

ORDINANCE NO. 2883

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL MONTE AMENDING PORTIONS OF TITLE 15 (BUILDINGS AND CONSTRUCTION) AND TITLE 17 (ZONING) OF THE EL MONTE MUNICIPAL CODE TO REDUCE LIMITATIONS ON NONCONFORMING PROPERTIES WITHOUT NEGATIVELY IMPACTING SURROUNDING USES, COMPLETE ZONING AND GENERAL PLAN MAP AMENDMENTS, AND MAKE OTHER CLEAN-UP AMENDMENTS AND ADOPTING AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

WHEREAS, from time to time it is necessary to update sections of the City of El Monte Municipal Code to ensure consistency with current practices, clarify ambiguous requirements, and correct errors in the text; and

WHEREAS, the City of El Monte (the "City") has a large percentage of non-conforming properties and this severely restricts how owners are permitted to improve or expand their properties; and

WHEREAS, in December 2014, staff completed a review of properties impacted by the 2012 zone changes; and

WHEREAS, in 2012, approximately 2,500 properties had their zoning designations changed, representing about 15 percent of all of the properties in the City, the majority of which were commercial or multi-family parcels; and

WHEREAS, the proposed code amendments seek to: (i) provide some relief to these non-conforming properties in a way that is harmonious with surrounding uses; (ii) complete other "cleanup" items; and (iii) correct 18 areas of the existing Zoning and General Plan maps, which are erroneous; and

WHEREAS, An Initial Study (IS) and Mitigated Negative Declaration (MND), in compliance with the requirements of the California Environmental Quality Act (CEQA), was completed and circulated for public review. The evaluation determined that either no impact or less than significant impacts would be associated with the issues of agricultural and forestry resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population/housing, public services, recreation, and utilities/service systems. The issues of aesthetics, noise, and transportation/traffic require implementation of mitigation measures to reduce impacts to a less than significant level. The mitigation measures are all requirements already found in other sections of the Municipal Code, within standard conditions, or as part of the City's Code Enforcement program.

WHEREAS, the Planning Commission of the City of El Monte reviewed the proposed amendments at a special meeting of held December 17, 2015; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on March 22, 2016 concerning the prospective recommendation set forth herein at which evidence, both written and oral, was presented and at which the Planning Commission recommended approval and adoption of the Code Amendments; and

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091.

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 herein by reference.

**SECTION 2.** The definition of "Art Coordinator," as defined in Section 15.07.020 (Definitions) of Chapter 15.07 (El Monte Art in Public Places Program) of Title 15 (Buildings and Construction) of the El Monte Municipal Code is amended to read as follows:

"Art Coordinator" means a person designated by the Economic Development Director who shall review and evaluate all applications submitted pursuant to this chapter; work with project applicants to develop and refine art work proposals; and make recommendations to the Art in Public Places Advisory Committee.

**SECTION 3.** The definition of "Planning Division," as defined in Section 15.07.020 (Definitions) of Chapter 15.07 (El Monte Art in Public Places Program) of Title 15 (Buildings and Construction) of the El Monte Municipal Code is amended to read as follows:

"Planning Division" means the El Monte Planning Division of the El Monte Economic Development Department.

**SECTION 4.** The definition of "Art work," as defined in Section 15.07.020 (Definitions) of Chapter 15.07 (El Monte Art in Public Places Program) of Title 15 (Buildings and Construction) of the El Monte Municipal Code is amended to read as follows:

"Art work" means means original creations of art, including, but not limited to, the following categories; sculpture, murals, mosaic, and fountains. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile, and stone, as well as other materials deemed suitable under the program guidelines established by the Economic Development Director

**SECTION 5.** The first standalone paragraph of Section 15.07.050 (Guidelines for Art Work) of Chapter 15.07 (El Monte Art in Public Places Program) of Title 15 (Buildings and Construction) of the El Monte Municipal Code is amended to read as follows:

Subject to approval by the City Council, the El Monte Economic Development Department shall develop and establish guidelines for the construction, approval and maintenance of art works. For the purposes of this chapter such guidelines shall be referred to elsewhere in this chapter as the "city guidelines." The city guidelines shall include, but are not limited to, the following criteria:

**SECTION 6.** Subsection I of Section 15.07.050 (Guidelines for Art Work) of Chapter 15.07 (El Monte Art in Public Places Program) of Title 15 (Buildings and Construction) of the El Monte Municipal Code is amended to read as follows:

- I. Prior to the issuance of building permits, the property owner shall execute and record with the Registrar-Recorder/County Clerk for the county of Los Angeles, covenants, conditions and restriction in the form and content approved by the Economic Development Director and the City Attorney providing, among other things: (1) that the property owner, its successor and assigns and all subsequent owners of the underlying real property shall maintain the art work as required by subsection G of this section; (2) that the owner shall indemnify, defend and hold the city, its elected and appointed officials, officers, employees, volunteers and related parties harmless from any and all claims or liabilities arising out of the art work; and (3) that owner shall provide the City Clerk's office with a certificate of public liability insurance naming the city as an additional insured including such coverage and liability limits as may be specified by the Economic Development Director;

**SECTION 7.** Subsection C of Section 15.07.060 (Processing) of Chapter 15.07 (El Monte Art in Public Places Program) of Title 15 (Buildings and Construction) of the El Monte Municipal Code is amended to read as follows:

- C. The Planning Division shall, upon receipt of the application, submit the application to the Art Coordinator. The Art Coordinator shall review each project applicant's initial art work proposal; work with each project applicant to modify and/or refine each art work proposal to ensure its conformity with the city guidelines and to maximize its aesthetic compatibility with its anticipated surroundings; and make recommendations on each art work application based on his or her determinations. The Art Coordinator, in consultation with Economic\_Development staff, shall also ascertain the required value of the art work and the required amount of in-lieu fees in the event the project applicant elects to pay such fees as an alternative to the installation of art work.

**SECTION 8.** Subsection H of Section 15.07.060 (Processing) of Chapter 15.07 (El Monte Art in Public Places Program) of Title 15 (Buildings and Construction) of the El Monte Municipal Code is amended to read as follows:

- H. In the event the City Council has approved an art work proposal but the art work itself cannot be completed before the completion of the overall private project, the project applicant may request that a certificate of occupancy be issued absent installation of the art work, provided the project application first submits to the El Monte Economic\_Development Department a cashier's check in an amount equivalent to the required value of the art work. The Economic\_Development Department shall hold the funds in trust until the art work is completed, permanently installed and inspected for compliance with this chapter. As an additional condition to the issuance of a certificate of occupancy pursuant to this subsection, the project applicant shall be required to execute a three (3) party written agreement between the project applicant, the proposed artist and the city of El Monte regarding the artist's payment plan, using the funds held in trust by the Economic\_Development Department. The agreement shall provide that the city will be authorized to determine the final location of the art work, should there be any complications over the arrangement. Should the art work not be installed after six (6) months from the issuance of a certificate of occupancy, the city shall control the decision-making regarding the funds in trust and completion of the public art work. Any project applicant who is issued a certificate of occupancy pursuant to this subsection, must install the approved art work no later than six (6) months from the date the certificate of occupancy is issued. Nothing in this subsection shall preclude the city from denying a certificate of occupancy pursuant to provisions of the El Monte Municipal Code and/or state law unrelated to the subject matter of this chapter.

**SECTION 9.** Section 15.07.070 (Art in Public Places Advisory Committee) of Chapter 15.07 (El Monte Art in Public Places Program) of Title 15 (Buildings and Construction) of the El Monte Municipal Code is amended in its entirety to read as follows:

Section 15.07.070 – Art in Public Places Advisory Committee

- A. The Art in Public Places Advisory Committee (the "Advisory Committee") is a review panel charged with reviewing art in public places applications; evaluating the art work recommendations of the Art Coordinator with the aim of insuring that all art work criteria established pursuant to this chapter, including the city guidelines, are met; and making recommendations to the City Council as to each art in public places application. The Advisory Committee shall review the applications and examine the proposals for public safety, weather resistance, balance within the program, verification of value, public response, proper lighting, public accessibility, installation methods, proportion, composition, the artist's previous experience on monumental scale sculpture, the artist's art training and exhibition record, and the art works

aesthetic compatibility with its anticipated surrounds. The Committee, shall consist of:

1. One representative member of the El Monte Planning Commission;
2. One representative member of the El Monte Cultural Affairs Commission;
3. One representative member of the El Monte veterans and Homeless Affairs Commission; and
4. Two (2) El Monte residents appointed by the City Council who shall serve as public representatives.

Where commissioners are found to be inactive, a second member of the Planning Commission and/or an additional resident may be appointed

- B. The five (5) commission representatives to the Advisory Committee shall be appointed by the Mayor, subject to approval by the City Council, pursuant to Government Code Section 40605. Members of the Commissions shall be reappointed annually; residents shall be reappointed bi-annually.
- C. The El Monte Economic\_Development Department and the Art Coordinator shall be responsible for providing administrative, investigative and advisory support to the Advisory Committee. The presence of at least three (3) Advisory Committee members at any regular, adjourned or special meeting of the Advisory Committee shall constitute the minimum quorum necessary to conduct business and take action.

**SECTION 10.** Subsection A of Section 15.07.080 (Art in Public Places Fund) of Chapter 15.07 (El Monte Art in Public Places Program) of Title 15 (Buildings and Construction) of the El Monte Municipal Code is amended to read as follows:

- A. Accounting. Any moneys collected in accordance with the in-lieu contributions provisions of this chapter shall be deposited in a separate account denominated as the "Art in Public Places Fund." The El Monte Economic Development Department in cooperation with the El Monte Finance Division shall establish accounting records sufficient to identify and control these funds. The account containing these funds shall earn interest and the earned interest shall be used for and be subject to the same restrictions established in subsection B of this section.

**SECTION 11.** Subsection D of Section 15.07.080 (Art in Public Places Fund) of Chapter 15.07 (El Monte Art in Public Places Program) of Title 15 (Buildings and Construction) of the El Monte Municipal Code is amended to read as follows:

D. Administration.

1. The art in public places fund shall be administered jointly by the El Monte Economic Development Department and the El Monte Finance Division.
2. The Advisory Committee shall make recommendations to the City Council concerning the purchase or commissioning of art works with art in public places funds, including:
  - a. Places which should be considered for art work;
  - b. The medium of the proposed art work; and
  - c. The artist whose work should be considered for placement in the recommended location.
3. Selection of artists and art works shall be based on the guidelines to be established pursuant to Section 15.07.050 of this chapter.

