1. Agenda For July 10, 2012

   Documents: 07-10-12.PDF
2. Item For July 10, 2012

   Documents: 7-10-12 ITEM.PDF
3. Item Two For July 10, 2012

   Documents: 7-10-12 ITEM 2.PDF

CITY OF MONTEREY PARK

PLANNING COMMISSION AGENDA

REGULAR MEETING
CITY HALL—COUNCIL CHAMBERS
320 W. NEWMARK AVENUE
July 10, 2012
7:00 P.M.

Planning Commission
Michael Hamner, Chairperson
Larry Sullivan, Vice-Chair
Arthur Fong
Hans Liang
Peter Ruiz

Staff
Jim Basham, Director of Community Development
Elizabeth M. Calciano, Assistant City Attorney
Samantha Tewasart, Associate Planner
Crystal Landavazo, Assistant Planner

CALL TO ORDER:

SWEAR IN NEW COMMISSIONER:

ROLL CALL:

ORAL AND WRITTEN COMMUNICATIONS:

The public may at this time address the members of the Planning Commission on any matters within the jurisdiction of the Planning Commission, prior to any action taken on the agenda. No action may be taken on off-agenda items except as authorized by law. Speakers are requested to limit their comments to no more than **five minutes** each.

If you would like to address the Planning Commission, please complete the **white speaker's card.** The card is available at the speaker's podium or from the Secretary. Please identify on the card your name, address and the item on which you would like to speak and return to the Secretary. The **speaker's card** assists the Chairperson in ensuring that all persons wishing to address the Commission are recognized. If you wish to speak on an agendized item, your name will be called at the time the matter is heard by Planning Commission.

AGENDA CHANGES AND ADOPTION:

APPROVAL OF MINUTES: April 24, 2012

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. GENERAL PLAN ADVISORY COMMITTEE (GPAC) – TWO NEW GENERAL PLAN ELEMENTS – HEALTHY COMMUNITY ELEMENT AND SUSTAINABLE COMMUNITY ELEMENT

The Community Development Department is seeking at least one and no more than two member(s) from the Planning Commission who are interested in serving on a General Plan Advisory Committee (GPAC). The City procured a grant from the State Strategic Growth Council (SGC) to prepare two new General Plan Elements: a Healthy Community Element and a Sustainable Community Element.

RECOMMENDATION: It is recommended that the Planning Commission 1) nominate at least one and no more than two member(s) from the Planning Commission to serve on the GPAC for the two new General Plan Elements.

PUBLIC HEARING:

2. TENTATIVE PARCEL MAP NO. 071187 AND VARIANCE – 429 E GRAVES AVENUE (PM-12-01/V-12-01)

The applicant Hayk Martirosian of Techna Land Co Inc, on behalf of the property owner, Danny Tak-Yip Lau, is requesting approval of a tentative parcel map for the subdivision of air rights to establish and maintain a three-unit condominium project and a variance for a 50 feet lot width in the R-3 (High Density Residential) Zone.

ENVIRONMENTAL: The proposed project is categorically exempt in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15302 Class 2 (Replacement or Reconstruction) because the project consists of the replacement of existing structures where the new structures will be located on the same site as the structures replaced, will have substantially the same purpose and capacity as the structures replaced and Section 15303 Class 3 (New Construction or Conversion of Small Structures) because the project consists of the construction of a multi-family residential structure totaling no more than four dwelling units.

RECOMMENDATION: It is recommended that the Planning Commission 1) adopt the Resolution approving the requested Tentative Parcel Map No. 071187 (PM-12-01) and Variance (V-12-01), subject to conditions of approval contained

therein; and 2) take such additional, related action that may be desirable.

3. CONDITIONAL USE PERMIT – 429 W GARVEY AVENUE (CU-12-02)

The applicant, Bao Ming Li of H&H Restaurant, is requesting approval of a Conditional Use Permit to allow on-sale of beer and wine (Type 41) in conjunction with a bona fide public eating place in the C-B (Central Business) Zone.

ENVIRONMENTAL: The proposed project is categorically exempt in accordance with California Environmental Quality Act (CEQA) Guidelines § 15301 (Class 1 – Existing Facilities) as CEQA only applies to projects that have the potential to cause a significant effect on the environment. The project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving no expansion of the existing commercial building.

RECOMMENDATION: It is recommended that the Planning Commission 1) adopt the Resolution approving the requested Conditional Use Permit (CU-12-02), subject to conditions of approval contained therein; and 2) take such additional, related action that may be desirable.

