

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL MONTE AMENDING CHAPTERS: 17.08 (PARKING REQUIREMENTS); 17.20 (MODIFICATION – VARIANCE); 17.22 (DESIGN REVIEW); 17.24 (CONDITIONAL USE PERMITS); 17.38 (R-2 ZONE); 17.40 (R-3 ZONE); 17.42 (R-4 ZONE); 17.45 (MIXED/MULTI-USE ZONE); 17.74 (MULTIPLE TENANT DEVELOPMENT STANDARDS); AND 17.80 (SP-1 EL MONTE GATEWAY SPECIFIC PLAN) OF THE EL MONTE MUNICIPAL CODE

WHEREAS, The California Constitution recognizes the authority of cities to make and enforce, within their borders, “all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” (Cal. Const., art. XI, § 7.)

WHEREAS, the City of El Monte (the “City”) Planning Commission (the “Planning Commission”) is organized and established pursuant to California Government Code Section 65101 and El Monte Municipal Code (“EMMC”) Chapter 2.24;

WHEREAS, the City seeks to implement various miscellaneous amendments to EMMC Title 17 and amend the El Monte Gateway Specific Plan to facilitate cohesive and beneficial developments while ensuring the public safety and welfare through its exercise of its police power;

WHEREAS, notice of a Planning Commission public hearing on August 27, 2019 to consider this Code Amendment No. 767/Ordinance No. ____; was effectuated in accordance with the publication requirements set forth in California Government Code Section 65090;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 27, 2019 concerning the prospective recommendation set forth herein at which evidence, both written and oral, was presented;

WHEREAS, after such public hearing, the Planning Commission adopted Planning Commission Resolution No. 3553 finding the proposed Code Amendment No. 767/Ordinance No. ____ to be consistent with the General Plan and recommending approval of said Ordinance to the City Council; and

WHEREAS, notice of a City Council public hearing on September 17, 2019 to consider this Code Amendment No. 767/Ordinance No. ____; was effectuated in accordance with the publication requirements set forth in California Government Code Section 65090.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated into the body of this Code Amendment No. 767/Ordinance No. ____ herein by this reference.

SECTION 2. Subsections A through E of Section 17.08.050 (Parking Location) of Chapter 17.08 (Parking Requirements) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

- A. Parking spaces provided for residential uses shall be located on the same property as the use it serves, except where joint use or reciprocal parking and access agreements have been approved by the Planning Commission.
- B. For projects with more than one unit on a lot the garage shall not face or open onto a public street.
- C. No vehicle shall overhang a public right-of-way or encroach into any public or private easement utilized for ingress or egress. Neither a required side yard abutting a street nor a required front yard shall be used for off-street parking. Where no street side yard setback is required, vehicles shall be parked no closer than six (6) feet to the right-of-way.
- D. All required off-street parking shall be located on the same property as the use it serves, except where joint use or reciprocal parking and access agreements have been approved by the Planning Commission.
- E. All vehicles must park on paved or otherwise improved surfaces. Surfaces that are paved with materials other than asphalt concrete or Portland Cement concrete are subject to approval by the City Engineer.

SECTION 3. Section 17.20.060 (Filing Fees) of Chapter 17.20 (Modification-Variance) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

Section 17.20.060 – Filing fees.

Before accepting an application for filing, the Planning Division shall collect a fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this chapter. The amount of the fees collected shall be in accordance with the fee schedule of the city.

SECTION 4. Subsection C of Section 17.20.120 (Variances and Modifications - Decisions) of Chapter 17.20 (Modification-Variance) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

- C. Abandonment and Extension. If the use authorized by any variance, modification, design review or conditional use permit is, or has been, unused, abandoned or discontinued for a period of twelve (12) months, or the conditions have not been complied with, said variance, modification, design review or conditional use permit shall become null and void and of no further force or effect, unless an extension therefor has been granted by the Planning Commission upon the written petition of an interested person filed with the Planning Commission prior to the expiration of such twelve-month period. A fee in accordance with the fee schedule of the city shall be payable at the time of filing the written petition for any such extension.

SECTION 5. Section 17.22.020 (Applicability) of Chapter 17.22 (Design Review) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

Section 17.22.020 – Applicability

- A. The city Planning Commission shall review and approve, conditionally approve, or deny the architectural design and site configuration for the following:
1. Any new nonresidential structure of 5,000 square feet or more;
 2. The expansion of an existing structure, if greater than a twenty-five (25) percent increase of the current gross floor area, except single-family residential structures;
 3. Conversion of a building from a residential use to any other nonresidential use;
 4. Any physical modification to a structure that is visible from the street that involves a *major* portion of the structure or has a *substantial* visual impact on the structure or its surroundings. *Substantial alterations* include changes to building massing, addition of 200 square feet or more to a building elevation that faces a street, and addition of height covering more than 25 percent of the existing roof area to provide an improved architectural design (e.g., towers or other architectural features) that faces a street.
 5. Any new mixed-use with residential or multi-family residential development in the Downtown Transit-Oriented District Specific Plan and MMU zone.
 6. New construction of a billboard or rehabilitation of an existing billboard within the Freeway Overlay Zone (Billboards).
- B. The Director shall review and approve, conditionally approve, or deny the architectural design for new developments or additions in the RHOD that

result in more than one story. Also refer to Chapter 17.37 (Rurban Homesteads Overlay District) for additional standards and requirements.