4. The city will contract with the artist and with consultants as necessary for the purchase or commissioning as well as the execution and installation of the art work.
5. On-site activity in connection with the art work installation shall be coordinated by the Economic Development Director or his or her designee under the supervision of the City Manager and the Assistant City Manager.
6. Maintenance and repair of art work funded through the art in public places fund shall be financed from that account.
7. So far as is practical, in the event repair of the art work is required, the city shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is unable or refuses to make the repair for such a fee, the city may proceed to contract for such repair with another qualified artist.

**SECTION 12.** Subsection D of Section 17.06.070 (Accessory building regulations) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

- D. Bathrooms are permitted as part of an accessory structure located in R1-A, R1-B, and R1-C zones, provided that all of the following conditions are met:
1. The lot is a minimum of 12,000 square feet;
  2. The lot contains a swimming pool and the bathroom would service those using this pool;
  3. The bathroom does not contain a bathtub. Only a toilet, shower and sink are permitted;
  4. The bathroom is a maximum of 40 square feet;
  5. The property is developed with only one single family dwelling. The property may not be part of a Planned Residential Development or contain a second unit as defined in Section 17.06.165 or have a legal non-conforming guest house with a kitchen or bathroom;
  6. The bathroom structure is consistent with the design of the dwelling and complies with all other requirements of Section 17.06.070;
  7. The bathroom facility shall be removed if and when the accompanying swimming pool is removed; and
  8. A covenant is signed and recorded against the property by the property owner stating that structure will not be converted to a sleeping/living quarter.

**SECTION 13.** Section 17.06.085 (Floor area ratio) of Chapter 17.06.070 (Accessory building regulations) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

The maximum gross floor area for a single-family dwelling or for any buildings used for dwelling purposes when located on any lot or parcel, excluding garage and similar accessory structures, shall not exceed the floor area ratio specified in the following subsection:

1. R1-A	=	0.35
2. R1-B, R-1C	=	0.35 for properties with a lot size of up to 10,000 square feet; 0.30 or 3,500 square feet, whichever is greater, for properties with a lot size of 10,001 to 15,000 square feet;

		0.25 or 4,500 square feet, whichever is greater, for properties with a lot size of 15,001 to 20,000 square feet; and  0.20 or 5,000 square feet, whichever is greater, for properties with a lot size of 20,001 square feet or greater.
4. R-2	=	0.35 for lots less than 10,000 square feet; and 0.40 for lots greater than 10,000 square feet
5. R-3	=	0.35 for lots less than 9,500 square feet; and 0.40 for lots greater than 9,500 square feet
6. R-4	=	0.35 for lots less than 9,500 square feet; and 0.40 for lots greater than 9,500 square feet

A. Maximum allowable floor area ratio in specified zone:

**SECTION 14.** Section 17.04.020 (Definitions) of Chapter 17.04 (Definitions) of Title 17 (Zoning) of the El Monte Municipal Code is amended by the addition of the following definition and editor's note:

"Planning Services Manager" shall mean and refer to the City Planner. [Editor's note: Such definition shall apply to any and all references to the "Planning Services Manager" throughout this Code.]

**SECTION 15.** Section 17.08.040 (Parking stall size) of Chapter 17.08 (Parking Requirements) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

A. Open stalls	The minimum size for each space shall be not less than eight (8) feet six (6) inches in width by eighteen (18) feet in length.
B. Enclosed stalls	The minimum size for each enclosed parking space shall be not less than 10 feet in width by 20 feet in length.
C. Open spaces adjacent to walls in excess of 30 inches in height	Increase above stall width by 2 feet.
D. Space over-hanging landscaping	May be reduced by 2 feet with a minimum 7-foot wide planter.
E. Turning radius and aisle width	See city of El Monte parking standards sheet, as amended from time to time by resolution of the Planning Commission.

**SECTION 16.** Subsection B of Section 17.08.070 (Driveways) of Chapter 17.08 (Parking Requirements) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

B. Ingress/egress for commercial or industrial uses shall be not less than twenty-five (25) feet in unobstructed width. Along major arterials, as designated in the Circulation Element of the General Plan, the minimum shall be increased to thirty (30) feet.

**SECTION 17.** Section 17.08.080 (Handicapped parking and access) of Chapter 17.08 (Parking Requirements) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

Handicapped parking shall be provided in accordance with the following requirements:

Total Spaces Required	Handicapped Stalls Required
1—40	1
41—80	2
81—120	3
121—160	4
161—300	5

Spaces shall be not less than nine (9) feet wide, with a five (5) foot wide landing, by eighteen (18) feet in length. Additionally, the project must comply with all applicable handicapped parking requirements of the State of California Building Code, Title 24 and the Americans with Disabilities Act.

**SECTION 18.** Section 17.08.090 (Parking requirements for specific land uses) of Chapter 17.08 (Parking Requirements) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

Auditorium/multi-purpose room	1 space per 75 square feet of usable assembly area.	
General retail/office	1 space per 250 square feet of floor area for the first 20,000 square feet of gross floor area, 1 space per 400 square feet of floor area for the next 30,000 square feet of gross floor area and 1 space per 500 square feet of floor area after the first 50,000 square feet.	
Group occupancies	1 space per 2 guest rooms in rooming houses and dormitories.	
Health institution	1 space per 500 square feet of gross floor area for office/administrative use plus 0.5 spaces per bed, for hospitals, sanitariums, convalescent homes and homes for the aged.	
Hotel/motel	1 space shall be provided for each living or sleeping unit of each auto court, tourist court, motel, hotel or other transient occupancy.	
Indoor entertainment	1 space per 3 seats for movie theaters or 1 space per 75 square feet of usable floor area for other uses where no fixed seating is provided (dance halls, clubs, etc.)	
Industrial/warehouse	Square Feet of GFA	Parking Ratio
	Up to 5,000	1 to 400 = 13
	5,001 to 10,000	1 to 500 = 10

	10,001 to 25,000	1 to 750 = 20
	25,001 and up	1 to 1,500
	(This is a cumulative requirement: for example a 25,000 sf building requires 13 + 10 + 20 = 43 spaces)	
	(Offices not occupying more than 25% of the total floor area are counted as industrial/warehouse space)	
Off-street loading	For nonresidential uses, one 15-foot by 25-foot space shall be required for every building over 25,000 square feet, 1 full size loading space (15 feet wide, 40 feet long with a 14-foot clearance) per 25,000 square feet of gross floor area shall be required. Full size loading spaces shall be screened from view of adjacent streets.	
On-sale liquor establishment	1 space per 50 square feet of gross floor area.	
Outdoor display	1 space per 2,500 square feet of open area devoted to display, rental or sales. A minimum of 2 off-street spaces shall be required. This requirement applies, but is not limited to, plant nurseries, garden centers, equipment rentals and contractor storage yards.	
Religious institution	1 space per 40 square feet of main assembly area. Additional spaces are required at a rate of 1 space per additional 250 square feet of gross floor area or portion thereof.	
Residential second unit	In addition to the required parking for the principal dwelling, a minimum of 2 uncovered off-street parking spaces shall be provided for an attached or detached residential second unit. The parking spaces shall be adjacent to the second unit or to the existing enclosed parking structure provided for the principal dwelling. The parking spaces may be provided in tandem with each other or at a location approved by the City Planner. Access to and from all required enclosed and open parking spaces for the principal dwelling as well as the residential second unit shall not block one another and be accessible at all times. No parking shall be permitted within the front setback area.	
Residential use:		
R-1A	2 parking spaces within a fully enclosed garage for the first 1,200 square feet of gross floor area. A 3-car garage is required for a dwelling unit with an area of 1,200—1,500 square feet. For units greater than 1,500 square feet of gross floor area additional parking spaces are required at a rate of 1 space per each additional 300 square feet of gross floor area or portion thereof.	
R-1B & R-1C	Two (2) parking spaces within a fully enclosed garage for the first 2,000 square feet of gross floor area. A three-car garage is required for a dwelling unit with a gross floor area greater than 2,000 square feet or having more than four bedrooms. For units with more than four bedrooms, one open parking space shall be required for each bedroom after the first four	

	bedrooms.
R-2, R-3, R-4	2 parking spaces within a fully enclosed garage for the first 1,200 square feet of gross floor area. Additional parking spaces are required at a rate of 1 space per each additional 300 square feet of gross floor area or portion thereof. For multi-family developments of 10 or more units in R-3 and R-4 zones, ten (10) percent of the total required parking shall be reserved for guest parking.
	Furthermore, for all residential zones all garages shall have an automatic garage door opener. For single-family homes, either on separate lots or within a planned development, the additional spaces may be located on the garage apron for the dwelling unit provided that the space does not interfere with the common driveway and each additional space is a minimum of 9 feet wide and twenty (20) feet deep.
Restaurant	1 space per 150 square feet of gross floor area.
Self-storage	Parking shall be provided along 30-foot-wide parking/driving lanes adjacent to the storage buildings and a minimum of 10 spaces adjacent to the leasing office.
Senior housing	1.0 spaces per unit for developments of 30 units or less. For developments of 31 units or more, the parking shall be 0.5 spaces per dwelling unit, or 30 space, whichever is greater. For developments of 10 or more units, ten (10) percent of the total required parking shall be reserved for guest parking.
Very low and low income housing units	1.0 space per very low or low income unit. This parking ratio only applies to those units which are designated for very low or low income. For developments of 10 or more units, ten (10) percent of the total required parking shall be reserved for guest parking.
Vehicle related use:	
Auto repair	1 space per 300 square feet of gross floor area.
Auto sales/leasing	1 space per 500 square feet of gross floor area of building plus 1 space per 2,500 square feet of outdoor display and storage area.
RVs and related	1 space per 500 square feet of gross floor area plus 1 space per 2,500 square feet of outdoor display and storage area.

**SECTION 19.** Section 17.08.100 (Parking requirements for specific land uses) of Chapter 17.08 (Parking Requirements) of Title 17 (Zoning) of the El Monte Municipal Code is amended by the addition of Subsection F, which shall read as follows:

F. See also Section 17.14.90 – Parking and Expansion or Remodeling of Structure, or Change in Use in the Nonconforming Provisions, Chapter 17.14.

**SECTION 20.** Section 17.14.020 (Definitions) of Chapter 17.14 (Nonconforming Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

"Nonconforming building or structure" means a building or structure which was lawful when brought into existence, but because of subsequent amendment to this chapter, or annexation into the city, could not be built because of restrictions on area, lot coverage, height, yards, setbacks, parking, design requirements, location on a lot, type or construction, or other similar requirements concerning the structure.

