

CITY OF SOUTH EL MONTE

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

**JUNE 16, 2020, 6:00 P.M.
CITY HALL CHAMBERS
1415 SANTA ANITA AVENUE
SOUTH EL MONTE, CA 91733**

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

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

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

Members of the public wishing to submit a general comment or a comment on an agenda item, can email ahernandez@soelmonte.org or call (626) 579-6540 to leave a voicemail message. All comments received by 5:00 p.m. on Tuesday, June 16, 2020 will be added to the Planning Commission agenda as part of the public comment.



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

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

1. CALL TO ORDER

2. ROLL CALL

Commissioners: Bojorquez, Barrera, Yopez, Ortiz and Rodriguez

3. FLAG SALUTE

4. APPROVAL OF AGENDA

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

5. PUBLIC COMMENT

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

6. CONSENT CALENDAR

6.a. Minutes for May 19, 2020

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

7. PUBLIC HEARING

7.a. Consideration of Resolution No. 20-03 approving a Conditional Use Permit (CUP) (No. 20-03) to allow for a Type 41 License, on-sale of beer and wine in conjunction with a bona fide eating establishment (“Tacos El Chaparrito”) at 9611 Garvey Ave Unit # 105, South El Monte CA .

RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 20-03, approving Conditional Use Permit (No. 20-03) as conditioned.

8. COMMISSIONERS’ AGENDA

8.a. Commissioner’s Report None.

9. STAFF ITEMS

9.a. Planner’s Report: None.

9.b. Secretary’s Report: None.

9.c. Director’s Report: None.

10. ADJOURNMENT

July 21 2020, 6:00 p.m.

**CITY OF SOUTH EL MONTE
PLANNING COMMISSION OFFICIAL MINUTES
TUESDAY, MAY 19, 2020
THIS PLANNING COMMISSION MEETING IS BY TELECONFERENCE ONLY**

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

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

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1. CALL TO ORDER

Chairperson calls meeting to order at 6:00 P.M.

2. ROLL CALL

COMMISSIONERS PRESENT: Chairperson Rudy Bojorquez, Vice-Chairperson Larry Rodriguez, Ruby Rose Yopez, Jeff Ortiz and Leo Barrera.

Also Present via teleconference: (Assistant City Attorney) Christy Lopez of Aleshire & Wynder, LLP, (Public Works Director) Rene Salas, (Planning Assistant) Ian McAleese, (Planning Commission Secretary) Angie Hernandez

3. FLAG SALUTE

Chairperson, Ruby Bojorquez led the flag salute.

4. APPROVAL OF AGENDA

A motion was made by Commissioner Barrera and seconded by Commissioner Rodriguez and carried (5-0) to approve the agenda as-is.

Vote: Approval of Agenda
Ayes: Bojorquez, Barrera, Ortiz, Rodriguez, Yopez
Nays: None
Absent: None
Abstain: None
Action: Approved

5. PUBLIC COMMENT

Chairperson Bojorquez requested 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.

No public comment was noted.

6. CONSENT CALENDAR

6.a. Minutes of March 11, 2020

A motion was made by Commissioner Yopez and seconded by Commissioner Ortiz and carried (5-0) to approve Consent Calendar (Minutes of March 11, 2020)

Vote: Approving Consent Calendar – Minutes of March 11, 2020
Ayes: Bojorquez, Ortiz, Yopez, Barrera and Rodriguez
Nays: None
Absent: None
Abstain: None
Action: Approved

7. PUBLIC HEARINGS

7.a. Consideration of Resolution No. 19-21 approving a Conditional Use Permit (CUP) (No. 19-21) to allow for the construction of 72 attached residential condominiums at 2610-2634 Chico Avenue and 1607-2637 Humbert Avenue, a Subdivision (No. 19-23) to create 72 residential condominiums, common area parcels, and private streets, and Zone Change/General Plan Amendment (ZC/GPA)(No. 19-22) to change the existing zoning of four parcels from Manufacturing “M” to Multi Family Residential “R-3” and change the General Plan designation from Industrial to Medium Density Residential.

The eight parcels that make up the subject site located at 2610-2634 Chico Avenue and 2607-2637 Humbert Avenue (“Property”) measures approximately 187,800 square feet (4.3 acres) and is located at the northern boundary of the City of South El Monte (“City”). The six larger properties made up of 2610, 2630, 2634 Chico Ave, 2607, 2629, and 2637 Humbert Ave were originally developed as multifamily dwellings, and between 1968 to 1973 were demolished to create two large parking lots for the Starlite’s remote parking. The property located at 2621 Humbert Ave is currently developed with eight apartment units. The last property located at 2622 Chico Ave was originally developed as a warehouse in 1965 and continually was utilized until December of 2018 when a fire occurred in the building. Demolition on the burned building occurred in 2019, and the site is currently vacant. The Assistant Planner addressed the square footage of the units, the parking, the landscape and all the specs the project would entail in his presentation.

Housing staff followed up with a short briefing on the outreach to the tenants of Humbert Ave:

- Warmington Residential does not own the property the Humbert Avenue tenants reside at. Mary and Armand Olvera are the property owners.

- Warmington is under contract with the Olvera's to purchase the property subject to us getting an approval for a residential development.
- Warmington's involvement only started on or around our Planning Commission hearing in March once the Olvera's notified their tenants that they were requesting them to move.
- Warmington offered to assist with relocation costs.
- Warmington presented the City with a letter dated April 20th offering the tenants not to pay rent for June & July and if moved out by July 31st they would receive \$2,000. We then modified it to include May. The City also included a certified letter dated May 4, 2020 followed by emails, and voice messages to all the Humbert Tenants.
- The offer Warmington presented equals 3 Month's rent for approximately \$3,000 and \$2,000 additional for a total of \$5,000.
- Warmington has not had any direct conversation with any of the tenants regarding anything different than this offer.
- There seems to be a theme in the recent correspondence that we have been trying to cut deals with individual tenants, which is not the truth. Warmington tried to offer something for all 6 of the remaining tenants that will assist them with their relocation.
- Some of the Tenant response to Warmington offer include two tenants requesting \$10,000 to relocate, two more tenants have requested \$20,000 to relocate, while one tenant has requested \$7,000 to relocate and another has requested more time and more money.
- May rents will be returned to those tenants whom have made their May payment which currently two have been confirmed.

RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 19-21, approving Conditional Use Permit (No. 19-21), Zone Change/General Plan Amendment (No. 19-22), Subdivision (No. 19-23), and Variance (No. 19-24) as conditioned.

Below are comments that were noted during the public hearing of this item:

1. The Assistant City Attorney added a friendly reminder that anytime a Commissioner talks to, attends, does a site visit or has any type of contact no matter how small or big with any person, business or project that comes before the Commission in a public hearing that the Commissioner would disclose that before the public comment even opens.
2. Question by: Commissioner Barrera to staff, Update on the scheduled meeting with Warmington, the residents and City Staff? Response by: Assistant Planner, the conversation started back in March, there was a tentative meeting scheduled for a Saturday morning meeting at the property, but with the

pandemic, no meetings have panned out, due to health advisories. All the correspondence from the tenants have all been through phone calls and emails. City staff was the only liaison between Warmington and the tenants. Housing staff confirmed this information and included the following statement: One tenant has already moved out and one is pending the conversation of vacating the unit. Currently there are five tenants pending relocation. Were the letters to the tenants certified mail? Housing staff responded: Yes, that is correct, the offer letters were sent certified mail on behalf of the City. I also, followed up with a phone call, and an email to advise and confirm the tenants the communication Warmington was offering.

3. Question/Comment by: Commissioner Yopez to staff, With regard to the repayment of those tenants who have paid their MAY rents, is there a timeline when they will be receiving the refund for that? Housing staff asked commissioner to ask the applicant when he comes up to speak, so that applicant can answer the question directly. What is the applicant's take on the additional funding requests the tenants have asked for? Chairperson Bojorquez stated to hold this question for the applicant directly when they come up to speak.

4. Question by: Chairperson Bojorquez to staff, Is there five tenants we have not heard from? Response by: Housing staff, there are currently five tenants that we are working with to create an offer or agreement with. They do know about the current offer on the table- regarding the \$2,000 move out by July 30, they just have not responded to the offer, correct? Housing staff added, All the tenants have been informed of the offer by Warmington, all of the tenants have responded to the offer by Warmington, and we are now awaiting a response from Warmington on the tenants' request. Do we have a response from everyone? Yes, we have a response from everyone. The letter provided only has one of the tenants information, I don't see the other tenant's letters here. Was this letter only provided to this tenant or was the letter sent to all the tenants? Assistant City Planner responded, Yes the letter in the staff report is a sample letter that was sent out with no personal information.

5. Question by: Commissioner Ortiz to staff, Was there any reasoning or rational of the tenants as to why the increase was much higher than the offer? Response by: Housing staff, the tenants have their specific reasons why their ask is much greater, unfortunately this platform cannot provide the time or details of each tenants requests and in order to maintain transparency Warmington will not make any side offers to any tenant specifically and will propose the same offer to all tenants across the board.