SECTION 6. Section 17.24.030 (Conditionally Permitted Uses in Any Zone) of Chapter 17.24 (Conditional Use Permits) of Title 17 (Zoning) of the El Monte Municipal Code is amended by the addition of a new Subsection 12, which shall read as follows:

12. Religious institutions.

SECTION 7. Subsection 42 of Section 17.24.040 (Conditionally Permitted Uses in Specified Zones) of Chapter 17.24 (Conditional Use Permits) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

42. Multiple-tenant development in the MMU, C-1 or less restrictive zone.

SECTION 8. Subsection 43 of Section 17.24.040 (Conditionally Permitted Uses in Specified Zones) of Chapter 17.24 (Conditional Use Permits) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

43. Construction of any new primary, non-accessory industrial structure in any M-zone within 150 feet of a residentially zoned property, this subsection shall not apply to uses authorized under Chapter 5.18. An operations and maintenance or similar agreement approved by the City, shall be required prior to the occupancy of any industrial structure in any M-zone.

SECTION 9. Section 17.24.040 (Conditionally Permitted Uses in Specified Zones) of Chapter 17.24 (Conditional Use Permits) of Title 17 (Zoning) of the El Monte Municipal Code is amended to by the deletion of Subsection 22 (Churches, mosques, temples, synagogues, seminaries, temporary revivals or other places used for religious worship in any C, MMU or less restrictive zone), and such Section 17.24.040 shall be renumbered accordingly.

SECTION 10. Subsection J of Section 17.38.030 (Regulations) of Chapter 17.38 (R-2 Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

J. Trash Areas. For all sites serving five (5) or more rental dwelling units, the outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building. All required walls or screening shall at all times be adequately maintained.

SECTION 11. Subsection J of Section 17.40.030 (Regulations) of Chapter 17.40 (R-3 Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

J. Trash Areas. For all sites serving five (5) or more rental dwelling units, the outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the buildings. All required walls or screening shall at all times be adequately maintained.

SECTION 12. Subsection J of Section 17.42.030 (Regulations) of Chapter 17.42 (R-4 Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

J. Trash Areas. For all sites serving five (5) or more rental dwelling units, the outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building. All required walls or screening shall at all times be adequately maintained.

SECTION 13. Rows Nos. 4 and 5 set forth in Table 17.45.030A of Section 17.45.030 (Regulations) of Chapter 17.45 (Mixed/Multiuse Zone) of Title 17 (Zoning) of the El Monte Municipal Code are amended to read as follows:

4. Minimum lot area for any new project which contains residential only or mixed use with a residential component.	22,000 sq. ft.	See Section 17.45.040 for lot area per dwelling unit. For sites less than 22,000 sq. ft., new projects shall be non-residential only. This subsection shall not apply to residential development not fronting an arterial street.
5. Minimum lot frontage for any new project which contains residential only or mixed use with a residential component.	100 linear feet	This subsection shall not apply to residential development not fronting an arterial street.

SECTION 14. The first row set forth in Table 17.45.050A (Parking Standards – Mixed/Multiuse Zone MMU) of Section 17.45.050 (Parking Regulations) of Chapter 17.45 (Mixed/Multiuse Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

Multi-family residential and condominiums	Studio -1 space per unit 1 bedroom - 1.5 spaces per unit Two bedrooms - 2	Per unit; Tandem parking is allowed in cases where multiple spaces are assigned to a single unit
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	spaces per unit Three or more bedrooms - 2.5 spaces per unit Additional guest parking 1/4 space per unit	
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SECTION 15. Chapter 17.74 (Multiple Tenant Development Standards) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

17.74.010 – General.

Multiple tenant development shall be subject to the regulations specified in this chapter and to such additional regulations as may be specified in the conditional use permit authorizing the same.

17.74.020 – Floor area.

The floor area ratio of dissimilar uses shall be identified on an approved floor plan submitted by the developer.

17.74.030 - Recordation of covenant.

Prior to issuance of a building permit, the owner of a multiple tenant development shall submit to the Planning Division a covenant which runs with the land and benefits the city in recordable form that the owner will:

- A. Maintain the buildings and the premises in the multiple tenant development in a good and first class condition;
- B. Maintain the landscaping on the site in a good and first class condition; and
- C. Control signage in the multiple tenant development.

