



CITY OF EL MONTE

Economic Development Department
Planning Division

REQUIRED FINDINGS FOR ENTITLEMENTS

Unless otherwise noted, all findings for each entitlement must be made in the affirmative for the Planning Commission or City Council approval.

DESIGN REVIEW

1. The design shall encourage appropriate development that is compatible and harmonious with the design and use of surrounding properties and with the city in general;
2. The design shall foster the use of sound design principles which result in creative, imaginative solutions and establish structures of quality design throughout the city and which avoid monotony and mediocrity of development;
3. The design shall promote and maintain the public health, safety, general welfare throughout the city; and
4. The design shall implement general plan policies which encourage the preservation and enhancement of the unique character and assets of the city.

CONDITIONAL USE PERMIT

1. The granting of the 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;
2. The use applied for at the location is properly one for which a Conditional Use Permit is authorized;
3. 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;
4. The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use; and
5. The granting of such a Conditional Use Permit will not adversely affect the purpose, goals, and policies of the El Monte General Plan of 2016.

TENTATIVE TRACT OR PARCEL MAP

1. That the proposed map is consistent with applicable general and specific plans;
2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
3. That the site is physically suitable for the type of development;
4. That the site is physically suitable for the proposed density of development;
5. That the designs of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, if an environmental impact report was prepared for the project and a finding was made pursuant to Subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social and other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report, then the Planning Commission may still approve the proposed subdivision;
6. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems; and
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record and to easements established by judgment of a court of competent jurisdiction. No authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

VARIANCES OR MODIFICATION

1. The granting of a variance or modification must involve exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;
2. The granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;
3. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classifications; and
4. The granting of such variance will not adversely affect the comprehensive general plan.

GENERAL PLAN AMENDMENT OR ZONE CHANGE

1. The proposed amendment/zone change is internally consistent with the General Plan;
2. That the proposed amendment/zone change would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
3. That the proposed amendment/zone change would maintain the appropriate balance of land uses within the City; and
4. That the proposed amendment for the subject parcel(s) is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use development(s).

DENSITY BONUS CONCESSION OR INCENTIVE (application shall be granted unless one of the following findings for denial can be made)

1. The incentive or concession is not required in order to provide for affordable housing costs or for affordable rents for the restricted units;
2. The concession or incentive would have a special adverse impact up on the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate-income households. A specific adverse impact means a significant, unavoidable impact, as provided in written standards, policies or conditions; and
3. The incentive or concession is consistent with State and Federal Law.

TRANSITIONAL USE

1. All existing findings for a Conditional Use Permit;
2. That the parking for the transitional use will not have a significant negative impact on the surrounding parcels or neighborhood; and
3. That the property will be improved, to the extent feasible, to meet current development standards relating to landscaping, fencing, building facades, trash enclosures and ADA accessibility.

PLANNED RESIDENTIAL DEVELOPMENT

1. Planning Commission finds and determines that the project meets the intent and purpose of Section 17.66.020, to encourage a better environment through greater flexibility of design, to encourage a more efficient use of land and the greater proportion reserved for open space; to encourage a variety of dwelling units and site arrangement, and that the minimum gross population density within the zone is in conformance with the General Plan;
2. Planning Commission finds and determines that the project meets the intent and purpose of Section 17.66.030, and that the plan provides a comprehensive and harmonious arrange of buildings, open space, circulation, parking and amenities, that the project relates to existing and proposed land use and circulation plans without disrupting the neighborhood, that the internal street system is efficient and safe and does not disrupt pedestrian circulation and common area functions, that open and recreational areas are located adjacent to all dwelling units or easily accessible from them, and that open and recreational areas should be made the focal point for the overall design of the development; and
3. Planning Commission finds and determines that the project meets the intent and purpose of 17.66.050, requiring a conditional use permit and meeting the PRD requirements (17.66.080) as follows:
 - a. Minimum Land Area. A planned residential development shall be of sufficient size, composition and arrangement to enable its feasible development as a complete unit;
 - b. Exception of Zone Regulations. Regulations pertaining to yard requirements, lot dimensions, street frontage of lots and limitations on the number of dwelling units in a building for the zone in which the land is situated need not be applied if the Planning Commission finds and determines that the project meets the intent and purpose of Sections 17.66.020, 17.66.030 and 17.66.050; and
 - c. Additional Regulations. After reviewing an application for a planned residential development the Planning Commission may, in its approval thereof, impose conditions or requirements in addition to or in excess of those specified in this chapter if it finds that such additional requirements or conditions are necessary for the protection of the public health, safety or welfare.

WIRELESS FACILITIES (for approval)

1. The applicant has submitted all applicable information, documentation and materials required under Section 17.82.060;
2. The applicant has made a good faith effort to identify, study and evaluate less intrusive alternatives, including the use of less intrusive technologies and equipment; alternative system designs; alternative siting structure types; alternative siting structure design, including stealth designs; alternative scale or size of proposal; and alternative siting options (e.g., alternative locations within the search ring, co-location opportunities or placement upon alternative siting structures);
3. In comparison to other identified, studied and evaluated alternatives that are equally if not more capable of addressing the applicant's service objectives, the proposal to be approved is the most consistent with the standards, goals and objectives of this chapter and the El Monte General Plan;
4. The proposal to be approved complies with all mandatory requirements and restrictions of this chapter; all applicable building and construction requirements of Title 15 (Buildings and Construction) of the El Monte Municipal Code and applicable fire safety and fire prevention requirements set forth under the El Monte Municipal Code, the fire code for the County of Los Angeles and all applicable State fire safety and prevention laws; and
5. The wireless facility, wireless transmission devices and any accessory equipment to be approved satisfies all applicable federal and state requirements and standards as to the placement, construction and design as well as all federal and state limits and standards concerning radio frequency emissions, signal interference with consumer electronic products and/or public safety communications, and other applicable operating and design standards.

With respect to proposals for personal wireless facilities as defined herein which are intended to address gaps in network coverage, an identified alternative shall be considered equally capable of addressing the applicant's service objectives in comparison to applicant's requested proposal, if such an alternative is capable of reducing the purported gap in network coverage to a *de minimis* level.

WIRELESS FACILITIES (for denial, if any one of the following findings can be made)

1. The applicant has failed to present any of the information, documentation or material required under Section 17.82.060, above; or
2. Substantial evidence presented as part of the record fails to establish the existence of a significant gap in personal wireless service coverage within the personal wireless service network of a personal wireless service provider applicant or co-applicant; or
3. Notwithstanding the existence of a significant gap in personal wireless service coverage within the applicant's coverage network, substantial evidence presented upon the record fails to establish that of all reasonably feasible alternatives capable of reducing the coverage gap to a *de minimis* level, the proposal for which a conditional use permit is sought is the least intrusive upon the goals and standards of this chapter and the El Monte General Plan; or
4. Substantial evidence presented as part of the record fails to establish that any proposed wireless facility, wireless transmission device or accessory equipment is capable of satisfying basic FCC requirements, limits or restrictions concerning radio frequency emissions or signal interference with consumer electronic products and/or public safety communications even with modifications and/or added conditions acceptable to the applicant; or
5. Substantial evidence presented as part of the record fails to establish that any proposed wireless facility, wireless transmission device, support structure or accessory equipment is capable of satisfying applicable building, constructions, fire safety or fire prevention standards set forth under Title 15 (Building and Construction) of the El Monte Municipal Code, the County of Los Angeles or the State of California even with modifications and/or added conditions acceptable to the applicant.