation will be forthcoming.

9. **COMMISSIONERS' COMMENTS**

Commissioner Barrera – nothing to report.

Chairperson Rodriguez– Fire Station 90 Pancake breakfast was great; the green apple day was a great event. Thanked staff for their support and efforts in serving the community.

Commissioner Yopez –Green Apple Day of Service was a great event with local vendors and partners was well attended and extremely educational. Also attended the Fire Station 90 appreciation day and toured the fire station. Looking forward to the pumpkin patch scheduled here at the Earthworks Community Farm on Friday.

10. **ADJOURNMENT**

A motion was made by Rodriguez, second by Barrera and carried 3-0, to adjourn the meeting at 7:04 p.m.

Vote: 3-0

Ayes: Commissioners: Barrera, Rodriguez and Yopez

Nays: None

Abstain: None



# Planning Commission Agenda Report

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

**DATE:** November 16, 2021

**TO:** Honorable Chairman and Members of the Planning Commission

**APPROVED BY:** Colby Cataldi, Community Development Director

**PREPARED BY:** Ian McAleese, Assistant Planner

**SUBJECT:** Consideration of Resolution No. 21-01 denying a Conditional Use Permit (CUP) (No. 21-01) to allow for a Type 42 License, on-sale of beer and wine, for a beverage lounge in conjunction with a concert hall (“VIP Lounge”).

**PUBLIC NOTICE:** Notice was posted on October 7, 2021 for Public Hearing before the Planning Commission.

**ENVIRONMENTAL  
REVIEW:**

This project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code, § 21080, subd. (b)(9); Administrative Code, Title 14, Chapter 3, § 15301, Class 1, Existing Facilities). This section specifically applies to small additions, expansions, or alterations to existing structures where there is negligible or no expansion of the use. In this case, the current request is to consider the modification of conditions of approval to an existing building where no new square footage is proposed.

**PROJECT**

**LOCATION:** Address: 1221 Peck Road  
 Project Applicant: Issam Ayad  
 Property Owner: AABC LLC  
 Zone: “C” (Commercial)  
 Lot Size: 44,757 sq. ft. (1.03 acres)

**SURROUNDING ZONING AND LAND USE:**

	<b>Zone</b>	<b>General Plan</b>	<b>Land Use</b>
North	“R-1” (Single Family Residential)	Low Density Residential	Single Family Homes
South	“C” (Commercial)	Commercial	Motel
East	“C” (Commercial)	Commercial	Gas Station
West	“C” (Commercial) “C-R” (Commercial-Residential)	Commercial Mixed Use	McDonalds Residential townhomes

**BACKGROUND:** The applicant, Issam Ayad (“Applicant”), is applying to open a concert hall and beverage lounge with a Type 42 on-sale beer and wine (“Project”) at 1221 Peck Road, South El Monte, California 91733 (“Property”). The Property consists of one parcel having an area of approximately 44,757 square feet (1.03 acres) and one existing 8,184 square foot union hall consisting of a 3,616 square foot meeting room, a 2,284 square foot first floor, and 2,284 second floor office. The property is located on the northwest corner of Peck Rd and Durfee Ave, just south of SR-60 and is zoned “C” (Commercial). The site historically was used as a labor union hall and office and has recently been utilized as an office and storage site for a security company and non-emergency transportation business, which consists of over twenty vehicles parked on-site overnight.

**RECOMMENDATION:** Staff RECOMMENDS that the Planning Commission adopt Resolution No. 21-01 denying CUP (No. 21-01).

**ANALYSIS:**

General Plan/Zoning Consistency

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

As per South El Monte Municipal Code (“SEMMC”) Section 17.14.040, beverage lounges and live entertainment are both uses that require a conditional use permit, with SEMMC Chapter 17.51 also dictating location and operational regulations for beverage lounges. If the primary function of the business is a concert hall, and the on-sale of beer and wine for the beverage lounge is operating as supplementary use to the concert hall, then the Project will be consistent with the General Plan and the Zoning Code. Currently, the Project does not satisfy the parking requirements found in SEMMC Section 17.60.020, and thus is not consistent with the Zoning Code.

Conditional Use Permit

In order to grant a CUP, the Commission must make the following findings pursuant to 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 located south of the Property are developed as a motel and offices, with parcels east of the Property being developed as gas stations. The parcels to the west are developed as a McDonalds and residential townhomes, with single family homes developed on the parcels to the north. Staff believes the approval of the CUP has the potential of being a detriment to the surrounding vicinity based on the Project being adjacent to sensitive uses, the Property being located within 500 feet of residential. Per SEMMC Section 17.51.030, no CUP shall be issued for uses where the sale of alcoholic beverages is the primary use while located within 500 feet of any

sensitive use. Further, as proposed the Project does not meet the City’s parking requirements as detailed below.

Proposed Project

The Project consists of utilizing an existing meeting room as a concert hall and converting the first-floor office area into a beverage lounge. The proposed lounge area would consist of nine tables with seating for approximately thirty-six people, as well as a catering staging area, storage, a serving area, restrooms, and employee break room. The proposed concert hall is located past a hallway from the beverage lounge and consists of a large open area, a stage, two storage rooms, and an electrical room. The Applicant is proposing to operate the concert hall seven days a week from 9:00 a.m. to 3:00 p.m. as well as from 5:00 p.m. to 1:30 a.m. and the beverage lounge from 5:00 p.m. to 1:30 a.m. on Thursday through Sunday. For the Project to be compliant with SEMMC, the beverage lounge must be operated as a supplementary use to the concert hall and be only in operations while concerts are being performed.

Floor Plan

The total building square footage is 8,184 sq. ft. and the portion of the building that the Applicant will occupy is approximately 5,900 square feet. The concert hall area will be utilizing 3,616 sq. ft. and the beverage lounge will use the remaining first floor area of 2,284 sq. ft. The second-floor area of 2,284 sq. ft. is not part of the project and is utilized as office space.

Off-Street Parking

As mentioned above, the building is approximately 8,184 square feet of floor area. Per SEMMC Section 17.60.020, restaurants and similar establishments require one space for every four fixed seats with an additional 10% of the required parking set aside for employees, assemblies require one space for every three persons of occupancy load, and office requires one space per three hundred square feet. Currently, 71 spaces exist on the Property with three of them being accessible. The building requires the following number of parking spaces:

<b>Proposed Use</b>	<b>Size of Area</b>	<b>Required</b>
<b>Beverage Lounge</b>	2,284 sq. ft.	10
<b>Concert Hall</b>	3,616 sq. ft.	137
<b>Office</b>	2,284 sq. ft.	8
	Total Proposed	71+53 valet (144)
	Total Required	155

With the occupancy load of the concert hall being calculated to be 368 for chairs and 44 for the stage, this would require a total of 137 parking spaces. The proposed parking spaces will not meet the amount of parking required for the one existing use and two proposed uses on the Property even with the proposed valet plan. Three parking agreements have been entered into to allow for the transportation and security vehicles that belong to the two existing businesses to vacate the site when the concert hall is in use, but will still result in a deficient number of parking spaces as detailed in the above table (an additional 11 spaces are required under the SEMMC).

The three remote parking areas are located at 2140 Durfee Ave, 968 Durfee Ave, and 1220 Peck Rd. The property at 2140 Durfee Ave is utilized as a transportation business similar to the one that currently exists at 1221 Peck Rd, and the agreement allows for transportation vehicles to be parked in the customer parking area from 5:00 pm to 2:00 am on Thursdays through Sundays. This will allow for some of the transportation and security vehicles to be parked off-site and free up on-site parking. The property at 968 Durfee Ave currently has no business licenses registered and would be leasing out their parking area for storage of the rest of the transportation and security vehicles. The property at 1220 Peck Rd is currently developed as a Mobil gas station and operates 24/7 which means their parking area cannot be utilized since it is required for their own operation.

#### Sheriff's Department Report

The proposed Project is one of concern for the Sheriff's Department based on the possibility of an increase in calls for service. The issues that came up include providing the contact information of a responsible employee who speaks English who can be contacted at any time, along with access to the Property when the gate is locked within two minutes of call. The gate shall remain open at all times when the business is operating, installation of an emergency pedestrian gate on the west side of the property to allow for egress in case of emergencies, not allowing any outside drink, and no karaoke. Installation and constant upkeep of security cameras directed towards ingress/egress of parking lot and venue, and areas where drinking is taking place, recording of inside shuttles that are operating, paint the building address on the roof for ease of identifying from the air, and provide access to law enforcement with respect to the Property, parking lot, and inside the building while the business is open.

#### Response to Planning Commission Questions/Recommendations

Staff reached out to the Applicant with the comments and recommendations to address the issues brought up at the October 19 Planning Commission meeting. In regards to the definition of what the concert hall will be used for, the Applicant responded that it will be used for private events which is more the definition of a banquet hall than concert hall. The Applicant explains that operation of the beverage lounge will be utilized when requested by those who book the banquet hall, and will not be in use if no beer and wine is requested. The request for a traffic study for the Project was rejected by the Applicant on the grounds that the meeting hall was built for this use, and that he does not have the funds for the study. Similarly, the request for a new fence was rejected on the grounds of no funds and that the fence is owned by Caltrans. Finally, the Applicant stated that they have owned a business similar to the one proposed in the past, but currently do not have one.

**CONCLUSION:** Staff has reviewed the proposed Project and finds it does not meet the development standards and that the change of use of the Project midway through the application will not lead to a project that is consistent with the General Plan and Zoning Code. It is staff's recommendation that Planning Commission adopt Resolution No. 21-01 denying the requested conditional use permit for the beverage lounge in conjunction with a concert hall.

