

ORDINANCE NO. 1237

AN ORDINANCE OF THE CITY OF SOUTH EL MONTE ADDING SECTION 17.18.050(H) TO SOUTH EL MONTE MUNICIPAL CODE CHAPTER 17.18 (MANUFACTURING ZONE) ALLOWING FOR RECREATIONAL FACILITIES, MODIFYING SECTION 17.68.100(A) TO ALLOW FOR A 24-MONTH TIME FRAME TO UTILIZE A CONDITIONAL USE PERMIT, ADDING SECTION 17.68.100(B) TO CHAPTER 17.68 (CONDITIONAL USE PERMITS) ALLOWING FOR EXTENSIONS OF CONDITIONAL USE PERMITS, ADDING SECTION 17.70.085 (EXPIRATION) ALLOWING FOR EXTENSIONS OF VARIANCES, AND MODIFYING CHAPTER 17.72 (MODIFICATION OF DEVELOPMENT STANDARDS) TO ALLOW FOR STAFF TO GRANT SMALL MODIFICATIONS OF DEVELOPMENT STANDARDS

THE CITY COUNCIL OF THE CITY OF SOUTH EL MONTE DOES ORDAIN AS FOLLOWS:

SECTION 1: The City initiated a Zone Text Amendment (ZTA) to amend the South El Monte Municipal Code (“SEMMC”) Chapter 17.18 “Manufacturing Zone (M)” to allow for recreational facilities, Chapter 17.68 “Conditional Use Permits” (“CUP”) and Chapter 17.70 “Variances” to allow for an extension of a permit along with allowing for a 24-monthtime frame to utilize, and Chapter 17.72 “Modification of Development Standards” to allow the Community Development Director or their designee to grant minor deviations to development standards.

SECTION 2: On June 18, 2019, the Planning Commission held a duly noticed public hearing to consider the ZTA. The Planning Commission carefully considered all relevant evidence, including public testimony and the staff report presented at the hearing. Following the public hearing, the Planning Commission, by adopting Resolution No. 19-11, recommended that the City Council adopt the ZTA allowing for the conditional use of recreational facilities in the M Zone, allowing for an extension of a CUP or Variance that has not been utilized within 24 months after granting, and allowing the Community Development Director or their designee to grant minor deviations to development standards.

SECTION 3: CEQA. The City Council hereby finds the adoption of this Ordinance is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15308, Class 8, Actions by Regulatory Agencies for Protection of the Environment). Class 8 consists of actions taken by regulatory agencies, as authorized by local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment. In this case, the subject Code Amendment is intended to address minor additions or expansions, extensions of entitlements, and the codification of a conditional use that are all typically ministerial and therefore have no substantial impact to the environment.

SECTION 4: The City Council hereby finds that ZTA No. 19-11 is in the public interest. The City Council further finds as follows:

- a) The proposed change will promote the public health, safety, convenience and general welfare of the citizens of the city because it allows for residential land owners to make additions to nonconforming structures which in the past could not be improved because of subpar setbacks, along with allowing for more uses within the Manufacturing zone, and extending how long an approved CUP or Variance is valid to alleviate the requirements of applicants.
- b) The proposed text amendment is consistent with the General Plan and in conformance with the Zoning Ordinance. The proposed changes will allow a use that conforms with both, along with clarifying a section, and allowing for reasonable deviations.
- c) The proposed Zone Text Amendment would amend the Zoning Code to add recreational facilities as a conditional use to the Manufacturing Zone, codify a process for the extension of CUPs, and allow for staff to process applications for Modifications of Development Standards.

SECTION 5: Based upon the foregoing, the City Council hereby amends SEMMC Section 17.18.050 (Conditional Uses) to include “recreational facilities” as a use permitted subject to obtaining a conditional use permit by adding it as provision “H” under SEMMC 17.18.050, with the remaining provisions to be subsequently re-lettered, to read as follows:

“17.18.050 Conditional uses.

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

- A. The manufacturing of explosives;
- B. Support services such as: truck and automobile sales, leasing or rental and appurtenant facilities; restaurants; banks and other financial institutions, excluding check cashing services; business, trade and technical schools; labor or trade organizations and business offices; child care centers, when related to the industrial community; industrial medical clinics; and automobile service stations (minor repair only);
- C. Drive-in movie theaters;
- D. Outdoor market when conducted on a single site having an area of five acres or more in addition to the required parking area;
- E. On-sale of alcoholic beverages in association with restaurants, cafes, cafeterias and other similar eating establishments;
- F. Automotive repair facilities, including body and fender shops, auto paint shops, engine rebuild, overhaul or repair.

- G. Massage establishment;
- H. Recreational facilities including, but not limited to, soccer facilities, basketball courts, and water polo facilities;
- I. Any use proposed for any property that is one acre or larger in size;
- J. Any use proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger;
- K. Any proposed use or resumption, reestablishment, reopening, or replacement of a use that is proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger where the building or structure has been vacant for more than ninety days, or the use has been abandoned or discontinued for more than ninety days.
- L. Any other use not specifically permitted or prohibited, which is determined to be compatible with the permitted uses of the manufacturing zone.”

