AGENDA

CITY OF EL MONTE PLANNING COMMISSION

TUESDAY, FEBRUARY 12, 2019
7:00 P.M.

CITY HALL EAST – COUNCIL CHAMBERS
11333 VALLEY BOULEVARD

OPENING OF MEETING

1. Call Meeting to Order
2. Flag Salute
3. Roll Call
4. Approval of Agenda
5. Commission Disclosures
6. Public Comments

Citizens wishing to address the Planning Commission on land use and development matters may do so at this time. Note that the Commission cannot respond to or take any action on the item.

Citizens wishing to speak on an agenda item will be given the opportunity to speak after the item is presented by staff.

Limit your comments to three (3) minutes. State your name and address at the podium for the record.

CONSENT CALENDAR

7. Approval of Planning Commission Minutes

Action minutes from the Planning Commission Meeting of January 29, 2019.

8. Approval of Modification Minutes

None
9. Conditional Use Permit No. 20-18  
(Continued from the meeting of January 29, 2019)

Address: 10502 Lower Azusa Road / APN: 8576-002-015

Request: A Conditional Use Permit request to allow the sale of beer and wine (Type 41 ABC License) for onsite consumption within an existing 3,400 square foot restaurant located within 200 feet of residentially used properties.

The entitlement requested is made pursuant to Chapter 17.24 (Conditional Use Permits) of the El Monte Municipal Code (EMMC).


Case Planner: Jonathan Payne, Planning Aide

Recommendation: Adopt resolution and approve subject to conditions.

Resolution: 3533

10. Conditional Use Permit No. 02-18

Address: 3630 Cypress Avenue / APN: 8568-026-035

Request: A Conditional Use Permit request to allow the occupancy of an existing 18,300 square foot warehouse for storage and wholesale of automotive wheels on a 39,200 square foot site located within 150 feet of residentially used properties. The subject property is located in the M-2 (General Manufacturing) zone.

The entitlement requested is made pursuant to Chapter 17.24 (Conditional Use Permits) of the El Monte Municipal Code (EMMC).


Case Planner: Jonathan Payne, Planning Aide

Recommendation: Continue to a date uncertain

Resolution: 3536
11. **Conditional Use Permit No. 26-18**

   **Address:** 9961 E. Valley Boulevard Unit A / APN: 8577-013-043

   **Request:** A Conditional Use Permit request to legalize an existing check cashing (alternative financial services) business located in the C-4 (Heavy Commercial) zone.

   The entitlement requested is made pursuant to Section 17.24.040(4) of the El Monte Municipal Code (EMMC).

   **CEQA Determination:** Article 19. Categorical Exemptions – Section 15301 (Existing Facilities)

   **Case Planner:** Tony Bu, Associate Planner

   **Recommendation:** Continue to March 12, 2019 meeting

   **Resolution:** 3537

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**REGULAR AGENDA**

12. **Director’s Report**

13. **City Attorney’s Report**

14. **Commissioner Comments**
Availability of staff reports: Copies of the staff reports or other written documentation relating to each item of business described hereinabove are on file in the offices of the Planning Division, City Hall West, 11333 Valley Boulevard, El Monte, California, 91731. These documents are available for public inspections during regular business hours, Monday through Thursday, 7:30 a.m. to 5:30 p.m., except legal City holidays. You may also call the Planning Division at (626) 258-8626 for information.

Individuals with special needs: The City of El Monte wishes to assist individuals with special needs. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division at (626) 258-8626. Notification 48 hours prior to the meeting will enable us to make reasonable arrangements to ensure accessibility to this meeting. [28 Code of Federal Regulations 35.102-35.104 ADA Title II]

General explanation of how the meeting is conducted:
1. The staff report is presented by City Planning staff.
2. The City Planning Commissioners ask questions if necessary for clarification.
3. The City Planning Commission Chair opens the public hearing.
4. The applicant makes a presentation to the City Planning Commission.
5. Individuals speaking in favor of the project address the Commission.
6. Individuals speaking against the project address the Commission.
7. The applicant responds to project opponents.
8. The public hearing is closed.
9. City Planning Commission members discuss the project.
10. City Planning Commission members vote on the project.
11. At the next scheduled Commission meeting, which is usually two weeks after the hearing, a resolution confirming the Commission action will be adopted.
12. Any interested party who disagrees with the City Planning Commission decision may appeal the Commission’s decision to the City Council within 10 calendar days of the adoption of the resolution. Any appeal filed must be directed to the City Clerk’s Office and must be accompanied by a fee of $1,569.42. Any individual that received notice of this meeting from the City of El Monte will receive notice of an appeal, if one is filed.
Chairperson Nuño welcomed and introduced new Planning Commissioner’s Rafael Gonzalez and Anais Medina Diaz.

1. Call Meeting to Order – Meeting was called to order by Chairperson Nuño at 7:09 p.m.

2. Flag Salute – The Flag Salute was led by Commissioner Wong

3. Roll Call – The roll call was led by Community & Economic Development Director Donavanik

Commissioners present: Gonzalez, Diaz, Wong, Peralta, Nuño

Staff present:
Community & Economic Development Director Donavanik
Deputy City Attorney Vazquez
Associate Planner Bu
Assistant Planner Kim
Contract Planner Coronel

4. Approval of Agenda:

Motion: by Chair Nuno to change the order of the Agenda to start with Item No. 10, then Item No. 13 and then back to the top of agenda, seconded by Commissioner Wong.

Motion carried 5-0.

5. Commission Disclosures:
Commissioner Peralta explained “disclosures” to the new Commissioners.

No disclosures.