#### **ATTACHMENTS:**

- A – Resolution No. 21-01
- B – Relevant Code Sections
- C – Vicinity Maps/Aerials
- D – Project Plans

# Attachment A

# PLANNING COMMISSION

## RESOLUTION NO. 21-01

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION DENYING AN APPLICATION FOR CONDITIONAL USE PERMIT (NO. 21-01) FOR A TYPE 42 LICENSE FOR ON-SALE OF BEER AND WINE FOR A BEVERAGE LOUNGE AND OPERATION OF A CONCERT HALL AT 1221 PECK ROAD AND OPERATING AS VIP LOUNGE

WHEREAS, Issam Ayad (“Applicant”), filed an application for a Conditional Use Permit (“CUP”) to sell beer and wine in a beverage lounge as a secondary use to a concert hall (“Project” or “proposed Project”) located at 1221 Peck Road, 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 17.51.020, the Project requires Planning Commission review and approval because the Project consists of on-sale beer and wine for a beverage lounge as well as for live entertainment at a concert hall; and

WHEREAS, a public hearing was held before the Planning Commission on October 19, 2021, to consider the application and was continued to the next month. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission including requests and questions to the Applicant who was absent at the meeting; and

WHEREAS, the Applicant responded with an explanation that the concert hall will be utilized as a banquet hall and used mainly for private events and that the beverage lounge will serve these private events. The Applicant also stated that they did not want to conduct a traffic study, nor replace the chain link fence on the property and provide additional landscape screening; and

WHEREAS, a public hearing was held before the Planning Commission on November 16, 2021, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

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

**SECTION 1:** 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. The Planning Commission finds that the Project does have

the potential to be detrimental to the immediate vicinity because of the parking issues that may occur on the property since the Applicant is not meeting the required parking for this type of use. Also the refusal of the Applicant to work with Caltrans to replace the inadequate fencing on-site shows that it could result in a problem.

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

C. The proposed Project does not promote the City’s goals and objectives stated in the General Plan. This is because the Project is not compatible with some of the policies and goals of the Land Use and Circulation Elements that require fencing and landscaping of commercial developments that are adjacent to residential uses, along with providing enough parking to not negatively impact the surrounding area.

D. The operation of the beverage lounge and concert hall has the potential to become a nuisance to surrounding properties based on the Project not having enough parking to satisfy the Zoning Code resulting in vehicles that cannot park on-site ending up parking at nearby businesses or residents’ property. Also with most of the streets nearby being red curb, there is no on-street parking that could be utilized by patrons of the proposed business.

**SECTION 2:** Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated November 16, 2021, which is hereby incorporated into this Resolution 21-01 by reference, the Planning Commission hereby finds:

A. The Project does not meet the requirements of SEMMC Chapter 17.60 Off Street Parking and Loading and has the potential to be detrimental to the public health, safety or welfare. This is because the proposed Project does not satisfy the parking requirements and can thus negatively impact the surrounding uses. The entire area is mainly red curb on the street, so any parking that is pushed off-site will impact the businesses and residents in the surrounding area as customers are likely to use parking meant for other properties. This can also lead to collisions when customers are making last minute decisions to make turns or stop while looking for parking.

B. Pursuant to SEMMC Section 17.68.040, the approval of the CUP has the potential to be detrimental to persons or properties in the immediate vicinity or to the City in general. This is so because the Project is lacking the required parking which could lead to the surrounding residential area and businesses to be inundated with excess vehicles that cannot park on-site. The Applicant has been issued many parking violations in the past, so this shows that more of these issues can occur with the lack of required parking on-site.

C. The proposed Project is not consistent with the City’s General Plan. The proposed Project is not 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) Policy 3.2: *Require that commercial development provide adequate buffers (such as decorative walls and landscaped setbacks) at the*

*designated boundaries with adjacent residential uses so as to prevent impacts on residences due to noise, traffic, parking, light, and glare, and differences in scale; to ensure privacy; and to provide visual compatibility. This policy is not being accomplished since the Applicant will not work with Caltrans to replace existing chain link fence with a decorative wrought iron fence with landscaping. This will result in the Project being detrimental to the residents that live in the adjacent townhomes; and*

Circulation Element

- (2) Goal 5.0: *Provide adequate parking for existing and future vehicle demand by not providing adequate parking on-site.*

**SECTION 3:** Based on the aforementioned findings, the Planning Commission hereby **denies** CUP (No 21-01) to operate a beverage lounge in conjunction with a concert hall.

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

ADOPTED this 16<sup>th</sup> day of November, 2021.

\_\_\_\_\_

Chairman

ATTEST:

\_\_\_\_\_

Secretary

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

I, Angie Hernandez, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 21-01 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 16<sup>th</sup> day of November 2021.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_

Secretary

# 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.

17.14.050 Prohibited uses.

17.14.060 Property development standards.

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)

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## **Contact:**

## South El Monte, California Municipal Code

### Title 17 ZONING

## **Chapter 17.51 ON-SALE OF BEER AND WINE**

17.51.010 Purpose and applicability.

17.51.020 Conditional use permit—Required.

17.51.030 Conditional use permit—Distance requirements.

17.51.040 Operational and performance standards.

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

17.51.060 Modification or revocation.

17.51.070 Design standards.

### **17.51.010 Purpose and applicability.**

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

A. The provisions of this chapter shall not apply to establishments lawfully existing on the effective date of these regulations provided the establishment retains the same type of California Alcohol Beverages Control (“ABC”) license within a license classification; continues to legally operate without substantial change in mode or character of operation; and does not expand the square footage of area used for sales or services.

B. Nothing in this chapter shall prohibit or limit the transfer of a valid, existing on-sale permit to a new owner at the same location. (Ord. 1084 §1, 2006; Ord. 1009 §11, 1999)

### **17.51.020 Conditional use permit—Required.**

A conditional use permit shall be required for on-sale beer and wine in addition to any other entitlement required for any use on the subject property. An applicant shall file an application for consideration by the planning commission for approval, conditional approval or denial pursuant to the procedures specified in Chapter 17.68 (Conditional Use Permits) of this Code. Any decision of the city to approve, conditionally approve, or deny the application shall be based upon written findings supported by substantial evidence in view of the whole record. (Ord. 1084 §1, 2006; Ord. 1009 §11, 1999)

### **17.51.030 Conditional use permit—Distance requirements.**

No conditional use permit for on-sale beer and wine shall be issued for adult businesses, full service bars, taverns, beverage lounges, nightclubs or any use where the sale or service of alcoholic beverages is the primary use, where the property upon which such use is proposed is located within five hundred feet of any establishment with an ABC license for on-sale of alcoholic beverages of any type, religious institution, school, park, or area zoned for residential uses. The distance specified in this section shall be measured in a straight line, without regard for intervening structures and the boundaries of the city, from the nearest property line of the property upon which the use is proposed to the nearest property line of the existing on-sale use, religious institution, school, park or property zoned for residential uses. (Ord. 1084 §1, 2006; Res. 04-56, 2004; Ord. 1009 §11, 1999)

### **17.51.040 Operational and performance standards.**

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

- A. Noise levels measured at the property line shall not exceed the levels prescribed by the city's noise regulations as set forth in Chapter [8.20](#) of this Code.
- B. The property shall be maintained in a safe and clean condition and the owner shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way.
- C. Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For the purpose of this chapter, the usual hours of operation shall be as permitted by the establishment's ABC license unless the city imposes shorter hours of operation as a condition to the conditional use permit to protect the public health, safety and welfare.
- D. The owner and operator shall each take all necessary steps to assure the orderly conduct of employees, patrons and visitors when they are present on the property.
- E. There shall be no loitering on the property. Signs shall be posted on the exterior wall of the premises and in the parking lot stating that loitering and consumption of alcohol are each prohibited.
- F. Video or other coin-operated games may only be permitted subject to the provisions of Section 7.90.430 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 §1, 2006; Ord. 1009 §11, 1999)

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

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

A. Notwithstanding Section [17.68.100](#), a permittee may request an extension of any time limit provided in Section [17.68.100](#) by filing a written request with the city's community development department before the conditional use permit expires.

B. A request for an extension of time shall state the reasons why an extension is needed. The planning commission will consider the request at a duly noticed public hearing. Based upon the evidence presented at the public hearing, the planning commission may deny, approve, or conditionally approve the extension for up to one hundred eighty days. (Ord. 1084 §1, 2006; Ord. 1009 §11, 1999)

### **17.51.060 Modification or revocation.**

A conditional use permit for the on-sale of beer and wine shall be subject to modification and/or revocation. If, in the opinion of the director of community development, the establishment is operated in a manner as to interfere with the normal use and enjoyment of the surrounding properties, the body taking final action on the application shall conduct a public hearing pursuant to Section [17.68.070](#) of this Code. (Ord. 1084 §1, 2006; Ord. 1009 §11, 1999)

### **17.51.070 Design standards.**

The design and appearance of any on-sale establishments, if newly constructed or remodeled on the exterior, shall conform to the city architectural design guidelines and all other applicable development standards. When completed, the establishment shall be compatible with surrounding land uses and zone districts and shall enhance the appearance of the neighborhood in which it is located and the city in general. (Ord. 1084 §1, 2006; Ord. 1009 §11, 1999)

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## **Contact:**

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

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## South El Monte, California Municipal Code

### Title 17 ZONING

## **Chapter 17.60 OFF-STREET PARKING AND LOADING**

17.60.010 General provisions.

17.60.020 Parking requirements.

17.60.030 Development standards.

17.60.040 Remote parking.

17.60.050 Loading facilities and truck maneuvering.

17.60.060 Parking and loading facilities—Nonconforming.

17.60.070 Maintenance of parking.

### **17.60.010 General provisions.**

A. Off-street vehicle parking spaces shall be provided at the time of the use of the land, or at the time of the erection of the building or use of the land or building or structure is altered, enlarged converted or increased in capacity by the addition of uses, floor area, dwelling units guest rooms, beds or seats; provided, however, that additional parking spaces shall not be required at the time of the erection of an addition to a single-family residence if the director of community development shall find all of the following:

1. The proposed addition is otherwise in conformity with the provisions of the zoning regulations;
2. The provision of additional off-street parking of the lot is impossible or impractical because of the size or configuration of the lot and improvement; and
3. The public safety and welfare will not be unreasonably jeopardized by waiving the requirements of additional off-street parking.

B. All off-street parking spaces and areas required by these regulations, or otherwise provided, shall comply with all of the conditions, improvements and landscaping requirements set forth in these regulations, and shall be maintained as much as such thereafter in a reasonable and acceptable manner or condition.

C. All vehicle parking spaces and areas required or otherwise provided shall comply with the following conditions:

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

- I. Requirements for uses not specifically listed herein shall be determined by the community development director, based upon the requirements for comparable uses and upon particular characteristics of the use. Additional parking over and above that required herein may be required upon determination of the planning commission that the specific type of business or user generates a greater demand for more parking than the requirement herein.
- J. No tandem parking shall be allowed within private residential areas anywhere in the city, it would adversely impact the aesthetic appeal and character of the city.