"Nonconforming land" means a use which was lawful when brought into existence, but by reason of subsequent amendment to this chapter, or annexation into the city, no longer conforms to the requirements for the district in which it is located.

"Nonconforming lot" means a lot the area, dimension or location of which was lawful when brought into existence, but by reason of subsequent amendment to this title, or annexation into the city, no longer conforms to the minimum lot size requirements.

"Nonconforming use" means the use of a property that was allowed under the zoning regulations at the time the use was established but which, because of a subsequent change in the zoning regulations, is no longer a permitted use or now requires a conditional use permit.

**SECTION 21.** Subsection D of Section 17.14.030 (Nonconforming buildings or structures) of Chapter 17.14 (Nonconforming Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

D. When a nonconforming building or structure is abandoned or vacated for a continuous period of 12 months (365 days) or more, except for massage establishments, any subsequent use of the property shall conform to the regulations of the district in which the property is located. In order for the business to prove continued operation, the business must submit a valid City business license for the entire period in question, and may be supported by the following evidence subject to the review and approval by the City Planner:

1. Receipts, invoices, payments, bank statements and other accounting records showing accounts payable and receivable for entire period in question. These must show actual and continuous business activity. These may be redacted to protect confidentiality of business clients or business bank account or credit card numbers; and/or
2. Utility bills showing service to the specific business for the entire period in question.

**SECTION 22.** Section 17.14.030 (Nonconforming buildings or structures) of Chapter 17.14 (Nonconforming Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended by addition of Subsection F, which shall read as follows:

F. Accommodation of Disabilities. An adjustment of any zoning regulation where the adjustment is necessary to allow improvements to an existing building or property in order to provide reasonable accommodations to individuals with disabilities. This adjustment is not available in the case of new buildings, demolitions and rebuilds, or additions where the proposed construction precludes a reasonable accommodation that would not require an adjustment.

1. Parking Amendments. The conversion of an existing parking space to an accessible parking space or access aisle for an accessible parking space does not require an adjustment of the parking requirement, even if the conversion results in fewer parking spaces on the lot than required under Chapter 17.08 as long as the accessible parking requirement is not triggered by a change of use or an expansion of the existing use.
2. Setback, Open Yards and Distance Between Main Buildings Encroachments. An adjustment of setback, lot area, floor area, street frontage, open yard, outdoor living space, or distance between buildings; requirements where the adjustment is consistent with the purposes and

intent of this title, and is necessary to: (a) secure an appropriate improvement on a lot; (b) prevent unreasonable hardship; (c) promote uniformity of improvement; or (d) the adjustment is necessary to comply with the Americans with Disabilities Act and/or California Code of Regulations, Title 24, requirements.

**SECTION 23.** Section 17.14.030 (Nonconforming buildings or structures) of Chapter 17.14 (Nonconforming Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended by addition of Subsection G, which shall read as follows:

G. Reasonable Accommodation Process.

1. Director. The Economic Development Director, or designee, may permit an adjustment in accordance with Subsections (F)(1) and (2), if the Director, or designee, finds that
  - a. The requested adjustment is not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, plot plan, or any other matter which requires approval of the Planning Commission. If the adjustment is part of one of these entitlements, then the accommodation will be reviewed by the Planning Commission;
  - b. If granted, the adjustment would not significantly affect persons or property owners other than those entitled to notice; and
  - c. The adjustment is solely for the purpose of accommodating ADA and/or California Code Regulations, Title 24 requirements to comply with accessibility requirements.

**SECTION 24.** Subsection D of Section 17.14.050 (Nonconforming uses) of Chapter 17.14 (Nonconforming Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended to shall read as follows:

- D. When a nonconforming use of a structure or land is discontinued or abandoned for a continuous period of 12 months (365 days) or more except for massage establishments, mere any subsequent use shall conform to the regulations of the district in which the property is located. In order for the business to prove continued operation, the business must submit a valid City business license for the entire period in question, and may be supported by the following evidence subject to the review and approval by the City Planner:
  1. Receipts, invoices, payments, bank statements and other accounting records showing accounts payable and receivable for entire period in question. These must show actual and continuous business activity. These may be redacted to protect confidentiality of business clients or business bank account or credit card numbers; and/or
  2. Utility bills showing service to the specific business for the entire period in question.

**SECTION 25.** Section 17.14.050 (Nonconforming uses) of Chapter 17.14 (Nonconforming Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended by additions of Subsection E and Subsection F, which shall read as follows:

- E. Transitional Uses. In order to permit some flexibility with existing commercial and manufacturing uses located in residential zones, certain neighborhood servicing uses may be permitted upon approval of a Conditional Use Permit. These are listed as "transitional uses" in Section 17.24.040.
  1. Transitional uses are limited to offices, businesses or professional offices or neighborhood serving uses. A neighborhood-serving use primarily serves nearby individual consumers and households and businesses, is generally pedestrian in design, and does not generate noise, fumes or

truck traffic greater than that typically expected for uses with a local customer base.

2. These uses would be allowed with CUP and could continue in perpetuity.
  3. These transitional uses are conditionally permitted in addition to all other uses already permitted in the zone.
  4. If the commercial use converts to a residential use or other conforming use, it cannot thereafter convert to a nonconforming commercial use.
  5. The conditional use permit may limit signage and hours of operation and hours of operation among other standards. Minor renovations to the building, including doors, windows, and facades, are permitted to accommodate neighborhood uses, but no additional square footage shall be permitted.
  6. Parking allowances are permitted pursuant to section 17.14.090.C
  7. This section applies to existing structures only; new build projects must adhere to current applicable zoning.
  8. Applications for conditional use permits to allow transitional uses will only be accepted up to December 31, 2025. Thereafter, the property must comply with the current zoning and a conditional use permit will not be accepted
- F. Multi-Tenant Buildings. If an existing, nonconforming multi-tenant commercial and industrial building has vacancies of up to 50% of the total gross square footage of the multi-tenant building, then permit the vacant units to be occupied by the most recently occupied use. This is permitted with a zone clearance. If an existing, nonconforming multi-tenant commercial building has vacancies over 50% of the total gross square footage of the multi-tenant building, then the multi-tenant building must convert to the current regulations of the zone related to those uses or provide uses pursuant to Sections 17.24.040 and 17.14.050.E above.

**SECTION 26.** Section 17.14.060 (Repairs and Maintenance) of Chapter 17.14 (Nonconforming Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

Section 17.14.060 – Repairs and Maintenance

On any nonconforming structure, or on any nonconforming structure containing a nonconforming use, routine maintenance work may be performed, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may take place; provided, that the value of repair or replacement work during any five (5) year period does not exceed fifty (50) percent of the replacement cost of the whole structure; and provided further, that the square footage of the structure, whether conforming or nonconforming, shall not be increased. In addition, no more than fifty percent (50%) of the bearing walls may be repaired and/or replaced as part of repair and maintenance work for the structure.

**SECTION 27.** Chapter 17.14 (Nonconforming Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended by the addition of the following Section 17.14.090 (Parking and Expansion or Remodeling of Structure, or Change in Use) to read as follows:

Section 17.14.090 (Parking and Expansion or Remodeling of Structure, or Change in Use)

- A. When the use of a structure changes to a use that is required to have the same number of parking spaces as the immediately previous use, no additional parking spaces shall be required for the new use, regardless of the

number of spaces actually provided by the previous use; provided that the previous use was legally established and the number of spaces has not decreased. For example, for a new restaurant going into a site where a previous restaurant existed. The new restaurant requires 20 spaces but the old restaurant only had 10 spaces. The new restaurant can open with only 10 spaces.

- B. When the floor area of an existing use is increased, additional parking spaces shall be provided on-site as required by this chapter only for the additional gross floor area. This applies to expansions that are a maximum of 50% of the original floor area. Any expansion greater than 50% requires the use to conform to current parking standards. For example, if a restaurant expands its floor area by 500 sf, then they would need to provide additional parking for the 500 sf., no matter how many spaces existed for the original structure.
- C. Parking Allowance for Transitional Uses, pursuant to Section 17.24.040, and subject to the approval of a conditional use permit. Transitional uses are permitted a 25% parking reduction over the required number of spaces for the transitional use. A 26-50% reduction can be approved by the Planning Commission if substantiated by a parking study. Options for allowing this reduction include, but are not limited to, tandem parking, shared off-site parking, limitation of transitional uses to low impact uses, limitation of hours of operation, partial demolition of existing building and any other method that can be substantiated by a parking study prepared by a licensed traffic engineer or transportation professional.
- D. When a new trash enclosure is required the applicant must seek all feasible locations before considering removing required on-site parking to accommodate the new trash enclosure.
- E. Nonconforming parking or loading. An existing use of land shall not be deemed to be a nonconforming use simply because of the lack of off-street parking or loading facilities required by Chapter 17.08. However, a structure with nonconforming parking that increases the number of parking or loading spaces shall not thereafter reduce that number of spaces unless the number of spaces after the reduction complies with the minimum requirements of Chapter 17.08.

**SECTION 28.** Subsection C of Section 17.20.120 (Variances and modifications—Decision) of Chapter 17.20 (Nonconforming Provisions) 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 (12) month period. A fee in the amount of sixty dollars (\$60.00) shall be payable at the time of filing the written petition for any such extension.

**SECTION 29.** Section 17.20.120 (Variances and modifications—Decision) of Chapter 17.20 (Nonconforming Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended by the addition of the following Subsection D, which shall read as follows:

- D. Modifications and Variances shall be valid for twelve (12) months, ten (10) days after approval by the Planning Commission. Project approved with a subdivision would be valid for the life of the entitlement or map, whichever is greater.

**SECTION 30.** Subsection B of Section 17.20.160 (Modification Committee--General Provisions) of Chapter 17.20 (Nonconforming Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

- B. Membership. The Modification Committee shall consist of the Chairperson of the Planning Commission, or such member of the Planning Commission as the Chairman may from time to time designate; the Building Official or during his or her absence, disability or disqualification, his or her deputy so designated by him or her, and the Planning Services Manager, or during his or her absence, disability or disqualification, his or her deputy so designated by him or her.

**SECTION 31.** Section 17.22.020 (Applicability) of Chapter 17.22 (Design Review) of Title 17 (Zoning) of the El Monte Municipal Code is amended by the addition of Subsection E, which shall read as follows:

- E. Any new mixed-use with residential or multi-family residential development in the MMU zone.

