



PLANNING COMMISSION AGENDA

CITY OF EL MONTE PLANNING COMMISSION

TUESDAY, MARCH 10, 2026

7:00 P.M.

CITY HALL EAST – COUNCIL CHAMBERS
11333 VALLEY BOULEVARD

CITY OF EL MONTE PLANNING COMMISSION

**Mayor
CHAIRPERSON**
Pablo Tamashiro

**District 1
COMMISSIONER**
Luis Daniel Salas

**District 2
COMMISSIONER**
Joe A. Moreno

**District 3
VICE-CHAIRPERSON**
Bryan Covarrubias

**District 4
COMMISSIONER**
Cuitlahuac Dominguez

**District 5
COMMISSIONER**
Vacant

**District 6
COMMISSIONER**
Joaquina Quiñones

Phone: (626) 258-8626
www.elmonteca.gov
planning@elmonteca.gov

This meeting shall be conducted in compliance with the procedures of Government Code section 54953 as most recently amended by AB 2449 which took effect January 1, 2023. As amended by AB 2449, Government Code section 54953(f) allows less than a quorum of the Planning Commission to participate remotely at any given meeting of the Planning Commission where the remote participant(s) have a statutorily defined “just cause” reason or “emergency” reason for participating remotely. When a member of the Planning Commission participates remotely pursuant to Government Code section 54953(f), the location from which the Planning Commission member is participating remotely does not need to be identified on the agenda and does not need to be open to members of the public. Because Government Code section 54953(f) allows Planning Commission members to notify the City of their need to participate remotely as late as the start of the meeting, the Planning Commission will prepare for all meetings with the assumption that some number of its members (less than a quorum) might need to participate remotely pursuant to Government Code section 54953(f). All such meetings will be conducted in compliance with the requirements of Government Code section 54953(f)(1).

Per Government Code section 54953(f)(2)(B), any Planning Commission member who participates remotely per Government Code section 54953(f) **“shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals”**

Members of the public wishing to observe the meeting may do so in one of the following ways:

- (1) City’s website at <https://www.ci.el-monte.ca.us/378/Council-Meeting-Videos> ; or
- (2) In person.

Members of the public wishing to make public comment may do so in one of the following ways:

(1) By directly addressing the Planning Commission in person at the time(s) allotted on the agenda for such comment. Persons wishing to address the Planning Commission in person are asked to fill out a speaker card providing their name and indicating whether they wish to address the Planning Commission on an item(s) of business appearing under (i) the Public Hearing portion of the agenda; (ii) any item of business appearing under any other portion of the agenda; and/or (iii) a non-agendized matter that is within the subject matter jurisdiction of the Planning Commission. Speaker cards should be submitted to City Staff prior to the Planning Commission's approval of the agenda, if possible; or

(2) Email or Telephone – All interested parties can submit comments in advance to the Planning Division's general email at planning@elmonteca.gov or by calling the City's telephone line: (626) 258-8626. All comments must be received by the Planning Division no later than 3:00 pm on March 10, 2026.

Instruction regarding accommodation under the Americans with Disabilities Act can be found on the last page of this Agenda.

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 & address for the record.

CONSENT CALENDAR

- 7. None.

PUBLIC HEARING

- 8. **Code Amendment (AMEND) 3-2026 (Continued from February 24, 2026)**

Address/Location: Citywide

Request: Consider a Code Amendment (AMEND 3-2026) to amend Section 17.112.180 (Significant Tobacco Retailers) of Chapter 17.112 (Standards for Specific Nonresidential Uses); Section 17.150.080 (Retail and office uses) of Chapter 17.150 (Use Definitions); Sections 8.10.130 (Enforcement), 8.10.120 (Tobacco retailing without a permit), and 8.10.110 (Suspension/revocation of permit) of Chapter 8.10 (Retail Sales of Tobacco Products) of the El Monte Municipal Code. This Ordinance will establish further regulations for Significant Tobacco Retailers, as defined and on the retail sales of tobacco in the City.

CEQA Recommendation: Categorical Exemptions – (Pub. Res. Code § 21000 *et seq.*) and CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*) the proposed Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it is reasonably foreseeable that the adoption of the proposed Ordinance would not result in a physical change in the environment, either directly or indirectly. Therefore, no additional environmental analysis is required.

Case Planner: Steve Fowler, Community & Economic Development Director

Recommendation:

1. Open the public hearing;
2. Receive presentation from staff;
3. Pose questions to staff;
4. Allow members of the public to offer comment;
5. Pose follow up questions to staff;
6. Close the public hearing; and
7. Adopt a Resolution to recommend the City Council adopt an Ordinance and a Categorical Exemption.

Resolution No.: 3695

- 9. **Director’s Report**
- 10. **City Attorney’s Report**
- 11. **Commissioner’s Comments**

NEXT SCHEDULED CITY PLANNING COMMISSION MEETING

Tuesday, March 24, 2026, at 7:00 P.M.

City Hall East – City Council Chambers

Availability of staff reports: Copies of the staff reports or other written documentation relating to each item of business described hereinabove are available on the City's Home Page at www.elmonteca.gov or <https://www.ci.el-monte.ca.us/AgendaCenter/Planning-Commission-2>. You may also call the Planning Division at (626) 258-8626 for more 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. 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 \$3,546.00. Any individual that received notice of this meeting from the City of El Monte will receive notice of an appeal, if one is filed.



**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

STAFF REPORT

DATE: MARCH 10, 2026 *(Continued from February 24, 2026)*

TO: PLANNING COMMISSION

FROM: STEVE FOWLER,
COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

BY: STEVE FOWLER,
COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

LOCATION: CITYWIDE

APPLICANT: CITY OF EL MONTE

RECOMMENDATION: ADOPT RESOLUTION NO. 3695 RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE PROPOSED ORDINANCE (CODE AMENDMENT NO. 3-2026) AMENDING THE EL MONTE MUNICIPAL CODE RELATING TO REGULATIONS FOR SIGNIFICANT TOBACCO RETAILERS

BACKGROUND:

The City of El Monte (“City”) regulates tobacco retailing through multiple provisions of the El Monte Municipal Code (“EMMC”) including Chapter 5.04 (Business Licenses), Chapter 8.10 (Tobacco Retailer Permits), and Title 17 (Zoning).

Pursuant to Chapter 8.10 of the EMMC, it is unlawful for any person to act as a tobacco retailer within the City without first obtaining and maintaining a valid tobacco retailer’s permit from the City. A “tobacco retailer” is defined under EMMC 8.10.010 as “any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia.” The City issues tobacco retailer permits in accordance with Chapter 8.10 of the EMMC.

A “significant tobacco retailer” is defined under EMMC 17.150.080 as “any establishment, where twenty-five (25) percent or more of the net floor area (“NFA”) is devoted to the sale of tobacco products, substances intended for smoking, or smoking accessories, including,

but not limited to, pipes, vaporizing devices, or other smoking paraphernalia. Public or private smokers' lounges shall not be permitted as an ancillary use."

