

1. Agenda For September 25, 2012

Documents: [9-25-12.PDF](#)

2. Item For September 25, 2012

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3. Item Two For September 25, 2012

Documents: [9-25-12 ITEM 2.PDF](#)

4. Item Three For September 25, 2012

Documents: [9-25-12 ITEM 3.PDF](#)

5. Item Four For September 25, 2012

Documents: [9-25-12 ITEM 4.PDF](#)



CITY OF MONTEREY PARK PLANNING COMMISSION AGENDA

REGULAR MEETING
CITY HALL—COUNCIL CHAMBERS
320 W. NEWMARK AVENUE
September 25, 2012
7:00 P.M.

Planning Commission

Michael Hamner, Chairperson
Larry Sullivan, Vice-Chair
Hans Liang
Peter Ruiz
Vacant

Staff

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

CALL TO ORDER:

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 agenda item, your name will be called at the time the matter is heard by Planning Commission.

AGENDA CHANGES AND ADOPTION:

APPROVAL OF MINUTES: None

PUBLIC HEARING:

1. **DEVELOPMENT AGREEMENT, PRECISE PLAN, TENTATIVE TRACT MAP NO. 071549, SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING**

**PROGRAM – MONTEREY PARK MARKET PLACE DEVELOPMENT – 2250
GREENWOOD AVENUE (DA-12-02/PP-12-01/TM-12-01)**

The applicant, Monterey Park Retail Partners, LLC, is requesting approval of a Development Agreement, Precise Plan, Tentative Tract Map No. 071549, Supplemental Environmental Impact Report, Statement of Overriding Consideration and Mitigation Monitoring Program for the development of the Monterey Park Market Place in the R-S, P-D (Regional Specialty, Planned Development) Zone.

ENVIRONMENTAL: In March 2000, the Final EIR/EIS (State Clearinghouse Number 1999051058) for the Monterey Park Market Place project was certified by the City of Monterey Park Planning Commission (the "EIR"). The previously approved project included a total of 515,382 square feet of retail and restaurant uses, consisting of 464,143 square feet of retail uses, 36,250 square feet of retail or restaurant uses, 14,989 square feet of restaurant uses, and 2,971 parking spaces (the "2000 MPMP Plan"). The EIR has been made available to the Planning Commission and considered by the Planning Commission in acting on this Resolution. The EIR is on file with the City Clerk and Planning Department of the City and available for inspection.

RECOMMENDATION: It is recommended that the Planning Commission 1) adopt the Resolutions recommending approval of the requested Development Agreement, Precise Plan, Tentative Tract Map No. 071549, Supplemental Environmental Impact Report, Statement of Overriding Consideration and Mitigation Monitoring Program (DA-12-02/PP-12-01/TM-12-01), subject to conditions of approval contained herein; and 2) take such additional, related action that may be desirable.

**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 foot 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.

**ITEMS FROM COMMUNITY
DEVELOPMENT:**

**ITEMS FROM THE
COMMISSION:**

ADJOURNMENT:

Next regular meeting on October 9, 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](http://www.ci.monterey-park.ca.us).

APPROVED BY:

JIM BASHAM	
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Staff Report City of Monterey Park

DATE: September 25, 2012

TO: PLANNING COMMISSION

FROM: MARK D. HENSLEY, CITY ATTORNEY

SUBJECT: MONTEREY PARK MARKET PLACE PROJECT

SUMMARY

This item involves consideration of the Monterey Park Market Place Project, including a proposed precise plan, tentative tract map, development agreement, and associated supplemental environmental impact report (“SEIR”). After conducting a public hearing and considering the proposed entitlements, the Commission must make a recommendation on each entitlement and the SEIR to City Council, which has final approval of all project entitlements and associated environmental review. While approval of the project entitlements would permit the applicant to begin certain grading and construction activities, additional approvals would be required for project completion. The City’s Design Review Board would need to approve architectural review, a master sign plan, and hardscape and landscaping plans. The City Engineer would need to approve the final tract map. The Project would also require different levels of approvals from Caltrans; the City of Montebello, related to approval of signs and offsite roadway improvements required as part of the Project’s traffic mitigation measures; the South Coast Air Quality Management District; and the Los Angeles Regional Water Quality Control Board. Some of these approvals are ministerial in nature.