6. Applicant, Jay Deckard, made the following statement: I'm here to answer any questions and I can give you an update from what I know from Angie's presentation. I believe most of the letters started coming in, you know within the last 24 hours. So we had a chance to look at it but not review them. Obviously we'd like to do is try and find something that's representative of equals of all the tenants in there. I am aware of one tenant has moved out we've given her \$2,000 relocation allowance per the agreement we have outlined. I'm unaware of the other person moving out by the end of May, but I'm sure we can review and understand that information. I believe the calls and letters and just start coming in. We haven't had a chance to analyze it, as we are committed to try to work with the Olvera's to try to come up with something that's you know, hopefully fair to everyone when we chose to relocate whenever that time may be. And right now we thought that the offer you know before you, the city and them was fair.

It's tough to relocate and we're willing to sit and talk about it. And I do want to add one thing, I have not had any contact with anyone. We have not reached out to any one individually. I was contacted by Gabriel Moran, twice, the most recent on Saturday, and he called me up and said, you know, if you want me to move out by May then give me \$7,000. And I told him as I said, there's an offer at the table here. You don't have to immediately move toward to live rent-free for May, June and July and they get \$2,000. He wasn't receptive to that. He said that he was filing a lawsuit and all tenants were filing a lawsuit against the Olvera's. At that point and that's when I kind of reminded him that we didn't own the property and he would have to take that up with the Olvera's. That's the only communication that I or anyone from Warmington has had with the tenants specifically. With respect to the reimbursement of the two made payments that were made, I sent an email earlier today to the property management company that works for the Olvera's, ask them to return the money. I will follow up with that and I would assume they would have checks returned back to within the next week. We're willing to work with them (tenants) to try to come up with some type of agreement that's beneficial for everyone and we're going to the City Council. If you have any questions, I'll be glad to answer.

7. Chairperson Bojorquez asked the applicant, You said you said May did you mean March? Applicant answered, Yes May, not March. To my understanding all but two tenants have not paid their rent in April. And I don't believe the Olvera's will be looking for those payments to be returned. So just an FYI on that.

8. Commissioner Barrera asked the applicant: How are you guys willing to renegotiate or are the Olvera's willing to renegotiate with the remaining tenants that are still there? Applicant answered, If it came down to it. We're willing to talk to them. I mean \$20,000 probably isn't, you know realistic or the right answer but we're more than willing to talk to them. The Olvera's are an older couple I finally meet them about two weeks ago, they live down in San Diego County and they just don't have the ability to come up here and get in middle of this. I told them that I would try to resolve this or work through it for them. And yes, we're definitely open to talk to folks. It's been obviously trying times with covid-19. We can't go sit down and talk to somebody but we are open to doing that. What we want to do is make sure that we're fair to everyone. I mean the one person moves out already. She received \$2,000. She's not getting rent-free for May, June and July because she moved out. And I know each person situations a little bit different. So yes to answer your question we're more than willing to talk to folks.

9. Commissioner Rodriguez asked the applicant: Did any of the tenant retain a council or are they just doing this on their own? Applicant answered, I know Warmington and the Olvera's have not been contacted by any legal counsel from the tenants and I believe most of correspondence came in within the last 24 hours. Housing staff interjected the following- Yes, there's no communication or inclination that the tenants have reached out to legal authorities at this time. Their requests have come in verbally and via email, phone call or a letter.

10. Commissioner Rodriguez asked, Every tenant pays the exact amount of rent, one thousand dollars? Applicant Jay Deckard responded: No, I have a copy of the rent roll and it ranges from nine hundred to a thousand thirty. So I just, you know, we just average it down to one thousand dollars. Looking at the rent roll, there's one tenant who pays eight twenty-five to one thousand thirty dollars. That is way below the rates of the city.

11. Commissioner Yopez asked, So the reimbursement for the May payment/rent that is coming directly from the Olvera's and if so have they agreed to pay that or is that going to be coming from Warmington? Applicant answered, It's actually going to be reimbursement through the Olvera's property management company who the tenants pay their rent to. So it will become directly back in the property management company and the Olvera's have agreed, I spoke with Mary Olvera on Saturday or Sunday. She called me today, and our property management company told us that two people paid rent for May, you need to make sure that they get that back, and I agree. So I've been in contact with their property management company that lady's name there is Mary Bosch and she said earlier today that they would be returning it. I can follow up with Housing Staff, but I believe it would be by next week.

12. Commissioner Rodriguez asked Staff, If they (Tenants) don't accept the offer, the eviction starts and this offer is off the table? City Attorney responded, That is an issue that we can't really opine on the since it's a private landlord-tenant relationship. So how the landlord tenant laws are is based on what the agreement says. Case law says this would not be something that would typical and be able to provide an opinion on. Commissioner Rodriguez made the following statement: you know, three months rent and even if they didn't pay rent this might go into August, you know for all this to move forward and work because of the covid-19, that's four months rent and the \$2,000. It just seems like a fair offer. Now, of course every tenant would want to keep their home. They would not want to move. But I think that they've been more than fair with three months and not paying rent. And if you save that money and you get that \$2,000, I don't see \$20,000 or \$10,000. That's a lot of money, you know to be handing out and I don't think that the prior owners have that type of money to be handing out. Because it wouldn't be Warmington handing it out. It would be the other owners, the sellers, that's my comment.

13. Commissioner Yopez asked the following, So my only concern is you know, the it sounds like the rent that their pain is pretty minimal compared to the average rent. Do we know what average rent numbers are for, what in the area of what they would have to start paying? My only concern is that lets say right now they're paying an average of \$1,000 but where they may look to move to maybe an average of \$1,500 or \$1,750, you know, if we look at them saving 2-3 months rent that puts them at hopefully saving for, first month and last month's down payment for a place to relocate to, but does that constitute them being financially stable to be able to. To afford moving forward when you're rent level has increased, that's my only concern with this situation. Housing staff responded, Rents in the area are literally double of what they currently pay. So a two-bedroom in the area is about two thousand dollars. It will be an adjustment for the tenants to adjust to this new affordable rent. Many of these tenants have

lived at the property for over 20 years. A lot of the tenants have lost their jobs and are solely on one income living off of one income and there's multiple people in the family. It is a hardship on the tenants but rents in the area do range for the units they're currently in at approximately \$2,000 a month for rent.

14. Commissioner Barrera made the following comment, I think it's a good starting point and I can't dictate to the Olvera's and the company about how much they should be offering their current tenants. But because of covid-19, I don't think you can evict anyone right now based on everything that's going on. So this may very well extend in the September/October. In grand, the rates are going to be a lot higher anywhere they go. Maybe this is the way where they can save some money and possibly try to find something reasonable that they can afford within the city. It's hard to say at this time.

15. Chairperson Bojorquez, I understand there's a Moratorium in the City on rent but those rents need to be paid back now. When would that kick in in this situation? Because I think I heard 6 to 12 months you can get to pay back your rent, but then it does have to be paid back. So when exactly will that happen in this situation, if would that be like, in August or so. Assistant City Attorney responded, So the way that the City of South El Monte chose to approach this is pursuant to the governor's order the state of emergency that was declared by the governor and his executive orders that follow that prevented the evictions. The city adopted an ordinance right now. What has happened is that the Governor's Order said that the tenant and the landlord were in charge of setting up their own repayment plans and some cities decided to step in and assess how they were going to establish a repayment plan. If I recall correctly, it's up to the landlord and the tenant to figure out a repayment plan. So for example, if they didn't pay last month's or this month's rent, they can start repaying next month if they're financially capable. What the Ordinance prevents or is specific about is that they can't evict while the state's emergency is pending. Commissioner Bojorquez continued, Now the state's emergency is pending do we have an idea of what the description of that is? Does that mean that everything has to be lifted before the eviction can happen or is there an actual time frame? I heard 12 months. I'm not sure if that's correct. Assistant City Attorney responded, Yeah, that might have been implemented through some of the other County orders. Every City and County have decided to treat the executive order issued by the governor differently in terms of six months or twelve months that's usually in Ordinances because it didn't come from the Executive or County Ordinances, but I believe in our case. It's just between the landlord and tenant in terms of repayment. How long the state emergency last is completely up in the air as you may have seen on the news Governor Newsom seem to have taken sort of a strong a more aggressive approach to the state of California and we're the Federal Administration was really pushing for the reopening. Most recently, it does look like the state is going to start the phasing into the reopening and we're still not clear when that emergency is going to be rescinded by the state, but we do expect to have some sort of warning as it becomes closer to that reopening. We also don't know what the eviction executive order how those orders were going to play out as more and more businesses begin to open back up and people are getting paychecks again and so forth. We'll see how that goes, because it's probably going to be an evolving issue. Commissioner Bojorquez continued,

What were to happen if we vote and this happens to pass, Does it mean come September, technically nobody has to move until the emergency ordinance are lifted and that could be for example 12 months, right? So it's to the benefit of Warmington to come up with a deal to try to get the property empty so they can move forward with what they want to do. Essentially regardless of what happens today, they could still potentially stay there. Assistant City Attorney added, just to be clear the emergency order as well as the city ordinance prohibits evictions that are related to financial impacts as a result of covid-19. So for example, if somebody hasn't been paying rent since last October, well before the pandemic, that wouldn't stop an eviction. Chairperson Bojorquez continued, But if they were current and I was due to this then that would stop the eviction indefinitely until the emergency ordinance was lifted. Assistant City Attorney, Yes, that is correct.