The City does not differentiate between different types of retail establishments with respect to the issuance of tobacco retail permits or the enforcement of tobacco sales regulations. The majority of tobacco retailers operate in conjunction with another land use activity (i.e., liquor store, convenience store), in recent years the City has seen an influx of stand-alone tobacco retail stores. To date, the City has eighty-two permitted retailers with active tobacco permits.

The El Monte Police Department ("EMPD") and the El Monte Neighborhood Services Department have conducted multiple tobacco compliance checks that revealed illegal activities and repeated permit violations by smoke shops and tobacco retailers operating within the City.

The EMPD reports that in 2025 alone, the EMPD and City's Neighborhood Services Department seized more than 1,000 pounds of illegal flavored tobacco products, vapes, and cannabis products from different businesses city-wide. As a result of these inspections, ten administrative citations and multiple warnings were issued to tobacco retailers for violations of the EMMC and applicable state law. Illegal possession of mushrooms, nitrous-oxide tanks, and products containing synthetic kratom compounds were also discovered. There is also an active law enforcement investigation regarding illegal gambling activities at an undisclosed tobacco retailer location in the City which resulted in multiple arrests.

Recently, Los Angeles County public health officials issued alerts documenting six overdose deaths associated with synthetic kratom compounds, such as 7-Hydroxymitragynine (7-OH). These unregulated substances are often sold in smoke shops and similar retailers and pose significant health risks. Their availability has generated ongoing community concerns related to public safety and youth access to harmful products.

The City is concerned with the observed illegal actions and repeated permit violations of smoke shops and tobacco retailers. The City is also concerned with the public nuisance and negative secondary impacts caused by the permit violations of tobacco retailers which involve operators often operating in excess of allowed activities issued by their permits thus constituting a nuisance.

City Moratorium

On January 14, 2026, the City Council of the City of El Monte (the "City Council") adopted an Interim Urgency Ordinance No. 3057 to establish a temporary moratorium on the issuance of new tobacco retail permits, approval of any pending land use or zoning applications for significant tobacco retail uses within City limits, inclusive of conditional use permits, for a period of 45 days. The purpose of the moratorium is to allow the City time to research and develop a permanent ordinance for City Council consideration.

PROPOSED CODE AMENDMENT NO. 3-2026

The proposed Ordinance would amend Titles 8 – Health and Safety and 17- Zoning of the El Monte Municipal Code (EMMC) to strengthen regulation, oversight, and enforcement of significant tobacco retailers based on documented public safety, nuisance, and public health concerns. The Ordinance builds upon the City’s existing tobacco retail permit framework, redefines significant tobacco retailers, and expands enforcement authority, and establishes new zoning, operating, and amortization standards.

Code Amendment Outline:

- I. Amend El Monte Municipal Code Title 8 Health and Safety and 17 Zoning.
- II. Prohibit new Significant Tobacco Retailers, establish amortization periods, update zoning.
- III. Establish new regulations and enforcement provisions for establishments with a valid Tobacco Retail Permit.
- IV. Establish new development and operating standards for Significant Tobacco Retailers.

Tobacco Retail Permit Enforcement

Code Amendment 3-2026 would explicitly prohibit Tobacco Retailers from selling, possessing, or distributing:

- Cannabis and cannabis derived products;
- Flavored or illegal tobacco products;
- Tobacco product to minors;
- Kratom products and products containing synthetic kratom compounds;
- Psilocybin products;
- Nitrous oxide for intoxicating purposes;
- Drug paraphernalia unrelated to lawful tobacco sales; and
- Illegal gambling activities and any other unlawful activities.

The Code Amendment would also expand enforcement authority to allow permit revocation, seizure, and destruction of prohibited products found during inspections.

Revised definition of “Significant Tobacco Retailer”

(Unless otherwise noted, changes are shown in underline or strikethrough text):

“Significant tobacco retailer” means any establishment, where twenty-five (25) percent or more of the net floor area (NFA) or display area is devoted to the sale of tobacco products, substances intended for smoking, or smoking accessories, including, but not limited to, pipes, vaporizing devices, or other smoking paraphernalia. Public or private smokers’ lounges shall not be permitted as an ancillary use. Does not include commercial cannabis activity uses.

Update to Permitted Uses in Mixed/Multiuse, Commercial, and Manufacturing Zoning Districts

The code amendment updates zoning tables for Mixed/Multiuse, Commercial, and Manufacturing districts to disallow Significant Tobacco Retailers as a permitted use in these zones.

Prohibition of new Significant Tobacco Retailers and Amortization

Code Amendment 3-2026 prohibits the opening, establishment, or operation of new significant tobacco retailers in the City, except where the ordinance provides for the amortization of uses with an existing tobacco retail permit that newly meet the definition of Significant Tobacco Retailer pursuant to this update.

Amortization requirements for existing retailers that meet the revised definition:

Type of Establishment	Amortization Period
Significant Tobacco Retailer with a minimum of twenty-five percent (25%) of the net floor area (NFA) or display area is devoted to the sale of tobacco products, substances intended for smoking or smoking accessories including, but not limited to, pipes, vaporizing devices, or other smoking paraphernalia.	Any establishment with a valid business license pursuant to Chapter 5.04 (Business Licenses Generally), tobacco retailer permit pursuant to Chapter 8.10 (Retail sales of Tobacco Products), for a significant tobacco retail use of the EMMC prior to May 11, 2026, shall: <ul style="list-style-type: none">• Obtain a CUP no later than 24 months from the date stated above; and• Demonstrate compliance with all Operating Requirements provided in Chapter 8.10 for significant tobacco retailers.

Existing Significant Tobacco Retailer

The proposed code amendment requires existing Significant Tobacco Retailers to obtain a Conditional Use Permit and demonstrate compliance with the new provisions of this Ordinance as of the effective date of the ordinance.

New Development and Operating Standards for Significant Tobacco Retailers

The proposed code amendment establishes new comprehensive development and operational standards including:

Development Standards:

1. Five-hundred (500) Foot buffer from sensitive uses:
 - i. Public recreation facility
 - ii. K-12 public or private schools
 - iii. Public or private preschool
 - iv. Child daycare center
 - v. Community center
 - vi. Alcoholism abuse treatment facility or drug abuse treatment facility

2. Five-hundred (500) Foot buffer between Significant Tobacco Retailers
3. Window Glazing. Limiting window signage and obstructions.
4. Lighting. Requiring adequate lighting of the exterior of premises including adjacent sidewalks, parkways, and parking areas.
5. Signage. Requiring compliance with the state law requirements and mandatory posting of warning notices and CUP conditions of approval.

Conditions of Approval:

1. Significant Tobacco Retailer must obtain a City issued valid business license and valid tobacco retailer permit, a state tobacco retailer license and a sales tax permit and a certificate of occupancy issued by the City's Building Division.
2. Hours of operation limited to 8:00 a.m. to 10:00 p.m., seven days a week
3. Mandatory video surveillance systems, including retention and access requirements.
4. Age restrictions, and the requirement to verify the age of each consumer.
5. Employee-only access of tobacco products.
6. Initial training requirement of all employees.