**Figure 17.60.010-A Standards Spaces**

N	P	S	A	C	P'	S'
0°	28'	9'	10'	24'	-	-
30°	45'-6"	16'-9"	12'	17'-9"	-	-
40°	49'-10"	18'-5"	13'	14'	-	-
45°	52'	19'	14'	12'-9"	45'-8"	15'-10"
50°	53'	19'-6"	16'	11'-10"	-	-
60°	60'-4"	20'	20'	9'-10"	-	-
70°	63'-4"	20'-2"	23'	9'-9"	-	-
80°	62'-8"	19'-4"	24'	9'-3"	-	-
90°	62'	18'	26'	9'	-	-

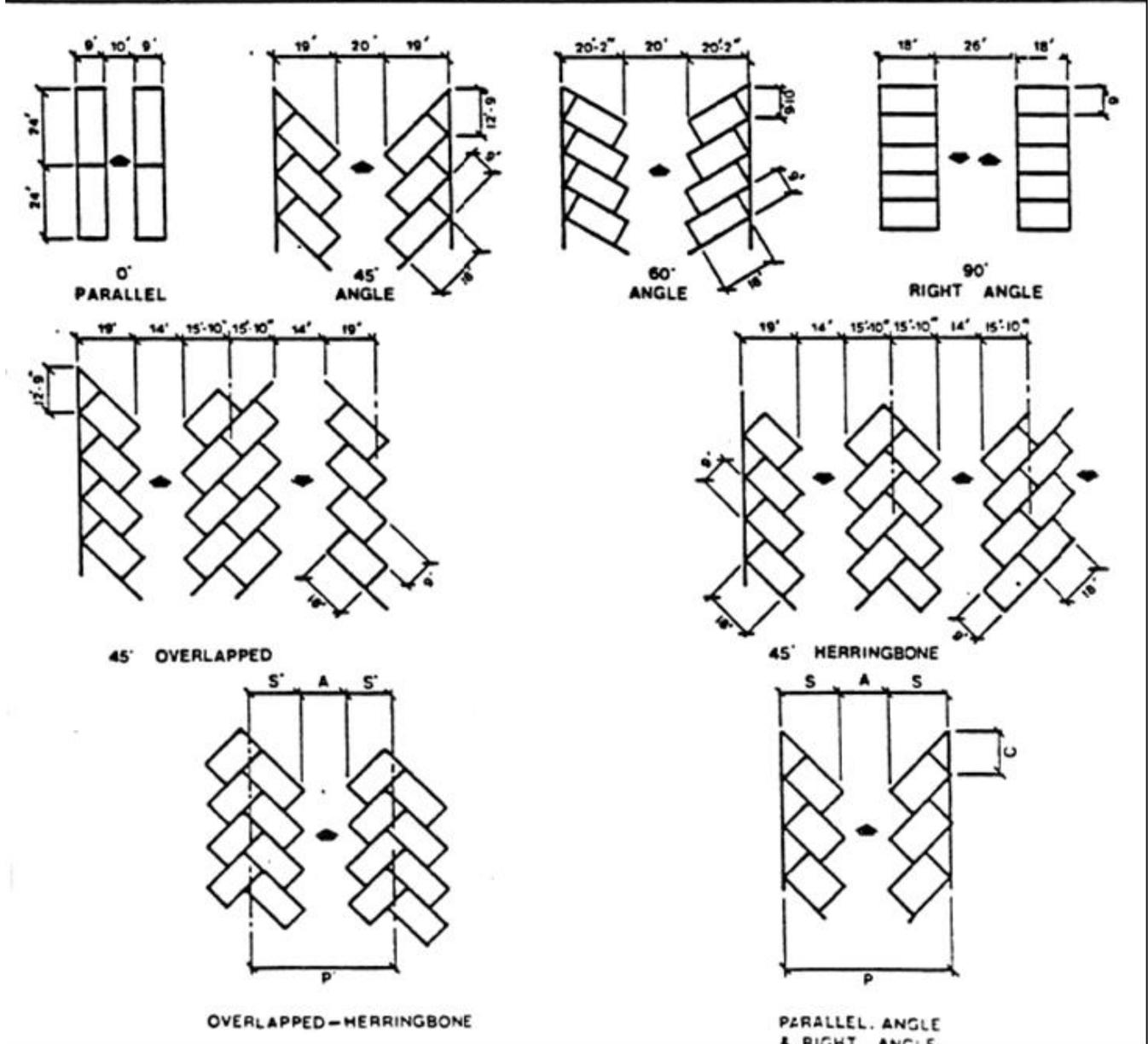


Figure 17.60.010-B Handicapped Spaces

N	P	S	A	C
0°	34'	12'	10'	24'
45°	52'	19'	14'	13'
60°	60'-4"	20'-2"	20'	17'-6"
90°	70'	18'	26'	12'

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

### 17.60.020 Parking requirements.

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

Land Use	Required Parking
<b>Residential:</b>	
Single-family dwelling	2 standard spaces within a garage.
Duplex (two-family) or triplex (three-family) dwelling	2 standard spaces per dwelling unit within a garage.
Multiple dwelling	2 standard spaces per dwelling unit with a garage, plus 1 guest parking for every 4 units.
Mobile home park	2 standard spaces for each mobile home site or space. The parking may be tandem. 1 additional space per each 5 mobile home sites or spaces shall be provided for guests.
Senior housing and very low/low income	0.5 spaces per unit.
<b>Commercial:</b>	
General retail or services	1 space for each 300 square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the <a href="#">California Building Code</a> .

Land Use	Required Parking
General professional offices	1 space for each 300 square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the <a href="#">California Building Code</a> .
Restaurants, cafés and similar establishments dispensing food and beverages (including drive-ins, drive-through and take out establishments with designated seating areas)	1 space for each 4 fixed seats or for each 4 persons of occupant load in the dining area. There shall also be provided additional 10% of the required parking with parking to be designated for use by employees. Handicapped parking spaces shall be provided in accordance with Title 24 of the <a href="#">California Building Code</a> .
Drive-in, drive-through and take out business with no designated interior or exterior seating areas (including automobile service stations)	1 space for each 250 feet of gross floor area provided, a minimum of 5 spaces shall be provided. Handicapped parking spaces shall be provided in accordance with Title 24 of the <a href="#">California Building Code</a> .
Hotels, motels, boardinghouses, clubs, and lodges	1 space for each guest room, suite or dwelling unit, and 2 spaces for any dwelling unit used by a residential manager. Handicapped parking spaces shall be provided in accordance with Title 24 of the <a href="#">California Building Code</a> .
Assemblies such as theaters, auditoriums, arenas, stadiums and similar places of assembly including churches and private schools	1 space for each 3 permanent seats, or if movable or temporary seats are used, 1 space for each 3 persons of occupant load. Handicapped parking spaces shall be provided in accordance with Title 24 of the <a href="#">California Building Code</a> .
<b>Industrial:</b>	
General manufacturing	1 space for each 750 square feet of gross floor area up to 10,000 square feet and 1 for each 750 square feet of gross floor area over 10,000 square feet plus 1 loading area for each 5,000 square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the <a href="#">California Building Code</a> .
Research and scientific manufacturing	1 space per 750 square feet of gross floor area plus 1 space for each vehicle owned or leased by any occupant and operated from the site. Handicapped parking spaces shall be provided in accordance with Title 24 of the <a href="#">California Building Code</a> .
Warehousing	1 space per 1,000 square feet of gross floor area plus 1 space for each vehicle owned or leased by any occupant and operated from the site. Handicapped parking spaces shall be provided in accordance with Title 24 of the <a href="#">California Building Code</a> .
Office	1 space for each 300 square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the <a href="#">California Building Code</a> .
Self-storage	Parking shall be provided along 30-foot wide parking/driving lanes adjacent to the storage buildings and a minimum of 10 spaces adjacent to the leasing office.
<b>Vehicle-related use:</b>	
Auto repair	1 space per 300 square feet of gross floor area.

Land Use	Required Parking
Auto sales/leasing	1 space per 750 square feet of lot size plus one space per 2,500 square feet of outdoor display and storage area.
RVs and related	1 space per 750 square feet of gross floor area plus one space per 2,500 square feet of outdoor display and storage area.

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

### 17.60.030 Development standards.

- A. Paving. All parking spaces, maneuvering, turnaround areas, and any driveways shall be paved with asphalt or concrete to city standards.
- B. Marking of Parking Spaces. All parking spaces, except those within private garages or carport, shall be marked with distinguishable materials. Handicapped spaces shall be clearly identified to preclude their use by unauthorized vehicles.
- C. Bumper Guards or Wheel Stops. Bumper guards or wheel stops shall be provided as necessary to protect any buildings, structures, landscaping or other vehicles.
- D. Illumination. All parking areas must be illuminated; lights shall be arranged so that there is no direct reflection of light toward any adjoining premises, public street, private street or alley.
- E. Parking Area. Any parking area, other than that used for single-family or two-family dwellings (duplex), shall be separated from any adjoining residential zone, church, school, or park by a masonry wall six feet in height, except within a required front setback or front yard on the site of adjoining property, in which case the solid wall shall not exceed forty-two inches in height, but may be increased to a total height of six feet if wrought iron, chain link, or other “see through” materials are used and the design is approved by the director of community development.
- F. Driveways and Aisles. The minimum driveway and aisle widths necessary for adequate ingress and egress shall be provided and maintained free and clear of all obstruction as follows:
1. Minimum one-way driveway widths:
    - a. Single-family or duplex dwellings, ten feet,
    - b. Multiple dwellings, twelve feet,
    - c. All other uses, ten feet;
  2. Driveways affording ingress and egress to a parking area with twenty or more spaces shall be designed for one-way circulation or a double driveway system;
  3. Aisle widths for parking areas shall be in accordance with parking standards adopted by the planning commission.