BACKGROUND AND ANALYSIS

I. Background and Project Location

1. Project Location

The proposed project is located on approximately 51 acres in the southern portion of Monterey Park, along the north side of the SR-60 Freeway between the Paramount Boulevard and Potrero Grande Drive exits. It is bounded by Southern California Edison (“SCE”) easements on the northwest and northeast. Beyond the SCE easements are Potrero Grande Drive to the northwest and the Resurrection Cemetery and residential land uses to the northeast and east. The primary access to the project site would be from Greenwood Avenue and Neil Armstrong Street. The site is zoned R-S(PD) – Regional Specialty Center – Planned Development Overlay Zone and the General Plan land use designation is Commercial. While the R-S(PD) Overlay Zone permits

retail, restaurant and service uses, any development project in such a zone must submit a precise plan to be approved by the Commission.

2. Prior and Existing Uses

The project site is partially covered by the northern portion of a former 190-acre landfill, which was previously operated as a municipal waste disposal facility. The landfill has been inactive since 1984 and was listed on the National Priorities List as a Superfund Site in 1986. As part of the site cleanup process, a leachate treatment plant ("LTP") and thermal destruction facility ("TDF") were constructed on the site to process hazardous substances collected from the south parcel of the landfill. The proposed project would not affect these existing improvements. Other than the LTP and TDF, there are no structures on the project site.

3. Prior Approved Project

In March 2000, the Commission approved a project and certified an Environmental Impact Report and Environmental Impact Study ("EIR/EIS") for the project site. The project proposed 515,382 square feet of development for a proposed shopping center, including 267,148 square feet of anchor retail uses (consisting of two anchor retail stores), 196,995 square feet of other retail uses, 36,250 square feet that could be used for either retail or restaurant uses, and 14,989 square feet of restaurant uses (the "Approved Project"). The project also included 2,971 parking spaces.

II. Proposed Project

The proposed project includes a total of 500,000 square feet of development, including 455,000 square feet of commercial retail uses (including three anchor retail stores), 29,000 square feet of restaurant uses, 11,000 square feet that could be used for either retail or restaurant uses, and 5,000 square feet of bank uses (the "Project"). The Project also includes approximately 2,420 parking spaces, resulting in a surplus of 496 parking spaces beyond that required by the Monterey Park Municipal Code. Based upon the project description in the SEIR, the anchor retail stores will likely include a home improvement store and a warehouse or department store. A garden center would be attached to the home improvement store. Based on the SEIR and Precise Plan, the smaller buildings are planned to be used for a bank, three fast-food restaurants and three sit-down restaurants. The remaining development pads would be primarily used for mixed-retail uses, although the specific type of retail or restaurant use is not currently known at this time. The Project would also include several illuminated building and tenant identification signs as well as signs located near the SR-60 to advertise tenants.

III. Montebello Sales Tax Agreement

During the approval process for the Approved Project, Montebello raised concerns regarding the project's potential impact on retail located within Montebello and infrastructure and roadway improvements needed for the Approved Project within Montebello city limits. In 2001, in consideration for Montebello assisting with project improvements needed in Montebello and agreeing to support the Approved Project, the City and the former Redevelopment Agency entered into an Agreement Concerning the Monterey Park Market Place Shopping Center and the Apportionment of Sales Tax Revenues Therefrom with Montebello and the Community

Redevelopment Agency of the City of Montebello (the “Sales Tax Agreement”). The Sales Tax Agreement required Montebello to, among other things, (i) enter into road and slope easements with SCE for the construction of Market Place Drive and dedicate the easement area into the city street system; and (ii) agree that the proposed signs are a permitted use within Montebello. Montebello has completed these actions. The Project applicant is required to construct the street improvements and signs located in Montebello.