16. Commissioner Rodriguez, What I understand is if we vote Yes on this today, the whole eviction the whole amount of money will continue on and that's their agreement. But what we vote today, will allow Warmington to go ahead and continue on the path to go ahead and start the project. And the tenants wouldn't be allowed to get kicked out due to covid-19 based on the governor's orders, correct? Assistant City Attorney responded, so as long as they can demonstrate a financial impact from covid-19. Yes, they can't be evicted currently. Although I should mention that there are currently lawsuits pending throughout various counties on eviction ordinances that were brought forward by The Landlord Association and the State challenging city ordinances on this issue. So, I don't know if that's a legitimate lawsuit at this point, but assume the ordinance remains effective and that tenants can prove that covid-19 has impacted them financially. Yes, the other thing they cannot be evicted. And that ordinance will remain in place until the governor of this state lifts the emergency. Commissioner Rodriguez continued, If we go ahead and we move forward with this, it's between the State, Warmington and the landlord, correct? Assistant City Attorney responded, Yes and certainly with respect to the negotiations on the relocation assistance, with the not paying any rent and the \$2,000 stipend, those negotiations would be solely between the landlord and the Tenant and would be out of our hands.

17. Chairperson Bojorquez added, Under normal circumstances, you would go through an eviction and whatever the negotiation was there would be an end game to it. So under this circumstance it was kind of a knowing game because essentially they can stay there indefinitely.

18. Commissioner Yopez asked the following, Is there any support that the City can provide in some kind of financial assistance to these tenants if they were to relocate within the city? If we were to move this forward can this project be split up into multifaceted phases where they can start one phase which would not be where these tenants are and eventually once that's worked out, they can move on to a second phase which is where those tenants would be and without having to demo that whole area. Assistant City Planner answered, at the upcoming council meeting on the 26th the City discussing to relocate some CDBG funds to assist local residents for this type of thing. So if it passes, there'd be funds available.

19. Commissioner Barrera, I don't know if it's possible, but can any of these tenants be considered first in line for this type of low housing or affordable housing units that Warmington is offering? Assistant City Planner answered, once these units are built and they start being sold if the current tenants who have moved out qualify for the very low or the low-income units, then yes. They would be able to be considered for purchasing one of the condos.

20. Commissioner Ortiz, Even if this moves forward and the safe the California eviction process would supersede what we approve. That would still allow the tenants more time. So that's really not going to affect our vote here. Assistant City Planner answered, If this gets voted and passed the next step would be going before city council for approval because the general plan Amendment zone change along with the adoption of the negative declaration has to be or mitigated negative declaration needs to be adopted by city council. So that would go in the first meeting of June and then I would have to go for a second reading for the second meeting of June and then it would go into effect. And the very earliest that the project has been 100% completed or gone through all the approvals would be the end of June. At that point they would start getting the final map together to submit to city council along with starting to acquire the properties that they haven't purchased yet. And so that process would begin then. Commissioner Ortiz continued by stating, Warmington seems to have been trying to meet the demands of the tenants, addressing the school concerns and fearful of getting evicted. So technically it seems like Warmington has done their due diligence as far as stepping up to the plate from what I see. My only issue is the tenants not being able to pay the new rental amounts, so I also understand that hardship, I think Warmington was been patient working on this with us.

21. Tenant from Humbert wanted to make a comment, Edward Montes, we are single family income. My mom is on low-income. It's really hard to get by. My mom just lost her job. How are we supposed to save money if we are not making any money?

With no further questions or comments, a motion was made by Commissioner Rodriguez and seconded by Commissioner Ortiz and carried (5-0) to approve Item # 7.a –recommending that the City Council adopt a Mitigated Negative Declaration, General Plan Amendment, and Zone Change (No. 19-22), adopt Resolution No. 19-21, conditionally approving Conditional Use Permit (No. 19-21), adopt Resolution No. 19-23, and conditionally approving Subdivision (No. 19-23), pursuant to the adoption of Resolution No. 19-22.

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| Vote: | Approving Item #7.a. Resolution No.19-21, 19-22 and 19-23 |
| Ayes: | Bojorquez, Barrera, Ortiz, Rodriguez and Yopez |
| Nays: | None |
| Absent: | None |
| Abstain: | None |
| Action: | Approved |

7.b. Consideration of Resolution No. 20-02 approving a Conditional Use Permit (CUP) (No. 20-02) to allow for the operation of an automotive body shop located at 2022 Seaman Avenue, Unit B, South El Monte CA 91733.

RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 20-02, approving Conditional Use Permit (No. 20-02), as conditioned.

Assistant City Planner gave a brief description of the project. The applicant, Joel Rangel Zavala ("Applicant"), is applying to operate an automotive body and fender shop ("Project") at 2022 Seaman Avenue Unit B, South El Monte, California 91733 ("Property"). The Property consists of one parcel having an area of approximately 12,775 square feet (0.29 acres) and three existing attached buildings measuring approximately 1,628, 1,395, and 3,037 square feet. These three buildings are divided up into a total of four units, with the unit that the Applicant will operate in measuring 1,493 square feet. The Property is located on the east side of Seaman Avenue just north of Rush Street and is zoned "M" (Manufacturing). The site has been utilized as manufacturing and wholesale for most of the recent years.

Item was OPENED for public hearing.

Below are comments that were noted during the public hearing of this item:

1. Commissioner Barrera made the following comment, This is a small area, and usually with Body Shops the problem regarding parking becomes an issue, and I see staff has addressed that in the conditions, so great job. Assistant Planner responded by stating, Thank you.

2. Commissioner Ortiz asked if the surrounding residents, tenants we all notified of this project? Assistant Planner responded, Yes all tenants or business owners and residents within 500 feet of this location were notified with a notice of this project.

3. Commissioner Yopez made the following comment, If there are more than five vehicles being worked on, Do they substantial space to accommodate the storage without double parking and overflowing street parking, and the impact on the other businesses in this complex? Assistant City Planner answered, The property owner is aware of the application here and has assigned five spots. So the other spots that are in the center will be for all the other tenants. If the applicant has more than five vehicles he has space inside the building. It looks like he can store around three vehicles inside so that it won't spill into the other tenants parking. Also the applicant can work out with the other tenants, in case he has a vehicle he's working on inside the shop during normal hours, that if overnight parking was needed he could possibly utilize the spots of the other tenants when they're closed and then when they open back up, he moves those vehicles for them, but that's up to the property owner in the tenants to work together on that. Commissioner Yopez continued, just want to make sure there's no double-parking during business hours. What's the security for vehicles that would be left out overnight? Assistant City Planner, we'd have to ask the applicant. Commissioner Yopez continued to ask, Is anything being done to the building envelope for part of this business to move in? Assistant Planner responded, No, they're going to be doing tenant improvements inside, that will be the extent of it. And the building conditions will cover all the building code and fire

codes that needs to be adhered to. Commissioner Yepez asked, Will any of the changes impact the energy code? Assistant Planner responded, When I ask the applicant, they're not installing any large equipment know where anything like that. So it shouldn't affect the electrical load of the building. Commissioner Yepez asked, Are they replacing like the mechanical system or any windows? Assistant Planner responded; We don't know until they submit plans. That's not part of the Conditional Use permit. As part of the tenant improvements, they provide the site plan for plan for the building. So we don't have what their tenant improvements are going to be.

The applicant was not on the line for comments and was not present for questions.

The following verbiage was added to condition #15: At no time shall the applicant permit employees, patrons' agent or any other related to the business to park in any spots designated for the adjoining units. Further, no vehicle shall be parked or stored not designated for parking.

With no further questions or comments, a motion was made by Commissioner Barrera and seconded by Commissioner Rodriguez to Approve Consideration of Resolution No. 20-02 approving a Conditional Use Permit (CUP) (No. 20-02) to allow for the operation of an automotive body shop located at 2022 Seaman Avenue, Unit B, South El Monte CA 91733 and carried a vote of (5-0).

Vote: Approving Item #7.b. Resolution No.20-02
Ayes: Bojorquez, Ortiz, Rodriguez, Barrera and Yepez
Nays: None
Absent: None
Abstain: None
Action: Approved

8. COMMISSIONERS' AGENDA

Commissioner Yepez commented that Chicken Koop is now open, she tried their food and it's delicious. She recommends staff and commissioners to try them out.

9. STAFF ITEMS

Planner's Report – No items to report.
Secretary's Report – No items to report.
Director's Report – No items to report.