G. Landscaping. All parking areas required, or otherwise provided, except for residential zones, shall be landscaped as follows:

1. A minimum planter strip, as required by regulations of the zone district in which site is located, shall be provided on peripheral sides bounded by a public or private street, except for those areas devoted to crosswalks and traversing driveways.
2. A minimum of five percent of the total parking area must be landscaped; provided, however, that any such planting beds shall have a minimum width of three feet and a minimum area of twenty square feet. These beds shall be drawn to scale and indicated on the plot plan.
3. Any unused space resulting from the design of parking may be used for planting purposes; provided, however, that any such planting beds shall have a minimum width of three feet and a minimum area of twenty square feet. These beds shall be drawn to scale and indicated on the plot plan.
4. In complying with the five percent landscaping requirements, the landscaping shall be distributed throughout the parking area as evenly as possible. When parking areas are not visible from the public right-of-way, the director of community development shall have the option of incorporating the required parking area landscaping into other areas of the site including, but not limited to, the landscape front setback.
5. Planter curbing shall be used for landscaping containment. The height of such curbing shall be not less than six inches of concrete or eight inches in masonry.
6. All landscaping areas shall contain an accepted irrigation system (sprinklers, bubblers, or diffuser heads) or hose bibs located within fifty feet of all parts of a planted area, and the system shall be shown on the plot plan or on a separate drawing. (Ord. 1120 §4, 2008; Ord. 822 §1, 1989)

### **17.60.040 Remote parking.**

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

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

D. That the lot or parcel is located not more than one hundred fifty feet from the lot or parcel to be served, the requirement for a covenant running with the land as shown in subsection C of this section shall apply. (Ord. 1120 §5, 2008; Ord. 822 §1, 1989)

### **17.60.050 Loading facilities and truck maneuvering.**

- A. All loading docks or loading doors facing upon a public or private street shall be located in such a manner that all truck maneuvering shall take place on the site whenever possible.
- B. All drive approaches shall be designed so as to preclude direct access to a loading dock or loading door from the street whenever possible.
- C. All areas used for parking, maneuvering, or vehicle storage shall be paved with asphalt or concrete to city standards.
- D. For every commercial or industrial building erected or established on a lot which abuts an alley, there shall be provided and maintained a twenty-five-foot by ten-foot by fourteen-foot high loading space for each two thousand square feet of gross floor area. Each loading space shall be clearly marked and identified and shall be kept clear and unobstructed at all times. (Ord. 822 §1, 1989)

### **17.60.060 Parking and loading facilities—Nonconforming.**

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

- A. There shall be no further reduction of off-street parking and loading facilities that do not exist on the property as of the effective date of this section; and
- B. The property complies with any applicable regulations requiring handicapped parking. (Ord. 937 §1, 1993)

### **17.60.070 Maintenance of parking.**

- A. Any parking spaces or loading zones that were required when the building was originally constructed or subsequently expanded shall be continually maintained.
- B. All parking areas shall be permanently maintained in a safe and clean condition free of physical obstructions and in good condition. All areas, including landscaping, shall be kept free of trash and weeds. Landscaped planters shall be permanently maintained with healthy nursery stock. Any alteration, enlargement, maintenance or repairs shall be subject to the provisions of this chapter.
- C. Any restriping or other changes made to a parking lot shall be reviewed and approved by the planning division prior to such work being commenced. (Ord. 1120 §6, 2008)

## South El Monte, California Municipal Code

### Title 17 ZONING

## **Chapter 17.68 CONDITIONAL USE PERMITS**

17.68.010 Purpose.

17.68.020 Application and fee.

17.68.030 Public hearing.

17.68.040 Required findings.

17.68.045 Consistency with hazardous waste management plan.

17.68.050 Commission actions.

17.68.060 Conditions of approval.

17.68.070 Violation of conditions.

17.68.080 Notice of decision.

17.68.090 Effective date and appeal.

17.68.100 Expiration and extensions.

### **17.68.010 Purpose.**

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

B. A conditional use permit shall be required for any use within a zone district which is designated as a conditional use by the district regulations or for such other uses which, by their scope, scale, or nature, would not specifically be permitted uses within any designated zone district, but which would be recognized as uses that would be beneficial to the community as a whole. (Ord. 963 §39, 1995; Ord. 822 §1, 1989)

### **17.68.020 Application and fee.**

When it is determined that a conditional use permit is required, application shall be made upon forms prescribed by the commission and shall be accompanied by such exhibits, maps or documents deemed necessary to provide the commission with complete information regarding the request. At the time the application is submitted, a fee, established by written resolution of the city council, shall be paid. No part of the required fee shall be refundable unless the application is withdrawn prior to the publication of the notice of public hearing. (Ord. 963 §39, 1995; Ord. 822 §1, 1989)

### **17.68.030 Public hearing.**

Upon receipt of the required application and fee, the commission shall set a hearing date which shall be advertised as provided in Chapter 17.74 of these regulations. (Ord. 963 §39, 1995; Ord. 822 §1, 1989)

### **17.68.040 Required findings.**

The commission shall find that the proposed use shall not be detrimental to persons or properties in the immediate vicinity nor to the city in general. If it fails to make these findings, the request shall be denied. (Ord. 963 §39, 1995; Ord. 822 §1, 1989)

### **17.68.045 Consistency with hazardous waste management plan.**

Any decision on a proposed zoning amendment shall be consistent with the portions of the county of Los Angeles hazardous waste management plan as approved November 30, 1989, relating to siting of and siting criteria for hazardous waste facilities. (Ord. 963 §39, 1995; Ord. 888-U §2, 1990; Ord. 887 §2, 1990)

### **17.68.050 Commission actions.**

The commission may grant, conditionally grant, or deny a conditional use permit based on the required findings, on evidence presented by the staff report, the public hearing, or upon its own study and knowledge of the situation. (Ord. 963 §39, 1995; Ord. 822 §1, 1989)

### **17.68.060 Conditions of approval.**

The commission may attach such reasonable conditions of approval as it deems are necessary to ensure that the proposed use will be compatible with the surrounding area and with the goals of the city. Such conditions may include, but are not limited to, setbacks, building height, parking, landscaping, and architecture. All conditions shall be binding upon the applicants, their successors and assigns and shall run with the land; shall limit and control the issuance and validity of certificate of occupancy, and shall restrict and limit the construction, location, use and maintenance of all land and structures within the parcel, lot or development. (Ord. 963 §39, 1995; Ord. 822 §1, 1989)

### **17.68.070 Violation of conditions.**

Should any violation of conditions of approval occur, the planning commission may after appropriate public notice, reopen the public hearing on the conditional use permit and may impose additional conditions to rectify any violations or may, if such is shown to be warranted, revoke the conditional use permit for cause. (Ord. 963 §39, 1995; Ord. 822 §1, 1989)

### **17.68.080 Notice of decision.**

Not later than ten days following the commission's decision to grant or deny the conditional use permit, the applicant shall be notified in writing of the commission's decision. (Ord. 963 §39, 1995; Ord. 822 §1, 1989)

### **17.68.090 Effective date and appeal.**

If approved, the conditional use permit shall become effective within fourteen days following the commission's approval. The applicant or any other person aggrieved by the commission's decision may appeal to the city council in accordance with Chapter 17.74 of these regulations. (Ord. 963 §39, 1995; Ord. 822 §1, 1989)

### **17.68.100 Expiration and extensions.**

A. Unless otherwise specified, the conditional use permit, if not utilized within twenty-four months from the effective date, shall be deemed null and void. The abandonment or nonuse of a conditional use permit for three consecutive months or for six months during any calendar year, shall terminate the conditional use permit.

B. If the conditional use permit is not utilized within the twenty-four-month timeframe, the applicant may apply for an extension before the expiration of the permit on a form approved by the community development director. (Ord. 1237 §6, 2019; Ord. 963 §39, 1995; Ord. 822 §1, 1989)

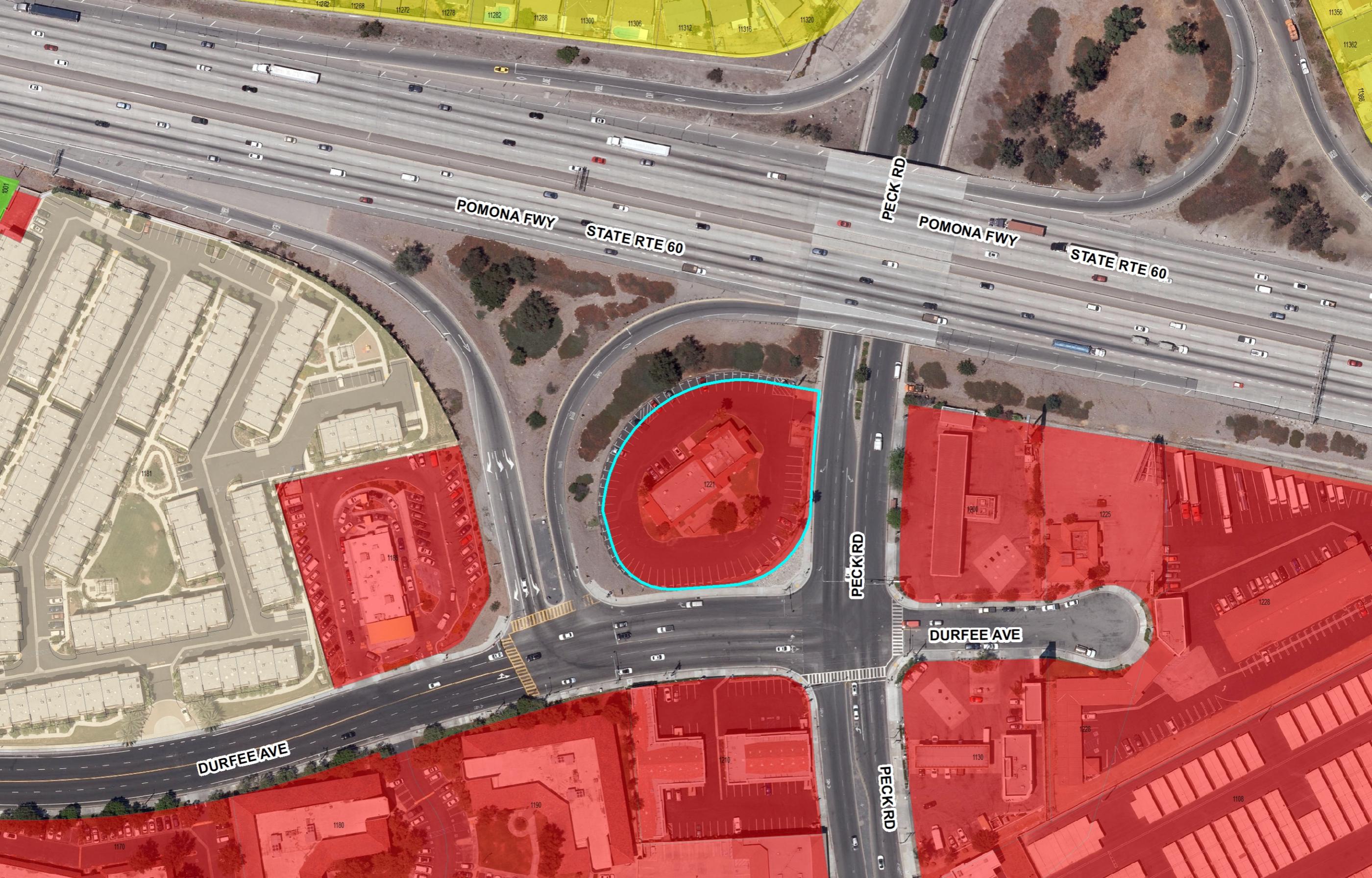
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## **Contact:**