The Sales Tax Agreement also requires the City to give Montebello an apportionment of Market Place’s sales tax revenue. The City must pay Montebello a minimum of \$25,000 in sales tax revenue per quarter, commencing one year after Market Place is open to the public for business. The minimum sales tax revenue may be increased under the Sales Tax Agreement after the 20th quarter of payments. The amount of sales tax owed is 18% of sales tax revenue for non-specified retailers. For specified retailers, including, among others, Staples, Costco, Circuit City, J.C. Penney, Sears, Mervyns, Ross, Gap, and Petco, the City must pay to Montebello 50% of the sales tax revenue for the first 20 quarters of payments and 18% thereafter. The Sales Tax Agreement continues in perpetuity and never expires by its terms. The City cannot solicit any of the specified retailers to lease or occupy space within Market Place for the first 20 quarters; however, specified retailers may independently inquire about leasing space within Market Place and may sign a lease for such space as long as the City does not subsidize the lease or tenancy. The City must also pay Montebello a public safety payment of \$5,000 per quarter, commencing one year after Market Place is open to the public. The City must also pay for any reasonable increased costs for police or other public safety services along Paramount Boulevard during the holiday shopping season. In return, Montebello is required to cooperate and work constructively with the City and Project applicant regarding the Project and any approvals required to be obtained from Montebello.

IV. Required Easements

1. Existing Easements

Several easements are required for construction of the project, regardless of whether the Council approves the Approved Project, the Project, or one of the SEIR alternatives. On July 17, 2003, Montebello acquired permanent easements from SCE for the construction of Market Place Drive, a parking lot, construction of two signs, and slope easements associated with the construction of Market Place and Market Place Drive. Montebello subsequently transferred the easements for construction of a parking lot, a slope easement and easements for installation of two signs to the Monterey Park Redevelopment Agency. On June 15, 2012, the Oversight Board for the Successor Agency to the Redevelopment Agency approved the transfer of the easements from the Successor Agency to the City to use for the Market Place Project. The easements are currently in the process of being assigned to the City by the Successor Agency. Pursuant to the Development Agreement, discussed below, the Project applicant will pay market value for the easements acquired by the former Redevelopment Agency, excluding the easements required for the construction of Market Place Drive and associated roadway improvements. Any construction in the easement areas must be approved by SCE prior to construction.

2. Proposed Easements

The Project applicant is currently seeking to acquire additional easements from SCE to allow additional parking and a slope easement along the northern project site boundary. Negotiations regarding these sites remain ongoing between the Project applicant, the City and SCE. These easements are not considered part of the Project currently sought for approval and are not analyzed in the SEIR. It is anticipated that the Project applicant will obtain these easements through a land swap with SCE at no additional cost to the City.

V. **Proposed Entitlements**

1. Precise Plan

Because the Project is in a R-S(PD) Overlay Zone, a Precise Plan must be approved that includes the specific land use regulations particular to the project site. The proposed Precise Plan generally regulates the permitted uses; maximum square footage for each development pad; building height and setbacks; parking; landscaping; signs; access and circulation; and trip reduction measures. It also includes a lighting plan, sign plan, landscaping plan, and elevations, which provide general guidelines for those improvements subject to final refinement and approval by the Design Review Board. The major provisions of the Precise Plan are as follows:

- The uses are restricted to an identified list of commercial, retail, and restaurant uses listed in Table V-1 (Permitted Uses). Banks and fitness centers are limited to one each within the project site. Certain ancillary uses are permitted for the home improvement center, including limited outdoor displays, truck rentals, and seasonal sales.
- The Precise Plan replaces the need for tenants or the Project applicant to seek conditional use permits for certain uses that would otherwise require one. The Precise Plan would permit a total of 5 restaurants to serve alcohol (subject to approval by ABC) and a maximum of 3 drive-thru restaurants.
- The maximum square footage for the site is 500,000 square feet. Individual building pads are limited to the square footage provided in Table V-2. The maximum square footage for the project site or any individual building pad may be increased in accordance with the amendment provisions discussed in the Development Agreement, below.
- The maximum height of any building is the same as generally permitted in the R-S Zone, which generally limits height to 50 feet or 4 stories.
- A minimum of 1,924 parking spaces are required for the Project. 22% of the required parking spaces may be compact spaces.
- The Project must include trip reduction measures, including bike racks and facilities, carpool and vanpool parking spaces, an on-site bus stop, and charging locations for electric vehicles.