6. Public Comments:

Speaker #1: Charles Hoffman, resident of El Monte, wished the two new commissioners the best.
Speaker #2: Fen Lan Lu, resident of City of Temple City, requested that Commissioner Diaz be recusing herself since she has been an El Monte resident for less than a year; to be a commissioner you must be a resident of El Monte for at least one year. 

Note: Five (5) minute recess taken.

Deputy City Attorney Vasquez informed everyone present that Commissioner Diaz will be recusing herself from the meeting.

Public Comments Continued:

Speaker #3: Irma Zamorano, resident of El Monte, asked if Ms. Diaz’s husband was elected as well to the Planning Commission. Ms. Zamorano stated that it is quite embarrassing.

CONSENT CALENDAR

7. Approval of Consent Calendar Item No. 7

Motion: by Commissioner Peralta to approve action minutes from the Planning Commission Meeting of November 27, 2018, December 11, 2018 & January 15, 2019, seconded by Commissioner Wong. Motion carried 4-0.

8. Approval of Modification Minutes
None.

PUBLIC HEARING

Note: There was a change in order of agenda, Item No. 10 heard first, and then Item No. 13 then back to 9.

10. Conditional Use Permit No. 20-18

A Conditional Use Permit request to allow the sale of beer and wine (Type 41 ABC License) for onsite consumption within an existing 3,400 square foot restaurant located within 200 feet of residentially used properties.

The entitlement requested is made pursuant to Chapter 17.24 (Conditional Use Permits) of the El Monte Municipal Code (EMMC) for property located at 10502 Lower Azusa Road, El Monte, CA.

Motion: by Economic Development Director Donavanik to continue Conditional Use Permit No. 20-18 to the Planning Commission Meeting of February 12, 2019.
REGULAR AGENDA


On October 4, 2016, the City Council adopted Resolution No. 9694, approving Tentative Tract Map No. 73937, Conditional Use Permit Nos. 23-15, and 25-15, Design Review No. 09-15 and Modification Nos. 32-15, 46-15 and 47-15. On October 18, 2016, the City adopted Ordinance No. 2898, approving General Plan Amendment No. 02-15 and Zone Change No. 03-15 for the construction of a new mixed-use development consisting of 28 senior housing units, 78 assisted-living units, 40 bed memory-care facility and 19,755 square feet of commercial space. The Applicant requested a one (1) year extension on entitlement approvals for property located at 11619-11707 Garvey & 3024 La Madera, El Monte, CA.

Commissioner Gonzalez Comments/Questions related to:
• Questioned the timing of request for extension


PUBLIC HEARING

9. Tentative Tract Map No. 74982, Design Review No. 02-18 and Modification No. 28-18

The Applicant is requesting to construct a 17,790 square foot, three (3) story mixed-use development with 13 residential units for condominium purposes and 1,500 square feet of ground floor commercial retail on a 22,500 square foot lot located in the MMU (Mixed/Multiuse) zone. Modification No. 29-18 is requested to reduce the required ground floor height from 15 feet to 11 feet for property located at 2616 Durfee Avenue, El Monte, CA.

Chairperson Nuño Comments/Questions related to:
• Thanked the applicant

Commissioner Peralta Comments/Questions related to:
• Thanked applicant and client for believing in the City’s vision. This project set the tone for the first MMU development.

Commissioner Wong Comments/Questions related to:
• Thanked staff for working with applicant for addressing previous concerns;
• Landscaping: outdoor patio street furniture
• Bicycle parking
Commissioner Gonzales Comments/Questions related to:
- Any conversation with neighbors

PUBLIC COMMENTS:
None.

Motion: by Commissioner Peralta to approved Tentative Tract Map No. 74982, Design Review No. 02-18 and Modification No. 28-18, seconded by Commissioner Wong. Motion carried 4-0.


The Applicant requests to conduct a commercial medicinal cannabis operation pursuant to El Monte City Ordinance No. 2924 within six (6) existing industrial buildings totaling 58,418 square feet on a 4.9 acre site located in the M-2 (General Manufacturing) zone. The proposal includes medicinal-only cannabis cultivation, manufacturing, and distribution operations. No retail cannabis product retail sales or activities will be permitted for property located at 9860; 9866; 9870 and 9874 Gidley Street, El Monte, CA.

Note: Short recess requested by Chairperson Núñez after staff’s presentation.

During the Applicant’s presentation of the project the recording stopped; public comments, commissioner comments and everything beyond this point was NOT recorded.

Court reporter transcripts will be provided.

Motion: Commissioner Peralta to adopt Resolution No. 3534 and recommend City Council approval of Development Agreement (DA) No. 03-18, Medicinal Cannabis Conditional Use Permit (MCCUP) Nos. 13-18, 14-18 and 15-18 with the added and/or amended conditions, seconded by Commissioner Wong. Motion carried 3-1 (Núñez).


The Applicant requests to conduct a commercial medicinal cannabis operation pursuant to El Monte City Ordinance No. 2924 within six (6) existing industrial buildings totaling 58,418 square feet on a 4.9 acre site located in the M-2 (General Manufacturing) zone. The proposal includes medicinal-only cannabis cultivation, manufacturing, and distribution operations. No retail cannabis product retail sales or activities will be permitted for property located at 9860; 9866; 9870 and 9874 Gidley Street, El Monte, CA.

Motion: Commissioner Peralta to adopt Resolution No. 3535 and recommend City Council approval of Development Agreement (DA) No. 03-18, Medicinal Cannabis Conditional Use Permit No. (MCCUP) Nos. 13-18, 14-18 and 15-18 with the added and/or amended conditions, seconded by Commissioner Gonzales. Motion carried 3-1 (Núñez).
The following conditions were approved, added and/or amended for Resolution Nos. 3534 & 3535.