Fees, Oversight, and Nuisance Enforcement

Code amendment 3-2026 will authorize the City Council to adopt and adjust CUP enforcement fees to recover administrative and enforcement costs and allow the City to seek recovery of enforcement and abatement costs. The amendment also declares violations of this Ordinance to be declared a public nuisance and establishes that violations may be prosecuted as infractions or misdemeanors amongst other remedies.

GENERAL PLAN CONSISTENCY

CA No. 3-2026 is consistent with the General Plan because it advances the Goals and Policies of the Land use Element by preventing incompatible and unlawful commercial activities and ensuring that commercial operations within the City are conducted in a manner that protects surrounding neighborhoods and promotes compatible development.

CA No. 3-2026 prioritizes the protections of quality of life so that it takes precedence during the review of new projects by adding comprehensive regulations to Tobacco Retailers citywide, and conditions of approval for Significant Tobacco Retailers, which will ensure the City mitigates projects that result in impacts that outweigh public benefits.

CA No. 3-2026 will ensure land use compatibility through adherence to the policies, standards, and regulations in the Municipal Code by adding stronger enforcement procedures and remedies.

RECOMMENDED FINDINGS

In order to approve proposed CA No. 3-2026, the Planning Commission is required to make certain findings. Section 4 of the attached proposed Resolution sets forth the required findings, in accordance with the California Environmental Quality Act ("CEQA") and Government Code Section 65860(a)

ENVIRONMENTAL REVIEW AND PUBLIC NOTICING:

Code Amendment No. 3-2026 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), under the “Common Sense” exemption, because the Ordinance does not approve any development or construction and any future project projects would be subject to future CEQA reviews therefore no further action is required under CEQA.

A public hearing notice was published in the newspaper for citywide notice on January 19, 2026.

RECOMMENDATION:

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

- Adopt Resolution No. 3695 recommending the City Council approve Code Amendment No. 3-2026, amending regulations related to Significant Tobacco Retailers.

ATTACHMENTS:

- A. Planning Commission Resolution No. 3695
- B. Draft City Council Ordinance
- C. Public Hearing Notice

ATTACHMENT A
PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 3695

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL MONTE RECOMMENDING THE CITY COUNCIL OF THE CITY OF EL MONTE, APPROVE CODE AMENDMENT NO. 3-2026 – AMENDING CHAPTERS 17.30 (MIXED/MULTIUSE ZONING DISTRICT); 17.40 (COMMERCIAL ZONING DISTRICTS); 17.42 (MANUFACTURING ZONING DISTRICTS); 17.16 (NONCONFORMING PROVISIONS); 17.112 (STANDARDS FOR SPECIFIC NONRESIDENTIAL USES) AND 17.150 (USE DEFINITIONS) OF TITLE 17 (ZONING) AND CHAPTER 8.10 (RETAIL SALES OF TOBACCO PRODUCTS) OF TITLE 8 (HEALTH AND SAFETY) OF THE EL MONTE MUNICIPAL CODE (EMMC)

WHEREAS, pursuant to California Constitution Article XI, Section 7, the City of El Monte (the “City”) has the authority to enact local planning and land use regulations to protect the public health, safety, and welfare of their residents through its police power;

WHEREAS, the authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare;

WHEREAS, Title 17 (the “Zoning Code”) of the El Monte Municipal Code (the “EMMC”) contains the majority of the City’s Zoning Standards and Regulations;

WHEREAS, the City has observed increasing negative impacts associated with tobacco retailers operating throughout the City, including increased criminal activity in and around such establishments, deterioration of neighborhood character, and adverse effects from tobacco on the health, safety, and welfare of residents;

WHEREAS, on January 14, 2026, the City Council adopted Urgency Ordinance No. 3057 to establish a temporary moratorium on significant tobacco retailers and issuance of tobacco retail permits, for a period of 45 days to conduct a study and update

multiple Sections of the EMMC to implement comprehensive zoning and regulatory measures;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on March 10, 2026, concerning the prospective approval of Code Amendment No. 3-2026;

WHEREAS, evidence, both written and oral, was duly presented to and considered by the Planning Commission at such public hearing; and

WHEREAS, after the close of such public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the relevant staff report, and all other pertinent documents regarding the proposed Code Amendment No. 3-2026.

NOW, THEREFORE, 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. That the facts set forth in the recitals above are true and correct.

SECTION 2. That this Resolution constitutes the required written recommendation to the City Council in accordance with Government Code Section 65855.

SECTION 3. That pursuant to due notice as required by law, a full and fair public hearing was held by and before this Planning Commission at a meeting on March 10, 2026, at which time, all interested persons were given full opportunity to be heard and present evidence.

SECTION 4. Findings.

Code Amendment No. 3-2026 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15051(b)(3), under the “Common Sense” exemption, because the Ordinance does not approve any development or construction and any future project projects would be subject to future CEQA reviews therefore no further action is required under CEQA.

A. The Planning Commission finds that Code Amendment No. 3-2026 is consistent with the General Plan by implementing the following goals and policies:

- Land Use Chapter Goal No. 1 – Compatible residential, commercial and industrial development that is sensitively integrated with existing development and neighborhoods and minimizes impacts on surrounding land uses;
- Land Use Policy No. 1.6- Prioritize protections of quality of life so that it takes precedence during the review of new projects. Accordingly, the City shall use its discretion to deny or require mitigation of projects that result in impacts that outweigh public benefits;
- Land Use Policy No. 1.1- Ensure land use compatibility through adherence to the policies, standards, and regulations in the Municipal Code, Development Code, Community Design Element, and other regulations or administrative procedures.

SECTION 5. Based upon the conclusions in the recitals and findings set forth above, the Planning Commission recommends that the City Council approve the Ordinance for Code Amendment No. 3-2026 attached hereto as Exhibit “1.”

SECTION 6. That the Secretary of the City 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.

Pablo Tamashiro, Chairperson

ATTEST:

Sandra Elias, Secretary
El Monte City Planning Commission

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

I, Sandra Elias, 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. 3695 adopted by the Planning Commission of the City of El Monte, at a regular meeting by said Commission held on March 10, 2026, by the following votes to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sandra Elias, Secretary
El Monte City Planning Commission

EXHIBIT "1" – City Council Ordinance for Code Amendment No. No. 3-2026

RESOLUTION NO. 3695

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF EL MONTE
AMENDING CHAPTERS 17.30, 17.40, 17.42, 17.16,
17.112, AND 117.150 AND CHAPTER 8.10 OF THE
EL MONTE MUNICIPAL CODE RELATING TO
REGULATIONS FOR SIGNIFICANT TOBACCO
RETAILERS**

WHEREAS, the City of El Monte (“City”), a general law city, has authority under its police powers, land-use authority, and zoning authority pursuant to Article XI, Section VII of the California Constitution, to enact regulations necessary to protect and promote the public health, safety, and general welfare of its residents; and