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

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# Attachment C



POMONA FWY  
STATE RTE 60

POMONA FWY  
STATE RTE 60

DURFEE AVE

DURFEE AVE

PECK RD

PECK RD

1181

1181

1221

1204

1225

1228

1170

1180

1190

1210

1130

1228

1108

11262

11268

11272

11278

11282

11288

11300

11306

11312

11316

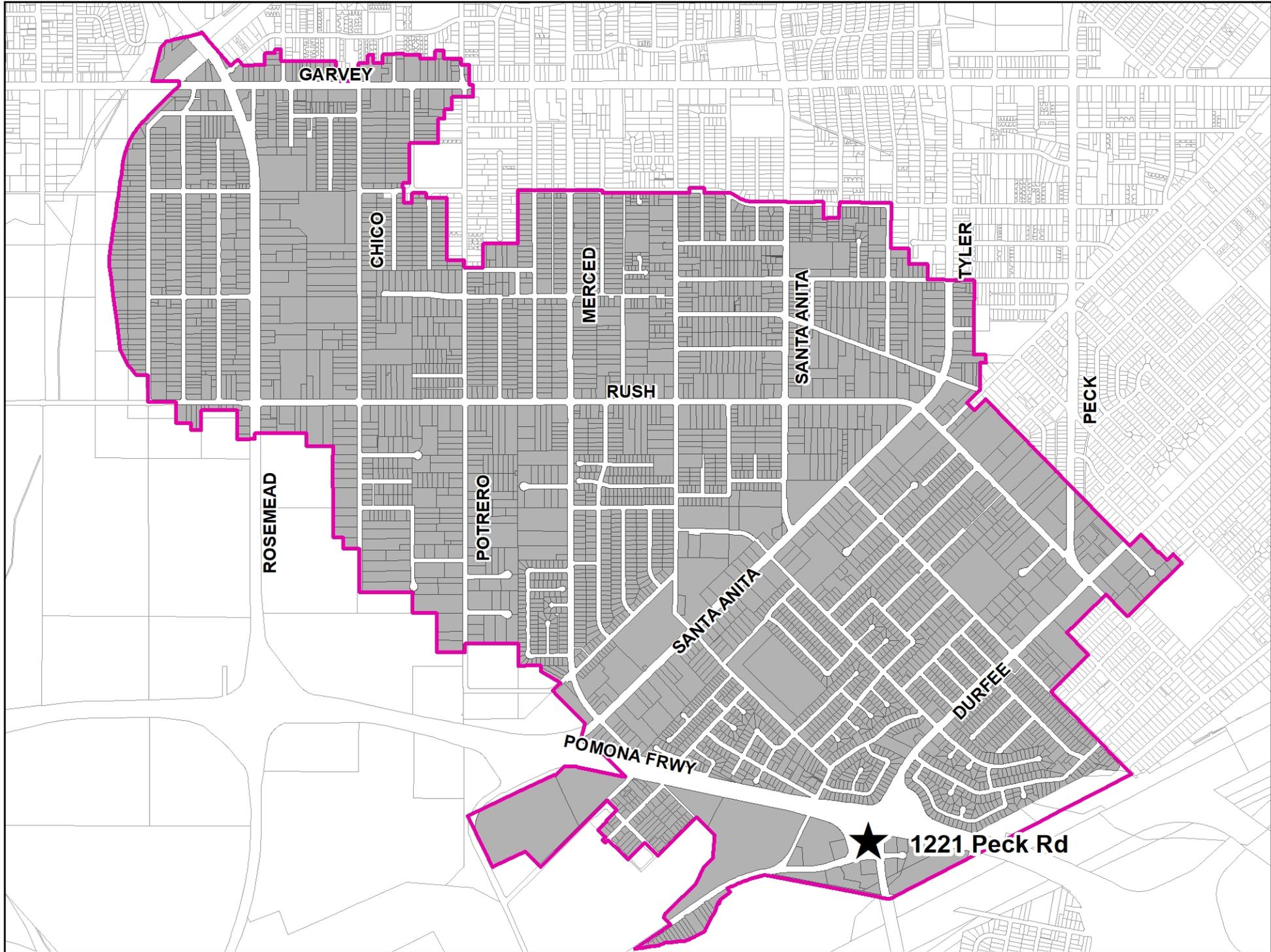
11320

11356

11362

11368

11386



GARVEY

CHICO

MERCED

RUSH

SANTA ANITA

TYLER

PECK

ROSEMEAD

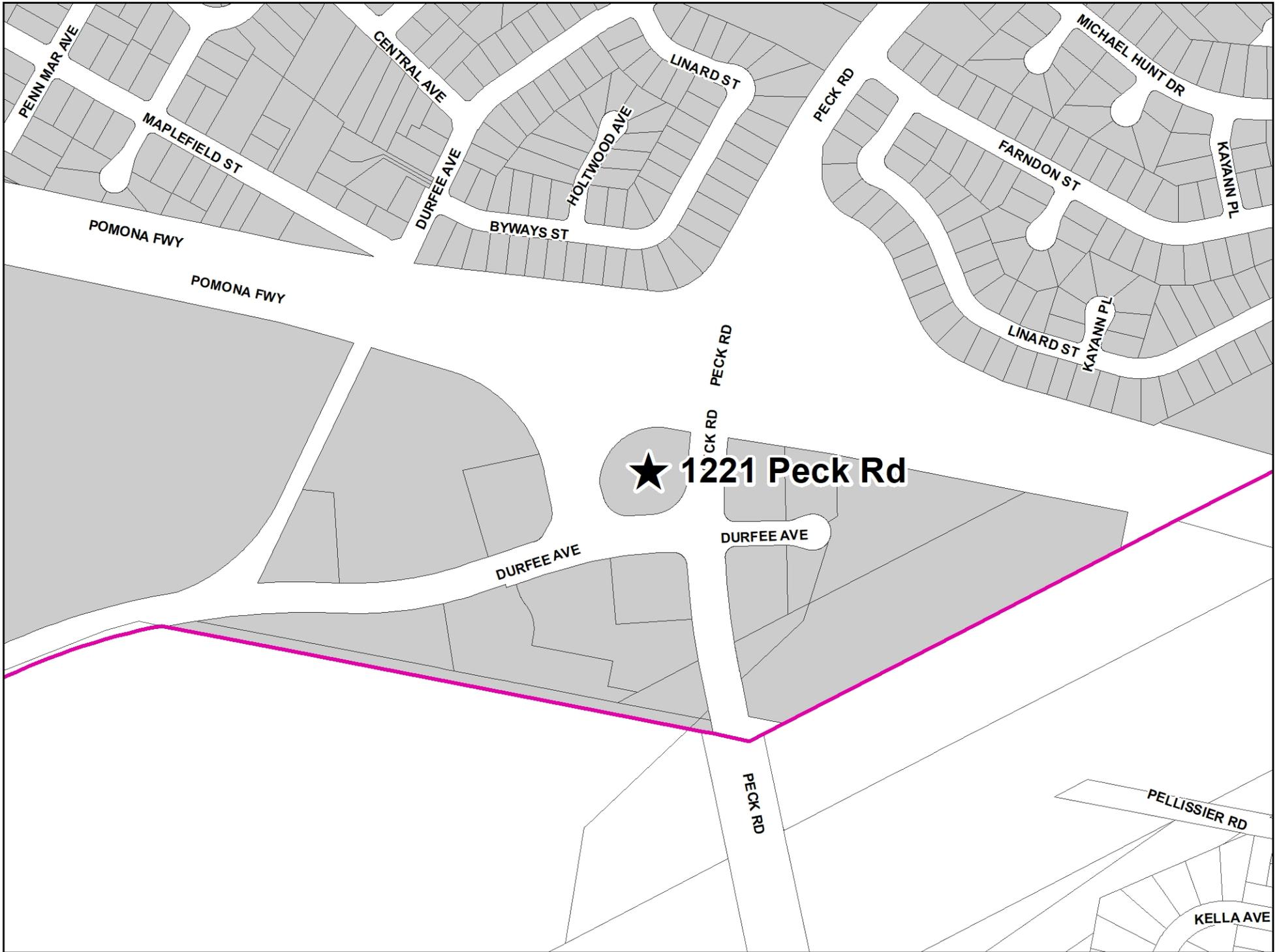
POTRERO

SANTA ANITA

DURFEE

POMONA FRWY

★ 1221 Peck Rd



★ 1221 Peck Rd

PENN MAR AVE

MAPLEFIELD ST

CENTRAL AVE

LINARD ST

MICHAEL HUNT DR

KAYANN PL

FARNDON ST

DURFEE AVE

HOLTWOOD AVE

PECK RD

BYWAYS ST

POMONA FWY

POMONA FWY

LINARD ST

KAYANN PL

CK RD

PECK RD

DURFEE AVE

DURFEE AVE

PECK RD

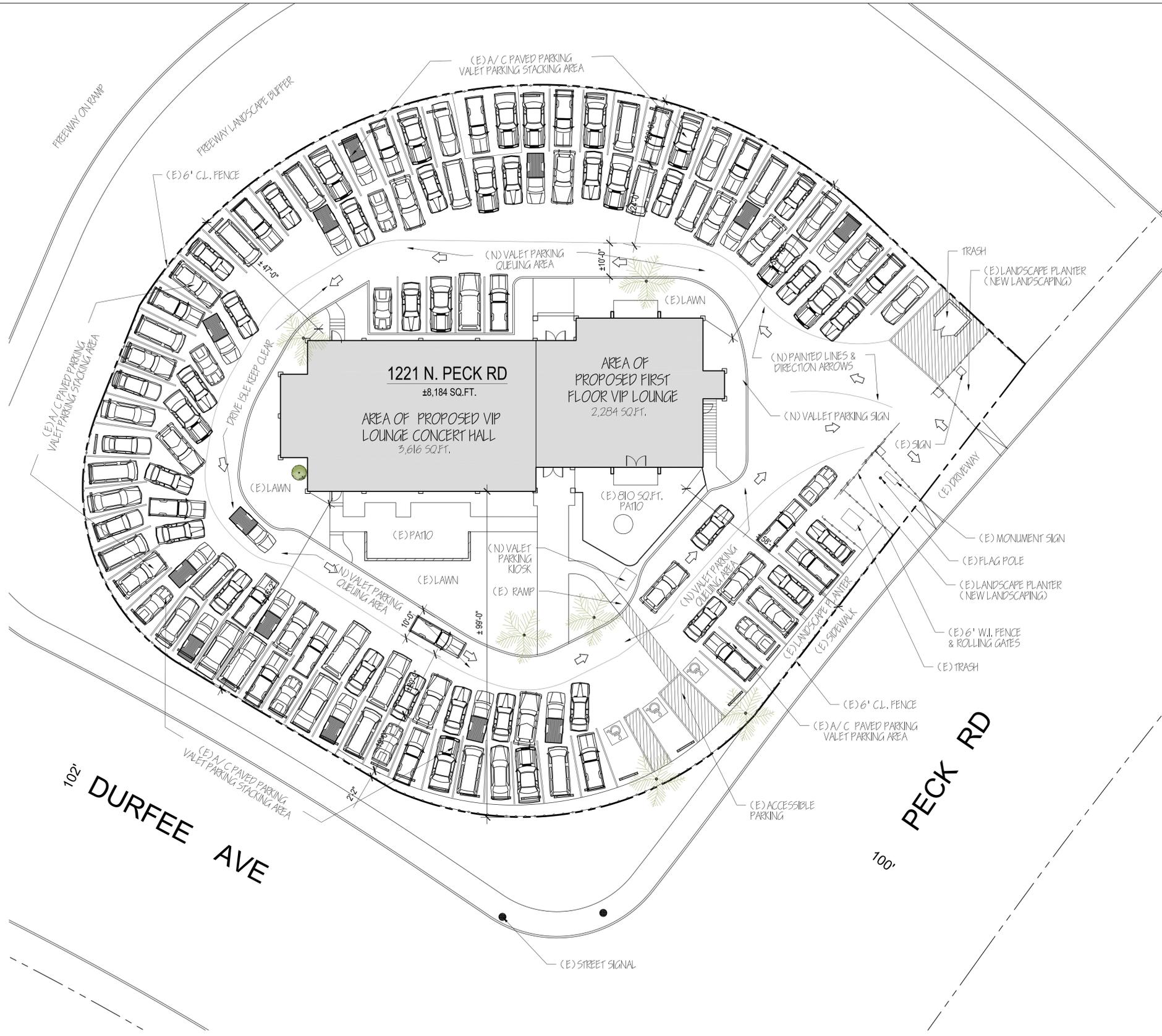
PELLISSIER RD

KELLA AVE

# Attachment D

# VIP LOUNGE & CONCERT HALL

LOCATED AT: 1221 PECK RD., SOUTH EL MONTE, CA. 91733



**OWNER:** AABC LLC  
**OWNER ADDRESS:** 14914 E VALLEY BLVD  
 LA PUENTE, CA. 91746  
**SITE ADDRESS:** 1221 N PECK RD.  
 SOUTH EL MONTE, CA. 91733  
**APPLICANT:** ISSAM AYAD  
 6922 ALDEA AVE  
 VAN NUYS, CA. 91406  
**APN:** 8119-008-020  
**ZONE:** I (INDUSTRIAL)  
**LEGAL DESCRIPTION:** 1.08 MORE OR LESS ACS COM S ON W LINE OF PECK RD PER CF2337.74.29 FT FROM NW LINE OF LOT 4 TRACT NO 2377 TH N 80 50'50 W 64.71 FT SW ON A CURVE CONCAVE TO SE SEE ASSESSOR MAPBOOK FOR MISSING PORTION RANCHO POTRERO DE FELIPE LUGO  
**LOT SIZE:** IRREGULAR  
**LOT AREA:** 44,757 SQ.FT.  
**BUILDING AREA TOTAL:**  
 (E) FIRST FLOOR PROPOSED CONCERT HALL = 3,616 SQ.FT.  