10. ADJOURNMENT

A motion to adjourn the meeting was made by Commissioner Rodriguez and seconded by Commissioner Ortiz and carried (5-0) to adjourn meeting at 7:16 p.m. and reconvene next month on June 16, 2020 at 6:00pm

Vote: Adjourn meeting to June 16, 2020
Ayes: Bojorquez, Barrera, Ortiz, Rodriguez and Yepez

Nays: None
Absent: None
Abstain: None
Action: Approved to adjourn meeting



Planning Commission Agenda Report

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

DATE: June 16, 2020

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Rachel Barbosa, City Manager *PB*

REVIEWED BY: Rene Salas, Public Works Director *RS*

PREPARED BY: Ian McAleese, Assistant Planner *IM*

SUBJECT: Consideration of Resolution No. 20-03 approving a Conditional Use Permit (CUP) (No. 20-03) to allow for a Type 41 License, on-sale of beer and wine in conjunction with a bona fide eating establishment (“Tacos El Chaparrito”).

PUBLIC NOTICE: Notice of public hearing was posted on June 4, 2020

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

PROJECT

LOCATION: Address: 9611 Garvey Avenue #105
 Project Applicant: Miguel Alvillar Rojas
 Property Owner: Great Wall International Inv. Inc.
 Zone: “C-R” (Commercial-Residential)
 Lot Size: 75,794 square feet (1.74 acres)

SURROUNDING ZONING AND LAND USE:

| | Zone | General Plan | Land Use |
|-------|--------------------------------|---------------------|------------------|
| North | Out of City | Out of City | Apartments |
| South | “C-R” (Commercial-Residential) | Mixed Use | Auto Dealer |
| East | “C-R” (Commercial-Residential) | Mixed Use | Undeveloped |
| West | Out of City | Out of City | Mobile Home Park |

BACKGROUND: Garvey Center located at 9611 Garvey Avenue South El Monte, CA 91733 (“Property”) was originally built in 1987 and totals 33,208 square feet of commercial space consisting of over 30 units. The Property currently consists of a variety of retail stores ranging from salons and travel agencies to restaurants and a pet shop. The use in question is a restaurant

located at #105 on the Property, and has been established within the City since 2004, and recently relocated to the Property in September of 2019.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 20-03, approving Conditional Use Permit (No. 20-03), as conditioned.

ANALYSIS:

General Plan/Zoning Consistency

The Property is designated as “Mixed Use” in the City of South El Monte’s (“City”) General Plan and is zoned “C-R” (Commercial-Residential) in the City’s Zoning Code. The proposed use falls within the scope of the General Plan’s “Mixed Use” land use designation and is also a conditionally permitted use in the “C-R” zone. When considering consistency with the General Plan, staff determined that the Project will help further the City’s goals and objectives found in the General Plan and satisfy all development requirements within the Zoning Code.

Land Use Element

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

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

Economic Development Element

Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing the proposed beer and wine sales in conjunction with a restaurant that is not common for the center.

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

Conditional Use Permit (CUP)

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

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

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

Proposed Project

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

The restaurant will be open seven days a week from 8:00 a.m. to 10:00 p.m. The Applicant utilizes approximately six employees working in two shifts consisting of eight hours to work the restaurant.

Floor Plan and Parking

The unit that the Applicant is occupying measures approximately 986 sq. ft. and consist of a dining area with seating for 28 people, kitchen and storage, and restrooms. The parking required for a restaurant according to SEMMC Chapter 17.60 is one space for every four fixed seats plus ten percent, so a total of eight parking spaces is required. The commercial center has a total of 202 parking spaces, and eight have been assigned to the restaurant for use.

ENVIRONMENTAL REVIEW: The proposed Project is categorically exempt from environmental review pursuant to Section 15301 Class 1 of the California Environmental Quality Act (CEQA) Guidelines. The proposed Project satisfies the criteria for the Class 1 categorical exemption for existing facilities. The criteria is the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This proposed Project falls within the criteria of operation of an existing building and is only setting up operations at the current building.

CONCLUSION: Staff has reviewed the Applicant's request and has determined that the proposed Project meets all of the development standards as set forth in SEMMC Chapters 17.15 and 17.51. Approval of the Conditional Use Permit, as conditioned, will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. Additionally, Staff finds that the number of on-sale alcohol licenses is below the maximum allowed by ABC. No additional square footage will be proposed as a result of this application and all alcohol will be served in conjunction

with food sales. Staff recommends the Planning Commission adopt Resolution 20-03 to approve Conditional Use Permit No. 20-03 for the proposed use at 9611 Garvey Avenue #105.

ATTACHMENTS:

- A – Draft Resolution No. 20-03
- B – Relevant Code Sections
- C – Vicinity Map/Aerials
- D – Project Plans

ATTACHMENT A

PLANNING COMMISSION

RESOLUTION NO. 20-03

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT (NO. 20-03) ALLOWING FOR A TYPE 41 LICENSE FOR ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT AT 9611 GARVEY AVENUE #105, OPERATING AS TACOS EL CHAPARRITO

WHEREAS, Miguel Alvillar Rojas (“Applicant”), filed an application for a Conditional Use Permit (“CUP”) to sell beer and wine as a secondary use to a restaurant (“Project” or “proposed Project”) located at 9611 Garvey Avenue #105, South El Monte, CA 91733 (“Property” or “project site”); and

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

WHEREAS, a public hearing was held before the Planning Commission on June 16, 2020, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

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

SECTION 1: Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act (CEQA), the proposed Project is categorically exempt from environmental review and a Notice of Exemption has been prepared. The proposed Project qualifies for a Class 1 Categorical Exemption for the Project because the proposed Project is to be operated within existing facilities. The criteria for a Class 1 Categorical Exemption is the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The Planning Commission finds that the proposed Project meets this criteria and is exempt from the provisions of CEQA. The documents and other material, which constitute the record on which this decision is based, are located in the Department of Community Development and are in the custody of the Director of Community Development.

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

A. With regard to the application for a CUP, SEMMC Section 17.68.040 requires that the Planning Commission find that the proposed Project shall not be detrimental to persons or

properties in the immediate vicinity nor to the City in general. State law requires that the Project be compatible with surrounding uses.

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

C. The proposed Project promotes the City’s goals and objectives stated in the General Plan. No goal or policy will be impaired.

D. The operation of the restaurant with the service of beer and wine should not become a nuisance to surrounding properties.

SECTION 3: Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated June 16, 2020, which is hereby incorporated into this Resolution 20-03 by reference, the Planning Commission hereby finds:

A. *As conditioned, the Project meets the requirements of SEMMC Chapters 17.15 and 17.51 and will not be detrimental to the public health, safety or welfare, nor will it adversely affect property values or the present or future development of the surrounding areas.* This is because the Project fits with the surrounding uses.

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

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

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

Land Use Element

- (1) Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte by allowing for the establishment of a family restaurant with beer and wine sales as a secondary use;*
- (2) Policy 1.4: *Maintain a balanced mix and distribution of land uses throughout South El Monte” and “create opportunities for two types of commercial development: (1) commercial uses that meet the retail and service needs of the local resident and employee populations, and (2)*

regional-serving retail commercial businesses that capture revenues from a broader population base. This will serve the area by providing a sit-down restaurant that will cater to residents as well as bring in the surrounding population; and

Economic Development Element

- (3) Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing the proposed beer and wine sales in conjunction with a restaurant that is not common for the center.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby **approves** CUP (No 20-03) to operate a restaurant with on-sale beer and wine as a secondary use, subject to the following conditions:

General Conditions

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

Planning Conditions

5. Sales, service and consumption of beer and wine shall be permitted only between the hours of 8:00 a.m. to 10:00 p.m., seven days a week.
6. The quarterly gross sales of beer and wine shall not exceed the gross sales of food during the same period. The Applicant shall at all times maintain records which reflect separately the gross sales of food and the gross sales of beer and wine of the licensed business. Said

records shall be kept no less frequently than on a quarterly basis and shall be made available to any peace officer, Business License staff member, or Planning Division staff member on demand.

7. There shall be no live entertainment, amplified music, dancing, or any other activity in the Project unless a Modification to the Conditional Use Permit is approved.
8. No pool or billiard tables may be maintained on the Property.
9. Any graffiti painted or marked upon the Property or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of discovery.
10. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of beer and wine. Interior displays of beer and wine or signs clearly visible to the exterior shall constitute a violation of this condition.
11. The subject beer and wine license (Type 41 License) shall not be exchanged for a public premises license (Type 48 License), nor operated as a public premise without the approval of a Modification to Conditional Use Permit.
12. The Property shall be maintained in a safe and clean condition and the Applicant shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way. At the end of each business day, the Applicant shall pick up any and all litter including but not limited to large discarded items that may have collected in the Property's parking area and public right-of-way.
13. No beer and wine shall be consumed off the premises or Property.
14. There shall be no bar or lounge area on the Property maintained for the purpose of sale, service, or consumption of beer and wine directly to patrons. Beer and wine shall be served by a waiter/waitress. The sale of beer and wine shall be an ancillary service to the primary restaurant use.
15. The Applicant shall not permit any loitering on any property adjacent to the Property under control of the Applicant.
16. At no time shall there be a fee for entrance/admittance into the premises.
17. At all times when the premises is open for business, the sale and service of beer and wine shall be made only in conjunction with the sale and service of food.
18. There shall be no coin operated games maintained on the premises at any time.