SECTION 16. Section 17.74.030 (Recordation of Covenant) of Chapter 17.74 (Multitenant Development Standards) of Title 17 (Zoning) of the El Monte Municipal Code by the deletion of its Subsection D.

SECTION 17. Subsection 4 of Subsection C of Section 17.80.010 (Adoption) of Chapter 17.80 (SP-1 El Monte Gateway Specific Plan) of Title 17 (Zoning) of the El Monte Municipal Code is hereby deleted and shall be held as a “Reserved” Subsection and such deletion shall be incorporated into the text of the 2017 El Monte Gateway Specific Plan.

SECTION 18. Chapter 17.80 (SP-1 El Monte Gateway Specific Plan) of Title 17 (Zoning) of the El Monte Municipal Code is amended so that all references to the “Conformity Review Committee” is hereby deleted and such deletion shall be incorporated into the text of the 2017 El Monte Gateway Specific Plan.

SECTION 19. Chapter 17.80 (SP-1 El Monte Gateway Specific Plan) of Title 17 (Zoning) of the El Monte Municipal Code is amended so that all references to the “Deputy City Manager for Community Development” shall mean and refer to the “Director of Community and Economic Development” and such amendments shall be incorporated into the text of the 2017 El Monte Gateway Specific Plan.

SECTION 20. Section 4.1.2 (Specific Plan Land Use Sub-Districts) of Chapter 4 (Development Plan) of the 2007 El Monte Gateway Specific Plan is hereby amended as follows:

- Figure 4.2: The “Mixed-Use Sub-District” shall now include the “Gateway Sub-District.”
- Figure 4.2a: The “South Promenade Village” shall be extended to include the newly added “Mixed-Use Sub-District” area.
- Table 4-2: The “Gateway Sub-District (EMG-G)” land use is deleted.
- Page 4-8 Development: Section D (Gateway Sub-District EMG-G) is deleted.

SECTION 21. Section 6.18 (Development Review Procedures) of Chapter 6 (Land Use and Development Procedures) of the 2007 El Monte Gateway Specific Plan is hereby amended by the deletion of Subsection B.

SECTION 22. Section 6.5 (Permitted Uses) of Chapter 6 (Land Use and Development Procedures) of the 2007 El Monte Gateway Specific Plan is hereby amended as follows:

- Table 6-1 (Permitted Uses and Permit Requirements El Monte Gateway Specific Plan District): Replace “P-DR” with “P.”
- Table 6-1 (Permitted Uses and Permit Requirements El Monte Gateway Specific Plan District): Eliminate “EMG-G” District.
- Table 6-1 (Permitted Uses and Permit Requirements El Monte Gateway Specific Plan District): Add “Drive-thru facilities – Secondary to a primary restaurant, supermarket, bank, pharmacy, retail, etc. use” with a CUP in the EMG-MU District.

SECTION 23. Section 6.10 (Permitted Heights by Land Use Sub-District, Table 6-2a) of Chapter 6 (Land Use and Development Procedures) of the 2007 El Monte Gateway Specific Plan is hereby amended by the deletion of the “EMG-G” District.

SECTION 24. Section 7.5 (Administration and Enforcement) of Chapter 7 (Implementation and Administration) of the 2007 El Monte Gateway Specific Plan is hereby amended as follows:

The provisions as set forth in the El Monte Gateway Specific Plan shall be enforced by the Director of Community and Economic Development. All officers, employees, and officials of the City of El Monte who are vested with the duty or authority to issue permits or licenses shall conform with the provisions of this Specific Plan, and shall not issue any permit or license, or approve any use or building, which would be in conflict with this Specific Plan.

SECTION 25. CEQA/Environmental. This Code Amendment No. 767/Ordinance No. ____ is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. City staff has determined that the actions contemplated in this Code Amendment No. 767/Ordinance No. ____ shall not have a significant environmental effect and therefore, adoption of this Code Amendment No. 767/Ordinance No. ____ is exempt from CEQA.

SECTION 26. Inconsistent Provisions. Any provision of the El Monte Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

SECTION 27. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 28. Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent. To the extent the provisions of the El Monte Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 2. Publication and Effective Date. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this ____ day of _____, 2019.

Andre Quintero
Mayor of the City of El Monte

ATTEST:

Catherine A. Eredia
City Clerk of the City of El Monte

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

I, Catherine A. Eredia, City Clerk of the City of EL Monte, hereby certify that the foregoing Ordinance No. _____ was introduced for a first reading on the ___th day of _____, 2019 and approved for a second reading and adopted by said Council at its regular meeting held on the ___th day of _____, 2019 by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Catherine A. Eredia
City Clerk of the City of El Monte