WHEREAS, the City has observed increasing negative impacts associated with tobacco retailers operating throughout the City, including increased criminal activity in and around such establishments, deterioration of neighborhood character, and adverse effects from tobacco on the health, safety, and welfare of City residents; and

WHEREAS, the El Monte Police Department (“EMPD”) and the City’s Code Enforcement Division have observed illegal activities and repeated permit violations by smoke shops and tobacco retailers within the City, involving but not limited to the following:

- Illegal sales of flavored tobacco products; and
- Illegal sales of cannabis and cannabis-derived products; and
- Illegal possession of mushrooms; and
- Illegal possession of nitrous oxide cylinder tanks; and
- Illegal possession of controlled substances; and

WHEREAS, in 2025, the EMPD and the City’s Neighborhood Services Department conducted multiple tobacco compliance checks and identified multiple violations of the EMMC and state law including, but not limited to:

- On June 20, 2025, the seizure of a substantial quantity of illegal tobacco and cannabis products, the issuance of five administrative citations, and the immediate closure of one business;
- On December 5, 2025, the seizure of approximately 205 pounds of illegal flavored tobacco and cannabis/THC edible products, and the issuance of three administrative citations;
- On December 12, 2025, the seizure of over 200 pounds of illegal flavored tobacco and cannabis/THC edible products, the issuance of two administrative citations, and compliance advisements issued to five businesses displaying flavored tobacco products for sale; and

WHEREAS, Los Angeles public health officials have reported overdose deaths and other harms associated with synthetic kratom compounds such as 7-Hydroxymitragynine (7-OH), which are often sold in smoke shops and similar retailers; and

WHEREAS, the City's Neighborhood Services Department has also identified tobacco retailers within the City in possession of products containing synthetic kratom compounds; and

WHEREAS, there are significant public safety concerns in the community relating to significant tobacco retailers and youth access to harmful products; and

WHEREAS, on January 14, 2026, the City Council considered and adopted Urgency Ordinance No. 3057, placing a 45-day interim moratorium on the approval of any pending tobacco retail permits, land use or zoning applications for significant tobacco retail uses within the City limits, inclusive of conditional use permits, for the purpose of preserving the public health, morals, safety, and general welfare of the community; and

WHEREAS, the City finds it necessary to amend the El Monte Municipal Code to enact certain provisions that regulate appropriate use and operating standards for tobacco retailers, and increased oversight and enforcement of retailers who devote significant display areas to the sale of tobacco and tobacco related products; and

WHEREAS, the purpose of the Ordinance is to ensure the incorporation of regulations, operating standards and development standards of such business within certain zones within the City through the use of a public hearing process for conditional use permits if the proposed tobacco retailer dedicates a minimum of twenty-five percent (25%) of its display area to tobacco and tobacco-related products; and

WHEREAS, pursuant to Government Code Section 65854, the Planning Commission conducted a duly noticed public hearing on this matter on March 10, 2026, wherein, the Planning Commission considered all public comments received before and during the public hearing, the presentation by City staff, the relevant staff report, and all other pertinent documents regarding proposed Ordinance No. _____; and

WHEREAS, at the close of the public hearing, the Planning Commission voted to recommend approval of the proposed ordinance by a ___ - ___ - ___ vote; and

WHEREAS, on _____, 2026, the City Council held a duly noticed public hearing regarding the proposed Ordinance, considered all public comments received before and during the public hearing, the presentation by City staff, the relevant staff report inclusive of the Planning Commission's recommendation, and all other pertinent documents regarding the proposed Ordinance; and

WHEREAS, the City Council desires to amend the regulations applicable to significant tobacco retailers to provide additional oversight to significant tobacco retailers due to their potential community impacts; and

WHEREAS, the proposed Ordinance would be consistent with the City's General Plan; and

WHEREAS, Goal 1 of the General Plan's Land Use Element emphasizes the City's commitment to have compatible residential, commercial, and industrial development that is sensitively integrated with existing development and neighborhoods and minimizes impacts surrounding land uses; and

WHEREAS, the City Council finds that the sale, distribution and public access to illegal and unregulated tobacco, cannabis, synthetic kratom, and other illicit products are not in conformity with the City's General Plan because such activities create adverse impacts, public nuisances, and incompatibilities with surrounding residential and commercial uses; and

WHEREAS, this Ordinance advances Goal 1 of the Land Use Element by preventing incompatible and unlawful commercial activities and ensuring that commercial operations within the City are conducted in a manner that protects surrounding neighborhoods and promotes compatible development; and

WHEREAS, the City Council finds that updated zoning requirements, Conditional Use Permit procedures, operating standards, and amortization provisions are necessary to prevent over-concentration, reduce nuisance conditions, and strengthen safety and enforcement; and

WHEREAS, the City Council held a duly noticed public hearing on this Ordinance, received public testimony, and carefully evaluated the staff report and all information presented; and

WHEREAS, the City Council now desires to adopt amendments set forth herein to protect public health and safety, improve regulatory consistency, reduce nuisance activity, and provide clear, enforceable standards for the operation of significant tobacco retailers within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE DOES FIND, DETERMINE, AND ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and are hereby incorporated by this reference as if set forth in full herein.

SECTION 2. This Ordinance shall be known and may be cited as "The El Monte Smoke Shop Regulation and Safety Ordinance" (the "Ordinance").

SECTION 3. Section 8.10.120 (Tobacco Retailing without a Permit) of Chapter 8.10 (Retail Sales of Tobacco Products) of Title 8 (Health and Safety) of the City Municipal Code is hereby amended to read as follows (unless otherwise noted, changes are shown in underline or ~~strikethrough~~ text):

- A. In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the department finds based on a preponderance of evidence, after notice and an opportunity to be heard, that any person has engaged in tobacco retailing at a location without a valid tobacco retailer's permit, either directly or through the person's agents or employees, the person shall be ineligible to apply for, or to be issued, a tobacco retailing permit as follows:
 - 1. After a first violation of this section at a location within any five-year period, no new permit may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until thirty (30) days have passed from the date of the violation.
 - 2. After a second violation of this section at a location within any five-year period, no new permit may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until ninety (90) days have passed from the date of the violation.
- B. Tobacco products offered for sale or exchange in violation of this section are subject to seizure by the department or any peace officer and shall be forfeited after the permittee and any other owner of the tobacco products seized is given reasonable notice and an opportunity to demonstrate that the tobacco products were not offered for sale or exchange in violation of this chapter. The decision by the department may be appealed pursuant to the procedures set forth in Section 8.10.110(C).
- C. For the purposes of the civil remedies provided in this chapter:
 - 1. Each day on which a ~~tobacco~~ product is offered for sale in violation of this chapter; or
 - 2. Each individual retail ~~tobacco~~ product that is distributed, sold, or offered for sale in violation of this chapter.