2. Development Agreement

Government Code Section 65864 *et seq.* authorizes cities to enter into development agreements to provide developers certainty that, upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules, and regulations, subject to conditions of approval and mitigation measures. In return, cities may demand certain public benefits be paid or provided by the developer. The proposed Development Agreement would grant the Project applicant the right to develop the Project pursuant to the City's zoning provisions and other applicable rules and regulations in place at the time the development agreement is executed by the Project applicant and the City. In return, the development agreement would restrict development of the project site to the Project described in the project approvals and would provide certain assurances that the Project applicant would seek high-quality tenants. The development agreement does not affect the right of the City to exercise its police powers to (1) enact regulations that are necessary to preserve the public health and safety, (2) amend its Building Code or Fire Code, or (3) enact regulations that are necessary to comply with state or federal laws or regulations. The term of the Agreement would be 10 years, beginning upon the issuance of the first Certificate of Occupancy for the Project. The major terms of the Development Agreement are as follows:

A. Tenant Mix

At least 51% of the leased square footage of the Project must be leased to high-quality tenants with at least 20 stores in California or 50 stores nationally of a similar quality as stores found in other high-quality shopping centers (such as Long Beach Towne Center, the Commons at Chino Hills, etc.) ("Qualifying Tenants"). This requirement will generally last between 7-10 years from the date that 175,000 square feet of the project has been constructed, based on certain triggering events. The Project applicant must lease to at least three Qualifying Tenants at anchor locations of at least (1) 75,000, (2) 50,000 and (3) 15,000 square feet. The Development Agreement contains no restriction on how the other 49% of the project site is leased, other than the use restrictions provided in the Precise Plan. The Agreement does not guarantee that such high-quality tenants will ever actually open at the project site. Based on the proposed site plan included with the Precise Plan, the Project applicant would be able to meet this requirement if it leased the three proposed anchor locations (of 140,000 SF, 140,000 SF, and 41,000 SF) to Qualifying Tenants.

If a Qualifying Tenant subsequently leaves and subleases its property, it may sublease the property to any subtenant *even if the Qualifying Tenant never actually opens a store for business*. If this occurs after 300,000 square feet of the Project has been leased and the sublease results in the Project having less than 51% Qualifying Tenants, the Project applicant must use its best efforts to lease any other parcels it controls to meet the 51% requirement. If this occurs before 300,000 square feet of the Project has been leased, the Project applicant must lease vacant space to Qualifying Tenants until it meets the 51% requirement. This creates a potentially significant issue, in that if a large anchor tenant subsequently subleases its property to a non-Qualifying Tenant and the project site is near full occupancy, it the Project may not meet the 51% requirement; however, certain potential tenants have strenuously objected to any limitation on their ability to sublease their property. *This is a policy consideration that may or may not significantly affect the ultimate development of the site.*

B. Infrastructure and Off-Site Improvements

The Project applicant will construct all on-site infrastructure and off-site improvements required by the SEIR and Project Approvals. The off-site improvements may be funded from another source if the Project applicant can show that the source has committed to paying for the improvements. In the event that Montebello or Caltrans does not approve plans for the off-site improvements prior to the time that a portion of the Project is set to open, the Project applicant will set aside money in a trust fund to finance the off-site improvements in those jurisdictions if and when the plans are approved. It is anticipated that Caltrans may construct certain improvements required for the SR-60 Pomona Freeway on and off ramps; however, in the event that Caltrans fails to do so, the Project applicant would be required to pay for the improvements.