19. Food service, with an available menu, shall be available until closing time on each day of operation.
20. The windows of the premises shall not be tinted or covered in any way, which obstructs a clear view of the interior of the premises from the exterior.
21. The employees who sell or serve beer and wine shall be required to complete a training program in beer and wine compliance, crime prevention techniques, and handling of violence. For new employees of Applicants, such training known as LEAD training offered by the State Department of Beer and Wine Control must be completed within 30 days of the date of hire. Those already employed shall complete training within 30 days from the date the ABC license is issued.
22. Noise levels measured at the property line shall not exceed the levels prescribed by the City's noise regulations as set forth in SEMMC 8.20.
23. The Applicant and all operators shall each take all necessary steps to assure the orderly conduct of employees, patrons, and visitors when they are present on the Property.
24. The Applicant shall maintain all required permits and licenses in good standing.
25. At no time shall there be a minimum drink requirement.
26. The sale of beer and wine for consumption off the premises is prohibited. Signs shall be posted at all exits of the premises, which prohibit alcohol beverages from leaving the confines of the premises.
27. Patrons shall not be allowed to bring into the location any alcoholic beverages to be consumed within the establishment.
28. There shall be no pay telephones installed within the enclosed portion of the premises equipped to receive incoming calls. There shall be no new pay phones of any kind installed on the exterior of the premises.
29. The maximum occupancy of the premises shall be prominently posted and monitored at all times.
30. The front of the exterior of the premises, as well as all adjacent parking areas under control of the Applicant, shall be illuminated at all times while the premises is open for business. This shall be done in such a fashion that persons standing outdoors at night are identifiable by law enforcement personnel while balancing the lighting so as not to unreasonably illuminate the window area of nearby businesses.
31. All crimes occurring inside or outside of the location shall be reported to the Sherriff Department at the time of the occurrence.

- 32. At any time when the licensee is absent from the premises, a responsible party shall be designated who can facilitate any Sherriff inquiries.
- 33. In January of each year, the business shall provide a list of no less than three employees who are available 24 hours a day to the Sheriff’s Department Records Bureau. The list of names will be used to facilitate a Sheriff’s response to the location in the event of an emergency or other problem that requires entry into the location during non-business hours.
- 34. A copy of this approved resolution shall be kept on the premises at all times and presented to any Sheriff, or Business License or Planning Staff person.
- 35. The Applicant understands that any violation of the foregoing conditions shall be grounds for the suspension or revocation of the Conditional Use Permit.
- 36. There shall be no exterior restaurant speakers and no live entertainment outside the restaurant (including the parking lot) unless a Temporary Use Permit (TUP) is obtained from the City.

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

ADOPTED this 16th day of June, 2020.

Chairman

ATTEST:

Secretary

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

I, Angie Hernandez, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 20-03 was duly passed and adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 16th day of June 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

Secretary

ATTACHMENT B

Chapter 17.15 - COMMERCIAL-RESIDENTIAL (C-R)

17.15.010 - Applicability.

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

(Ord. No. 1161, § 1, 3-13-2012)

17.15.020 - Permit requirements.

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

Key to Permit Requirements:

Permitted Use - P

Conditional Use—Conditional Use Permit Required - C

Temporary Use - T

Table 17.15-A

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

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

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

| | |
|---|---|
| Lighting stores | P |
| Liquor stores | C |
| Lock and key services | P |
| Mail order houses, retail | P |
| Music stores | P |
| Nurseries and garden supplies | P |
| Office uses | P |
| Paint and wallpaper stores | P |
| Pet shops | P |
| Pumpkin sales lots, when maintained between October 15 and November 1 | T |
| Radio, television and similar electronic component stores | P |
| Restaurants, fast food | P |
| Restaurants, full service | P |
| Shoe stores | P |
| Sporting goods stores | P |
| Stamp and coin shops | P |
| Stationary stores | P |
| Supermarkets | P |
| Taverns | C |
| Tobacco shops | P |
| Toy stores | P |
| Typewriter and office machine sales and service | P |
| Service Uses | |

| | |
|---|---|
| Answering services | P |
| Automobile service stations | C |
| Banks, savings and loans, and finance services | P |
| Beauty shops | P |
| Car washes (full or self-service) | C |
| Carpet cleaning services | P |
| Copying services, including but not limited to photo staving and blueprinting | P |
| Data processing services | P |
| Day care centers | C |
| Diet centers | P |
| Domestic pet grooming shops; provided that no animals shall be kept on the premise overnight | P |
| Dry cleaning and laundry establishments (non-industrial) | P |
| Electrical appliance repair shops | P |
| Employment agencies | P |
| Hotel and extended stay uses | C |
| Hospitals | P |
| Laundry operated exclusively as a retail-business with laundry machines that are the automatic type and capable of being operated by the public. Such use shall not include machines ordinarily found in industrial type uses | P |
| Linen supply services | P |
| Massage establishment | C |
| Medical and dental laboratories above the first level only | P |
| Nightclubs | C |

| | |
|---|---|
| Parcel delivery and pick up services | P |
| Pawnshops | C |
| Photocopying and blueprinting services | P |
| Photo developing stores | P |
| Portrait studios | P |
| Printing, other than publishing services | P |
| Shoe repair | P |
| Tailor, custom alteration shops | P |
| Tanning salons | P |
| Tire stores | P |
| Tire stores within 500 feet of SR 60 | C |
| Tools sharpening and repair services | P |
| Travel agencies | P |
| Vehicle repair garages | |
| Veterinary offices, including hospitalization services | P |
| Water softener services | P |
| Transportation and Communication Uses | |
| Parking lot/structure facilities | C |
| Privately operated public utility uses, structures or transmission facilities | C |
| Publicly operated public utility uses | P |
| Wireless telecommunication facilities integrated into a building façade or structure or located behind a roof parapet; and located at least 300 feet from any residential zone, measured as the shortest distance, without regard to intervening buildings, from the nearest point of the proposed wireless telecommunication facility to the nearest point of the zone district boundary | C |

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

17.15.030 - General development standards.

Table 17.15-B
Commercial-Residential District General
Development Standards

| Development Feature | C-R |
|--|--|
| Minimum Lot Size | Minimum lot area and width required for new parcels |
| Area | 15,000 square feet |
| Width | 100 feet |
| Maximum Residential Density | 35 dwelling units per acre when abutting a single family zone; 87 dwelling units per acre when abutting a multifamily zone; 100 dwelling units per acre when not abutting any residential zone |
| Front and Side Yard Setbacks | None For residential development only, 10 feet shall be required. |
| Interior Setback Abutting a Residential Zone | 5 feet for one story, 15 feet for two story and 25 feet for three to five stories. Setbacks are measured from the residential property line. |
| Exceptions to Setbacks Requirements | See <u>Section 17.15.050</u> for setback exceptions |
| Distance Between Dwellings | N/A |
| Maximum Height Limits | Maximum building height is 5 stories or 65 feet for Commercial, Commercial/Residential and Residential developments. |
| Accessory Structures | N/A |
| Landscaping | Minimum 10% of lot area |

| | |
|------------------------|--|
| Fences and Walls | See <u>Section 17.14.190</u> for commercial uses and <u>Section 17.12.220</u> for Residential uses only. |
| Rooftop Equipment | Must be screened from Public View |
| Lighting | Photometric Plan is Required |
| Trash Collection Areas | Min. dim. 8' x 10' interior must be enclosed and screened from public view with a decorative structure. |
| Parking and Loading | Parking Demand Study Required |

1. Minimum Lot Size for Multi-Family Development. The minimum lot size in the C-R zoning district shall be fifteen thousand square feet for new multifamily housing development.
2. No Setback Requirements for the First Two Floors From the Garvey or Santa Anita Avenue Property Lines. Above the second story, the setback from the Garvey or Santa Anita Avenue property lines shall be a minimum of five feet. All residential units developed at ground level along Garvey or Santa Anita Avenue shall be required to maintain a ten-foot setback from the front street property line.
3. Minimum Setbacks. No setbacks required from the street property line, except as required for corner cutoffs at intersections and residential development. If setbacks are provided, these areas shall only be used for landscaping and active pedestrian areas (e.g., plazas, outdoor dining). All street adjacent parking shall be set back a minimum of five feet and the setback area shall be fully landscaped.
4. Corner Cutoff at Intersection. In order to maintain visibility at intersections and to provide architectural interest for buildings at corner locations, buildings shall provide a ten-foot minimum corner cutoff and shall have an entrance to the building from this area. The minimum cutoff area shall be a triangular area that is determined by measuring ten feet back from the corner along both street property lines and drawing a line between the two points.
5. Landscaped Buffer Within Setback Area. Landscaped buffer required. A minimum five-foot wide landscaped buffer shall be provided on the subject property adjacent to any residentially zoned property or intervening alley regardless of the actual building setback that is provided. A landscaped buffer is not required adjacent to an alley at areas where direct vehicular access is provided to the subject property.

(Ord. No. 1161, § 1, 3-13-2012)

17.15.040 - Additional development standards.