SECTION 4. Section 8.10.130 (Enforcement) of Chapter 8.10 (Retail Sales of Tobacco Products) of Title 8 (Health and Safety) of the City Municipal Code is hereby amended to read as follows (unless otherwise noted, changes are shown in underline or ~~strikethrough~~ text):

- A. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

- B. Whenever evidence of a violation of this chapter is obtained in any part through the participation of a person under the age of eighteen (18) years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.
- C. Violations of this chapter are subject to a civil action brought by the city prosecutor or the city attorney and are subject to an administrative fine as established by resolution of the City Council.
- D. Violations of this chapter may, in the discretion of the City Prosecutor or City Attorney, be prosecuted as infractions or misdemeanors when the interests of justice so require.
- E. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- F. Violations of this chapter are hereby declared to be public nuisances.
- G. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City Attorney, including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.
- H. Prohibited Activities & Products.

1. The conduct of any of the following activities or sale or distribution of any of the following products by a tobacco retailer is prohibited.

a. Commercial cannabis activity;

b. Cannabis, industrial hemp, cannabinoids, products derived from cannabis or industrial hemp, or products containing cannabinoids;

c. The sale or distribution of tobacco products to minors;

d. Flavored tobacco products or illegal tobacco products;

e. Drug paraphernalia not directly related to legal tobacco products;

f. Nitrous oxide for intoxicating purposes, products for intoxicating purposes derived from nitrous oxide, products for intoxicating purposes containing nitrous oxide, or paraphernalia related to the consumption of nitrous oxide for intoxicating purposes, products for

intoxicating purposes derived from nitrous oxide, or products for intoxicating purposes containing nitrous oxide;

g. Kratom, products derived from kratom, products containing kratom, or paraphernalia related to the consumption of kratom, products derived from kratom, or products containing kratom;

h. Psilocybin, products derived from psilocybin, products containing psilocybin, or paraphernalia related to the consumption of psilocybin, products derived from psilocybin, or products containing psilocybin;

i. Onsite or online gambling activities not related to the State Lottery;
or

j. Any other activities or products prohibited by law.

2. Notwithstanding any other provision of this chapter or any other provision of the EMMC, conduct of any of the activities or sale or distribution of any of the products contained in Subsection H.1 hereinafter shall immediately subject the tobacco retailer to revocation of its tobacco retailer's permit.

3. Notwithstanding any other provision of this chapter or any other provision of the EMMC, should any of the products contained in Subsection H.1 hereinafter be found during an inspection of a tobacco retailer, the City may seize and destroy said products.

SECTION 5. The definition of “significant tobacco retailer” in Section 17.150.080 (Retail and Office Uses) of Chapter 17.150 (Use Definitions) of Division 15 (Definitions) of Title 17 (Zoning) of the City Municipal Code is hereby amended to read as follows (unless otherwise noted, changes are shown in underline or ~~strikethrough~~ text):

“Significant tobacco retailer” means any establishment, where twenty-five (25) percent or more of the net floor area (NFA) or display area is devoted to the sale of tobacco products, substances intended for smoking, or smoking accessories, including, but not limited to, pipes, vaporizing devices, or other smoking paraphernalia. Public or private smokers’ lounges shall not be permitted as an ancillary use. Does not include commercial cannabis activity uses.

SECTION 6. The line item for significant tobacco retailers in Table 17.30-1—Permitted Uses—Mixed/Multiuse Zoning District of Section 17.30.030 (Permitted Uses) of Chapter 17.30 (Mixed/Multiuse Zoning District) of Title 17 (Zoning) of the City Municipal Code is hereby amended to read as follows (unless otherwise noted, changes are shown in underline or ~~strikethrough~~ text):

Significant tobacco retailer	Ⓒ <u>See notes</u>	<u>8.10, 17.112.180 & 17.16.090</u>
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SECTION 7. The line item for significant tobacco retailers in Table 17.40-1— Permitted Uses—Commercial Zoning District of Section 17.40.030 (Permitted Uses) of Chapter 17.40 (Commercial Zoning Districts) of Title 17 (Zoning) of the City Municipal Code is hereby amended to read as follows (unless otherwise noted, changes are shown in underline or ~~strikethrough~~ text):

Significant tobacco retailer	--	--	€ <u>See notes</u>	<u>8.10, 17.112.180 & 17.16.090</u>
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SECTION 8. The line item for significant tobacco retailers in Table 17.42-1— Permitted Uses— Manufacturing Zoning Districts of Section 17.40.030 (Permitted Uses) of Chapter 17.42 (Manufacturing Zoning Districts) of Title 17 (Zoning) of the City Municipal Code is hereby amended to read as follows (unless otherwise noted, changes are shown in underline or ~~strikethrough~~ text):

Significant tobacco retailer	€ <u>See notes</u>	€ <u>See notes</u>	<u>8.10, 17.112.180 & 17.16.090</u>
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SECTION 9. Section 17.16.090 (Legal Nonconforming Significant Tobacco Retailers) of Chapter 17.16 (Nonconforming Provisions) of Division 1 (Introduction) of Title 17 (Zoning) of the City Municipal Code is hereby added to read as follows:

- A. Amortization Periods. Table 17.16-4 prescribes the amortization periods and extensions for significant tobacco retailers:

Table 17.16-4 – Amortization Periods

Type of Establishment	Amortization Period
Significant Tobacco Retailer with a minimum of twenty-five percent (25%) of the net floor area (NFA) or display area is devoted to the sale of tobacco products, substances intended for smoking or smoking accessories including, but not limited to, pipes, vaporizing devices, or other smoking paraphernalia.	Any establishment with a valid business license pursuant to Chapter 5.04 (Business Licenses Generally), tobacco retailer permit pursuant to Chapter 8.10 (Retail sales of Tobacco Products), for a significant tobacco retail use of the EMMC prior to May 11, 2026 shall: <ul style="list-style-type: none"> • Obtain a CUP no later than 24 months from the date stated above; and • Demonstrate compliance with all Operating Requirements provided in Chapter 8.10 for significant tobacco retailers.

- B. Amortization Extensions and Application Process. A significant tobacco retailer that meets the requirements above and seeks to demonstrate that the amortization

period provided in Table 17.16-4 is an insufficient amount of time to amortize its investment, may apply for a time extension of the amortization period.

1. An application must be submitted in writing, to the Community and Economic Development Department no later than ninety (90) days prior to the expiration of the amortization period. The application shall contain the following:
 - a. The applicant's name and street address of the business;
 - b. The address to which notice is to be mailed, at the applicant's option, a telephone number and/or email address;
 - c. The term of the requested extension;
 - d. Any documentation or evidence to support an extension of the amortization period, not to exceed one year; and
 - e. The applicant's signature
2. Each request shall be considered on the basis of the submitted evidence on a case-by-case basis, as determined by the Director of Economic and Community Development. In considering the request to grant an extension the following factors shall be considered:
 - a. The precise nature of the nonconforming significant tobacco retailer use.
 - b. The portion of the nonconforming significant tobacco retailer sales that will be affected on a pro rata basis.
 - c. The total amount of the investment made for the significant tobacco retailer, including on the property and any improvements thereon, as well as the total investment for the pro rata portion of the business that is a significant tobacco retailer, including the present or depreciated value of any property owned.
 - d. The expiration date and termination rights under leases related to the operation of a significant tobacco retailer. Any new leases or lease extensions, amendments, or renewals entered into in close proximity to the passage of this Section 17.112.180 may be a basis for denial of the request for extension.
 - e. The ability of the business to recover its investment by changing the use of the property, and the amount of time and additional investment needed to do so.