ITEMS FROM DEVELOPMENT SERVICES:

ITEMS FROM THE COMMISSION:

ADJOURNMENT:

Next regular meeting on July 24, 2012, at 7:00 p.m.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, YOU SHOULD CONTACT CITY HALL, (626) 307-1359 OR TTD/TTY (626) 307-2540. PLEASE NOTIFY THE CITY CLERK'S OFFICE TWENTY-FOUR HOURS PRIOR TO THE MEETING SO THAT REASONABLE ARRANGEMENTS CAN BE MADE TO ASSURE ACCESSIBILITY TO THIS MEETING. STAFF REPORTS, WRITINGS, OR OTHER MATERIALS RELATED TO AN ITEM ON THIS AGENDA, WHICH ARE DISTRIBUTED TO THE PLANNING COMMISSION LESS THAN 72 HOURS BEFORE THIS SCHEDULED MEETING SHALL

BE AVAILABLE FOR PUBLIC INSPECTION IN THE PLANNING DIVISION LOCATED AT 320 WEST NEWMARK AVENUE, MONTEREY PARK, CA 91754, DURING NORMAL BUSINESS HOURS. SUCH STAFF REPORTS, WRITINGS, OR OTHER MATERIALS ARE ALSO ON THE CITY'S WEBSITE SUBJECT TO STAFF'S ABILITY TO POST THE MATERIALS BEFORE THE MEETING. THE CITY'S WEBSITE IS LOCATED AT HTTP://WWW.CI.MONTEREY-PARK.CA.US.

APPROVED BY:

JIM BASHAM	

PLANNING COMMISSION
STAFF REPORT

ITEM NUMBER
2

TO:	Planning Commission
FROM:	Director of Community Development
MEETING DATE:	July 10, 2012
SUBJECT:	PUBLIC HEARING TENTATIVE PARCEL MAP NO. 071887 (PM-12-01) TO SUBDIVIDE AIR RIGHTS TO ESTABLISH AND MAINTAIN A THREE-UNIT CONDOMINIUM PROJECT AND VARIANCE (V-12-01) FOR A 50 FEET WIDE LOT IN THE R-3 (HIGH DENSITY RESIDENTIAL) ZONE
LOCATION:	429 East Graves Avenue
APPLICANT:	Hayk Martirosian Techna Land Co Inc 1545 N Verdugo Road, Suite 2 Glendale, CA 91208
PROJECT PLANNER:	Samantha Tewasart Associate Planner
RECOMMENDATION:	After holding the public hearing, (1) adopt the attached Resolution approving Tentative Parcel Map No. 071887 (PM-12-01) and Variance (V-12-01), subject to conditions contained therein; and (2) take such related action that may be desired.

ZONE: R-3 (High Density Residential)

GENERAL PLAN DESIGNATION: High Density Residential

SITE DESCRIPTION:

Property Size: 50' x 191.12' = 9,556 sq. ft. (0.22 acre)

Surrounding Properties:

North:	R-3 (High Density Residential); residential
South:	R-3 (High Density Residential); residential
East:	R-3 (High Density Residential); residential
West:	R-3 (High Density Residential); residential

PROJECT SITE BACKGROUND/PAST CITY APPLICATIONS:

None

LEGAL NOTIFICATION:

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **June 27, 2012** and published in the Monterey Park Progress on **June 27, 2012**, with affidavits of posting and publication on file. The legal notice of this hearing was mailed to **156** property owners within a 300 feet radius and current tenants of the property concerned on **June 27, 2012**.

ENVIRONMENTAL ASSESSMENT:

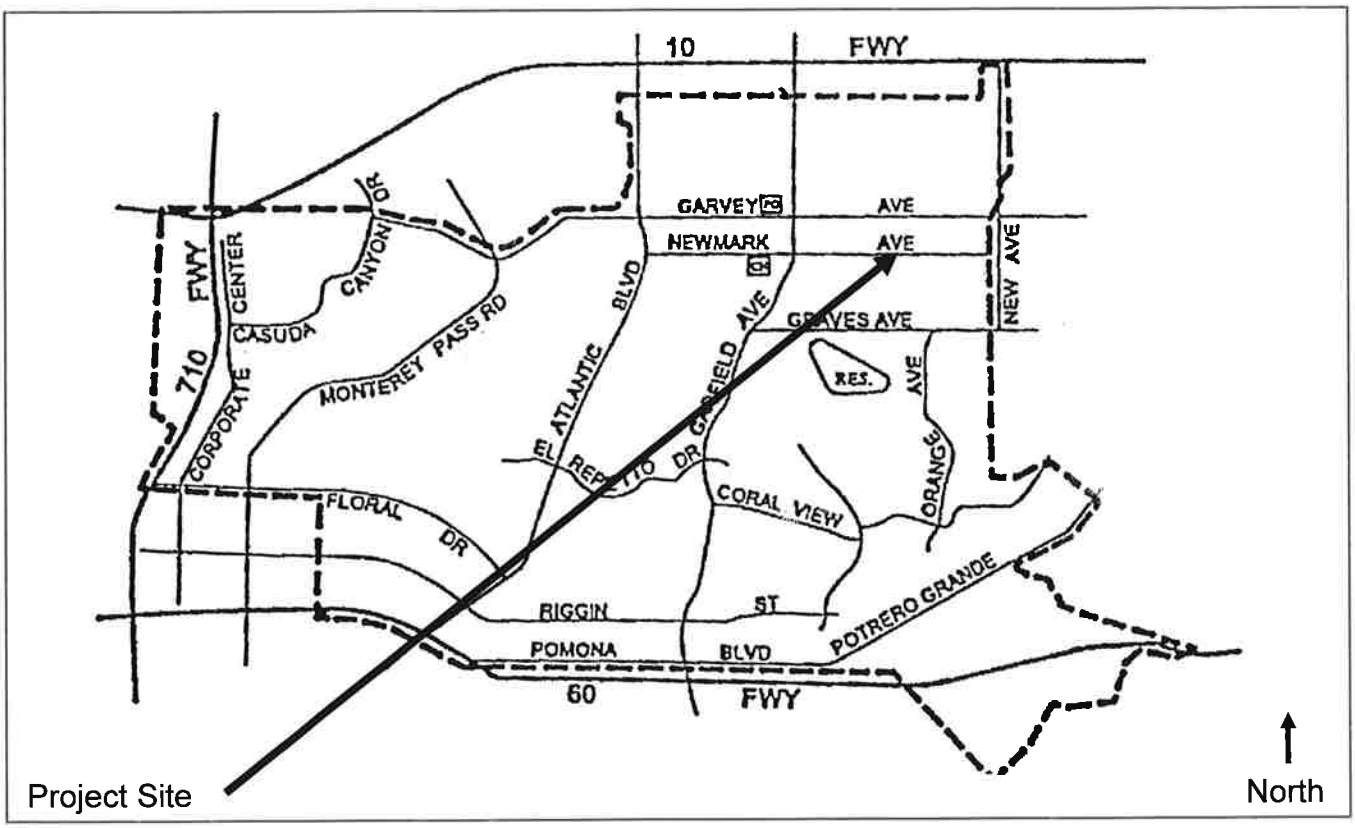
Pursuant to the guidelines of the California Environmental Quality Act (CEQA), the project is categorically exempt from CEQA review under Section 15302 Class 2 (Replacement or Reconstruction) because the project consists of the replacement of existing structures where the new structures will be located on the same site as the structures replaced, will have substantially the same purpose and capacity as the structures replaced and Section 15303 Class 3 (New Construction or Conversion of Small Structures) because the project consists of the construction of a multi-family residential structure totaling no more than four dwelling units.

GENERAL PLAN CONSISTENCY:

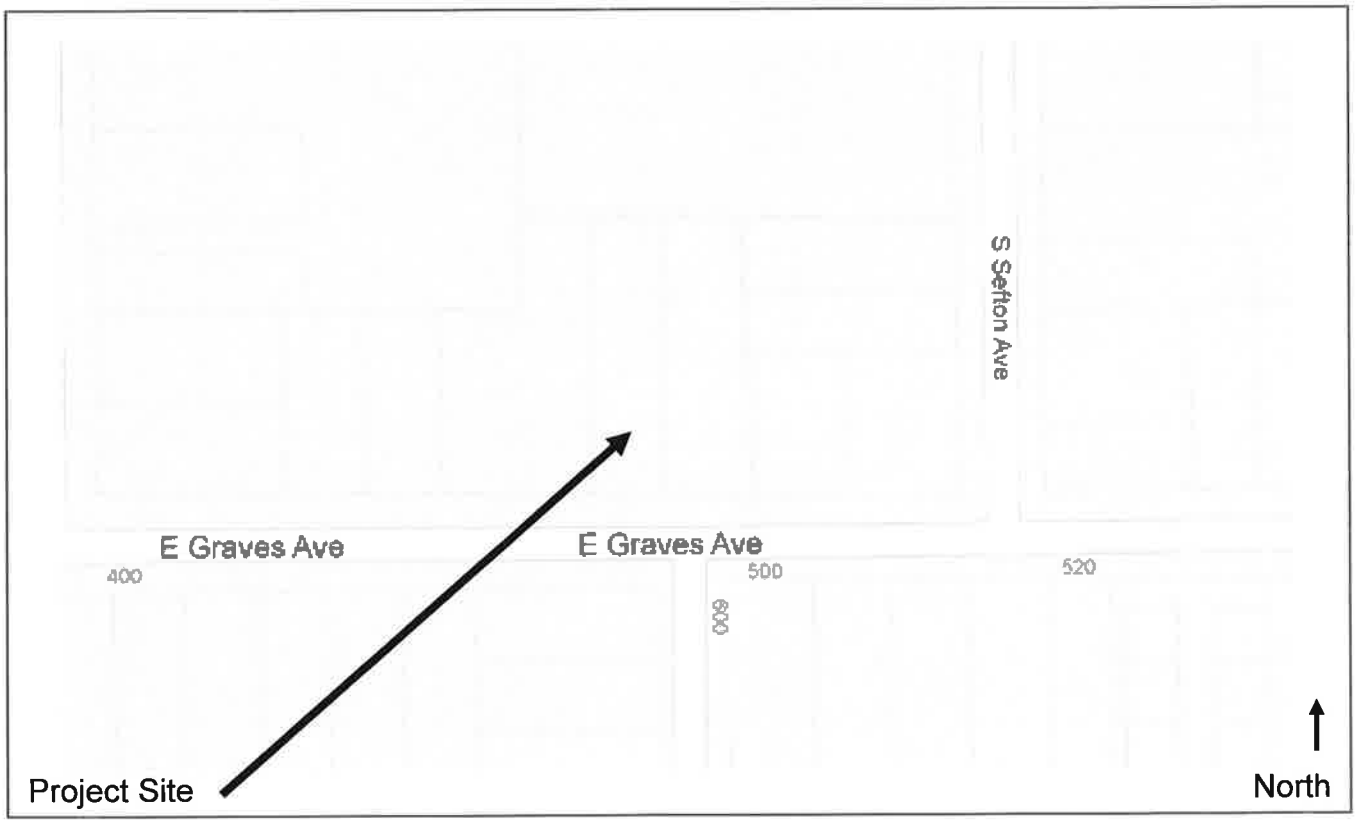
The proposed subdivision is consistent with the City's General Plan because the project is a three-unit condominium development, which is compatible with the high density housing allowed in the High Density Residential land use category. The subject property is proposed to be developed at a maximum density of 14 dwelling units per acre, which will not exceed the maximum allowed standard of 25 dwelling units per acre for High Density Residential areas. Policy 10.1 in the General Plan Land Use Element states, to ensure that the City's zoning regulations, subdivision