 PROPOSED VIP LOUNGE = 2,284 SQ.FT.  
 (E) SECOND FLOOR OFFICES (NOT A PART) = 2,284 SQ.FT.  
**EXISTING TOTAL BUILDING AREA = 8,184 SQ.FT.**

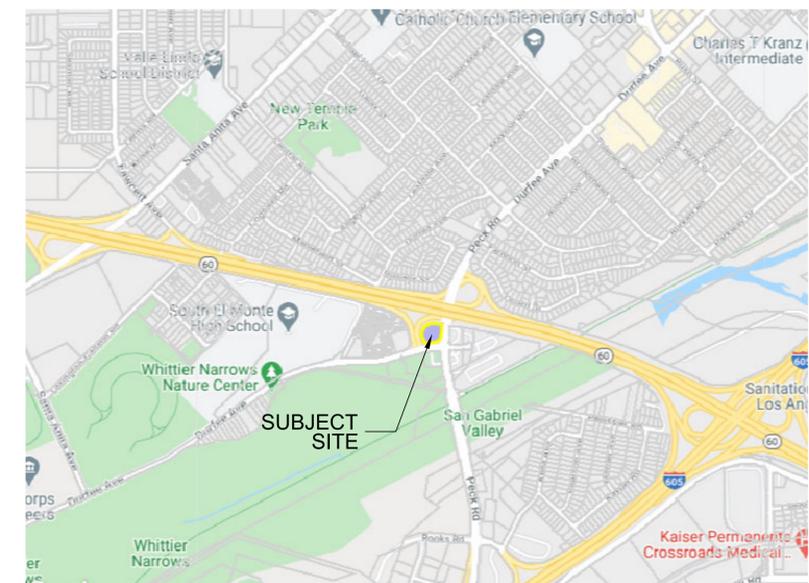
**ON SITE PARKING:** 124 PARKING STALLS  
 - EXISTING 71 STALLS (3 ACCESSIBLE)  
 - ± 53 (N) VALET STACK STALLS  
 - ± 20 QUEUING VALET SPACES

**OFF SITE PARKING:** BY SHUTTLE AS NEEDED AT:  
 1200 PECK RD - 10 STALLS BETWEEN 5PM TO 2AM  
 968 N. DURFEE AVE - 13 STALLS BETWEEN 5PM TO 2AM

## PROJECT INFORMATION

**CONDITIONAL USE PERMIT FOR NEW VIP LOUNGE & CONCERT HALL WITH ABC TYPE 42 LICENSE WITHIN EXISTING 1ST FLOOR TENANT SPACE. VALET PARKING PROVIDED FOR ALL EVENTS AT ALL TIMES WITH OFFSITE PARKING AND SHUTTLE SERVICE AS NEEDED BY AGREEMENT WITH ADJACENT PROPERTIES.**

## SCOPE OF WORK



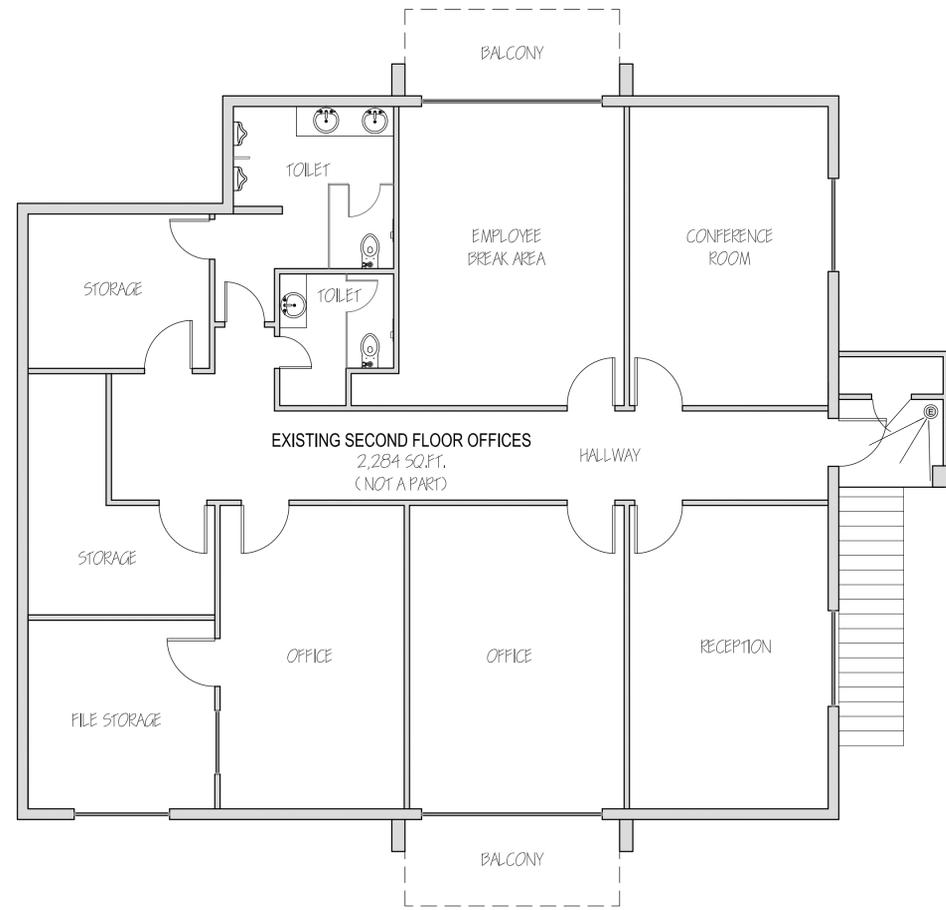
Revisions	By
9 / 28 / 2021	
10 / 11 / 2021	
10 / 14 / 2021	

**JOE MORENO**  
 (626) 350-5944  
 jmoreno@sglobal.net  
 OWNERSHIP / OCCUPANTS LIST - RADIUS MAPS - LAND USE PLANS - MUNICIPAL COMPLIANCE CONSULTING  
 12106 LAMBERT AVE EL MONTE, CA 91732 - FAX (626) 350-1532

SITE PLAN

VIP LOUNGE & CONCERT HALL  
 1221 N. PECK RD  
 SOUTH EL MONTE, CA. 91733

Date	3 / 16 / 2021
Scale	AS NOTED
Drawn	MORENO
Job	20-417
Sheet	A1



EXISTING SECOND FLOOR PLAN (NOT A PART) SCALE: 3/16" = 1'-0"

**SECURITY CAMERA LEGEND**

(E) = EXISTING CAMERA LOCATION

(N) = NEW CAMERA LOCATION

\* CAMERAS TO BE 2.1 MP 90° VIEW ALL WEATHER IP CAMERA W/ ALL WIRING THROUGH CONDUIT

**SECURITY PLAN**

CAP SECURITY WILL PROVIDE ALL ON SITE SECURITY.