CONDITIONS:

- Mitigation Measure No. 3 (Energy Impacts). The facility must use lighting equipment that will be energy efficient such as LED light fixtures. All non-cultivation lighting equipment shall utilize LED light fixtures.  (MODIFIED BY PLANNING COMMISSION ON JANUARY 29, 2019)

- Mitigation Measure No. 4 (Energy Impacts). The installation of solar panels will be required as a means to reduce energy consumption. The facility shall use solar panels, renewable and/or clean sources of energy to the extent feasible to reduce energy consumption during peak demands in accordance with the General Plan Community Design Element Policy CD-4.5 “Sustainability. Encourage “green building” and environmentally sustainable design concepts with respect to energy conservation, water conservation, storm drainage, etc.”  (MODIFIED BY PLANNING COMMISSION ON JANUARY 29, 2019)

- The Developer shall work with staff to provide additional parking stalls onsite.  (ADDED BY THE PLANNING COMMISSION ON JANUARY 29, 2019)

- The Developer shall work with staff to provide electrical vehicle charging stations.  (ADDED BY THE PLANNING COMMISSION ON JANUARY 29, 2019)

- The Developer shall work with staff to add break areas for employees.  (ADDED BY THE PLANNING COMMISSION ON JANUARY 29, 2019)

- Condition #26: The Developer shall work with staff to provide trash enclosures for cannabis-waste and non-cannabis waste. All non-cannabis trash and refuse (i.e. solid waste) shall be disposed of in dumpsters or other like containers; and all such waste shall be removed from the premises on a routine basis, as provided under EMMC Chapter 8.20, by a solid waste hauler duly franchised to provide such service to the property. Applicant shall divert fifty percent (50%) of its solid waste through recycling services provided by a solid waste hauler duly franchised to provide such service to the property. Pending completion of all construction activities upon the property, surplus construction materials shall be stored so as to be screened from view when not actually in use. All construction and demolition debris shall be removed from the property in compliance with EMMC Chapter 8.20. The removal of all solid waste arising out of the construction and demolition process shall be undertaken by a duly franchised solid waste hauler authorized to provide solid waste services for construction and demolition projects within the City of El Monte. The removal of all other wastes from the property shall be undertaken by a duly franchised solid waste hauler authorized to provide solid waste services to residential and commercial properties within the City of El Monte.  
  a. Prior to the issuance of a Building Permit, the Applicant shall submit to the Building Safety Division, the Environmental Services Division and the City Code Enforcement Division, the name and contact information for the contracted waste hauler. It shall be
the Applicant's obligation to ensure that the waste contractor utilized has obtained permits from the City of El Monte to provide such services.

b. Prior to final approval for occupancy, and in addition to any other requirements set forth under the El Monte Municipal Code or by the Chief Building Official, the Applicant shall submit to the Building and Safety Division, the receipt(s) showing evidence that the waste and debris generated during the construction process were properly disposed and/or diverted.

c. Except as otherwise authorized pending the completion of the construction and demolition activities authorized under this resolution, solid waste containers and bulky items may not be stored or maintained at locations designated for parking and must be maintained in those locations designated for the temporary storage of solid waste and bulky items.

d. The site and the public R.O.W. adjacent to any portions of the site shall be maintained in a condition which is free of debris both during and after the construction, addition or implementation of the entitlements granted herein. All trash and refuse shall be disposed of in dumpsters and be removed from the premises on an as needed basis. Any surplus construction materials shall be stored so as to be screened from public view when not actually in use and be removed from the property upon completion of construction activities. The removal of all trash, debris, and refuse, whether during or subsequent to construction shall be done only by the property owner, the Applicant or by a permitted waste contractor, who has been authorized by the City to provide collection, transportation, and disposal of solid waste from residential, commercial, and construction areas within the City.

e. Prior to issuance of a Building Permit, the Applicant shall submit to the City, the name and contact information for the contracted waste hauler. It shall be the Applicant's obligation to insure that the waste contractor utilized has obtained permits from the City of El Monte to provide such services.

f. Prior to final approval for occupancy, the Applicant shall submit to the Planning Division, the receipt(s) showing evidence that the waste and debris generated during the construction process were properly disposed.

g. Fire protection facilities; including access, must be provided prior to and during construction.

(MODIFIED BY THE PLANNING COMMISSION ON JANUARY 29, 2019)

REGULAR AGENDA

13. Director's Report

14. City Attorney’s Report

15. Commissioner Comments

Adjournment

Meeting adjourned at 11:39 p.m.
Respectfully submitted,

__________________________
Planning Commission Chairperson
Alfredo Nuño

__________________________
Planning Commission Secretary
Marcella Magdaleno
TO: CITY PLANNING COMMISSION

FROM: BETTY DONAVANIK
COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

JASON C. MIKAELIAN, AICP
CITY PLANNER

BY: JONATHAN PAYNE
PLANNING AIDE

SUBJECT: CONDITIONAL USE PERMIT NO. 20-18

LOCATION: 10502 LOWER AZUSA ROAD

APPLICANT: XIAOYAN FAN
9478 WOODRUFF AVENUE
TEMPLE CITY, CA 91780

PROPERTY OWNER: MIDWAY PLAZA, LLC.
11100 VALLEY BOULEVARD, SUITE 136
EL MONTE, CA 91731

ENVIRONMENTAL DETERMINATION: ARTICLE 19 - CATEGORICAL EXEMPTIONS – SECTION 15301 (CLASS 1 – EXISTING FACILITIES) IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

RECOMMENDATION: ADOPT A CATEGORICAL EXEMPTION UNDER SECTION 15301 (CLASS 1 – EXISTING FACILITIES) AND APPROVE CONDITIONAL USE PERMIT NO. 20-18 SUBJECT TO CONDITIONS.