- A. Limitations and Exceptions to Permitted Uses and Structures. Notwithstanding any other provisions of this chapter, the following limitations shall apply to the conduct of any use permitted in C-R zone as applicable:
 1. All uses except outdoor eating areas, parking, growing plants, cut flowers, Christmas tree lots, pumpkin sales lots and provision and storage of shopping carts shall be subject to specific standards contained within this chapter; additionally in the C-R zone, car washes, incidental or temporary uses, service stations, storage yards, vehicle storage or display, tire store uses, and vending machines (vending machines shall not include coin

operated amusement devices, rides, scales, or similar devices) shall be conducted entirely within a completely enclosed building which is attached to a permanent foundation. There shall be no outside storage of tools, equipment, supplies or materials.

2. No wholesaling of goods and materials shall be permitted in the C-R zone; retail sales to the general public only shall be permitted.
 3. Shopping cart storage shall be located on-site adjacent to the entry of a building and shall be screened with a minimum three-foot, six-inch high solid wall/fence or combination of fence and landscaping to obscure the visibility of shopping carts from the adjacent public rights-of-way. Where the director of the community development department, in his/her discretion, determines that screening interferes with the cart removal/retrieval "opening" given the unique location of the building (e.g. corner structure where cart storage may be visible from two or more intersecting public rights of way), the director of the community development department shall exempt the "opening" from the screening requirement and shall determine the orientation, location, size and configuration of the unscreened "opening." Shopping cart storage shall not intrude into any required pedestrian passageway or public right of way.
 4. All shopping carts shall be contained or controlled within the boundaries of store premises, in accordance with the standards set forth in the Municipal Code Title 8, Chapter 8.26.
- B. Performance Standards. In accordance with the goals and precepts of the comprehensive general plan of the city environmental performance standards are hereby established to protect the community from hazards, nuisances and other negative factors; to ensure that land uses are not operated in such a manner as to cause a detrimental effect on adjacent land uses or the community environment; and to preserve and enhance the lifestyle of South El Monte residents through the protection of the public health, safety and general welfare. In the C-R zone, the following guidelines shall be evaluated on the basis of whether or not the activity is obnoxious to a person of normal sensitivity.
1. General Provisions. No land, building or structure shall be used or occupied in any manner so as to create or maintain any dangerous, injurious, noxious or otherwise objectionable condition caused by fire, explosion or other hazards; noise or vibration; smoke, dust or other form of air pollution; liquid or solid refuse or waste; or any other substance, condition or element used in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.
 2. Air Quality. Any activity, operation, or device which causes or tends to cause the release of air contaminants into the atmosphere shall comply with the rules and regulations of the South Coast Air Quality Management District and with the following:
 - a. Visible Emissions. No visible emissions of air contaminants or particulate matter shall be discharge into the atmosphere. No combustible refuse incineration shall be permitted
 - b. Dust. Windborne dusts and debris across lot lines shall be prevented by planting, wetting, compacting, paving or other suitable treatment of land surface; storing, treating or enclosing materials; controlling sources of dust and debris by cleaning; or, such other measures as may be required.
 - c. Odors. No odorous material shall be permitted so as to be obnoxious to persons of normal sensitivity as readily detectible at the property line or at any point off-site where the odor is greater.
 3. Vibration. No activities shall be permitted which cause objectionable vibration to adjoining property except for construction activities in connection with an effective building permit.
 4. Noise. No noise shall be generated which causes the maximum sound level to exceed the noise levels specified in the Municipal Code Title 8, Chapter 8.20. Further, in a mixed use project, no increase in the ambient noise base level for non-residential uses shall be permitted. Such noise measurements shall be taken at the residential zone property line, or at any point within an abutting residential zone, or at a point within the residential portion of the mixed use project, where the noise level from the non-residential use is greater. No

steady impulsive noise (such as hammering or riveting) or steady audible tone components (such as whines, screeches or hums) shall be detectible from any residential use which is part or adjacent to the mixed use project.

- C. Dwelling Unit Size. The gross floor area of any dwelling unit in the C-R zone shall be not less than provided herein. For the purpose of this section, dens, studies or other similar rooms which may be used as bedrooms shall be considered bedrooms. Living rooms, dining rooms, kitchens or bathrooms shall not be considered bedrooms, except that separate dining rooms in efficiency units or rooms that could be converted into additional bedrooms shall be considered bedrooms.

Table 17.15-C

| Unit Type | Minimum Size Requirements |
|----------------------------------|---|
| Efficiency and one bedroom units | 750 square feet for the residential development |
| Two bedrooms units | 900 square feet for the residential development |
| Three or more bedroom units | 1,100 square feet for the residential development |
| Senior affordable units | 540 square feet |

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

17.15.050 - Setback requirements and exceptions.

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

Chapter 17.51 - ON-SALE OF BEER AND WINE

17.51.010 - Purpose and applicability.

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

- A. The provisions of this chapter shall not apply to establishments lawfully existing on the effective date of these regulations provided the establishment retains the same type of California Alcohol Beverages Control ("ABC") license within a license classification; continues to legally operate without substantial change in mode or character of operation; and does not expand the square footage of area used for sales or services.
- B. Nothing in this chapter shall prohibit or limit the transfer of a valid, existing on-sale permit to a new owner at the same location.

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

17.51.020 - Conditional use permit—Required.

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

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

17.51.030 - Conditional use permit—Distance requirements.

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

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

17.51.040 - Operational and performance standards.

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

- A. Noise levels measured at the property line shall not exceed the levels prescribed by the city's noise regulations as set forth in Chapter 8.20 of this code.

- B. The property shall be maintained in a safe and clean condition and the owner shall ensure that no trash or debris from the site is deposited on neighboring properties or the public right-of-way.
- C. Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For the purpose of this chapter, the usual hours of operation shall be as permitted by the establishment's ABC license unless the city imposes shorter hours of operation as a condition to the conditional use permit to protect the public health, safety and welfare.
- D. The owner and operator shall each take all necessary steps to assure the orderly conduct of employees, patrons and visitors when they are present on the property.
- E. There shall be no loitering on the property. Signs shall be posted on the exterior wall of the premises and in the parking lot stating that loitering and consumption of alcohol are each prohibited.
- F. Video or other coin-operated games may only be permitted subject to the provisions of Section 7.9.430 of the business license ordinance.
- G. There shall be no outside vending machines other than newspaper racks or public telephones.
- H. There shall be no adult merchandise, as that term is defined in Section 5.25.020 of this code, visible anywhere on the property and no such merchandise shall be sold to minors.
- I. The permittee shall maintain all required permits and licenses in good standing.
- J. There shall be no sale or service of any alcoholic beverages in the event there is any lapse or breach in the good standing of any one of the permits or licenses issued for such use, or noncompliance with any conditions imposed thereon.

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

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

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

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

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

17.51.060 - Modification or revocation.

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

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

17.51.070 - Design standards.

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

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

Chapter 17.60 - OFF-STREET PARKING AND LOADING

17.60.010 - General provisions.

- A. Off-street vehicle parking spaces shall be provided at the time of the use of the land, or at the time of the erection of the building or use of the land or building or structure is altered, enlarged converted or increased in capacity by the addition of uses, floor area, dwelling units guest rooms, beds or seats; provided however, that additional parking spaces shall not be required at the time of the erection of an addition to a single-family residence if the director of community development shall find all of the following:
1. The proposed addition is otherwise in conformity with the provisions of the zoning regulations;
 2. The provision of additional off-street parking of the lot is impossible or impractical because of the size or configuration of the lot and improvement; and
 3. The public safety and welfare will not be unreasonably jeopardized by waiving the requirements of additional off-street parking.
- B. All off-street parking spaces and areas required by these regulations, or otherwise provided, shall comply with all of the conditions, improvements and landscaping requirements set forth in these regulations, and shall be maintained as much as such thereafter in a reasonable and acceptable manner or condition.
- C. All vehicle parking spaces and areas required or otherwise provided shall comply with the following conditions:
1. The number of spaces shall be determined by the amount of use of land, dwelling units, floor area guest rooms, beds, or seats provided, and such parking spaces and areas shall be maintained thereafter without reduction in the number of spaces required in connection with such buildings, structures and uses of land.
 2. Each parking space shall be developed in accordance with standards established by written resolutions of the planning commission and Section 17.60.030.
 3. Adequate driveways and aisles shall be provided as set forth in these regulations and in any standards adopted by the planning commission.
 4. All vehicle parking spaces shall be on the same lot with the land use, building or structure except as otherwise provided in Section 17.60.040.
 5. Any carport or private garage which fronts upon a private street shall be located so as to provide for a minimum automobile ingress or egress of not less than twenty feet between the property line and the entrance to the garage or carport.
 6. No vehicle parking spaces shall occupy or be designed in a required front yard, or in a side yard on a side street, except as specifically provided in these regulations or in the zone district regulations for the zone in which the property is located.

7. No parking spaces or areas shall be so designed as to require vehicles to back into a street except 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.

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

17.60.020 - Parking requirements.