C. Easement Transfer

The easements currently held by the City will be transferred to the Project applicant once (1) 125,000 square feet of the development has been leased to Qualifying Tenants; (2) the Project applicant has closed escrow on the Property; and (3) the Project applicant has deposited an amount equal to the market value of the easements (other than the easements required for construction of Market Place Drive) into escrow, to be paid to the City upon transfer of the easements. If the Project applicant has not constructed at least 175,000 square feet of the Project within 5 years, it must place the appraised value of the Market Place Drive easements (not to exceed \$800,000) into a trust fund, which will be released to the City to pay for the Market Place Drive easements at the end of an additional 5 years if the Project applicant has not completed construction of at least 175,000 square feet of building shells and the Paramount Avenue off-site improvements.

D. Amendments to the Precise Plan and Site Plan

The Community Development Director may approve any amendments to the Precise Plan and site plan that relocate less than 150,000 square feet of development and involve (1) no additional uses, (2) no increase in the maximum height, (3) no increase in Project aggregate square footage above 600,000 square feet, and (4) no changes requiring additional environmental review pursuant to CEQA. Any changes that relocate more than 150,000 square feet but none of the other changes listed above may be approved by the Planning Commission. All other changes must be approved by the City Council.

E. HUD Requirements

The Project applicant is required to comply with the requirements of the HUD Section 108 Loan regarding local hiring and hiring low- and moderate- income employees.

F. Annual Reviews

Pursuant to the Development Agreement Act, the Planning Department will conduct annual reviews to ensure the Project applicant's compliance with the terms of the Development Agreement.

G. Assignment

The City must approve any assignment of the project site before the Project applicant leases 175,000 square feet of the Project to Qualifying Tenants. The City has no authority to review an assignment after 175,000 square feet have been leased.

3. Tentative Tract Map

A tract map is required in most instances when a developer seeks to subdivide its property. A tract map is required for the proposed Project, as the Project applicant proposes to subdivide the project site into 11 different lots to permit lots to be individually sold or leased. The proposed lots generally correspond with the proposed development pads. The tract map identifies the existing easements and includes conditions associated with the engineering and infrastructure development of the project site. The City Engineer must approve the final tract map upon satisfaction of all the tentative tract map conditions by the Project applicant.

VI. **SEIR**

1. Draft SEIR

The City Council certified an EIR/EIS for the Approved Project in 2000. The SEIR was prepared to inform the Planning Commission, City Council, other responsible agencies, and the general public of the environmental effects of the development and operation of the Project. The SEIR incorporated the analysis contained in the prior EIR/EIS and further analyzed issues related to aesthetics, air quality, greenhouse gas emissions, noise, transportation and traffic, and utilities and service systems. It included two proposed plans, one which considered a commercial retail development of 600,000 square feet, including four anchor retail tenants, and a “small box alternative” similar to the actual proposed Precise Plan, which included 534,751 square feet of retail development.

The draft SEIR was circulated for a 45-day public comment period beginning on April 28, 2011. The SEIR found that the Project would result in significant and unavoidable adverse impacts, including air quality impacts associated with construction and vehicular emissions, greenhouse gas emissions, and transportation and traffic impacts at ten intersections, several of which are located in Montebello. Therefore, to approve the Project, the Planning Commission and City Council must adopt a Statement of Overriding Considerations which identifies Project benefits which outweigh and override the Project’s significant and unavoidable environmental impacts.

2. SEIR Alternatives

The SEIR considered (1) the Approved Project; (2) an alternative land use plan which would allow for development of 600,000 square feet of light industrial and commercial uses on the site; and (3) a reduced density alternative, which would include the same proposed uses but would reduce each proposed land use by 10% each, resulting in an overall square footage of 540,000 square feet. The SEIR found that all alternatives would have less impacts associated with operational air quality emissions, greenhouse gas emissions, project noise, transportation and traffic, and utilities. The SEIR also noted that the small-box development alternative would also likely have fewer environmental impacts because it was designed to include less square footage.