REQUEST

The applicant is requesting approval of Conditional Use Permit No. 20-18 to allow the sale of beer and wine (Type 41 ABC license) for on-site consumption in conjunction with an existing bona-fide restaurant (Crawlplay). The restaurant is located within 200 feet of residentially used properties. The subject property is located in the C-2 (Retail Commercial) zone. The request is made pursuant to Chapter 17.24 of the El Monte Municipal Code (EMMC).
SUBJECT PROPERTY:

<table>
<thead>
<tr>
<th>Location:</th>
<th>South side of Lower Azusa Road, between Arden Way and Pal Mal Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan:</td>
<td>Neighborhood Commercial</td>
</tr>
<tr>
<td>Zone:</td>
<td>C-2 (Retail Commercial)</td>
</tr>
<tr>
<td>Street Frontage:</td>
<td>Lower Azusa Road: 1,002.38 Feet</td>
</tr>
<tr>
<td>Size:</td>
<td>7.69 Acres</td>
</tr>
<tr>
<td>Existing Improvements:</td>
<td>The project site is currently occupied by an existing 93,457 square foot multi-tenant shopping center (Midway Plaza).</td>
</tr>
</tbody>
</table>

SURROUNDING PROPERTIES:

<table>
<thead>
<tr>
<th>North:</th>
<th>General Plan: Neighborhood Commercial and Temple City</th>
<th>Zoning: C-2 &amp; Temple City</th>
<th>Land Use: Medical Offices, Single-Family Residential, and Restaurants</th>
</tr>
</thead>
<tbody>
<tr>
<td>South:</td>
<td>General Plan: Low and Medium Density Residential</td>
<td>Zoning: R-1A &amp; R-3</td>
<td>Land Use: Single-Family and Multi-Family Residential</td>
</tr>
<tr>
<td>East:</td>
<td>General Plan: Low Density Residential</td>
<td>Zoning: R-1A</td>
<td>Land Use: Single-Family Residential</td>
</tr>
<tr>
<td>West:</td>
<td>General Plan: Medium Density Residential and Neighborhood Commercial</td>
<td>Zoning: R-3 &amp; C-2</td>
<td>Land Use: Multi-Family Residential and Commercial</td>
</tr>
</tbody>
</table>

ZONING AND AERIAL PHOTO:
PROJECT DESCRIPTION

The applicant is requesting the approval of a Conditional Use Permit to allow the on-site sale of beer and wine for an existing bona-fide restaurant (Crawlplay). The existing 3,473 square feet 647 square feet of indoor dining area with 24 seats. There is also an approximately 2,400 square foot outdoor patio dining area with 46 seats. The outdoor patio is enclosed with an approximately five foot wrought iron fence with a gate for emergency exits and is accessible through the indoor dining area. The remaining floor area includes a full service kitchen, cashier and storage area.

Business Operations
The existing restaurant is proposing to serve beer and wine in conjunction with meal service. The applicant is requesting to operate seven days a week from 5:00 p.m. to 12:00 a.m. and a total of ten employees are employed by the restaurant. Currently, the restaurant specializes in seafood and serves an assortment of dishes and non-alcoholic beverages. The applicant’s request is to serve beer and wine on-site within both the indoor and outdoor patio dining areas. This request is ancillary to the primary use of a bona-fide restaurant. The applicant is not proposing to construct an alcohol serving bar for the existing restaurant.

Site Access, Parking & Circulation
The existing bona-fide restaurant is located within an existing multi-tenant commercial center. The center is an irregularly shaped lot with a frontage of approximately 1,000 feet along Lower Azusa Road and has an approximate depth of 400 feet. The vehicular access to the property is provided via four driveways along Lower Azusa Road while logistic operations are accessed at the rear of the center via one driveway off of Ranchito Street. There are approximately 410 parking stalls within the center. The proposed on-site sale of beer and wine is ancillary to the existing restaurant operations is not expected to intensify the overall traffic circulation and parking requirements in the center.

Signage
The north facing façade of the tenant space is the primary façade. It currently contains a previously approved wall sign for the tenant. An unpermitted cabinet sign adjacent to the restaurant entrance shall be removed as a condition of approval. Cabinet signs are not allowed on the property per the requirements of the center’s master sign program. There is a freestanding sign for the multi-tenant center facing Lower Azusa Road. At this time there has not been a sign panel on the freestanding sign proposed for the restaurant.

PROJECT ANALYSIS

2011 General Plan Consistency
The 2011 El Monte General Plan Land Use Element designates the property as Neighborhood Commercial and recommends areas designated for Neighborhood Commercial to provide convenient, smaller-scale retail businesses in close proximity to neighborhoods. Permitted uses include small commercial businesses that meet the
needs of residents and do not generate substantial volumes of traffic. It is staff’s assessment that the existing bona-fide restaurant serving beer and wine in conjunction with meal service is consistent with the land use designation.

The Economic Development Element of the General Plan emphasizes working to attract, expand, and create business ventures and private investment in El Monte while increasing the number and quality of employment choices in a widening variety of industries and occupations for El Monte residents. The proposed use in consistent with the Economic Development Element in that allowing the service of beer and wine with meal service within an established restaurant would enhance the business value and provide opportunity for additional revenue generation.

Zoning Code & Conditional Use Permit
Pursuant to Section 17.24.040(45) of the EMMC, on-sale beer, wine, or liquor establishments in MMU and C-2 or less restrictive zones located at least two hundred (200) feet from properties zoned or used for residential purposes requires the approval of a Conditional Use Permit. Since the restaurant is located within the C-2 (Retail Commercial) zone and adjacent to residential uses, a Conditional Use Permit is required for on-site consumption of beer and wine (Type 41 ABC License). All properties within 300 feet of the subject property have been notified of the public hearing. Reasonable conditions of approval have been placed on the use's operations such as hours of operation and delivery schedule to address any potential impacts on surrounding properties.