**SECTION 32.** Section 17.22.070 (Time Period) of Chapter 17.22 (Design Review) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

- A. The construction authorized by the Design Review shall be valid for twelve (12) months, ten (10) days after the date of adoption of the City Planning Commission resolution. Projects approved with a subdivision would be valid for the life of the entitlement of map, whichever is greater.
- B. If the applicant has proceeded in good faith toward the implementation of the entitlement granted as determined by the City Planner, then the applicant may be granted an extension of the design review by the City Planning Commission prior to the expiration of the twelve (12) month period.

**SECTION 33.** Subsection A of Section 17.24.020 (Procedures) of Chapter 17.24 (Conditional Use Permits) of Title 17 of the El Monte Municipal Code is amended to read as follows:

- A. Application. Applications for conditional use permit shall be made on the appropriate form to the City Planning Commission. The City Planner shall determine the minimum filing procedures, content and form of materials which must be submitted before the City Planning Commission can review and take action on the conditional use permit request. The filing procedures and applications shall be published and made available to the public. No petition shall be received unless it complies with all city filing requirements. The City Planning Commission, or City Council on appeal, may at its discretion request additional information before rendering a decision. The applicant shall bear the burden of providing sufficient documents and exhibits that allow the City Planning Commission, or City Council upon appeal, to render a decision upon the application under consideration. Further, it is the responsibility of the applicant to certify the information contained therein.

**SECTION 34.** Subsection D of Section 17.24.020 (Procedures) of Chapter 17.24 (Conditional Use Permits) of Title 17 of the El Monte Municipal Code is amended to read as follows:

- C. Public Notice. Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the methods specified as follows:
  - 1. By publishing once in a newspaper of general circulation in the city;
  - 2. By mailing a notice, postage prepaid, to the applicant and to owners of all properties within three hundred (300) feet of the exterior boundaries of the

property involved in the application, using for this purpose, the last known name and address of such owners as shown upon the last assessment roll of the city;

- a. For applications filed for the approval of 1) boarding or rooming houses with seven (7) or more residents; 2) child family day care facility with fifteen (15) or more residents; 3) community care facility with seven (7) or more residents; 4) residential care facilities for the elderly with seven (7) or more residents; 5) correctional facilities in the MMU and any C-3 or less restrictive zone in accordance with Chapter 17.75; 6) emergency shelter (more than thirty (30) occupants in the M-1 zone as conditionally permitted by Sections 17.24.030 and 17.24.040; or 7) massage establishments (900) feet, this distance shall be increased to include owners of all properties within nine hundred (900) feet.

**SECTION 35.** Section 17.24.040 (Conditionally Permitted Uses in Specified) of Chapter 17.24 (Conditional Use Permits) of Title 17 of the El Monte Municipal Code is amended to read as follows:

The uses specified in the following subsections may be permitted in the zones indicated in this section upon the granting of a conditional use permit:

1. Adult day care program facilities with seven (7) or more residents in C-1 or less restrictive zones;
2. Adult entertainment establishments in accordance with El Monte Municipal Code Chapter 17.76;
3. Alcoholism or drug abuse recovery or treatment facilities with seven (7) or more residents in MMU, C-3 or less restrictive zones;
4. Animal Husbandry Products. Formal, supervised youth-oriented animal husbandry projects, sponsored, conducted or approved by the Future Farmers of America, Boy Scouts of America, Girl Scouts of America, Four-H Club, or any similar nonprofit organization, in any residential zone;
5. Arcades, billiard, pool or snooker halls in the MMU, C-3 or less restrictive zones;
6. Athletic clubs or health spas in the MMU, C-2 or less restrictive zones;
7. Auditoriums in the MMU, C-3 or less restrictive zones;
8. Automobile body and fender repair and painting in C-3 or less restrictive zones;
9. Automobile rental or automobile leasing in C-2 or less restrictive zones;
10. Automobile repair in C-2 or less restrictive zones;
11. Automobile service stations in C-2 or less restrictive zones;
12. Automobile storage garages, including servicing, in C-3 or less restrictive zones;
13. Automobile or truck wash, either mechanized or nonmechanized, in C-2 or less restrictive zones;
14. Automobile sales facility or new car dealers with used car sales, service, and outdoor motor vehicle display and storage only as ancillary uses of the new car dealership in the C-3 or less restrictive zones.;
15. Automobile sales of used cars, provided that such area is located and developed, as required in Chapter 17.62 of this title. These uses are conditionally permitted in the C-3 or less restrictive zones.;
16. Bowling centers in the MMU, C-2 or less restrictive zones;
17. Buffer uses in the MMU zone;
18. Cabaret dance in the MMU, C-3 or less restrictive zones;
19. Cafes in C-3 or less restrictive zones;

20. Cesspool pumping, draining or cleaning in the M-2 zone;
21. Churches, mosques, temples, synagogues, seminaries, temporary revivals or other places used for religious worship in any C, MMU or less restrictive zone;
22. Convention hall, trade show, exhibit building in MMU, C-2 or less restrictive zones;
23. Correctional facilities in the MMU and any C-3 or less restrictive zone in accordance with Chapter 17.75 (Correctional Facilities);
24. Emergency shelter (more than thirty (30) occupants) in the M-1 zone;
25. Drive-through facilities in the MMU and any C or M zone;
26. Entertainment establishments, including, but not limited to, dancing, karaoke, KTV, live music, miniature auto driving, miniature golf courses, movie theaters, performance art houses, etc., whether as a separate business or conducted as a part of a permitted use and whether open to the public or restricted to membership of a club in the MMU, any C-2 or less restrictive zone;
27. Equestrian establishments, stables or riding academies or schools in the MMU, C-3 or less restrictive zones;
28. Establishments or enterprises involving large assemblages of people or automobiles, including amusement parks, circuses, carnivals, expositions, fairgrounds, open-air theaters, race tracks, recreational and sports centers in the MMU or any C or less restrictive zone;
29. Garment manufacturing, limited to sewing machine operation, cutting and garment assembly in the C-3 zone;
30. Halfway houses, including facilities used to house released federal, state or local inmates or facilities used in conjunction with drug/alcohol treatment centers in the MMU or any C or M zone;
31. Impound yard in any M zone;
32. Kennels in any M zone;
33. Lodge halls, private clubs, and other establishments designed for meetings or catered events in the MMU, C-3 or less restrictive zones;
34. Mini-malls (subdivision of the floor area of a single business occupancy into multiple business occupancies) in C-1 or less restrictive zones;
35. Mobilehome or trailer parks in R-3 or less restrictive zones;
36. Motels/hotels in the MMU, C-2 or less restrictive zones;
37. Multiple-family residential development (three (3) or more units on a site/attached or detached/single-family or multiple-family) in the R-1B or less restrictive residential zones;
38. Multiple-tenant development in the C-1 or less restrictive zone, (for guidelines, see City Planning Commission Resolution No. 2021, adopted February 6, 1989) (Chapter 17.74 of this code);
39. New development or construction or occupancy of an industrial building in any M zones within one hundred fifty (150) feet of a residentially zoned or used property;
40. Off-sale beer, wine or liquor establishments, in MMU and C-1 or less restrictive zone (for guidelines, see City Planning Commission Resolution No. 1762, adopted March 4, 1985);
41. On-sale beer, wine or liquor establishments in MMU and C-2 or less restrictive zones if the perimeter of the lot or parcel of land upon which any portion of such business is conducted is located at least two hundred (200) feet from all properties zoned for, or in fact-used for residential purposes;
42. Outdoor advertising structures in C-3 or less restrictive zones, erected in conformance with Section 17.04.020 and Chapter 17.70 of this title;

43. Parking lots in the C-1 or less restrictive zone, if there is a charge for parking and the parking which is charged for is required parking for the uses on-site;
44. Public utility or public service buildings, structures and uses, except facilities which are located within the Northwest El Monte redevelopment project area and part of an environmental remediation program reviewed and approved by a regulatory agency in a C-3 or less restrictive zone, if designed and installed pursuant to City Council resolution;
45. Recycling facilities or centers, excluding small collection facilities, as defined in El Monte Municipal Code Chapter 17.04, in C-4 or less restrictive zones;
46. Residential uses or expansion of an existing dwelling unit by more than twenty-five (25) percent, or a maximum of 500 square feet, whichever is greater, of its current floor area in any C or M zone. Less than twenty-five (25) percent is permitted with a zone clearance;
47. Restaurants, as defined in Chapter 17.04 of this title, serving alcohol in MMU and C-2 or less restrictive zones;
48. Secondhand vendors and pawnshops in C-2 or less restrictive zones, provided that no other secondhand vendor or pawnshop shall be located within a one-thousand-foot radius of the property;
49. Senior housing developments in R-3 or less restrictive zones;
50. Signs over twenty-five (25) feet in height not otherwise prohibited by any provisions of this chapter in any C or M zone;
51. Single movie theaters or auditoriums (except drive-in theaters) with fixed seating accommodating more than two hundred fifty (250) persons, or multi-movie theater complex with fixed seating, each screening room with a minimum seating capacity of two hundred (200) persons in the MMU, any C-2 or less restrictive zone;
52. Skating rinks in the MMU, and any C-3 or less restrictive zone;
53. Self-storage facilities in C-2 or less restrictive zones;
54. Social rehabilitation facilities with seven (7) or more residents in C-3 or less restrictive zones;
55. Tattoo parlors or body piercing establishments in the MMU, C-3 or less restrictive zones;
56. Taxi service or passenger transportation services in C-3 or less restrictive zones;
57. Trade, business or professional schools in C-1 or less restrictive zones, if the facility is designed for an occupancy greater than ten (10) students;
58. Transitional uses pursuant to Sections 17.14.050.E. Offices, businesses, or professional offices or the following neighborhood serving uses:
  - a. Bakery products shops;
  - b. Financial Institutions;
  - c. Barber shops;
  - d. Beauty shops;
  - e. Confectionery stores;
  - f. Dressmaking or millinery shops;
  - g. Drug stores, with or without a prescription pharmacy;
  - h. Dry cleaning picks up store (self service Laundromats and dry cleaning plants are not permitted);
  - i. Dry goods or notions stores;
  - j. Florist shops;
  - k. Grocery, fruit and vegetable stores;

- i. Jewelry stores;
  - m. Meat markets or delicatessen stores;
  - n. Photographic shops;
  - o. Shoe stores or shoe repair shops;
  - p. Stationery or book stores;
  - q. Clothing or wearing apparel shops;
  - r. Tailor shop;
  - s. Accessory buildings necessary to any such use, located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons of the above stores or businesses; Live work uses pursuant to Chapter 17.45.090; and
  - t. Any other uses that are determined to be neighborhood serving by the City Planner.
59. Truck and trailer rental in C-3 or less restrictive zones;
60. Undertaking establishments and mortuaries in the MMU or any C or less restrictive zone;
61. Wedding chapels in any C-2 or less restrictive zone.