- f. Any violations of federal, State, or local law.
 - g. Any other information the significant tobacco retailer deems relevant for the City to consider.
 - h. Any other information requested by the City to clarify the request for extension of the amortization period.
3. The determination and decision by the direction for an extension shall be a final administrative decision and not subject to administrative appeal under the provisions of the EMMC, but subject to judicial review and remedies.

SECTION 10. Section 17.112.180 (Significant Tobacco Retailers) of Chapter 17.112 (Standards for Specific Nonresidential Uses) of Division 11 (Regulations Applicable for Specific Uses) of Title 17 (Zoning) of the City Municipal Code is hereby repealed in its entirety and amended to read as follows:

A. Purpose. The purpose of this Section 17.112.180 is as follows:

- 1. To establish further regulations for significant tobacco retailers as defined in Section 17.150.080.
- 2. To provide for amortization of uses with an existing tobacco retail permit that newly meets the definition of significant tobacco retailer pursuant to this section.
- 3. Preclude the opening, establishment, and/or operation of new significant tobacco retailers in the City, except as expressly permitted pursuant to this title an in accordance with the requirements of Chapter 8.10 (Tobacco Retail Sales).

B. Applicability.

- 1. This section shall apply to significant tobacco retailers, as defined in Chapter 17.150 (Use Definitions) of this title. Nothing contained in this Section 17.112.180 shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit, license, or approval required by, under, or by virtue of any other provision of the EMMC or any other ordinance or resolution of the City Council, in particular Chapter 5.04 (Business Licenses Generally) and Chapter 8.10 (Retail Sales of Tobacco Products).
- 2. Any term, words, or phrases used in this Section 17.112.180 that are defined in the EMMC, in particular Chapter 8.10 of the EMMC, shall have

the meanings ascribed to them as set forth in the EMMC, in particular Chapter 8.10 of the EMMC.

3. All significant tobacco retailers shall comply with this Section 17.112.180.
 - a. Significant Tobacco Retailers. Except as otherwise provided under this Chapter, significant tobacco retailers are prohibited.
 - b. Existing Significant Tobacco Retailers. All existing significant tobacco retailers lawfully operating as of the effective date of this Section shall comply with all the amortization requirements Section 17.16.090 and of this Section 17.112.180. The significant tobacco retailer must apply for a new Conditional Use Permit and demonstrate compliance with Section 17.112.180. Any existing tobacco retailer lawfully operating as of the effective date of this Section that meets the definition of significant tobacco retailer as provided in Chapter 17.150 (Definitions) shall comply with the amortization requirements of Section 17.16.090 and of this Section 17.112.180.

C. Development Standards for Significant Tobacco Retailers.

1. Siting Requirements. The following siting and buffering requirements shall apply to significant tobacco retailers:
 - a. Sensitive Uses. A significant tobacco retailer shall not be located within five-hundred (500) feet of a:
 - i. public recreation facility
 - ii. K-12 public or private school or educational institution;
 - iii. public or private preschool;
 - iv. child daycare center;
 - v. community center; or
 - vi. alcoholism abuse treatment facility or drug abuse treatment facility
 - b. Proximity to Other Significant Tobacco Retailers. A significant tobacco retailer shall not be located within five-hundred (500) feet of another lawfully existing significant tobacco retailer that holds a valid business license pursuant to Chapter 5.04 (Business Licenses Generally), tobacco retailer permit pursuant to Chapter 8.10 (Retail sales of Tobacco Products), and a Conditional Use Permit (CUP) for a significant tobacco retail use pursuant to Chapter 17.123 (Conditional and Minor Use Permits) of the EMMC.

- c. Measurements for Siting Requirements. The distance for the siting requirements in this section shall be measured pursuant to Section 17.12.060(A)(5).
2. Glazing. At least eighty percent (80%) of any street facing window must be glazed with clear, non-tinted material. Mirrored and reflective materials shall be prohibited.
 - a. No more than five percent (5%) of the square footage of each window that is visible to the public from a public thoroughfare, sidewalk, or parking lot of a significant tobacco retailer shall bear advertising, signs, or other obstructions of any sort.
 - i. Signage, advertising, or other obstructions outside of the premises that are not physically attached to the windows or doors, but are visible from a public thoroughfare, sidewalk, or parking lot in the same manner as if they were physically attached are included in the five percent (5%) limitation in this subsection(C)(2)(a) and shall at all times be subject to and compliant with Chapter 17.80 (Signage Regulations).
 - b. Doors of a significant tobacco retailer must be free from signs regardless of door type or material.
 - c. Advertising and signage placed on the window of the premises shall not obstruct the view of the interior of the premises, including the areas in which the point of sale is maintained from the public right-of-way and/parking areas.
 - d. A significant tobacco retailer located within one-thousand (1,000) feet of a sensitive use, as listed in Subsection (C)(1)(a) hereunder, shall not advertise the sale of tobacco products, substances intended for smoking, or smoking accessories in a manner visible from the outside of the premises, such as the public right-of-way or parking areas.
3. Lighting. Subject to the requirements of Section 17.60.050 (Outdoor Lighting), the exterior of the premises, including adjacent public sidewalks, parkways and parking areas under the control of the significant tobacco retailers shall be illuminated to provide adequate lighting and security.
4. Signage.
 - a. In addition to the requirements found in Chapter 17.80 (Signage Regulations), a significant tobacco retailer shall comply with the requirements of the California Cigarette and Tobacco Products

Licensing Act of 2003 and all applicable federal and state law requirements.

- b. The following notices shall be prominently posted and permanently affixed in a readily visible manner on the interior wall near the entrance or point of sale:
 - i. “California State Law Prohibits the Sale of Tobacco Products to Persons Under 21 Years of Age”;
 - ii. “No Persons Under the Age of 21 May Enter These Premises”;
 - iii. “No Loitering is Allowed on or in Front of These Premises”;
 - and
 - iv. “No Smoking or Vaping is Allowed on These Premises”.

- 5. Posting of Conditions of Approval. A copy of all conditions of approval for the Conditional Use Permit and training requirements shall either be posted in a conspicuous and unobstructed place near the entrance, point of sale, or customer service area of the premises or posted in an employee area and provided upon request (*e.g.*, via flyer or brochure).

D. Standard Conditions of Approval. Subject to any applicable limitations in federal or state law, nothing in this Section is intended to limit the City’s authority to conditionally approve an application for a Conditional Use Permit (CUP) or renewal thereof to protect and promote the public welfare, health and safety. In addition to all other conditions adopted by the approving authority, all CUP approvals shall be automatically subject to the conditions in this section. The approving authority shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this section, which may include but is not limited to reduced hours of operation, security guards, door monitors, and burglar alarm systems if the approving authority determines that harm, nuisance, or related problems are demonstrated to occur as a result of the significant tobacco retailer’s business practices or operations.