CAP'S IS A PROFESSIONAL SECURITY COMPANY AND A SISTER COMPANY TO VIP CONCERT HALL. CAP'S HAS BEEN IN BUSINESS FOR OVER 25 YEARS. OUR MANAGEMENT TEAM AND SECURITY OFFICERS ARE VERY WELL TRAINED AND EXPERIENCED TO WHAT IS REQUIRED TO MAINTAIN A SAFE AND PEACEFUL ENVIRONMENT.

ALL OF OUR SECURITY PERSONAL IS TRAINED AND LICENSED BY THE STATE OF CALIFORNIA. ALL OFFICERS THAT WILL BE ASSIGNED TO VIP PREMISES ARE EXPERIENCED IN EMERGENCY EVACUATION AND CROWD CONTROL.

TO KEEP A SAFE ENVIRONMENT WE WILL BE CHECKING ALL BAGS, BACKPACKS, PURSES AND STROLLERS FOR ALCOHOL AND WEAPONS.

VIP LOUNGE HAS NEW CCTV SYSTEM THAT COVERS INTERIOR AND EXTERIOR. BY INSTALLING ADDITIONAL CAMERAS IT WILL HELP US TO BETTER SECURE AND SERVE OUR COMMUNITY, CLIENTS, AND STAFF.

VIP LOUNGE WILL EXPAND THE EXISTING CAMERA SYSTEM AND INSTALL NEW CAMERAS TO HAVE MORE COVERAGE OF THE ENTIRE INTERIOR AND EXTERIOR OF THE PROPERTY IF NECESSARY.

THE CAMERA SYSTEM WILL BE IN RECORDING MODE 24 / 7 ALL RECORDINGS WILL BE SAVED AND STORED ON THE HARD DRIVE FOR UP TO 30 DAYS.

THE NUMBER OF SECURITY OFFICER NEEDED WILL DEPEND ON THE SIZE OF THE EVENT, EACH EVENT WILL BE DIFFERENT BUT WE WOULD PROPOSE (1) 5.0 FOR EVERY 25 GUEST ATTENDING THE EVENT.

AT NO TIME WILL VIP HAVE LESS THAN (2) SECURITY OFFICERS ON SITE.

ONCE WE ARE READY TO OPEN FOR BUSINESS VIP WILL HAVE A SECURITY OFFICER EVERY NIGHT 7 DAYS A WEEK AS A PREVENTATIVE MEASURE TO PREVENT ANY TYPE OF VANDALISM.

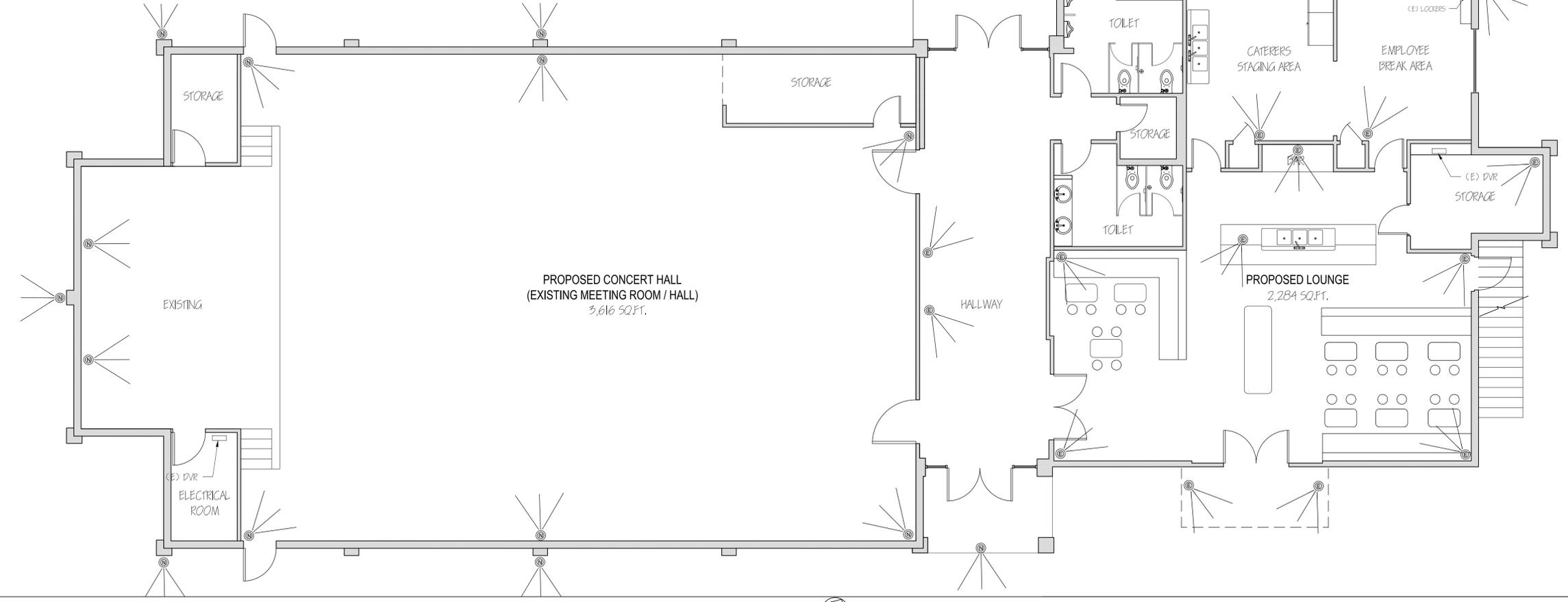
CCTV SURVEILLANCE SYSTEM

BUSINESSES WILL BE MONITORED 24 / 7 BY A WEB-BASED COMMERCIAL GRADE CCTV SURVEILLANCE SYSTEM (NVR). SYSTEM WILL USE HIGH DEFINITION COLOR CAMERAS, REMOTE ZOOM CONTROL, AND WDR (WIDE DYNAMIC RANGE) FOR EFFECTIVE REACTIONS TO ABRUPT LIGHTING CHANGES AT NIGHT. EXTERIOR CAMERAS WILL BE VANDAL / WEATHER RESISTANT AND MOUNT IN A CROSS COVERAGE ARRANGEMENT VIEWING ENTRY / EXIT, AND PARKING AREAS. INTERIOR CAMERAS WILL BE MOUNTED IN A CROSS COVERAGE ARRANGEMENT.

NVR SYSTEM WILL FEATURE CONTINUES RECORDING SCHEDULES OF ALL INTERIOR / EXTERIOR ACTIVITIES 24 / 7, AND FEATURE A MINIMUM OF 30 DAYS OF ONSITE RECORDING STORAGE. SYSTEM WILL BE CAPABLE OF REMOTE WEB SITE ACCESS MONITORING FOR AUTHORIZED PERSONNEL.

EMPLOYEES AND SECURITY PERSONNEL WILL HAVE CONTROL OF VIEWING MONITORS LOCATED INSIDE MAIN OFFICE AREA. SYSTEM WILL USE UNINTERRUPTIBLE BACK-UP POWER SYSTEMS TO INSURE FULL COVERAGE DURING POWER OUTAGES. ALL CCTV EQUIPMENT WILL BE HOUSED IN A SECURE NETWORK RACK LOCATED IN SAFE STORAGE ROOM AND PROFESSIONALLY MONITORED 24 / 7 BY CAP SECURITY. OPERATOR TO INSURE THE REQUIRED PERFORMANCE AND OPERATIONAL STANDARDS ARE STRICTLY ADHERED TO.

**SECURITY NOTES & LEGEND** SCALE: NONE



EXISTING FLOOR PLAN SCALE: 3/16" = 1'-0"

Revisions	By

**JOE MORENO**  
 (626) 300-8944  
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 OWNERSHIP / OCCUPANTS LIST - RADIUS MAPS - LAND USE PLANS - MUNICIPAL COMPLIANCE CONSULTING  
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**SECURITY & CAMERA PLAN**

VIP LOUNGE & CONCERT HALL  
 1221 N. PECK RD  
 SOUTH EL MONTE, CA. 91733

Date	4 / 19 / 2021
Scale	AS NOTED
Drawn	MORENO
Job	21-141
Sheet	<b>A3</b>



# Planning Commission Agenda Report

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

**DATE:** November 16, 2021

**TO:** Honorable Chairman and Members of the Planning Commission

**APPROVED BY:** Colby Cataldi, Community Development Director

**PREPARED BY:** Ian McAleese, Assistant Planner

**SUBJECT:** Consideration of Resolution No. 21-14 recommending the City Council approve the Resolution to establish basic rules applicable to all SB-9 projects.

**PUBLIC NOTICE:** Notice of public hearing was posted on November 3, 2021.

**ENVIRONMENTAL DETERMINATION:** The Planning Commission hereby finds that the adoption of Resolution No. 21-14 is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15308, Class 8, Actions by Regulatory Agencies for Protection of the Environment). Class 8 consists of actions taken by regulatory agencies, as authorized by local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment. In this case, the proposed Resolution is intended to address the requirements of SB-9, does not include any project, and therefore has no impact to the environment.