SECTION 6: Based upon the foregoing, the City Council hereby amends SEMMC Section 17.68.100 to allow for a 24-month (instead of 12-month) timeframe to utilize the conditional use permit and also allow for an extension request for a CUP, to read as follows:

“17.68.100 Expiration and Extensions

- A. Unless otherwise specified, the conditional use permit, if not utilized within twenty-four months from the effective date, shall be deemed null and void. The abandonment or nonuse of a conditional use permit for three consecutive months or for six months during any calendar year, shall terminate the conditional use permit.
- B. If the conditional use permit is not utilized within the twenty-four-month timeframe, the applicant may apply for an extension before the expiration of the permit on a form approved by the Community Development Director.”

SECTION 7: Based upon the foregoing, the City Council hereby amends SEMMC Sections 17.70.080 and 17.70.085 to allow for a 24-month (instead of 12-month) timeframe to utilize the Variance and also allow for an extension request for a Variance, to read as follows:

“17.70.080 Conditions of Approval

The commission may attach such reasonable conditions to the approval as it deems necessary to ensure that the proposed use will be compatible with the surrounding area and with the goals of the city and that the variance will not constitute a grant of special privilege. All conditions shall be binding upon the applicants, their successors, and assigns, and shall run with the land; shall limit and control the issuance and validity of certificates of occupancy, and shall restrict and limit the construction, location, use and maintenance of all land and structures within the parcel, lot or development.

17.70.085 Expiration

If the variance is not utilized within the twenty-four-month timeframe, the applicant may apply for an extension before the expiration of the permit on a form approved by the Community Development Director.”

SECTION 8: Based upon the foregoing, the City Council hereby amends SEMMC Chapter 17.72 (Modification of Development Standards) to allow approval of development standard modifications by the Community Development Director, and increase the setback and sign height deviation to twenty percent, to read as follows:

“17.72.010 Purpose.

The purpose of the modification of development standards is to permit a property owner or tenant to deviate from the strict application of property development standards of the zone district in which his property is located in cases of demonstrable hardships not warranting the granting of a variance. Such deviations shall be minor in nature.

17.72.020 Authority.

All modifications of development standards must be approved by the Community Development Director or their designee who shall have the authority to modify standards as they apply to yard and setback requirements, building height, sign height or area, parking and landscaping.

17.72.030 Extent of Modification of Development Standards.

- A. Yard and setback standards may be modified by twenty percent of the zone district requirements.
- B. Building height standards may be modified by ten percent of the zone district requirements.
- C. Maximum sign height requirements may be modified by twenty percent and maximum sign area requirements may be modified by twenty percent.
- D. Parking requirements may be modified by:
 - 1. Ten percent; or
 - 2. Twenty percent with an approved valet parking plan.
- E. Landscaping requirements may be modified by ten percent of the zone district and parking ordinance requirements.

17.72.040 Application and Fee.

A request for modification of development standards shall be filed on forms prescribed by the Community Development Director and shall be accompanied by a plot plan(s) and a fee, as established by written resolution of the city council.

17.72.050 Plans Required and Plot Plan Review.

A plot plan shall be submitted to the director of community development for any use requiring a modification of development standards. The plot plan shall include, but shall not be limited to, location of building and structures, areas designated for off-street parking and loading, circulation, landscaping, trash enclosures and the location of mechanical equipment. The Community Development Director or their designee shall review the plot plan and requested modification of standards to ensure that the intent and purpose of the zone district in which the property is located is implemented, that the requested modification is within the limits of Section 17.72.030 that the required showings have been made.

17.72.060 Required showing by the applicant.

Before any modification of standards will be granted, the applicant shall be required to make the following showing:

- A. That the modification requested is warranted by conditions applicable to the subject property;
- B. That the modification, if granted, would not be detrimental to the property owners in the area or to the general public.

17.72.070 Conditions of approval.

Any modification of development standards granted shall be subject to such conditions as will ensure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the zone district within such property is located.

17.72.080 Notice of Decision.

Following the action by the Community Development Director or their designee, in granting or denying the request for a modification of development standards, a letter shall be mailed to the applicant at the address shown on the application form and to any other person requesting a copy, advising of the decision made.

17.72.090 Expiration.

Unless otherwise specified in the action granting the modification of development standards, any modification which has not been utilized within six months from the effective date of approval shall be null and void. The abandonment or nonuse of a

modification for any period of six consecutive months shall terminate the modification and any privileges granted thereunder shall become null and void. A six-month extension may be granted by the Community Development Director.

17.72.100 Appeals.

An appeal of a decision of the Community Development Director may be made to the planning commission.

17.72.110 Final review of plans.

Before a building permit may be issued, the director of community development, or his representative, shall sign the plot plan certifying that it complies with the conditions established and with the intent and purpose of the zone district in which the property is located.”

SECTION 9: The City Clerk shall attest and certify to the passage and adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 23rd day of July, 2019.

Gloria Olmos, Mayor

ATTEST:

Rose Juarez, City Clerk

APPROVED AS TO FORM:

David J. Aleshire, Interim City Attorney

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

I, Rose Juarez, City Clerk for the City of South El Monte, do hereby certify that the foregoing Ordinance, being Ordinance No. 1237, was duly passed and approved by the City Council of the City of South El Monte at a regular meeting of said Council held on the 23rd day of July 2019, and that said Ordinance was adopted by the following vote:

AYES: Acosta, Angel, Retamoza, (Mayor) Olmos
NOES: None
ABSENT: Delgado
ABSTAIN: None

Rose Juarez, City Clerk