California Department of Alcohol Beverage Control (ABC)
As a part of an Alcoholic Beverage Control (ABC) License request evaluation process, City Staff contacted ABC for statistical information relating to the number of existing active on-sale licenses in Census Tract No. 4323 in which the site is located. According to ABC, there are ten (10) existing licenses within the corresponding tract. Two (2) licenses are Type 17 beer and wine wholesaler. One (1) License is Type 18 distilled spirits wholesaler. One (1) license is Type 20 off-sale beer and wine. Two (2) licenses are Type 21 off-sale general. Four (4) Licenses are Type 41 on-sale beer and wine for bona-fide eating place. Although alcohol establishments exist in the area, most bona-fide restaurants with on-site alcohol sales are not typically problematic uses if operated in conjunction with Conditional Use Permit conditions of approval. Table 1 lists the active on-sale licenses within the area with information obtained from ABC.

Table 1- List of Active On-Sale Licenses in Tract 4323

<table>
<thead>
<tr>
<th>License #</th>
<th>Status</th>
<th>Type</th>
<th>Expiration Date</th>
<th>Address</th>
<th>Business Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>505298</td>
<td>Active</td>
<td>17</td>
<td>12/31/2019</td>
<td>4340 Baldwin Ave</td>
</tr>
<tr>
<td>2</td>
<td>419827</td>
<td>Active</td>
<td>17</td>
<td>2/28/2019</td>
<td>4308 Baldwin Ave</td>
</tr>
<tr>
<td>#</td>
<td>License No.</td>
<td>Status</td>
<td>Expires</td>
<td>Address</td>
<td>Business Name</td>
</tr>
<tr>
<td>---</td>
<td>------------</td>
<td>--------</td>
<td>---------</td>
<td>---------</td>
<td>---------------</td>
</tr>
<tr>
<td>3</td>
<td>505298</td>
<td>Active</td>
<td>18</td>
<td>12/31/2019</td>
<td>4340 Baldwin Ave</td>
</tr>
<tr>
<td>4</td>
<td>537446</td>
<td>Active</td>
<td>20</td>
<td>12/31/2019</td>
<td>4266 Arden Drive</td>
</tr>
<tr>
<td>5</td>
<td>464974</td>
<td>Active</td>
<td>21</td>
<td>3/31/2019</td>
<td>10693 Lower Azusa Rd</td>
</tr>
<tr>
<td>6</td>
<td>448828</td>
<td>Active</td>
<td>21</td>
<td>3/21/2019</td>
<td>10336 Lower Azusa Rd</td>
</tr>
<tr>
<td>7</td>
<td>405899</td>
<td>Active</td>
<td>41</td>
<td>2/28/2019</td>
<td>10534 Lower Azusa Rd</td>
</tr>
<tr>
<td>8</td>
<td>575037</td>
<td>Active</td>
<td>41</td>
<td>3/31/2019</td>
<td>10602 Lower Azusa Rd</td>
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<tr>
<td>9</td>
<td>539582</td>
<td>Active</td>
<td>41</td>
<td>3/31/2019</td>
<td>10632 Lower Azusa Rd</td>
</tr>
<tr>
<td>10</td>
<td>524015</td>
<td>Active</td>
<td>41</td>
<td>12/31/2019</td>
<td>9936 Lower Azusa Rd</td>
</tr>
</tbody>
</table>

**Public Convenience and Necessity**

Per the Department of Alcoholic Beverage Control, a total of four on-sale licenses are permitted within the census tract, and there are already four active Type 41 ABC licenses. The approval of an additional on-sale alcohol license would contribute to an over concentration of licenses allotted to Census Tract No. 4323. Therefore a finding of Public Convenience or Necessity must be made by the governing body in order to obtain the alcohol license from ABC. It is staff’s assessment that allowing the on-site sale of beer and wine to the existing restaurant in the multi-tenant center creates the potential to attract a diverse crowd of patrons while revitalizing the shopping center. Conditions of approval will be imposed for the project site to address any potential impacts or security concerns at the multi-tenant center.

**Public Safety**

Per the El Monte Police Department, this is not a high crime area nor will a negative impact occur with the increase of an ABC license for a restaurant. The calls for Service Report for the subject property found that traffic and noise violations are the prominent concerns at the retail center.

As part of the project’s conditions of approval, the applicant will be required to obtain approval of a security plan for the restaurant with on-site beer and wine service from the Planning Division and Police Department prior to issuance of the occupancy permit. While the applicant is proposing to operate daily between 5:00 p.m. to 12:00 a.m., the El Monte Police Department has included a condition of approval to allow the hours of operation to be 11:00 a.m. to 11:00 p.m. daily in order to minimize noise impacts to the residential uses to the south of the subject site. The condition also requires the alcohol sales to cease a minimum of 30 minutes prior to closing. Further, Live entertainment is prohibited for the tenant space as stated in Resolution No. 3533.
CITY REVIEW PROCESS

Staff and other City Departments and Divisions have reviewed the project through the City’s internal review process. This review process enables the various City Departments and Divisions (i.e. Planning, Building, Public Works/Engineering, Police and Fire) to review development proposals for conformity with the provisions established in the City’s Municipal Code. Additionally, the review process ensures that each development proposal is designed to be compatible with any existing structures on-site and/or the neighboring properties. In this way, the quality and economic health of local residential, commercial and industrial districts are maintained. The concerns and/or conditions of all reviewing parties are included in the recommended conditions of approval.

ENVIRONMENTAL REVIEW

In accordance with the requirements of the California Environmental Quality Act (CEQA) of 1970, as amended, this project is Categorically Exempt under Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines, as amended.