**Editor's note**— The reference, under prior subsection (53), to "Telecommunication equipment and facilities, including, but not limited to, television antenna, cellular telephone facilities, personal communication systems Support Structures, satellite antenna systems, etc. in any C or M zone" has been deleted in light of the promulgation of a new Chapter 17.82 (Wireless Facilities) which sets forth all applicable rules and regulations for the placement, affixing, attachment, mounting, construction, erection, installation, development, use, operation and maintenance, co-location and/or modification of such facilities, devices, structures and equipment.

**SECTION 36.** Section 17.24.050 (Findings) of Chapter 17.24 (Conditional Use Permits) of Title 17 of the El Monte Municipal Code is amended by the addition of Subsection F, which shall read as follows:

- F. For Transitional Uses, pursuant to Section 17.24.040, the following findings must be made:
  - 1. That the parking for the transitional use will not have a significant negative impact on the surrounding parcels or neighborhood; and
  - 2. That the property will be improved, to the extent feasible, to meet current development standards relating to landscaping, fencing, building facades, trash enclosures and ADA accessibility.

**SECTION 37.** Subsection A and Subsection B of Section 17.24.060 (Time Period) of Chapter 17.24 (Conditional Use Permits) of Title 17 of the El Monte Municipal Code are amended by the addition of Subsection F, which shall read as follows:

- A. The granting of a conditional use permit by the City Planning Commission shall be valid for one year (12) months ten (10) days after the date of adoption of the City Planning Commission resolution. Projects approved with a subdivision would be valid for the life of the entitlement of map, whichever is greater.
- B. If the applicant has proceeded in good faith toward the implementation of the permit granted as determined by the City Planner, then the applicant may be granted an extension of the conditional use permit by the City Planning Commission prior to the expiration of the six-month period.

**SECTION 38.** Section 17.32.030 (Regulations) of Chapter 17.32 (R-1A Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

Section 17.32.030 – Regulations

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building, and structure in the R-1A one-family dwelling zone:

- A. Building Height. No building or structure shall exceed in height two and one-half (2 ½) stories, or thirty-five (35) feet.
- B. Front Yard and Side Yard. The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 <sup>st</sup> Floor Front Yard Setback	2 <sup>nd</sup> Floor Front Yard Setback	1 <sup>st</sup> Floor Side Yard Setback	2 <sup>nd</sup> Floor Side Yard Setback
20 ft or 20% (max 25 ft)	2 ft additional	5 ft	2 ft additional

- 1. Exception. Where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. In determining such front yard depth, buildings located more than thirty-five (35) feet from the front property line shall be considered located thirty-five (35) feet from the front property line, and buildings facing a side street on a corner lot shall not be counted.
- C. Rear Yard. Behind the most rear main building, there shall be a rear yard of not less than ten (10) feet, except where a greater distance is otherwise required by law.
- D. Lot Area. The minimum lot area shall be not less than six thousand (6,000) square feet per dwelling unit and shall have a width of not less than sixty (60) feet at the mid point measured between the front and rear lot lines; provided, however, that when a lot has less area than herein required and was recorded at the time of the effective date of the ordinance codified in this chapter, the lot may be occupied by not more than one dwelling unit.
- E. Street Frontage. Every lot in zone R-1A shall abut a public street for a distance of at least sixty (60) feet; provided, however, that lots abutting the radius at the end of the cul-de-sac street need not exceed thirty-five (35) feet.
- F. Minimum Floor Area. No dwelling unit shall contain less than one thousand (1,000) square feet of floor area.
- G. Distance Between Buildings. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building on the same lot.
- H. Fencing. For all sites serving three (3) or more dwelling units a solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the

adjacent property by the approximate sum of six (6) feet plus one-half of the difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

**SECTION 39.** Section 17.34.020 (Regulations) of Chapter 17.34 (R-1B Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

**Section 17.34.020 – Regulations**

The regulations applicable to lots, premises, buildings and structures in the R-1A one-family zone shall apply to and be complied with as to every lot, premises, building and structure in the R-1B one-family dwelling zone with the following exceptions:

- A. The keeping of all fowl and animals shall conform to all other provisions of law governing same. No fowl, animal, pen, bin, coop, stable, barn or corral shall be kept or maintained within thirty-five (35) feet of any dwelling or other building used for human habitation, or within one hundred fifty (150) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution. There shall be no killing or dressing of any animals or poultry for commercial purposes.
- B. If more than one dwelling unit is constructed on one lot, each dwelling unit shall not only comply with the front yard, side yard and rear yard requirements of Chapter 17.32 of this title, but shall also be so located and maintained with respect to each other that yards will be provided and maintained on each side of each dwelling unit equivalent to the respective fro
- C. **Front and Side Yards.** The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.
- D. **Rear Yard.** Behind the most rear main building, there shall be a rear yard of not less than twenty (20) feet, except where a greater distance is otherwise required by law.

**SECTION 40.** Section 17.36.020 (Regulations) of Chapter 17.34 (R-1B Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

**Section 17.36.020 – Regulations**

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building, structure and use in the R-1C 10,000 dwelling zone:

- A. **Building Height.** No building or structure shall exceed in height two and one-half (2 ½) stories, or thirty-five (35) feet.
- B. **Front and Side Yards.** The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 <sup>st</sup> Floor Front Yard Setback	2 <sup>nd</sup> Floor Front Yard Setback	1 <sup>st</sup> Floor Side Yard Setback	2 <sup>nd</sup> Floor Side Yard Setback
20 ft or 20% (max)	5 ft additional	5 ft	5 ft additional

25 ft)			
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1. Exception for Front Yards. Where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. In determining such front yard depths, buildings located more than thirty-five (35) feet from the front property line shall be considered located thirty-five (35) feet from the front property line, and buildings facing a side street on a corner lot shall not be counted.
- C. Rear Yard. Behind the most rear main building and behind any building designed or used for human habitation there shall be a rear yard of not less than thirty-five (35) feet, except where a greater distance is otherwise required by law.
- D. Lot Area. The minimum lot area shall be not less than ten thousand (10,000) square feet per dwelling unit and shall have a width of not less than fifty (50) feet at the mid-point measured between the front and rear lot lines; provided, however, that when a lot has less area than herein required and was recorded at the time of the effective date of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.
- E. Street Frontage Required. Every lot in Zone R-1C 10,000 shall abut a public street for a distance of at least fifty (50) feet; provided, however, that lots abutting the radius at the end of a cul-de-sac street need not exceed thirty-five (35) feet.
- F. Minimum Floor Area. No dwelling unit shall contain less than one thousand (1,000) square feet of floor area.
- G. Distance Between Buildings. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building on the same lot. There shall be a minimum distance of six (6) feet between accessory buildings on the same lot. There shall be a minimum distance of twenty-five (25) feet between buildings on the same lot used for dwelling purposes.
- H. Distance of Accessory Structures. No barn, stable, corral or chute designed or used for the enclosure or shelter of animals shall be located within seventy-five (75) feet of the front lot line. This section shall not apply to fenced pastures.
- I. Distance of Animals. The keeping of all fowl and animals shall conform to all other provisions of law governing same. No fowl, animal, pen, bin, coop, stable, barn or corral shall be kept or maintained within thirty-five (35) feet of any dwelling or other building used for human habitation other than the dwelling of the owner thereof, or within seventy-five (75) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution. There shall be no killing or dressing of any animals or poultry for commercial purposes.
- J. Fencing. For all sites serving three (3) or more dwelling units, a solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent

property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half of the difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

**SECTION 41.** Subsection 2 of Section 17.38.010 (Uses Permitted) of Chapter 17.38 (R-2 Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

2. Single-family dwellings, two-family dwellings, and multiple-family dwellings at a density that shall not exceed one unit for five thousand four hundred and forty-five (5,445) square feet of lot area;
  - a. The accessory buildings necessary to any such use, located on the same lot or parcel of land;

**SECTION 42.** Section 17.38.030 (Regulations) of Chapter 17.38 (R-2 Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

Section 17.38.030 – Regulations

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building, and structure in the R-2 low-density multiple-family dwelling zone:

- A. Building Height. No building or structure shall exceed in height two and one-half (2 1/2) stories or thirty-five (35) feet.
- B. Front and Side Yards. The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 <sup>st</sup> Floor Front Yard Setback	2 <sup>nd</sup> Floor Front Yard Setback	1 <sup>st</sup> Floor Side Yard Setback	2 <sup>nd</sup> Floor Side Yard Setback
20 ft	2 ft additional	10 ft	12 ft, measured from property line

- C. Rear Yards. Behind the most rear main building there shall be a rear yard of not less than twenty (20) feet, except where a greater distance is otherwise required by law.
- D. Yard Waiver. The provisions of subsections B, C and D of this section may be modified or waived concurrent with the approval of the site plan pursuant to this title.
- E. Lot Area. The minimum lot area shall be not less than five thousand four hundred and forty-five (5,445) square feet per dwelling unit provided that multiple-family dwellings shall not be permitted on lots having a frontage of less than seventy (70) feet. When a lot has less area than therein required and was recorded at the time of the effective date of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.
- F. Distance Between Buildings. There shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes on the same lot.
  1. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building.

2. There shall be a minimum distance of six (6) feet between accessory buildings.
- G. Minimum Floor Area. Except as may otherwise be provided pursuant to Chapter 17.24 of this title, no dwelling unit shall contain less than six hundred fifty (650) square feet of floor area; provided further, that every dwelling unit containing an area; provided further, that every dwelling unit containing an area designed and intended to be used primarily as a bedroom shall contain no less than eight hundred (800) square feet of floor area; that a dwelling unit containing two (2) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand (1,000) square feet of floor area; and that every dwelling unit containing three (3) areas designed and intended to be used primarily as bedrooms, shall contain no less than one thousand two hundred (1,200) square feet of floor area and that every dwelling unit containing four (4) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand three hundred fifty (1,350) square feet of floor area; each extra bedroom shall require one hundred fifty (150) additional square feet of floor area to the dwelling unit.
- H. Usable Open Space. The required usable open space shall be calculated at twenty-five (25) percent of gross living area or six hundred (600) square feet, whichever is greater, for each dwelling unit. At least two hundred (200) square feet of the required open space shall be in private open space contiguous to each unit. Contiguous private open space shall have a minimum dimension of ten (10) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet and shall be enclosed on all sides by a wall or fence. Contiguous private open space shall be directly accessible only from the unit which it serves. One hundred (100) percent of the useable open space areas (except maximum four (4) foot wide walkways, balconies and patios) shall be landscaped. The following areas shall not be used in calculating required useable open space; required front and street side yards, driveways, parking spaces, access to parking spaces, pedestrian pathways and roof area over garages except balconies. No more than twenty-five (25) percent of the required open space may be in balconies. All balconies must be directly accessible only from the unit which it serves. All areas qualifying as useable open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. All landscaped areas shall be provided with an underground irrigation system. Landscaped areas shall be provided with an automatically time controlled sprinkler system for projects serving five (5) or more dwelling units. Additionally, a landscaping plan shall be submitted for review by the Planning Commission and shall include all three (3) types of landscape elements; trees, shrubbery and ground cover.
- I. Maximum Length. No exterior building wall shall exceed a length of one hundred sixty (160) feet without a minimum offset of five (5) feet.
- J. Trash Areas. For all sites serving five (5) or more 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 (5) 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.
- K. Fencing. For all sites serving three (3) or more dwelling units, a solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half of the

difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

- L. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units shall be screened from view.
- M. Undergrounding of Utilities. For all sites serving five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.
- N. Lighting Systems. For all sites serving three (3) or more dwelling units, the developer shall install an on-site lighting system in all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties. Such lighting system shall be automated using either an electronic time switch device or photoelectric sensor device and the lighting device shall be equipped with vandal resistant covers.