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

| Land Use | Required Parking |
|--|---|
| Residential: | |
| Single-family dwelling | Two standard spaces within a garage. |
| Duplex (two-family) or triplex (three-family) dwelling | Two standard spaces per dwelling unit within a garage. |
| Multiple dwelling | Two standard spaces per dwelling unit with a garage, plus one guest parking for every four units. |
| Mobile home park | Two standard spaces for each mobile home site or space. The parking may be tandem. One additional space per each five mobile home sites or spaces shall be provided for guests. |
| Senior housing and very low/low income | 0.5 spaces per unit. |

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

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

| Land Use | Required Parking |
|--------------|------------------|
| Industrial:* | |

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

| | |
|--------------------|---|
| Auto sales/leasing | One space per seven hundred fifty square feet of lot size plus one space per two thousand five hundred square feet of outdoor display and storage area. |
| RVs and related | One space per seven hundred fifty square feet of gross floor area plus one space per two thousand five hundred square feet of outdoor display and storage area. |

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

17.60.030 - Development standards.

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

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

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

17.60.040 - Remote parking.

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

- A. That the lot or parcel to be utilized for remote parking adjoins the lot or parcel it is to serve; or
- B. That the lot or parcel to be utilized for remote parking is separated only by an alley from the lot or parcel it is to serve; and in both cases;
- C. The lot or parcel utilized for remote parking is in the same ownership as the parcel being served or is held in a long-term (twenty-year) recorded lease providing that the owners or lessees and their heirs, assigns or successors in the interest shall maintain the parking facilities so long as the building or use they are intended to serve be maintained. The

covenant shall be prepared for the benefit of and in a form acceptable to the city, shall be recorded with the county recorder of Los Angeles County, and shall provided that the covenant may not be revoked, cancelled or modified without the written consent of the city;

- D. That the lot or parcel is located not more than one hundred fifty feet from the lot or parcel to be served, the requirement for a covenant running with the land as shown in subsection C of this section shall apply.

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

17.60.050 - Loading facilities and truck maneuvering.

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

(Ord. 822 § 1(part), 1989)

17.60.060 - Parking and loading facilities—Nonconforming.

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

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

(Ord. 937 § 1, 1993)

17.60.070 - Maintenance of parking.

- A. Any parking spaces or loading zones that were required when the building was originally constructed or subsequently expanded shall be continually maintained.
- B. All parking areas shall be permanently maintained in a safe and clean condition free of physical obstructions and in good condition. All areas, including landscaping, shall be kept free of trash and weeds. Landscaped planters shall be permanently maintained with healthy nursery stock.

Any alteration, enlargement, maintenance or repairs shall be subject to the provisions of this chapter.

- C. Any restriping or other changes made to a parking lot shall be reviewed and approved by the planning division prior to such work being commenced.

(Ord. 1120 § 6, 2008)

Figure 17.60--STANDARD SPACES

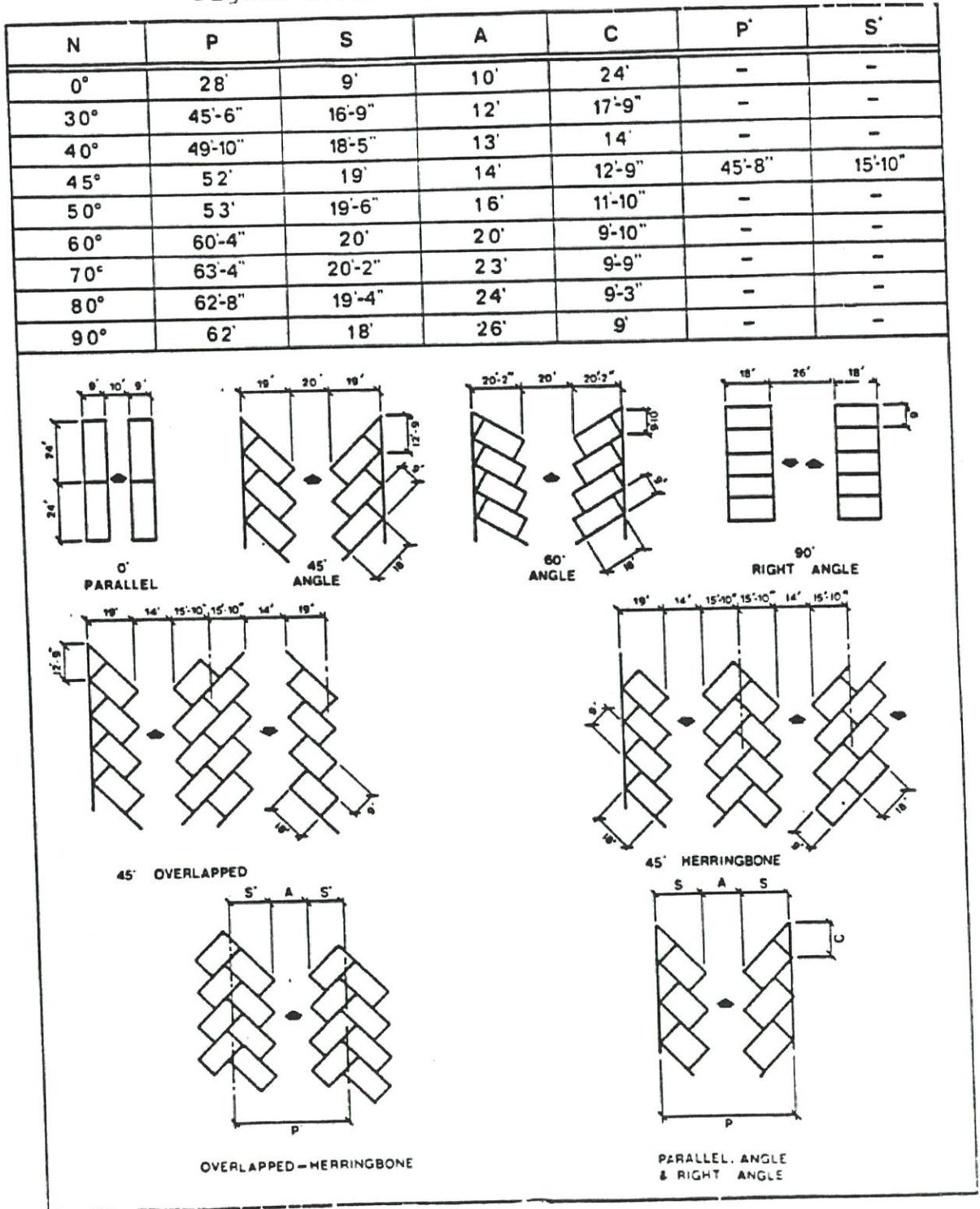
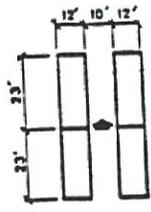
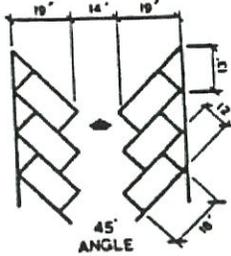


Figure 17.60--HANDICAPPED SPACES

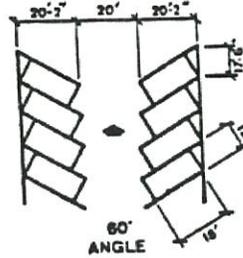
| N | P | S | A | C |
|-----|--------|--------|-----|--------|
| 0° | 34' | 12' | 10' | 24' |
| 45° | 52' | 19' | 14' | 13' |
| 60° | 60'-4" | 20'-2" | 20' | 17'-6" |
| 90° | 70' | 18' | 26' | 12' |