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

In order to approve the project, the Planning Commission is required to make certain findings. Section 6 of the draft resolution contains required findings and Section 7 contains recommended conditions, for the Planning Commission’s consideration.

RECOMMENDATION

Staff recommends that the Planning Commission evaluate the proposal and consider the following:

1. Adopt a Categorical Exemption under Article 19 Section 15301 (Class 1 – Existing Facilities) of the California Environmental Quality Act and Guidelines, as amended; and

2. Approve Conditional Use Permit No. 20-18 subject to the recommended Conditions of Approval contained in Resolution No. 3533 or any other conditions that the Planning Commission may wish to impose.

ATTACHMENTS

A. Resolution No. 3533
B. Project Plans
C. Public Hearing Notice
D. Site Posting
E. Radius Map
RESOLUTION NO. 3533

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 20-18 ALLOWING THE ON-SITE SALE OF BEER AND WINE (TYPE 41 ABC LICENSE) IN CONJUNCTION WITH MEAL SERVICE WITHIN AN EXISTING BONA-FIDE RESTAURANT AND ADOPTING A CATEGORICAL EXEMPTION FOR THE PROPERTY LOCATED AT 10502 LOWER AZUSA ROAD, EL MONTE, CALIFORNIA.

The Planning Commission of the City of El Monte, County of Los Angeles, State of California, does hereby find, determine and resolve as follows:

SECTION 1 – PROJECT DESCRIPTION. On October 29, 2018, Xiaoyan Fan, 9478 Woodruff Avenue, Temple City CA 91780, requested approval of Conditional Use Permit (CUP) No. 20-18 to include the sale of beer and wine (Type 41 ABC license) to an existing 3,473 square foot restaurant (including an outdoor patio area), for on-site consumption within 200 feet of residentially used properties. The subject property is located in the C-2 (Retail Commercial) zone.

SECTION 2 – PUBLIC HEARING. This request is made pursuant to the requirements of Section 17.24 of the El Monte Municipal Code (EMMC). The property is located at 10502 Lower Azusa Road, between Arden Way and Pal Mal Avenue, and described as follows, to-wit:

APN: 8576-002-015

Pursuant to which after due notice as required by law, a full and fair public hearing was held to consider Conditional Use Permit No. 20-18 before this Planning Commission on
February 12, 2019 at which time, all interested persons were given full opportunity to be heard and present evidence.

**SECTION 3 - ZONING.** The subject property is located within the C-2 (Retail Commercial) zone. Adjacent properties are as follows:

- North: C-2 and Temple City; Offices, Restaurant, and Single-Family Residential
- South: R-1A and R-3; Single and Multiple-Family Residential
- East: R-1A; Single-Family Residential
- West: R-3 and C-2; Commercial and Multi-Family Residential

**SECTION 4 - ENVIRONMENTAL.** That in accordance with the criteria and authority contained in the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines as amended, staff has conducted the appropriate environmental analysis and based on that assessment, the City has determined the project to be Categorically Exempt by Article 19 Section 15301 (Class 1 - Existing Facilities) in accordance with the requirements of the State CEQA Guidelines. No further environmental assessment is required.

**SECTION 5 - GENERAL PLAN.** The General Plan land use designation is Neighborhood Commercial. The proposed project is consistent with the goals and objectives of the General Plan.

**SECTION 6 - CONDITIONAL USE PERMIT FINDINGS.** That all necessary findings for the granting of Conditional Use Permit No. 20-18 to allow on-sale of beer and wine within an existing bona-fide restaurant, pursuant to Section 17.24.050 of the EMMC can be made in a positive manner as follows:

A. The granting of such Conditional Use Permit will not be detrimental to the public health or welfare or be injurious to the property or to improvements in such zone or vicinity.
Finding of Fact:

The granting of the CUP subject to conditions related to the operation, maintenance, and ongoing monitoring of the facility, will not be detrimental to the public health and welfare or be injurious to the property or to improvements in such zone or vicinity. Specifically, conditions of approval prohibiting live entertainment, limiting operation hours, and requiring submittal of security plan have been imposed to ensure that the proposed use will not negatively impact the surrounding properties or land uses in the area.

B. The use applied for at the location indicated is properly one for which a Conditional Use Permit is authorized.

Finding of Fact:

The property is zoned C-2 (Retail Commercial) zone and is developed with a multiple-tenant commercial center (Midway Plaza). Section 17.24.040(45) of the EMMC authorizes restaurants to serve alcohol beverages upon receipt of a Conditional Use Permit in the C-2 or less restrictive zone.

C. The site for the proposed use is adequate in size and shape to accommodate said uses; and that all yards, spaces, walls, fences, parking, loading, landscaping and other features required to adjust said use with the land and surrounding uses are provided.

Finding of Fact:

The 3,473 bona-fide restaurant already exists within an existing multi-tenant commercial center (Midway Plaza) and therefore the site is adequate in size and shape to accommodate the restaurant’s request for on-site sale of beer and wine (ABC License Type 41). The recommended conditions of approval which were drafted with input from other City departments ensure that the proposed use is compatible with surrounding uses.

D. The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed uses.

Finding of Fact:

The site currently abuts streets and highways that are adequate in width and pavement type in that the restaurant already exists and is located in a multi-tenant shopping center, accessible by vehicle from four driveways located along Lower Azusa Road, a secondary arterial. The introduction of on-site sale of beer and wine sales in conjunction with meal service is an ancillary use and not expected to generate additional traffic.
E. The granting of such Conditional Use Permit will not adversely affect the purpose, goals, and policies of the El Monte General Plan of 2011.