**SECTION 43.** Section 17.40.020 (Regulations) of Chapter 17.40 (R-3 Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

Section 17.40.020 – Regulations

- A. Building Height. No building or structure shall exceed in height three (3) stories or forty (40) feet.
- B. Front and Side Yards. The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 <sup>st</sup> Floor Front Yard Setback	2 <sup>nd</sup> Floor Front Yard Setback	1 <sup>st</sup> Floor Side Yard Setback	2 <sup>nd</sup> Floor Side Yard Setback
20 ft	2 ft additional	10 ft	12 ft, measured from property line

- C. Rear Yards. Behind the rear-most main building there shall be rear yard of not less than fifteen (15) feet, except where a greater distance is otherwise required by law.
- D. Yard Waiver. The provisions of subsections B and C of this section may be modified or waived concurrent with the approval of the site plan pursuant to this title.
- E. Maximum Density and Lot Size Requirements.
  1. The maximum density of development shall not be more than one dwelling unit per three thousand one hundred eleven (3,111) square feet of net lot area; provided that the lot width is two hundred fifty (250) feet or greater. For lot widths of two hundred (200) to two hundred fifty (250) feet, the maximum density of development shall not be more than one dwelling unit per three thousand nine hundred sixty (3,960) square feet of net lot area. If the lot width is less than two hundred (200) feet, the maximum density of development shall not be more than one dwelling unit per four thousand eight hundred forty (4,840) square feet of net lot area.

2. Multiple-family dwelling units (a single building containing more than three (3) dwelling units) shall not be permitted on any lot having a public street frontage of less than seventy (70) feet nor on any lot with an area of less than ten thousand (10,000) square feet.
- F. Distance Between Buildings. There shall be a minimum distance of fifteen (15) feet between buildings used for dwelling purposes on the same lot.
1. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building.
  2. There shall be a minimum distance of six (6) feet between accessory buildings.
- G. Minimum Floor Area. Except as may otherwise be provided pursuant to Chapter 17.24 of this title, no dwelling unit shall contain less than six hundred fifty (650) square feet of floor area; provided further, that every dwelling unit containing an area designed and intended to be used primarily as a bedroom shall contain no less than eight hundred (800) square feet of floor area; that a dwelling unit containing two (2) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand (1,000) square feet of floor area; and that every dwelling unit containing three (3) areas designed and intended to be used primarily as bedrooms, shall contain no less than one thousand two hundred (1,200) square feet of floor area and that every dwelling unit containing four (4) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand three hundred fifty (1,350) square feet of floor area; each extra bedroom shall require one hundred fifty (150) additional square feet of floor area to the dwelling unit.
- H. Usable Open Space. The required usable open space shall be calculated at twenty-five (25) percent of gross living area or six hundred (600) square feet, whichever is greater, for each dwelling unit. At least two hundred (200) square feet of the required open space shall be in private open space contiguous to each unit. Contiguous private open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet and shall be enclosed on all sides by a wall or fence. Contiguous private open space shall be directly accessible only from the unit which it serves. One hundred (100) percent of the useable open space areas (except maximum four (4) foot wide walkways, balconies and patios) shall be landscaped. The following areas shall not be used in calculating required useable open space: required front and street side yards, driveways, parking spaces, access to parking spaces, pedestrian pathways and roof areas over garages except balconies. No more than twenty-five (25) percent of the required open space may be in balconies. All balconies must be directly accessible only from the unit which they serve. All areas qualifying as useable open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. All landscaped areas shall be provided with an underground irrigation system. Landscaped areas shall be with an automatically time controlled sprinkler system for projects serving five (5) or more dwelling units. Additionally, a landscaping plan shall be submitted for review by the Planning Commission and shall include all three (3) types of landscape elements; trees, shrubbery and ground cover.
- I. Maximum Length. No exterior building wall shall exceed a length of one hundred sixty (160) feet without a minimum offset of five (5) feet.
- J. Trash Areas. For all sites serving five (5) or more 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 (5) 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.

- K. Fencing. For all sites serving three (3) or more dwelling units, a solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half of the distance in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.
- L. Unit Identification. Numbers and/or letters used to identify individual units shall not correspond to parking space identification.
- M. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units shall be screened from view.
- N. Undergrounding of Utilities. For all sites serving five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.
- O. Lighting Systems. For all sites serving three (3) or more dwelling units, the developer shall install an on-site lighting system in all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties. Such lighting system shall be automated using either an electronic time switch device or photoelectric sensor device and the lighting device shall be equipped with vandal resistant covers.

**SECTION 44.** Section 17.42.020 (R-4 Zone) of Chapter 17.42 (R-4 Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

Section 17.40.020 – Regulations

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the R-4 high-density multiple-family dwelling zone:

- A. Front and Side Yards. The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 <sup>st</sup> Floor Front Yard Setback	2 <sup>nd</sup> Floor Front Yard Setback	1 <sup>st</sup> Floor Side Yard Setback	2 <sup>nd</sup> Floor Side Yard Setback
20 ft	2 ft additional	10 ft	12 ft, measured from property line

- B. Rear Yard. Behind the most rear main building there shall be a rear yard of not less than twenty (20) feet.
- C. Yard Waiver. The provisions of subsections A, B, C and G of this section may be modified or waived concurrent with the approval of the site plan pursuant to this title.

- D. Lot Area. The minimum lot areas shall be not less than one thousand eight hundred (1,800) square feet per dwelling unit provided that multiple-family dwellings shall not be permitted on lots having a frontage of less than seventy (70) feet or a lot area of less than ten thousand (10,000) square feet.
- E. Distance Between Buildings. There shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes on the same lot.
1. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building.
  2. There shall be a minimum distance of six (6) feet between accessory buildings.
- F. Lot Coverage. No more than fifty (50) percent of the total area of a lot shall be covered by buildings, whether principal or accessory.
- G. Minimum Floor Area. Except as may otherwise be provided pursuant to Chapter 17.24 of this title, no dwelling unit shall contain less than six hundred fifty (650) square feet of floor area; provided further, that every dwelling unit containing an area designed and intended to be used primarily as a bedroom shall contain no less than eight hundred (800) square feet of floor area; that a dwelling unit containing two (2) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand (1,000) square feet of floor area; and that every dwelling unit containing three (3) areas designed and intended to be used primarily as bedrooms, shall contain no less than one thousand two hundred (1,200) square feet of floor area and that every dwelling unit containing four (4) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand three hundred fifty (1,350) square feet of floor area; each extra bedroom shall require one hundred fifty (150) additional square feet of floor area to the dwelling unit.
- H. Usable Open Space. The required usable open space shall be calculated at twenty-five (25) percent of gross living area or six hundred (600) square feet, whichever is greater, for each dwelling unit. At least two hundred (200) square feet of the required open space shall be in private open space contiguous to each unit. Contiguous private open space shall have a minimum dimension of ten (10) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet and shall be enclosed on all sides by a wall or fence. Contiguous private open space shall be directly accessible only from the unit which it serves. One hundred (100) percent of the useable open space areas (except maximum four (4) foot wide walkways, balconies and patios) shall be landscaped. The following areas shall not be used in calculating required useable open space; required front and street side yards, driveways, parking spaces, access to parking spaces, pedestrian pathways and roof areas over garages except balconies. No more than twenty-five (25) percent of the required open space may be in balconies. All balconies must be directly accessible only from the unit which it serves. All areas qualifying as useable open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. All landscaped areas shall be provided with an underground irrigation system. Landscaped areas shall be provided with an automatically time controlled sprinkler system for projects serving five (5) or more dwelling units. Additionally, a landscaping plan shall be submitted for review by the Planning Commission and shall include all three (3) types of landscape elements; trees, shrubbery and ground cover.
- I. Maximum Length. No exterior building wall shall exceed a length of one hundred sixty (160) feet without a minimum offset of five (5) feet.
- J. Trash Areas. For all sites serving five (5) or more 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 (5) 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.

- K. Fencing. For all sites serving three (3) or more dwelling units, a solid six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half of the difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.
- L. Unit Identification. Numbers and/or letters used to identify individual units shall not correspond to parking space identification.
- M. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units shall be screened from view.
- N. Undergrounding of Utilities. For all sites serving five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.
- O. Lighting Systems. For all sites serving three (3) or more dwelling units, the developer shall install an on-site lighting system in all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties. Such lighting system shall be automated using either an electronic time switch device or photoelectric sensor device and the lighting device shall be equipped with vandal-resistant covers.

**SECTION 45.** Section 17.45.030 (Regulations) of Chapter 17.45 (Mixed/Multiuse Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

Section 17.45.030 (Regulations)

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure, and use in the mixed/multiuse (MMU) zone:

Table 17.45.030A  
Development Regulations—Mixed/Multiuse Zone (MMU)

Development Regulation	MMU	Notes
1. Minimum density (residential uses)	25 du/ac	Minimum density for residential uses expressed as dwelling units per acre. Density is incentivized through land assembly/lot consolidation. See Section 17.45.040 for lot area per dwelling unit.
2. Maximum density	35 du/ac	Maximum density for residential uses expressed as dwelling units per acre.