- 1. Commencement of Operations. Prior to commencing operations, a significant tobacco retailer shall obtain a (a) valid business license issued by the City pursuant to Chapter 5.04 (Business Licenses Generally); (b) valid tobacco retailer permit pursuant to Chapter 8.10 (Retail Sales of Tobacco Products); (c) a state tobacco retailer license and a sales tax permit from the California Department of Tax and Fee Administration; and (d) certificate of occupancy issued by the Building Division to operate a significant tobacco retailer at the premises identified in the significant tobacco retailer’s business license and tobacco retailer’s permit.

2. Compliance with all Laws. A significant tobacco retailer shall comply with all applicable federal, State, and local laws regarding the advertising, display, or sales of tobacco products, substances intended for smoking, or smoking accessories and the conduct and regulation of tobacco retailers and tobacco retailing, including without limitation, Chapter 8.10 (Retail Sales of Tobacco Products).
3. Posting. These conditions of approval must be posted in a conspicuous location for public viewing within the establishment on a continuous basis for the life of this Conditional Use Permit.
4. Trash receptacles. A trash receptacle shall be provided near the public entrance of the premises. All trash receptacles shall be emptied on a daily basis.
5. Litter. All trash, litter and debris left on the premises, parking areas and adjacent public right-of-ways, including sidewalks and alleys shall be removed on a daily basis.
6. Graffiti. Graffiti prevention and removal shall be subject to the requirements of Section 9.08.100(D)(3).
7. Lighting. The exterior of the premises, including adjacent public sidewalks, parkways and parking areas under the control of the significant tobacco retailers shall be illuminated to provide adequate lighting and security.
8. Hours of Operation. Hours of operation shall be from 8:00 a.m. to 10:00 p.m., seven days a week.
9. Age Restrictions. No person under the minimum age established by State law for the purchase or possession of tobacco products may exchange, sample, buy, or sell tobacco products, substances intended for smoking, or smoking accessories for, to, with, or from a significant tobacco retailer; prior to selling tobacco products, substances intended for smoking, or smoking accessories to a consumer, a significant tobacco retailer shall verify the age and all necessary documentation of each consumer to ensure the consumer is not under the minimum age established by State law for the purchase or possession of tobacco products.
10. Display of Products. Only the employees of the significant tobacco retailer shall have immediate access to tobacco products, substances intended for smoking, or smoking accessories.
11. Prohibited Activities. The conduct of any of the following activities or distribution of the following products shall be prohibited:

- a. Commercial cannabis activity;
- b. Cannabis, industrial hemp, cannabinoids, products derived from cannabis or industrial hemp, or products containing cannabinoids;
- c. Tobacco products to minors;
- d. Flavored tobacco products or illegal tobacco products;
- e. Drug paraphernalia not directly related to legal tobacco products;
- f. Nitrous oxide, products derived from nitrous oxide, products containing nitrous oxide, or paraphernalia related to the consumption of nitrous oxide, products derived from nitrous oxide, or products containing nitrous oxide;
- g. Kratom, products derived from kratom, products containing kratom, or paraphernalia related to the consumption of kratom, products derived from kratom, or products containing kratom;
- h. Psilocybin, products derived from psilocybin, products containing psilocybin, or paraphernalia related to the consumption of psilocybin, products derived from psilocybin, or products containing psilocybin;
- i. The provision of smoking rooms and lounges;
- j. Onsite or online gambling activities not related to the State Lottery;
or
- k. Any other activities or products prohibited by federal, State, or local law.

Notwithstanding any provision of the EMMC, inclusive of Section 17.112.180, should any of the products described in this condition of approval be found during an inspection of the premises, the City may seize and destroy such products.

12. Video Surveillance. The following video surveillance requirements shall be implemented and maintained throughout the duration of the conditional use permit:
- a. The video surveillance system shall be fully functional digital video camera system that is able to continuously record, store, and be capable of playing back images and be fully functional at all times, including during any hours of non-operation.
 - b. There shall be a minimum of three (3) cameras placed so as to record activities in the primary customer areas of a significant tobacco retailer; such cameras must, at minimum, provide surveillance for each entry and exit to the premises, each point of sale and the parking area, if any. These cameras shall be of sufficient quality to be able to identify persons and/or vehicles utilizing the significant tobacco retailer parking lot.
 - i. All interior cameras shall have color recording capabilities.
 - ii. Any exterior camera that records in color shall have automatic low light switching capabilities to black and white. Exterior

- cameras shall be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.
- c. The video surveillance system shall be maintained in a secured location inside of the business.
 - d. The video surveillance records shall have the correct date and time stamped onto the image at all times.
 - e. The system's capacity of the digital video camera system should be for at least fourteen (14) calendar days and have the capability for digital playback. Upon request from the City, any digital media shall be provided within twenty-four (24) hours of the request. In the event of a security breach, vandalism, theft, or other offense, a significant tobacco retailer must ensure preservation of the relevant security footage beyond the required fourteen (14) calendar days in coordination with the City.
 - f. The system must be capable of producing a retrievable and identifiable image that can be made a permanent record and that can be enlarged through projection or other means.
 - g. The video surveillance system shall be capable of producing a retrievable and identifiable image that can be made a permanent record and that can be enlarged through projection or other means.

13. Training.

- a. Initial Training. All employees must complete approved course(s) in training of tobacco products, substances intended for smoking, or smoking accessories sales and handling within sixty (60) days after approval of the Conditional Use Permit becomes final, or for employees hired after the approval of the Conditional Use Permit, within sixty (60) days from the date of hire. All trainings shall meet the standards of the State Department of Public Health on the Stop Tobacco Access to Kids Enforcement ("STAKE") Act or other certifying or licensing body designated by the State. Evidence compliance shall be provided in writing to the Economic and Community Development Department.
- b. Annual Training. All employees must complete annual trainings that comply with State standards, including changes to applicable federal, State, and local laws regarding the advertising, display, or sales of tobacco products, substances intended for smoking, or smoking accessories and the conduct and regulation of tobacco retailers and tobacco retailing. Evidence of compliance shall be provided in writing to the Economic and Community Development Department no later than June 30, annually.
- c. Training Records. A significant tobacco retailer shall keep up-to-date records which prove that all individuals listed above have completed the requisite annual training and shall furnish these records to the City during inspections and upon a reasonable request from the City.