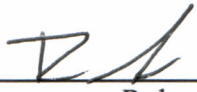
The SEIR found that the Approved Project and reduced density alternative would meet all of the project objectives, although to a slightly lesser extent than the Project. The alternative land use plan alternative would meet almost none of the project objectives. The SEIR identified the reduced density alternative as the environmentally superior alternative. It should be noted that the current proposed Precise Plan would be environmentally superior to even the reduced density alternative considered in the SEIR.

3. Public Comments and Final SEIR

The public comment period for the draft SEIR closed on June 13, 2011. The City received comments from the Los Angeles County Sanitation District, Southern California Gas Company, Caltrans, SCE and Montebello. The environmental consultant prepared responses to all comments received and included the responses in the Final SEIR. The Final SEIR concludes that the comments do not identify any new significant impacts or more severe significant impacts other than those discussed in the Draft SEIR, and do not give rise to any need to recirculate the Draft SEIR for additional review and comment. Specifically, the environmental consultant reviewed the changes in the proposed Precise Plan as compared to the site plans studied in the SEIR and concluded that the Precise Plan would result in no new or additional significant impacts, because it reduces the square footage of the development and includes the same general mix of proposed uses. Other minor changes to the Draft SEIR are included in Section 3 of the Final SEIR.

Mark D. Hensley, City Attorney

By:



Robert M. Smith

Deputy City Attorney

Attachments: Draft and Final SEIR
Monterey Park Market Place Precise Plan
Development Agreement
Tentative Tract Map
Resolution Recommending Approval of SEIR
Resolution Recommending Approval of Development Agreement
Resolution Recommending Approval of Precise Plan and Tract Map
SEIR Findings and Statement of Overriding Considerations
SEIR Mitigation Monitoring Plan

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEREY PARK RECOMMENDING CERTIFICATION OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE MONTEREY PARK MARKET PLACE DEVELOPMENT; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND RECOMMENDING ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING PROGRAM

The Planning Commission of the City of Monterey Park hereby resolves as follows:

SECTION 1. The Planning Commission finds and declares as follows:

- A. Formal applications were submitted by Monterey Park Retail Partners, LLC, a limited liability company, for the development of Monterey Park Market Place, consisting of a big-box project of approximately 600,000 square feet of retail and restaurant uses and 2,333 parking spaces and an alternate small-box site plan consisting of 500,000 square feet of retail and restaurant uses and a minimum of 1,924 parking spaces. The proposed project includes requests for approval of the Monterey Park Market Place Precise Plan, a tract map, and a development agreement (the "Project").
- B. In March 2000, the Final EIR/EIS (State Clearinghouse Number 1999051058) for the Monterey Park Market Place project was certified by the City of Monterey Park Planning Commission (the "EIR"). The previously approved project included a total of 515,382 square feet of retail and restaurant uses, consisting of 464,143 square feet of retail uses, 36, 250 square feet of retail or restaurant uses, 14,989 square feet of restaurant uses, and 2,971 parking spaces (the "2000 MPMP Plan"). The EIR has been made available to the Planning Commission and considered by the Planning Commission in acting on this Resolution. The EIR is on file with the City Clerk and Planning Department of the City and available for inspection.
- C. Concurrent with the City's certification of the EIR, the City filed a Notice of Determination regarding its approval of the 2000 MPMP Plan. No person or entity filed any legal challenge to the City's certification of the 2000 MPMP Plan within the applicable 30-day period provided in Public Resources Code Section 21167(c).
- D. Pursuant to Section 15063 of the Guidelines, the City prepared an Initial Study (the "Initial Study") for the Project. The Initial Study concluded that there was substantial evidence that the Project might have a significant

impact on the environment and that a supplemental environmental impact report to the EIR ("SEIR") was required.