Finding of Fact:

The General Plan Economic Development Element Goal ED-2 states that “El Monte’s existing businesses will prosper, investing to expand their facilities, creating new job opportunities for current and future residents, and increasing the City’s revenues”. The requested sale of beer and wine in conjunction with meal service is ancillary to the existing restaurant operations and consistent with this goal in that allowing the service of beer and wine with meal service within an established restaurant would enhance the value of this restaurant and provide opportunity for additional revenue generation.

F. The finding of public convenience and necessity (e.g. increases in employment, increases in business taxes, whether the project is a unique business addition to the community, whether the project will contribute to the economic goals of the area, and whether the project will result in a positive upgrade of the area).

Finding of Fact:

The proposed project can be supported with the finding of Public Convenience. Allowing the on-site sale of beer and wine to the existing restaurant in the multi-tenant center creates the potential to attract a diverse crowd of patrons while revitalizing the shopping center. Conditions of approval will be imposed for the project site to address any potential impacts or security concerns at the multi-tenant center. Furthermore, the addition of beer and wine to complement the existing meal service will help ensure the economic viability of the restaurant use, thus increasing the likelihood that the business will continue operating, providing dining opportunities to local residents, and generating additional revenue.

SECTION 7 – APPROVALS AND CONDITIONS. That the Planning Commission determines that the project is Categorically Exempt under Article 19 Section 15301 (Class 1 - Existing Facilities) in accordance with the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines, as amended, and does hereby approve Conditional Use Permit No. 20-18 subject to the following conditions:
General

1. The approval is for Conditional Use Permit (CUP) No. 20-18 to allow on-sale beer and wine (Type 41) within a 3,473 square foot restaurant in a 93,457 square foot multi-tenant shopping center.

2. The approval shall be effective for a period of one (1) year from the date of final approval by the City Planning Commission; unless the applicant has obtained building occupancy permits from the City for the proposed project or has timely requested an extension of time.

3. The sale of alcoholic beverages shall be incidental to the principal business activity, and shall comprise less than thirty percent (30%) of the gross receipts of the business in a calendar year. The business shall keep written records of all sales, and shall provide those records upon request to City officials, so that the City shall have the ability to verify the business' compliance with this condition. If the city determines that the business is not operating as a restaurant as defined in section 17.04.020 of the El Monte Municipal Code, and/or is not complying with the further requirements of this condition, such a determination shall be cause for revocation of this Conditional Use Permit.

4. The project shall substantially conform to site plan, floor plans, and elevation plans on file with the City Planning Division and as presented to the Planning Commission on February 12, 2019 and as amended herein.

5. The strict adherence to the conditions contained herein shall be demonstrated at all times. A failure to comply may be cause for a review by the Planning Commission for potential revocation of the use permit approved herein pursuant to EMMC Section 17.24.100 (Revocation).

6. The applicant and property owner shall sign and submit an affidavit accepting all conditions of approval contained in the Planning Commission Resolution prior to issuance of the Type 41 License from the Department of Alcoholic Beverage Control.

7. All Planning Division, Building Division, Code Enforcement Division, Engineering Division, and Los Angeles County Fire Department standards and conditions shall be complied with prior to the issuance of the Type 41 License from the Department of Alcoholic Beverage Control.

8. All City and LA County Fire Department standards and conditions shall be implemented prior to final inspection and prior to occupancy of the tenant space.

9. The applicant shall obtain all required approvals from the State Department of Alcohol Beverage Control (ABC) Board and provide such proof of approvals to the
Planning Division prior to commencing the on-site sale of beer, wine, and distilled spirits in conjunction with meals served at the bona-fide sit down restaurant.

10. No alcoholic beverages shall be sold for off-premise consumption. In addition no alcohol shall be consumed outside of the building or beyond the enclosure of the outdoor patio area as shown on the plans on file with the City Planning Division and as presented to the Planning Commission on February 12, 2019 and as amended herein.

11. At all times the premises is open for business, the sale and service of alcoholic beverages shall be made only in conjunction with the sale and service of food.

Signage

12. Signs shall be reviewed under a separate permit. The applicant shall submit a proposal to the Planning Division for review and approval prior to installation of signs.

13. The unpermitted cabinet sign adjacent to the restaurant entrance shall be removed.

14. Signs shall be posted at the tenant space prohibiting consumption of alcoholic beverages beyond the premises of the restaurant (including the enclosed patio area as shown on the plans on file with the City Planning Division and as presented to the Planning Commission on February 12, 2019 and as amended herein) in the parking lot, and walkways.

15. Banners are prohibited onsite at all times with an exception that banners that are in compliance with the El Monte Sign Ordinance may be installed upon approval of a Temporary Sign Permit by the Planning Division. Attachment of non-city approved signs, banners, product signs, or advertisements any to light poles/standards on or offsite is prohibited at all times.

16. The interior of the tenant space must remain visible from the outside. The windows shall be clear to allow visibility into the restaurant at all times. Window signage shall not exceed 10% of the window area as prescribed in the City’s Sign Ordinance.

17. Only signs displaying the business name, operational status, and hours of operations may be approved.

18. Any exterior signs on site may only advertise the name of the business, and all signs shall incorporate high quality design and shall be constructed of internally illuminated individual channel letter signs.

19. The business address shall be placed on the window pane directly above the entrance into the tenant space.
Legal

20. By acceptance of the approval of the project by the City, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to challenge, set aside, void or annul the approval of the project from an action which may be brought within the time period provided for such actions or challenges under applicable law. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate in any such defense.

Operations and Maintenance

21. The hours of operation (including deliveries) shall be limited from 11:00AM to 11:00PM Monday through Sunday. Alcohol sales shall cease a minimum of 30 minutes prior to closing hours daily. Any request to modify the hours of operation shall require Planning Commission approval.