E. Fees; Enforcement; Violations of this Section

1. By resolution, the City Council shall establish and may from time to time adjust a schedule of fees for the issuance of a Conditional Use Permit for a significant tobacco retailer. Fees shall be calculated so as to recover the cost of administration and enforcement of this Section 17.112.180, including, but not limited to, issuing a Conditional Use Permit, administering this Conditional Use Permit program, significant tobacco retailer inspection and compliance checks, documentation of violations, prosecutions of violations, but shall not exceed the cost of the regulatory program authorized by this Section 17.112.180. Such fees shall be nonrefundable except as may be required by law.
2. The City may seek recovery of its costs of enforcement against and abatement of violations of this Section 17.112.180.
3. Compliance with this Section 17.112.180 shall be monitored by the Code Enforcement Division and the El Monte Police Department or any sworn peace officer.
5. The proprietor(s) shall be responsible for all violations of this Section 17.112.180 whether or not said violations occur within the proprietor(s)'s presence.
6. Causing, permitting, aiding, abetting, or concealing a violation of this Section 17.112.180 shall also constitute a violation of this Section 17.112.180. Accordingly, it is a violation of this Section 17.112.180 for any proprietor, employee, or any person having responsibility over the operation of a significant tobacco retailer to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings, or documents required to be maintained by a significant tobacco retailer under this Section 17.112.180.
8. Violation of this Section 17.112.180 is hereby declared to be a public nuisance.
9. Violation of this Section 17.112.180 at any time may result in the modification or revocation of a Conditional Use Permit.
10. Violation of this Section 17.112.180 is subject to a civil action brought by the City Prosecutor or the City Attorney and is subject to an administrative fine as established by resolution of the City Council.
11. In addition to other remedies provided by this Section 17.112.180 or by other law, violation of this Section 17.112.180 may be remedied by a civil

action brought by the City Attorney, including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

13. Violation of this Section 17.112.180 may, in the discretion of the City Prosecutor, be prosecuted as infractions or misdemeanors when the interests of justice so require.
14. For the purposes of remedies sought for any violation of this Section 17.112.180, the following shall constitute a separate violation of this Section 17.112.180: (a) each day on which a product is offered for sale in violation of this Section 17.112.180 or (b) each individual retail product that is distributed, sold, or offered for sale in violation of this Section 17.112.180.
15. The remedies provided by this Section 17.112.180 are cumulative and in addition to any other remedies available at law or in equity.
16. Whenever evidence of a violation of this Section 17.112.180 is obtained in any part through the participation of a person under the age of eighteen (18) years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

F. Promulgation of Regulations, Standards, and Other Legal Duties.

1. The City Council is authorized to establish any additional rules, regulations, and standards governing the issuance, denial, or renewal of significant tobacco retailer Conditional Use Permits and tobacco retailer's permit, the ongoing operation of significant tobacco retailers and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Section 17.112.180.

SECTION 11. The City Council finds that the actions contemplated by this Ordinance are categorically exempt from the California Environmental Quality Act under Section 15061(b)(3), under the "Common Sense" exemption, because the Ordinance does not approve any development or construction and any future project would be subject to future CEQA reviews therefore no further action is required under CEQA.

SECTION 12. Any provision of the City Municipal Code or appendices thereto, inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 13. If any provision, section, paragraph, sentence, phrase, or word of this Ordinance is rendered or declared invalid, illegal, or unconstitutional by any final

action in a court of competent jurisdiction or by reason of any preemptive legislation, such unconstitutionality, illegality, or invalidity shall only affect such provision, section, paragraph, sentence, phrase, or word and shall not affect or impair any remaining provisions, sections, paragraphs, sentences, phrases, or words, or the application of this Ordinance to any other person or circumstance, and to that end, the provisions hereof are severable. It is hereby declared to be the intention of the City Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision, section, paragraph, sentence, phrase, or word not been included herein.

SECTION 14. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in accordance with Section 36933 of the State Government Code, and shall cause this Ordinance and its certification, together with proof of the publication, to be entered in the Book of Ordinances of the City of El Monte.

SECTION 15. This Ordinance shall take effect thirty (30) days after its adoption pursuant to Section 36937 of the State Government Code.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this ___day of _____ 2026.

Jessica Ancona
Mayor of the City of El Monte

ATTEST:

Gabriel Ramirez
City Clerk of the City of El Monte
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Gabriel Ramirez, City Clerk of the El Monte, County of Los Angeles, State of California, do hereby certify that the above and foregoing is a full, true, and correct copy of Ordinance No. _____ introduced and adopted by the City Council of the City of El Monte, at a regular meeting by said Council held on _____, 2026, by the following votes to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Gabriel Ramirez
City Clerk of the City of El Monte

**CITY OF EL MONTE PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

**Hablamos Español favor de hablar con
Jeni Colon (626) 258-8626**

TO: All Interested Parties

FROM: City of El Monte Community & Economic Development Department

LOCATION: Citywide

REQUEST: The Planning Commission of the City of El Monte will hold a public hearing to consider a Code Amendment (AMEND 3-2026) to amend Section 17.112.180 (Significant Tobacco Retailers) of Chapter 17.112 (Standards for Specific Nonresidential Uses); Section 17.150.080 (Retail and office uses) of Chapter 17.150 (Use Definitions); Sections 8.10.130 (Enforcement), 8.10.120 (Tobacco retailing without a permit), and 8.10.110 (Suspension/revocation of permit) of Chapter 8.10 (Retail Sales of Tobacco Products) of the El Monte Municipal Code. This Ordinance will establish further regulations for Significant Tobacco Retailers, as defined and on the retail sales of tobacco in the City.

APPLICANT: City of El Monte

ENVIRONMENTAL DOCUMENTATION:

Pursuant to the California Environmental Quality Act ("CEQA") (Pub. Res. Code § 21000 *et seq.*) and CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*) the proposed Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it is reasonably foreseeable that the adoption of the proposed Ordinance would not result in a physical change in the environment, either directly or indirectly. Therefore, no additional environmental analysis is required.

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, February 10, 2026
Time: 7:00 p.m.
Place: El Monte City Hall
City Hall East – Council Chambers
11333 Valley Boulevard
El Monte, CA 91731

Members of the public wishing to observe the meeting may do so in one of the following ways:

- (1) Attend the meeting in person at the City's Council Chambers; or
- (2) City's website at <http://www.elmonteca.gov/378/Council-Meeting-Videos>.

Members of the public wishing to make public comment may do so in one of the following ways:

- (1) In person by attending the public hearing at the date, time, and place specified above; or

(2) E-mail – All interested parties can submit questions/comments in advance to the Planning Division’s general e-mail address: planning@elmonteca.gov. All questions/comments must be received by the Planning Division no later than 3:00 pm on February 10, 2026.

The staff report on this matter will be available on or about February 5, 2026, on the City of El Monte website, which may be accessed at <https://www.ci.el-monte.ca.us/170/Planning-Commission> or by e-mailing selias@elmonteca.gov.

Americans With Disabilities Act : In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk’s Office by calling (626) 580-2016. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Persons wishing to comment on the environmental documentation or proposed application may do so in writing prior to the meeting date and must be received by 3:00 p.m., the day of the meeting. Public Comments of no more than 3-minutes shall be read into the record. Written comments shall be sent to Sandra Elias; El Monte City Hall West; 11333 Valley Boulevard; El Monte, CA 91731 or at selias@elmonteca.gov. If you challenge the decision of the City Planning Commission, 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 Sandra Elias at (626) 258-8621. Monday through Thursday, except legal holidays, between the hours of 7:00 a.m. and 5:30 p.m.

PUBLISHED DATE: Monday, January 19, 2026, by Sandra Elias, Planning Commission Secretary