regulations, and design guidelines are crafted to achieve compatibility between established residential dwellings and new residential developments within the same neighborhood. The proposed subdivision is compatible with the established residential dwellings because properties within the vicinity are developed with multi-unit residential dwellings. The proposed subdivision will maintain the quality and character of the residential neighborhood.

VICINITY MAP:



STREET MAP:


S Sefton Ave
E Graves Ave
E Graves Ave
400
500
520
600
Project Site
North

AERIAL MAP:

ANALYSIS AND EVALUATION OF PROJECT:

Background

The applicant Hayk Martirosian of Techna Land Co Inc, on behalf of the property owner, Danny Tak-Yip Lau, is requesting approval of a tentative parcel map for the subdivision of air rights to establish and maintain a three-unit condominium project and a Variance for a 50 feet lot width at 429 East Graves Avenue. The subject property is zoned R-3 (High Density Residential). The lot is 9,556 square feet in size. The lot width is 50 feet and the lot depth is 191.12 feet. The property is currently developed with a single-family dwelling and detached two-car garage constructed in 1970. Per R-3 zoning standards, a maximum building density of 1 unit per 3,000 square feet of lot area applies to this property. The property owner is permitted to build up to three units on the property. The property owner proposes to construct three residential dwelling units on the property and subdivide the air rights for condominium purposes.

Project

The proposed three units are two-stories with four bedrooms. The front unit is 2,052 square feet and the two rear units are 1,986 square feet. The dwelling units will meet the required setbacks of 25 feet for the front and rear yards, 5 feet for the first floor side yard, and 10 feet for the second floor side yard. Parking required for the site, based on the size of the dwelling unit and the number of bedrooms, is 12 spaces. The front and rear units will each have a three-car garage. Three guest parking spaces are provided adjacent to the front unit's garage. The City's Engineering Division reviewed the circulation and parking and has no objections to the design.

The minimum usable open space area required for units over 800 square feet is 400 square feet, or 1,200 square feet total for this project. The three units have 2,150 square feet of total usable open space. Private open space is provided adjacent to each unit with the front unit's open space area in the front yard and the two rear units' open space in the rear yard. The minimum private open space area required is 150 square feet. The front unit will have 246 square feet of open space and the two rear units will have 481 square feet of open space. The private and usable open space total provided is in excess of the minimum requirements. Common open space is not required for a three-unit development.

Variance

As stated, the existing lot width is 50 feet wide. According to Monterey Park Municipal Code (MPMC) Section 21.12.080(b), each lot in the R-3 Zone shall have a minimum lot width of not less than 60 feet. The applicant is requesting a variance from the minimum lot width requirement of 60 feet to the existing 50 feet lot width.