(residential uses)		The maximum density of 35 dwelling units on a one-acre lot with established percentages of open space required. It is not intended that lots less than one acre in size provide housing at the maximum density of the zone.
3. Maximum intensity (nonresidential uses)	1.0 FAR	Maximum floor area ratio (FAR) for nonresidential uses. Podium and underground parking is not counted toward floor area ratio (FAR).
4. Minimum lot area for any new project which contains residential only or mixed use with a residential component.	22,000 s.f.	See Section 17.45.040 for lot area per dwelling unit. For sites less than 22,000 s.f., new projects shall be non-residential only.
5. Minimum lot frontage for any new project which contains residential only or mixed use with a residential component.	100 linear feet	
6. Minimum dwelling unit size	Studio: 500 s.f. 1-bdrm: 650 s.f. 2-bdrm: 800 s.f. 3-bdrm: 1,000 s.f.	
7. Maximum building height	4 stories/50 ft.	Underground levels and mezzanines lofts are allowed.
8. Distance between buildings (minimum)	10 ft.	Increase of 5 ft. for every 10 ft. of height, or fraction thereof, above 25 ft.
9. Front yard setback	5 ft. (min); 15 ft. (max)	
10. Street side setback	5 ft. (min); 15 ft. (max)	
11. Interior side setback	5 ft. (min); No max	Minimum 15 ft. if abutting residential zone district.
12. Rear yard setback	10 ft. (min) for residential portion, no requirement for commercial portion	Minimum 15 ft. if abutting residential zone district.
13. Permitted setback encroachments	6 ft. into setbacks	Balconies, awning, porches, stairways and similar elements may extend up to 6 ft. into the setback. Cornices, eaves, fireplaces, similar architectural features may extend 4 ft. into the front and rear setbacks and 3 ft. in interior setbacks.
14. Maximum lot coverage	None	

Landscape/open space standards		
15. Publicly accessible open space (nonresidential)	15% of net lot area	See Section 17.10 for additional standards and Chapter 4.1 of the El Monte Comprehensive Design Standards.
16. Private open space (multi-family residential)	1st floor-150 s.f. per unit Upper floor-100 s.f. per unit	See Section 17.10 for additional standards and Chapter 4.1 of the El Monte Comprehensive Design Standards.
17. Common open space (multi-family residential)	200 s.f. per unit	See Section 17.10 for additional standards and Chapter 4.1 of the El Monte Comprehensive Design Standards.
Parking Standards		
18. Surface parking	20 ft min. setback from front lot line at driveway entrance; 15 ft min side yard setback at driveway entrance.	See Section 17.45.050 for additional parking standards.
19. Garage/tuck-under parking	Prohibited along front and street side lot lines	See Section 17.45.050 for additional parking standards.
20. Underground/podium parking	Allowed beneath building footprint	See Section 17.11.050 for additional parking standards.
21. Above-ground parking structure	Permitted if screened from views from public right-of-way and adjacent single-family residential districts	See Section 17.45.050 for additional parking standards.

Abbreviations: s.f. = square feet; ft. = feet or foot

**SECTION 46.** Section 17.45.040 (Lot Area Per Dwelling Unit) of Chapter 17.45 (Mixed/Multiuse Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

Section 17.45.040 (Lot Area Per Dwelling Unit)

- A. For every building hereafter erected or structurally altered as a multiple-family dwelling, dwelling group, or apartment structure, the following table establishes the permitted densities based on gross square footage of the lot.
- B. When calculating number of units, if insufficient area exists to provide the minimum lot area for the additional unit, the total number of units shall be rounded down to the smaller number.

Table 17.45.040A  
Permitted Densities/Graduated Scale - Mixed/Multiuse Zone (MMU)

Lot Size Square Feet	# of Dwelling Units Square Feet of Lot Area
22,001—30,000	1/1,640 square feet
30,001—39,999	1/1,500 square feet
40,000—43,559	1/1,300 square feet
Above 43,560	1/1,244 square feet

**SECTION 47.** 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 in its entirety to read as follows:

Section 17.45.050 (Parking Regulations)

- A. The mixed/multiuse zone integrates commercial, office and residential uses with varying parking requirements, peak hour demands and vehicle loading needs. Flexibility in meeting these varying requirements and demands is accommodated through parking requirements and inclusion of shared parking, when feasible. This section provides parking standards for buildings in the mixed/multiuse (MMU) zone.

Table 17.45.050A  
Parking Standards - Mixed/Multiuse Zone (MMU)

Use	Required Number of Spaces	Notes
Multi-family residential and condominiums	Studio - 1 space per unit 1 bedroom - 1.7 spaces per unit Two bedrooms - 2 spaces per unit Three or more bedrooms - 2.5 spaces per unit in common parking areas; 3 spaces per unit if private and enclosed. Additional guest parking - ¼ space per unit	Per unit; Tandem parking is allowed in cases where multiple spaces are assigned to a single unit
Professional office	1 space per 350 square feet	
Medical office	1 space per 250 square feet	
Retail	1 space per 250 square feet of floor area for the first 20,000 square feet of gross floor area, 1 space per 400 square feet of floor area for the next 30,000 square feet of gross floor area and 1 space per 500 square feet of floor area after the first 50,000 square feet	
Restaurants	1 space per 250 square feet	
Hotel	1 space per rentable room	
Senior housing	1.0 spaces per unit for developments of 10 units or less. For developments of 11 units or more, the parking shall be 0.5 spaces per dwelling unit, or 10 spaces, whichever is greater. For developments of 10 or more units, ten (10) percent of the total required parking shall be	

	reserved for guest parking.	
Very low and low income housing units	1.0 space per very low or low income unit. This parking ratio only applies to those units which are designated for very low or low income. For developments of 10 or more units, ten (10) percent of the total required parking shall be reserved for guest parking. 1.1	

1. **Reduced Parking.** The Planning Commission and City Council may reduce the required parking after considering documentation and/or study provided by the applicant, staffs recommendation and giving decisive weight to all relevant facts, including but not limited to the following factors: availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use.
2. **Electric Vehicle Charging Stations.** In accordance with the California Green Building Code (CALGreen Code), new buildings shall be electric vehicle charging station ready. This requires residential and commercial properties alike to provide one 120V AC 20 amp and one 208/240V 40 amp, grounded AC outlet for each required parking space. The number of required parking spaces for electric vehicle charging shall be as follows:

Table 17.45.050B  
Electric Vehicle Charging Station Standards - Mixed/Multiuse Zone (MMU)

Total Number of Spaces	Number of Required Electric Vehicle Charging Spaces
1—50	2
51—200	3
201 and over	5

**SECTION 48.** Section 17.54.010 (Uses Permitted) of Chapter 17.54 (C-3 Zone) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

Section 17.54.010 (Uses Permitted)

- B. No lot, premises, building, or structure in the C-3 general commercial zone shall be used for any use or other purpose than those specified in the following subsections:
  1. Any use permitted in the C-2 zone;
  2. Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises, and provided that no more than five (5) persons are employed and that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes;

3. Antique stores;
  4. Dancing academies;
  5. Fortunetelling;
  6. Furniture warehouses for storing personal household goods;
  7. Public garages, including automobile and truck repairs; except trucks which have a manufacturer's specified gross vehicle weight greater than ten thousand (10,000) pounds. All repairs and servicing of automobiles and trucks shall be conducted entirely within an enclosed building, except emergency serviced and minor repairs;
  8. Outdoor advertising structures and billboards of three hundred (300) square feet or less;
  9. Plumbing shops;
  10. Printing, lithographing or publishing establishments;
  11. Sale of house trailers, campers, travel trailers, utility trailers not to exceed ten (10) feet in body
  12. Taxidermists;
  13. Upholstery shops, limited to automobile upholstery;
  14. Accessory buildings necessary to any such use, located on the same lot or parcel of land;
  15. Nurseries, flowers or plants;
  16. Spiritual specialty shops.
- C. Amortization. Any spiritual specialty shop made legal nonconforming by the adoption of this section shall comply with all the requirements of the municipal code which include the obtaining of a permit pursuant to Section 5.96.090 of this code by January 1, 2007.

**SECTION 49.** Section 17.85.010 (Intent and purpose) of Chapter 17.85 (Density Bonus Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended in its entirety to read as follows:

Section 17.85.010 – Intent and purpose

This chapter provides incentives for housing developments of five or more residential units for the base density (prior to any density bonus) that is affordable to the types of households and qualifying residents identified in Section 17.85.020, below. The incentives include the ability to construct up to thirty-five (35) percent more residential dwelling units than the maximum residential density permitted by the applicable general plan designation, and other incentives provided by this chapter. In offering these incentives, this chapter is intended to implement the requirements of state law (Government Code Sections 65302, 65913, and 65915—65918 et seq.). In enacting this chapter, the city also intends to implement the goals, objectives and policies of the city's general plan housing element to encourage the production of affordable housing in the city.

**SECTION 50.** Subsection B of Section 17.85.060 (General provisions governing density bonus calculations) of Chapter 17.85 (Density Bonus Provisions) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

- B. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger whole number. This calculation shall start with the base density of the zone in which the housing development is located as described in Section 17.06.030 – Residential density.

**SECTION 51.** The definition of "Art Coordinator," as defined in Section 15.07.020 (Definitions) of Chapter 17.20 (Modification-Variance) of Title 17 (Zoning) of the El Monte Municipal Code is amended to read as follows:

"Art Coordinator" means a person designated by the Economic Development Director who shall review and evaluate all applications submitted pursuant to this chapter; work with project applicants to develop and refine art work proposals; and make recommendations to the Art in Public Places Advisory Committee.

**SECTION 52.** The Zoning Designations and/or General Plan Land Use Designations for the eighteen (18) properties set forth in the attached Exhibit "A" shall be amended as specified therein.

**SECTION 53. 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 54. 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.

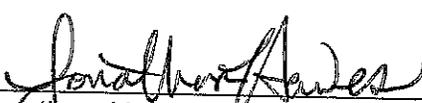
**SECTION 55. Construction.** The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent. To the extent the provisions of the El Monte Municipal Code as amended by this Ordinance 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 56. 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 21st day of June, 2016.