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**BACKGROUND:** On September 16, 2021, Senate Bill 9 (SB-9), was signed into law by the Governor. SB-9 amended Section 66452.6 of, and added Sections 65852.21 and 66411.7 to, the California Government Code (Attachment B) to allow for urban lot splits. These changes will require local agencies to approve applications to subdivide single-family zoned lots into a maximum of two lots and to allow the construction of two units on each new lot. In other words, a Single Family Residential (R-1) zoned lot could potentially have four units. Please see Attachment 3 for a summary of the State law.

**RECOMMENDATION:** Staff recommends that the Planning Commission adopt Resolution No. 21-14 recommending that the City Council adopt the Resolution to establish basic rules for SB-9 projects.

**ANALYSIS:**

With the adoption of SB-9, the State of California (State) has imposed less stringent zoning and subdivision laws to allow for the creation of new housing in R-1 zoning that was historically reserved for a single family dwelling, with an Accessory Dwelling Unit (ADU). The new law requires local jurisdictions to comply with these new urban lot splits and creation of duplexes, but leaves some room for localities to adopt their own regulations that are not in conflict with SB-9. The resolution being proposed will set provide guidance to the City and developers alike on the process and parameters of development subject to SB-9, while the comprehensive zoning code update is underway over the course of the next year, of which the SB-9 ordinance will be a part of.

**CONCLUSION:** Staff has prepared the attached resolution to create basic rules that will be used in coordination with internal divisions to all applicable SB-9 Staff recommends that the Planning Commission adopt Resolution No. 21-14 recommending approval of the Resolution to the City Council.

**ATTACHMENTS:**

Attachment A – Resolution No. 21-14

Attachment B – SB-9 (Atkins) Full Text

Attachment C – Quick Reference Guide to SB-9 (Atkins)

# Attachment A

## **PLANNING COMMISSION**

### **RESOLUTION NO. 21-14**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH EL MONTE RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION TO ESTABLISH BASIC PRECEPTS APPLICABLE TO ALL ELIGIBLE SB 9 PROJECTS

WHEREAS, Senate Bill 9 (Atkins) (the "Bill" or "SB 9"), entitled the California Home Act, was signed into law by the Governor on September 19, 2021 and becomes effective on January 1, 2022; and

WHEREAS, the Bill amends Government Code Section 66452.6, and adds two new Government Code Sections 65852.1 and 66411.7; and

WHEREAS, the Bill will require cities and counties, including charter cities, to provide for the ministerial (or "by right") approval of a housing development containing two residential units of at least 800 square feet in floor area ("duplex") and a parcel map dividing one existing lot into two equal parts ("lot split") within a single-family residential zone for residential use; and

WHEREAS, SB 9 eliminates discretionary review and public oversight of this proposed subdivision of one lot into two parcels by removing the requirements for a public notice and public hearings by the Planning Commission, by

WHEREAS, SB 9 requires only administrative review of the project, including ministerial approval of a lot split, and also provides several opportunities to extend the time, up to 10 years, for the use of an approved or conditionally approved Tentative Parcel Map; and

WHEREAS, the Bill exempts SB 9 projects from environmental review as required by the California Environmental Quality Act (CEQA), by establishing a ministerial review process without discretionary review or a public hearing; and

WHEREAS, SB 9 further stipulates that a city or county cannot require a duplex project to comply with any standard that would prevent two units from being built on each resultant lot, and prohibits a local agency from imposing regulations that require dedications of rights-of way or the construction of offsite and onsite improvements for parcels created through a lot split; and

WHEREAS, in addition to various constraints on SB 9 developments as set forth in SB 9, the Bill also authorizes cities and counties to enact local SB 9 implementation ordinances and guidelines that are objective and that are not inconsistent with its mandatory provisions; and

WHEREAS, due to the Bill's enactment on September 12, 2021 and its effective date of January 1, 2022, there is not sufficient time for a publicly-considered implementation ordinance to be developed, publicly reviewed, and adopted by January 1, 2022; however, in the short-term, the City can and must develop a memorandum of understanding to obligate all City Departments

and agencies to abide by interim rules and requirements to implement SB 9 locally until such time as the permanent ordinance is adopted; and

WHEREAS, there remains significant unanswered questions about legal, ownership, county-city, and interdepartmental responsibility pursuant to SB 9 implementation that need to be resolved.

**NOW, THEREFORE, THE SOUTH EL MONTE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** it is important that both the short-term memorandum and long-term ordinance establish basic precepts applicable to all SB 9 projects, including, but not limited to the following and said paragraphs shall provide guidance and parameters to the City and developers as follows

**1) Objective Zoning/Subdivision/Design Standards.** The Bill authorizes the City to impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to structures and parcels created by an urban lot split that do not conflict with this section; or preclude the construction of two 800 square foot minimum housing units. Accordingly, all such existing objective City standards shall apply to SB 9 projects, in addition to any additional objective standards that the City may adopt.

**2) Maximum of Four Units and Two Lots.** SB 9 obligates the City to allow two units per lot, and one lot split, for a total of four units and a total of two lots (parcels). The City is not required and shall not allow any additional units or structures (such as ADUs), nor any further lot splits, on any parcel that has been split once and on which four units have been approved.

**3) Parking.** The Bill allows the City to choose to require parking consistent with the terms of the Bill. Accordingly, the City shall require off-street parking of one space per unit, unless the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code or there is a car share vehicle located within one block of the parcel.

**4) Setbacks.** SB 9 allows the City to choose to require setbacks consistent with the terms of the Bill. Accordingly, the City shall require setbacks of up to four feet from the side and rear lot lines in all SB 9 projects and circumstances that are not expressly exempted from such a requirement by the Bill.

**5) Applicant Residency.** The Bill requires every SB 9 applicant to provide an affidavit confirming that the applicant intends to reside in one of the SB 9 units for three years. To fulfill this obligation, the City shall require the applicant to sign and record an affidavit placing a covenant that will run with the land to confirm that the applicant will reside in one of the SB 9 units for three years from the City's grant of the application where a unit already exists, or, if no unit then exists, for three years from the City's issuance of the unit's Certificate of Occupancy.

**6) Unavoidable Adverse Impacts.** The Bill authorizes the City to deny an SB 9 project upon written findings, based on a preponderance of evidence, that the project will have a specific, adverse impact upon public health and safety or the physical environment for which there is no feasible method to mitigate or avoid. The City shall assess every SB 9 application for such unavoidable adverse impacts, shall provide its written assessment to the Director of Community Development, and shall deny a project if an unavoidable adverse impact is identified. Findings of unavoidable adverse impact shall be made pursuant to SB 9 if and as required, for these areas.

**7) Notification Requirements.** Every SB 9 filing shall require the City to notify those property owners and tenants within a 500-foot radius from the proposed project site that a parcel map has been filed

**Section 3.** The Planning Commission of the City of South El Monte hereby recommends that the City Council approve the proposed Resolution and authorize City staff as follows:

**A)** The City Council hereby authorizes the Community Development Department, with assistance by the City Attorney, prepare a memorandum of understanding prior to December 31, 2021 that is consistent with this Resolution and that shall be used by all Departments and agencies until such time as a local implementation ordinance is adopted.

**B)** The City Council hereby authorizes the City Planning Department, with the assistance of the City Attorney and Community Development Department, to begin developing an ordinance for the implementation of SB 9.

The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of November 2021

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

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

I, Angie Hernandez, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution (No. 21-14), was duly passed and

Resolution No. 21-14

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adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 16<sup>th</sup> day of November 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

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Secretary

# Attachment B

# **Senate Bill No. 9**

## **CHAPTER 162**

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[ Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021. ]

### LEGISLATIVE COUNSEL'S DIGEST

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot

split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

# DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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## BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### SECTION 1.

Section 65852.21 is added to the Government Code, to read:

#### **65852.21.**

(a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b)

(1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2)

(A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B)

(i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (1) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

## **SEC. 2.**

Section 66411.7 is added to the Government Code, to read:

### **66411.7.**

(a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2)

(A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c)

(1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3)

(A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g)

(1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j)

(1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

### **SEC. 3.**

Section 66452.6 of the Government Code is amended to read:

#### **66452.6.**

(a)

(1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b)

(1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the

tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

**SEC. 4.**

The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

**SEC. 5.**

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

# Attachment C



# URBAN LOT SPLITS

## A QUICK REFERENCE

Senate Bill 9 (SB-9, Atkins) changed California Government Code Sections 6452.6, 65852.21, and 66411.7 to allow for urban lot splits. The following is summary of the law. For the full text of the change, click [here](#).

### **What it Allows:**

- One lot can be divided into a maximum of two lots
- Lots must be at least 40 percent the size of the original lot
- Minimum size of new lot is 1,200 square feet
- Each lot can have two units
- ADUs and JADUs are counted toward the maximum
- Each unit can be at least 800 square feet

### **Setbacks:**

- Rear and side setbacks can be as little as four feet
- No additional setbacks for existing structures
- No additional setbacks for structures replacing existing structures (new structure must be same size and location)

### **Parking:**

- The City cannot require more than one parking space per unit
- The City cannot require any parking if...
  - .5 mile walk to a "high quality transit corridor"
  - .5 mile walk of a "major transit stop"
  - Car share vehicle within 1 block

### **Limitations on Demolition:**

- Must not demolish or alter:
  - Legally restricted affordable housing
  - Housing subject to rent control
  - Housing occupied by a tenant within the last three years
- If the site has been rented in the last three years, cannot demolish more than 25 percent of the exterior walls

### **Processing Requirements:**

- The City cannot apply subjective rules, such as design guidelines
- Must be approved ministerially
- No discretion can be used in reviewing applications
- No hearing can be required

### **Rights of Way & Easements:**

- Cannot require dedication of right of way
- Cannot require construction of offsite improvements
- City can require an easement to the public right of way

**Other requirements:**

- Cannot be used for short term rentals
- Not required to approve an ADU or JADU, as well
- Structures can be attached
- Owner must sign affidavit that owner will live on-site for 3 years
- Cannot subdivide in the future as an urban lot subdivision
- Same owner cannot subdivide an adjacent site
- City must allow owner to keep non-conforming conditions (e.g. setbacks)