According to MPMC Section 21.70.010, when practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this title occur by reason of the strict and literal interpretation of any of its provisions, a variance may be granted. According to MPMC Section 21.70.020, before any variance shall be granted, the applicant must show, to the satisfaction of the Planning Commission, all of the following facts:

1. That there are special physical circumstances of the property, such as size, shape, topography, location or surroundings that do not generally apply to other properties in the vicinity and same zone.

   There is a special physical circumstance of the property because the property is an existing lot with a lot width of 50 feet which was established prior to 1963. The provision in the City's Zoning Ordinance requiring a lot width of 60 feet in the R-3 zone, MPMC Section 21.12.080, was adopted in 1976. The project does not involve physical changes to the existing lot size, shape or topography. The project is the subdivision of air rights for condominium purposes, which does not affect the existing lot lines. This special physical circumstance of the property, that its legal

width is below the minimum width required for development within the zone, does not generally apply to other properties in the vicinity and same zone.

2. That because of such circumstances or conditions, such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and in the same zone, but which is denied to the property in question.

   Due to the existing physical characteristic of the property a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and in the same zone, but which is denied to the property in question, i.e. the right to subdivide due to the existing width being inconsistent with applicable zoning. No changes are proposed to the lot size, shape and topography.

3. That the granting of the variance will not adversely affect the general plan or purpose of the provisions of the Zoning Code.

   Granting the variance will not adversely affect the General Plan. The subject property is designated High Density Residential in the General Plan, which allows for a broad range of dwelling unit types. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The property is proposed to be developed at a maximum density of 14 dwelling units per acre. Goal 10.0 in the General Plan Land Use Element is to maintain the quality and character of Monterey Park's residential neighborhoods. In order to achieve Goal 10.0, Policy 10.1 states to ensure that the City's zoning regulations, subdivision regulations, and design guidelines are crafted to achieve compatibility between established residential dwellings and new residential developments within the same neighborhood. Properties to the north, south, east, and west of the subject property are developed with apartment, condominium, and multi-unit buildings. Granting the variance will not adversely affect the Zoning Code because the variance is for a physical nonconformance of the lot, but in all other respects the proposed project will be in compliance with the zoning development standards.

RECOMMENDATION:

After holding the public hearing, staff recommends that the Planning Commission (1) adopt the attached Resolution approving Tentative Parcel Map No. 071887 (PM-12-01) and Variance (V-12-01), subject to conditions contained therein; and (2), take such related actions that may be desired.

Jim Basham
Director of Community Development

Attachments:

1. Draft Resolution
2. Site, Floor, and Elevation Plans
3. Tentative Parcel Map No. 071887

PLANNING COMMISSION

STAFF REPORT

ITEM NUMBER
3

TO:	Planning Commission
FROM:	Director of Community Development
MEETING DATE:	July 10, 2012
SUBJECT:	PUBLIC HEARING CONDITIONAL USE PERMIT (CU-12-02) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT
LOCATION:	429 West Garvey Avenue
APPLICANT:	Bao Ming Li H&H Friends Restaurant Inc 429 West Garvey Avenue Monterey Park CA 91754
PROJECT PLANNER:	Samantha Tewasart Associate Planner
RECOMMENDATION:	After holding the public hearing, 1) adopt the Resolution approving the requested Conditional Use Permit (CU-12-02) subject to conditions of approval contained therein; and 2) take such additional, related action that may be desirable.

ZONE: C-B (Central Business)

GENERAL PLAN DESIGNATION: Mixed-Use I (MU-I)

SITE DESCRIPTION:

Property Size: 9,398 sq ft (0.22 acres)

Surrounding Properties:

North:	R-3, S-C-H (High Density Residential, Senior Citizen Housing); residential
South:	C-B (Central Business); Garvey Avenue and Ynez Elementary School
East:	C-B (Central Business); retail eating establishment
West:	C-B (Central Business); retail eating establishment

PROJECT SITE BACKGROUND/PAST CITY APPLICATIONS:

None

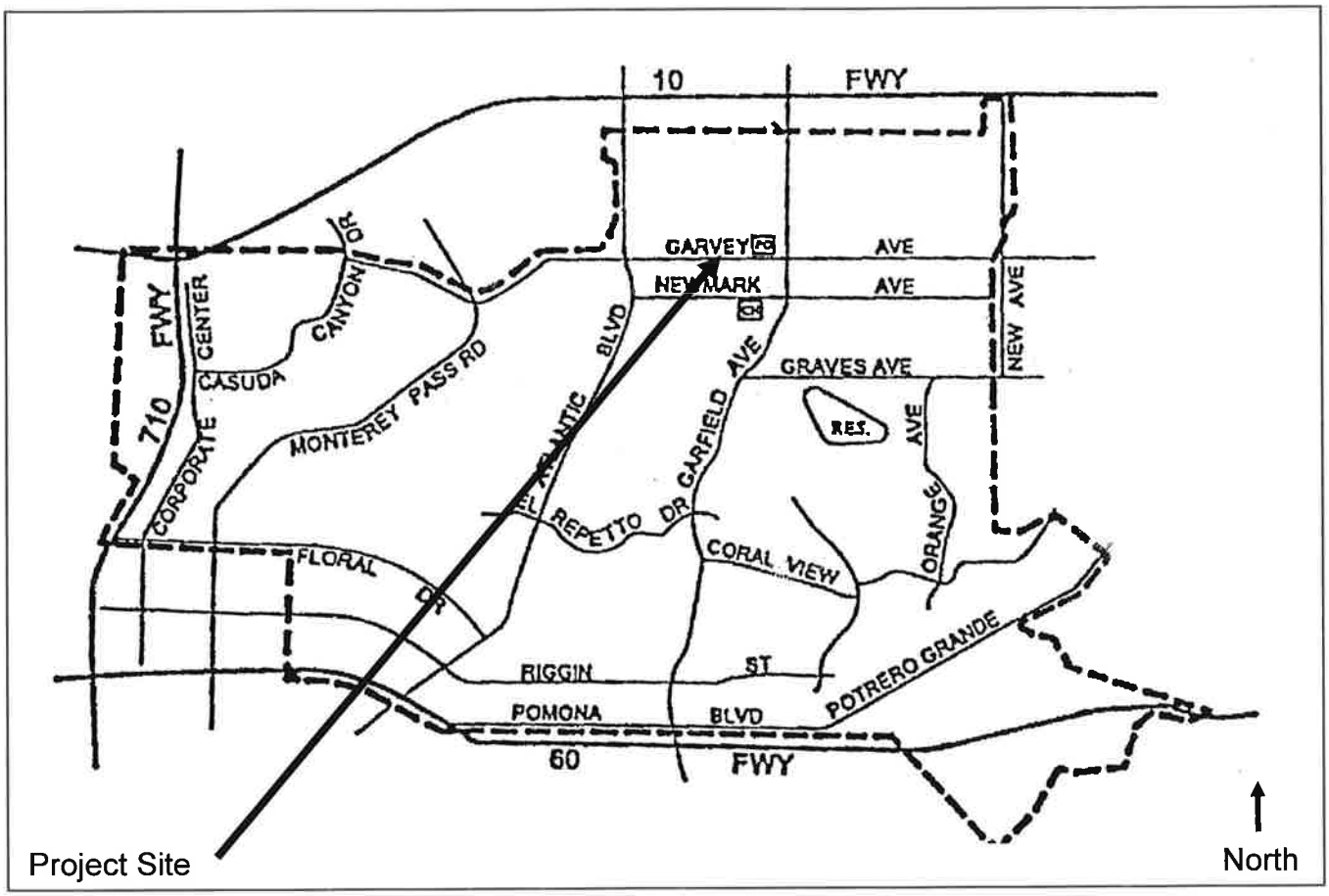
LEGAL NOTIFICATION:

The legal notice of this hearing was posted at the subject site, City Hall, Bruggemeyer Memorial Library, and Langley Center on **June 27, 2012**, with affidavits of posting on file. The legal notice of this hearing was mailed to **89** property owners within a 300 feet radius and current tenants of the property concerned on **June 27, 2012**.