  
\_\_\_\_\_  
Andre Quintero, Mayor  
City of El Monte

ATTEST:

  
\_\_\_\_\_  
Jonathan Hawes, City Clerk  
City of El Monte

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

I, Jonathan Hawes, City Clerk of the City of EL Monte, hereby certify that the foregoing Ordinance No. 2883 was introduced for a first reading on the 7th day of June, 2016 and approved for a second reading and adopted by said Council at its regular meeting held on the 21st day of June, 2016 by the following vote, to-wit:

AYES: Mayor Quintero, Mayor Pro Tem Martinez, Councilmembers Gomez, Macias and Velasco

NOES: None

ABSTAIN: None

ABSENT: None

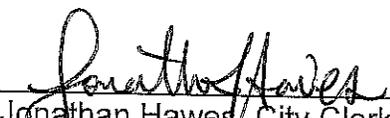
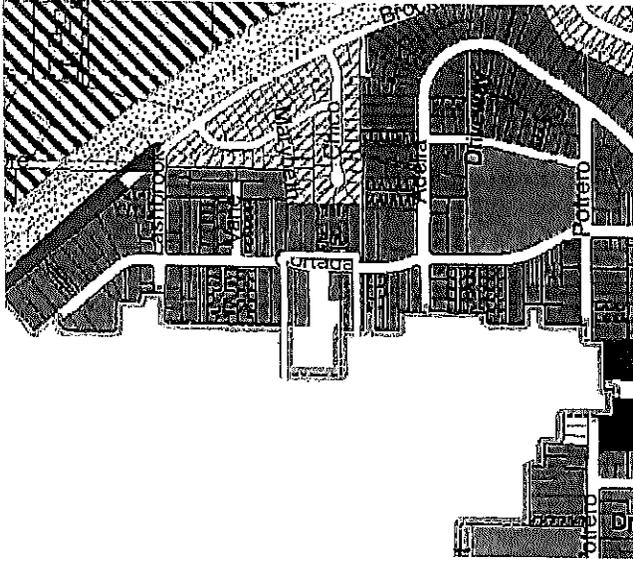
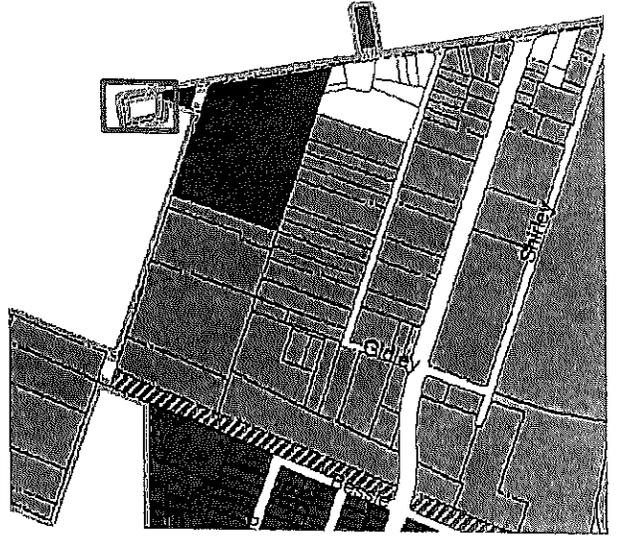
  
\_\_\_\_\_  
Jonathan Hawes, City Clerk  
City of El Monte

Exhibit "A":  
Map Amendments to Zoning Designations/  
General Plan Land Use Designations



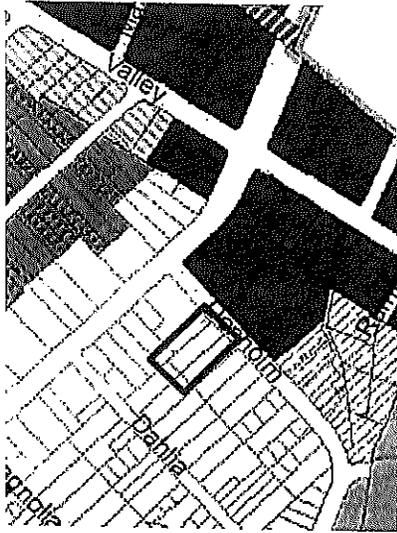
9585 Garvey (through lot to Cortada, containing the Parker Trailer Park)  
APN 8581-038-016

Correction to Map: Change city boundary to remove parcel.  
Parcel is within the County.



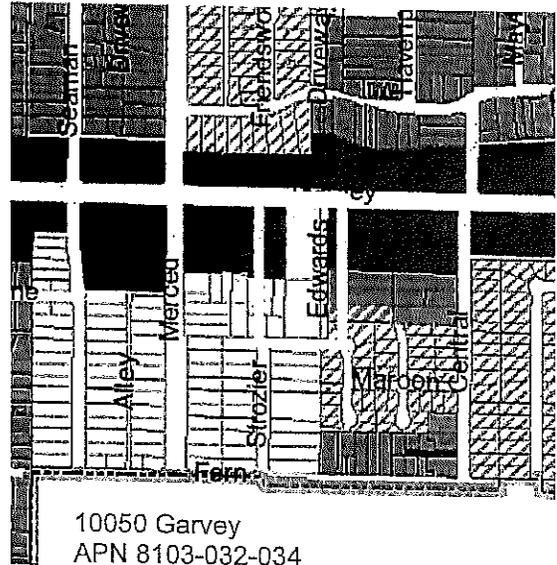
9628, 9634, 9640 Lower Asuza  
APN 8592-001-027,005,006

From: None/None  
(was previously zoned C-3)  
To: C-3/General Commercial



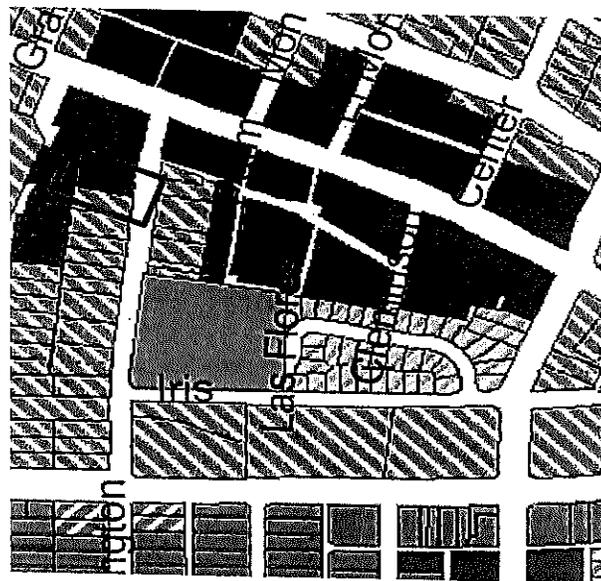
12334 Denholm  
 APN 8109-011-009

From: R1-B/Low Density Residential  
 To: M-1/Industrial Business Park



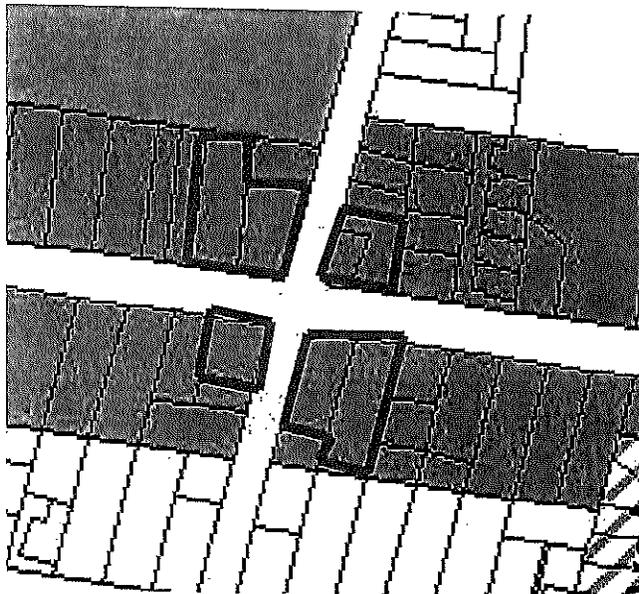
10050 Garvey  
 APN 8103-032-034

From: M-1/Mixed Multi Use  
 To: MMU/Mixed Multi Use



3571 Lexington Avenue  
 APN 8579-027-013

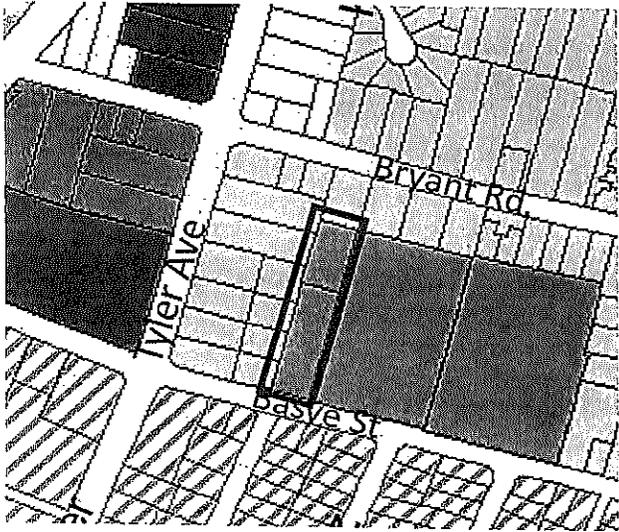
From: Parking/Downtown Core  
 To: C-2D/Downtown Core



11237, 11240, 11245, 11303, 11305, 11308, 11314  
 Lower Azusa Road

APNs:  
 8538-002-002 and 003  
 8538-008-002 and 048  
 8570-007-024  
 8570-025-006 and 007

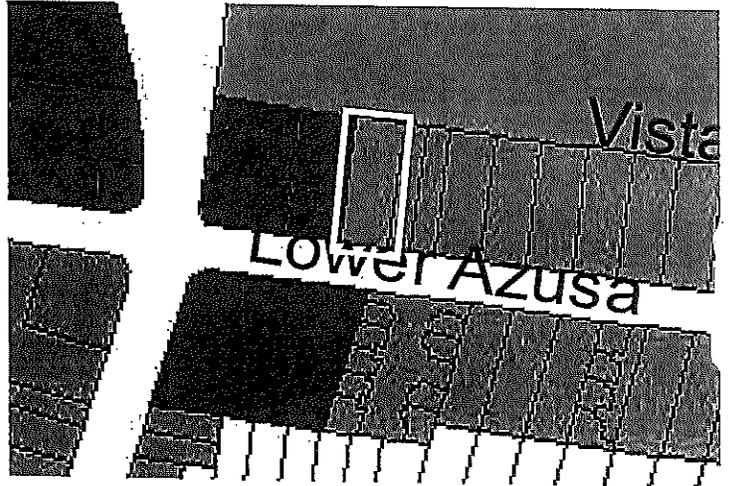
From: R-3, Medium Density Residential  
 To: C-2, Retail Commercial



11034 Basye Street  
APN 8569-022-017

11035 Bryant Road  
APN 8569-009-001

From : PF  
To: R-2/Medium Low Density Residential



11027 Lower Azusa Road  
APN 8538-002-019

From:R-3  
To:C-3 General Commercial