22. Live entertainment for the tenant space, including dancing, dance floor, and stage are prohibited.

23. No alcoholic beverages shall be sold for off-premise consumption. In addition no alcohol shall be consumed outside of the tenant space.

24. All equipment and materials shall be stored within the existing tenant space and outside storage/display or sales are strictly prohibited.

25. The exterior of the building and the parking lot shall be well lit during the evening and night times of business operation. The minimum exterior light intensity shall be in compliance with local ordinances at the time of the approval of the development plans. Lighting fixtures shall be an energy saving type, be shielded to direct light away from all neighboring uses and be equipped with vandal resistant covers.

26. There shall be no loitering in the parking lot and all exterior portions/areas of the tenant space.

27. All public exit and entry doors for the tenant space shall be maintained in a working condition and must be cleared for use during business hours at all times.

28. All activities on the property shall comply with the City of El Monte’s Noise Ordinance at all times.

29. The applicant shall not sublease any portion of the tenant space.

30. Any third-party promotional events shall require a special events permit through the City’s Permit Committee Review process.
31. All public bathroom fixtures and equipment for the tenant space shall be maintained in good working order and shall incorporate automatic flow control devices. All urinals shall be of a waterless design. Public bathroom facilities shall be kept free of graffiti and etchings and shall be maintained in a clean condition through routine maintenance and daily janitorial cleaning.

32. Graffiti must be removed from any interior/exterior surfaces to the tenant space within 24 hours following the application of the graffiti or within 24 hours of applicant receiving notice of such graffiti by the City. Graffiti shall be removed by either painting over the evidence of such vandalism with a paint that has been exactly color-matched to the surface to which it is applied. If a non-painted surface, graffiti may be removed with solvents or detergents, as appropriate.

Police Department

33. A security plan shall be submitted by the applicant and approved by the Planning Division and Police Department prior to the issuance of the Type 41 License by the Department of Alcoholic Beverage Control. The plans shall incorporate a High Definition Recording camera surveillance system for the project site. The Police Department shall have the authority to make changes to the plan as needed to enhance public safety. The camera surveillance system must be set up for a 30 day rotation period. All recordings must be kept onsite for at least 30 calendar days and must be made available to a City Employee upon request. The system shall be maintained and operating at all times.

Fire Department

34. If requested by the Fire Department and/or City of El Monte the property owner shall post signs on the fire lane stating: “No parking on Fire Lane: Violating Vehicles will be towed away at owners expense per CV 22658 EMMC 3219 EMPD 580-2110”. All safety and directional signs shall incorporate a porcelain finish and meet Public Works Division Standards.
SECTION 8 – PLANNING COMMISSION APPROVAL. That the Secretary of the Planning Commission of the City of El Monte, California, shall certify to the adoption of this resolution and shall cause a copy of the same to be forwarded to the applicant.

Alfred Nuno, Chairperson

ATTEST:

Marcella Magdaleno, Secretary
El Monte City Planning Commission

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

I, Marcella Magdaleno, Secretary of the Planning Commission of the City of El Monte, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 3533 adopted by the Planning Commission of the City of El Monte, at a regular meeting by said Commission held on February 12, 2019, by the following votes to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marcella Magdaleno, Secretary
El Monte City Planning Commission
CITY OF EL MONTE PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

Hablamos Español favor de hablar con
Marcella Magdaleno (626) 258-8626

TO: All Interested Parties

FROM: City of El Monte Planning Division

PROPERTY LOCATION: 10502 Lower Azusa Road / APN: 8576-002-015 (A full legal description of the property is on file in the office of the El Monte Planning Division)

APPLICATION: Conditional Use Permit No. 20-18

REQUEST: A Conditional Use Permit is requested to allow the sale of beer and wine (Type 41 ABC license) for onsite consumption within an existing 3,400 square foot restaurant located within 200 feet of residentially used properties. The subject property is located in the C-2 (Retail Commercial) zone. This request is made pursuant to Chapter 17.24 of the El Monte Municipal Code (EMMC)

APPLICANT: Xiaoyan Fan
9478 Woodruff Avenue
Temple City, CA 91780

PROPERTY OWNER: Andy Deng
11100 Valley Boulevard Suite, 136
El Monte, CA 91731

ENVIRONMENTAL DOCUMENTATION: Article 19. Categorical Exemptions – Section 15301 (Class 1 – Existing Facilities) in accordance with the requirements of the California Environmental Quality Act of 1970 and the CEQA Guidelines, as amended

PLACE OF HEARING: Pursuant to State Law, the Planning Commission will hold a public hearing to receive testimony, orally and in writing, on the proposed project. The public hearing is scheduled for:

Date: Tuesday, January 29, 2019
Time: 7:00 p.m.
Place: El Monte City Hall East - City Council Chamber
11333 Valley Boulevard El Monte, California

Persons wishing to comment on the environmental documentation or proposed application may do so orally or in writing at the public hearing or in writing prior to the meeting date. Written comments shall be sent to Jonathan Payne; El Monte City Hall West; 11333 Valley Boulevard; El Monte, CA 91731 or jpayne@elmonteca.gov. If you challenge the decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Planning Commission at, or prior to, the public hearing. For further information regarding this application please contact Jonathan Payne at (626) 258-8626. Monday through Thursday, except legal holidays, between the hours of 7:30 a.m. and 5:30 p.m.

Published and mailed on: Thursday, January 17, 2019 City of El Monte Planning Commission
Marcella Magdaleno, Planning Commission Secretary
300' RADIUS

ACREAGE: 7.640
DATE: 10/05/2018
UPDATE: 

CONTACT: DARIC AONO

1 TO 163 OWNERS

LEGAL DESC:
*TR=PARCEL MAP AS PER BK 69 P 5-6 DF P M LOT 1 APN 8576-002-015

10534 LOWER AZUSA RD

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