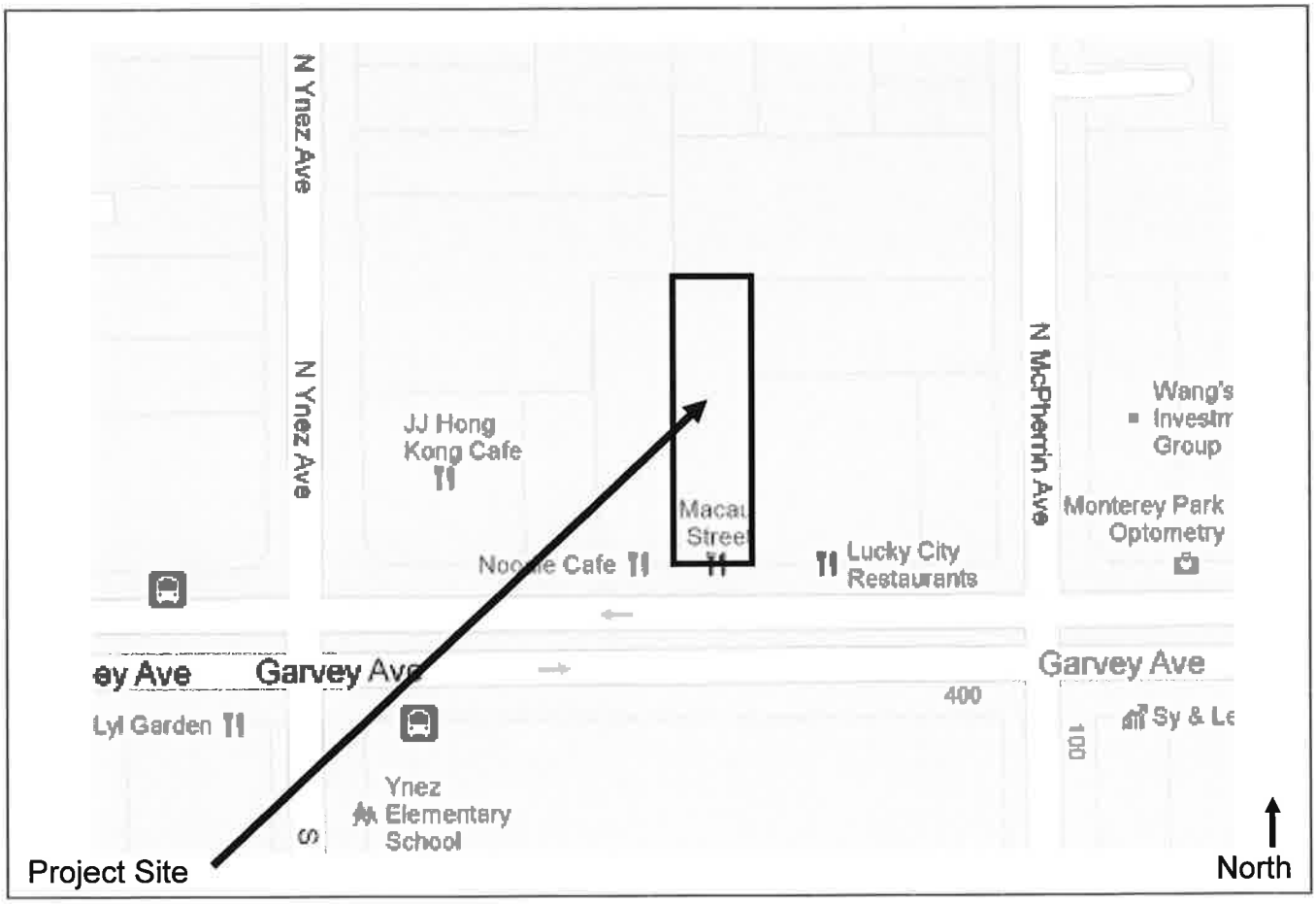
ENVIRONMENTAL ASSESSMENT:

This project was determined to be a Class 1 (Existing Facilities) Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act of 1970, as amended.

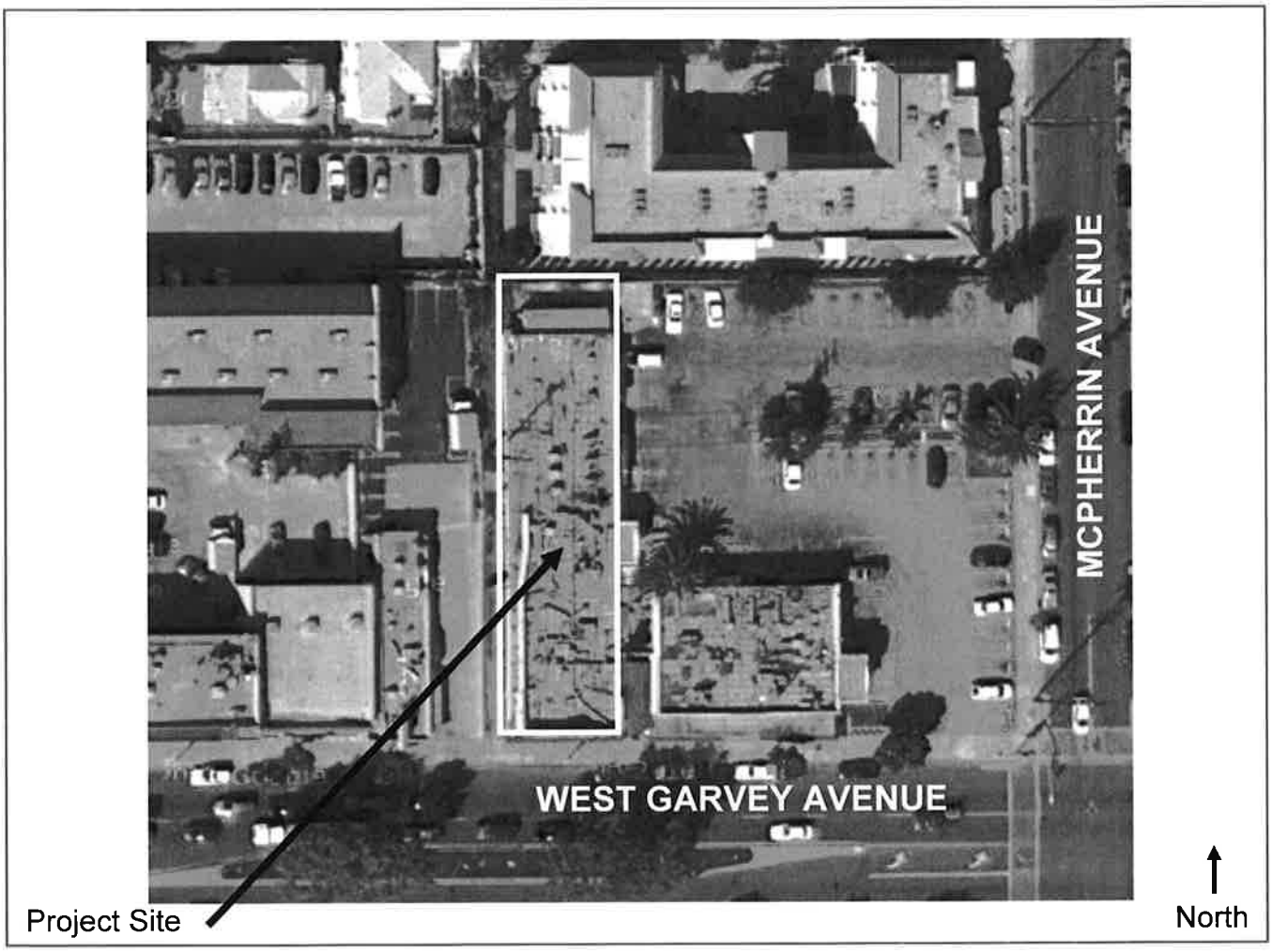
VICINITY MAP:



STREET MAP:


N Ynez Ave
N Ynez Ave
N McPherrin Ave
JJ Hong Kong Cafe
Macau Stree
Noodle Cafe
Lucky City Restaurants
Wang's Investm Group
Monterey Park Optometry
ey Ave
Garvey Ave
Garvey Ave
400
100
Lyl Garden
Sy & Le
Ynez Elementary School
Project Site
North

AERIAL MAP



ANALYSIS AND EVALUATION OF PROJECT:

The applicant, Bao Ming Li of H&H Restaurant, is requesting approval of a Conditional Use Permit to allow on-sale of beer and wine (Type 41) in conjunction with a bona fide public eating place. The subject business is an existing eating place located on the north side of West Garvey Avenue, two lots west of the northwest corner of West Garvey Avenue and North McPherrin Avenue. The lot is 9,398 square feet (0.22 acres) in area and is developed with a 6,042 square feet, one-story multi-tenant building. The subject unit is 4,684 square feet in area. The property is zoned C-B (Central Business) and designated Commercial in the General Plan. To the east and west of the subject property are commercial uses, to the north is a senior housing development, and south is Garvey Avenue and Ynez Elementary School.

According to the floor plan submitted by the applicant, less than half of the restaurant is used for dining purposes. The dining area is comprised of 11 tables and 9 fixed booths. The remaining area includes the kitchen, restrooms, storage, employee break room, and

the entry/waiting area. The restaurant will continue to serve lunch and dinner while maintaining their current hours of operation, seven days a week from 10:00 a.m. to 3:00 p.m. and 6:00 p.m. to 10:00 p.m. The serving of alcoholic beverages will complement the restaurant's meals. No separate bar area is indicated on the floor plan of the restaurant, nor is any entertainment proposed for the business.

Based on a population of 2,551 in the census tract, the Department of Alcoholic Beverage Control (ABC) allows 2 on-sale licenses in the tract and currently licenses 13 establishments. New licenses that exceed the threshold are permissible with the adoption of a Public Convenience and Necessity (PCN). As an eating establishment, ABC assumes this responsibility and no action is required of the City in this regard other than as specified in the Municipal Code. Based on Staff's discussion with ABC, if the CUP is approved by the City, and because this is an eating establishment, ABC will issue the PCN as a matter of routine.

Pursuant to Section 21.52.080 of the Monterey Park Municipal Code, there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the Section 21.52.050 of the Monterey Park Municipal Code. Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. Staff conducted a site inspection and found that the subject property has adequate exterior lighting attached to the front and rear building walls. The exterior lights provide lighting to the parking area. The existing exterior lights provide adequate lighting without disturbing the senior housing development to the north. The Police Department has included conditions numbers 20 through 28 in the Resolution to address security and alarm requirements.

This application is for a Type 41 on-sale license for the serving of beer and wine in conjunction with a bona fide public eating place. The applicant has clearly stated that they do not wish to provide entertainment uses, however if a request were to be submitted at any future date, the applicant would have to request a modification to the Conditional Use Permit.

CONCLUSION:

Staff recommends adopting the Resolution approving the requested Conditional Use Permit (CU-12-02), subject to conditions contained therein.

Jim Basham
Director of Community Development

Attachments:

1. Draft Resolution
2. Plans