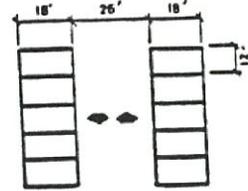
0°
PARALLEL



45°
ANGLE

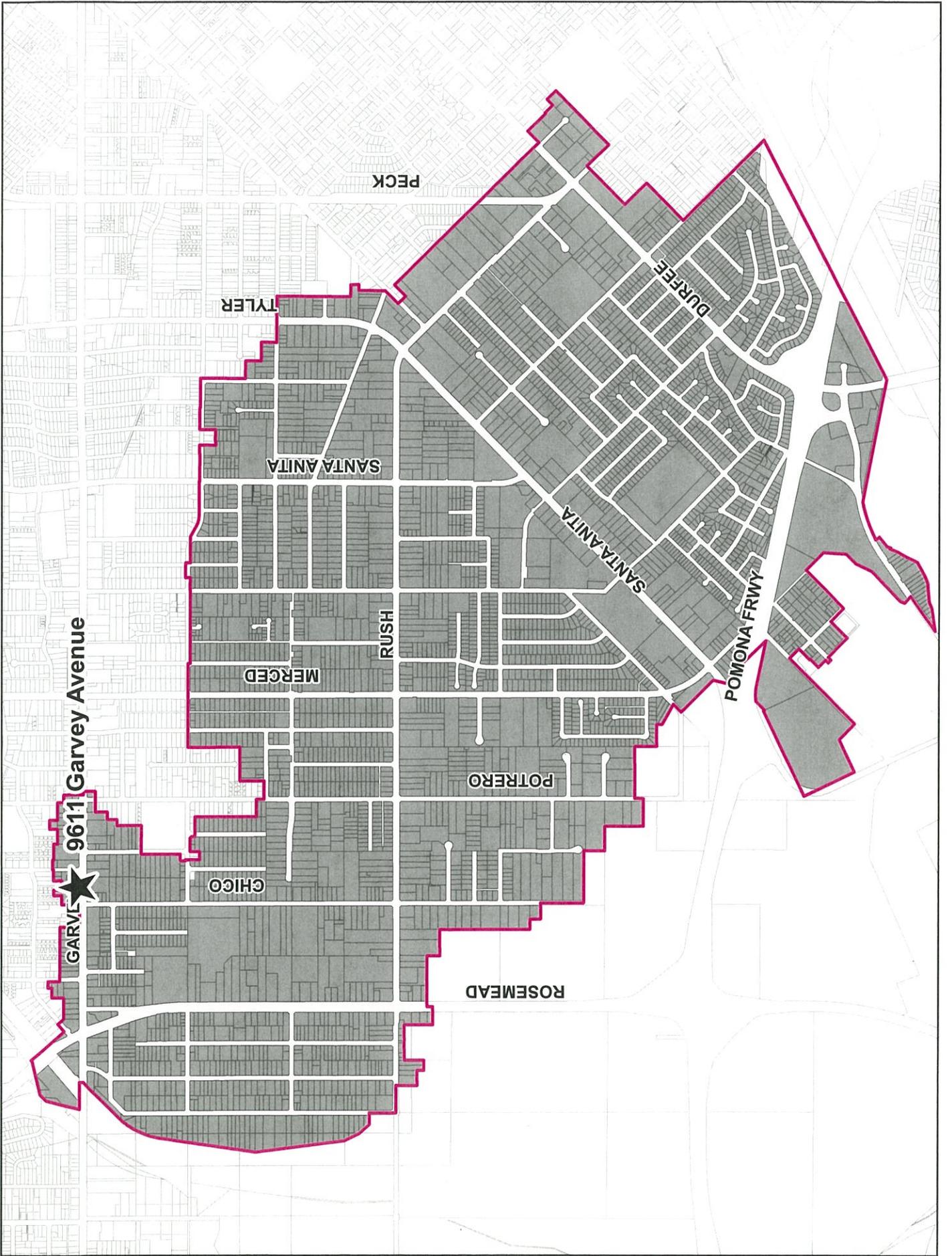


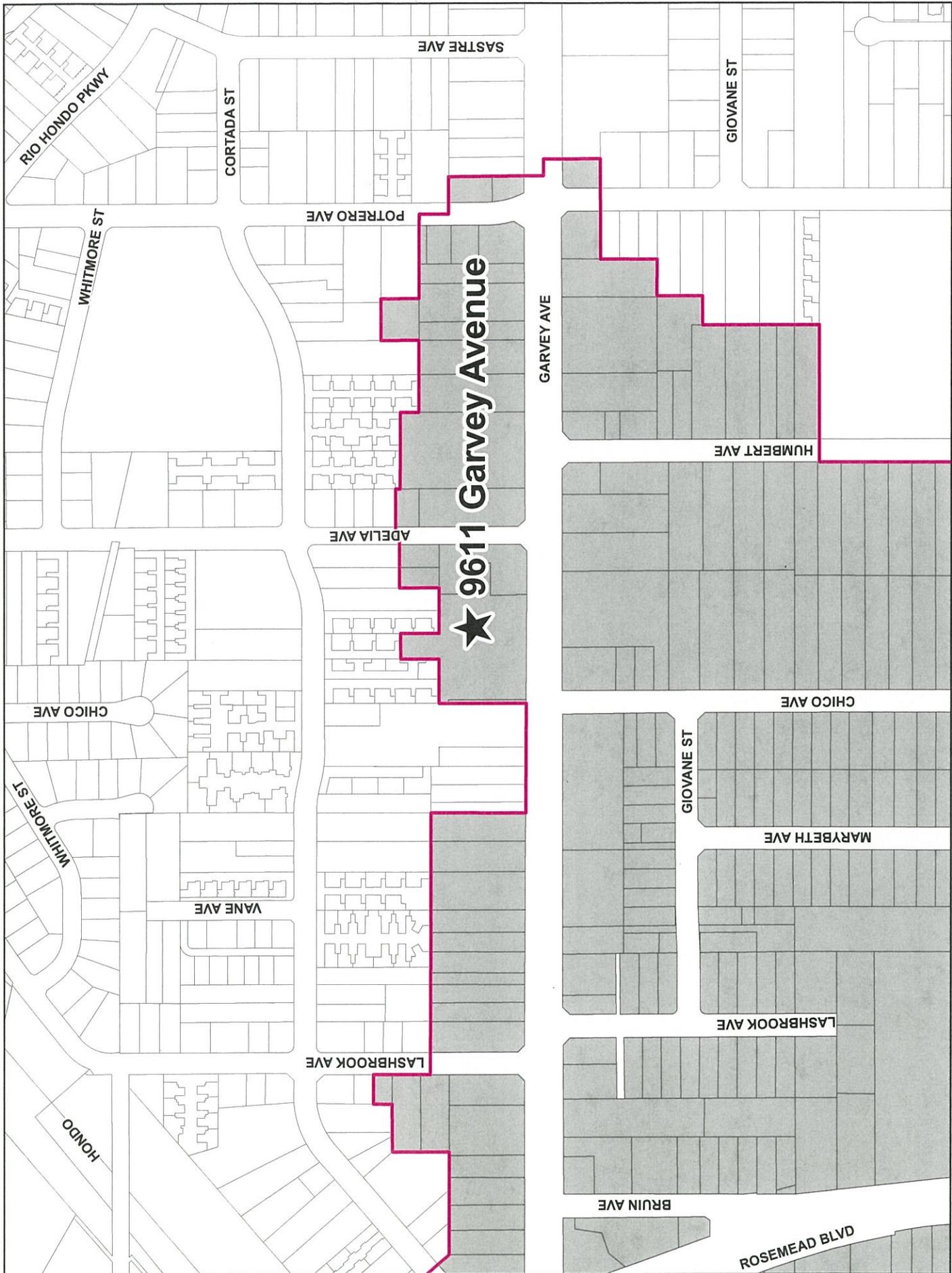
60°
ANGLE



90°
RIGHT ANGLE

ATTACHMENT C

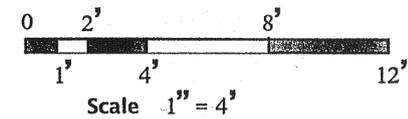
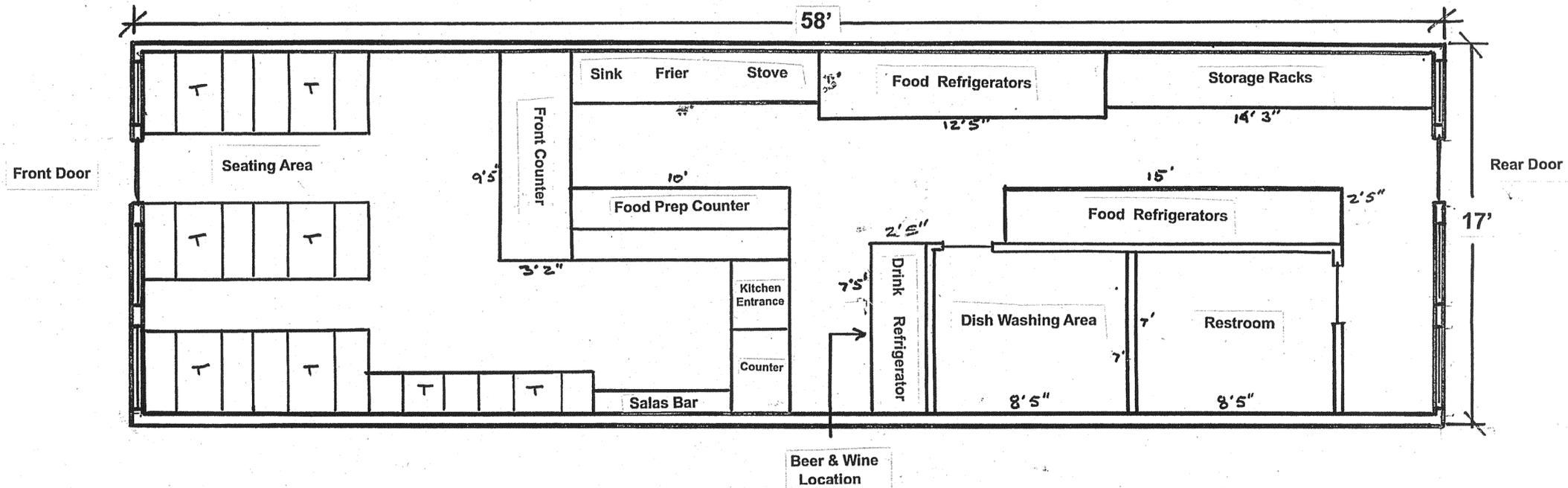




ATTACHMENT D

Tacos El Chaparrito

9611 Garvey Avenue, Unit 105



Floor Plan

| Tacos El Chaparrito | | |
|--|--------------|-----------------|
| SCALE: 1" = 4' | APPROVED BY: | DRAWN BY: |
| DATE: | | REVISED: |
| Miguel Alvillar Rojas 9611 Garvey Avenue, Unit 105 South El Monte CA 91733 | | DRAWING NUMBER: |