- E. On June 16, 2010, a Notice of Preparation ("NOP") for the SEIR was sent to all organizations and individuals requesting notice and those public agencies listed on the distribution list attached to the NOP. The NOP describes the Project, its location, and its anticipated impacts sufficiently to permit a meaningful review and response. The NOP was available for public review from June 16, 2010 to July 16, 2010 and solicited comments regarding the scope and content of the SEIR, the Initial Study, and the environmental information relevant to the Project. The SEIR contains the review of the issues identified for analysis and those issues brought up in the responses to the NOP. A copy of the NOP, together with the comments received, is part of the SEIR. These documents are on file with the City Clerk of the City and available for public inspection.
- F. A Draft Supplemental Environmental Impact Report (the "Draft SEIR") dated April 2011 was prepared for the Project. Section 3.4 of the Draft EIR provides a full description of the Project. In accordance with CEQA and the Guidelines, the City analyzed the Project's potential impacts on the environment.
- G. A Notice of Availability ("NOA") of the Draft SEIR was published in the April 28, 2011 and a copy was posted in the Los Angeles County Clerk's Office. Copies of the NOA and Draft SEIR were distributed to the public agencies and other interested parties as shown on the distribution list included in the Draft SEIR and attached to the NOA. Additionally, the Draft SEIR was distributed to responsible and interested state agencies through the State Clearinghouse.
- H. The Draft SEIR was made available for public review and comment pursuant to Guidelines Section 15087 on April 28, 2011. The public review period lasted from April 28, 2011 to June 13, 2011. Copies of the Draft SEIR were made available for public review at the City Planning Department and City Clerk's office, and the Draft SEIR was available on the City's website.
- I. During the public review period, comments were received on the EIR as revised by the Draft SEIR from members of the public as well as affected public agencies. Such written comments are included in the Final SEIR. In accordance with Guidelines Section 15088, the City evaluated the comments on environmental issues received from persons and entities that reviewed the Draft SEIR during the public review period and prepared a written response to each comment. These responses are set forth in the Final SEIR.

**PLANNING COMMISSION
RESOLUTION NO.
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- J. The Final Supplemental Environmental Impact Report (the “Final SEIR”) is comprised of the EIR, including appendices; the Draft SEIR, including appendices; the Comments and Response to Comments on the Draft SEIR; and the Mitigation Monitoring Program. On [xxx], the Final SEIR was publicly released for a ten day period prior to the Planning Commission’s consideration of the Final SEIR scheduled for [xxx]. The FSEIR is on file with the City Clerk and Planning Department of the City and available for inspection.
- K. The Planning Commission held duly noticed public hearings on August 21 and September 25, 2012, at which time it received oral and documentary evidence from the public regarding the Project and the Final SEIR.
- L. All legal prerequisites have occurred prior to the adoption of this Resolution.

SECTION 2. Based upon the substantial evidence in the record, including the oral and written comments received during the above-referenced process, the oral and written staff reports submitted in conjunction with the Final SEIR, the previously certified EIR, and the independently drafted Initial Study, Draft SEIR, Final SEIR, Findings of Fact and Statement of Overriding Considerations (Exhibit A), and Mitigation Monitoring Program (Exhibit B), the Planning Commission finds as follows:

- A. That changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR as revised by the Final SEIR. The Planning Commission’s determination as to the environmental effects pertinent to this finding are more completely described in the Findings of Fact and Statement of Overriding Considerations attached as Exhibit A.
- B. Notwithstanding the foregoing, and based upon the substantial evidence listed above, the EIR as revised by the Final SEIR for the Project does identify certain impacts as unavoidable and significant adverse impacts. However, the Planning Commission finds that as to those certain impacts identified in the Final SEIR and listed in the Findings of Fact and Statement of Overriding Considerations (Exhibit A) that: (1) such changes or alterations are within the responsibility and jurisdiction of another public agency and not the City and such changes have been adopted by such other agency or can and should be adopted by such other agency, or (2) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the EIR as revised by the Final SEIR, and such unavoidable significant adverse impacts are deemed acceptable due to such overriding concerns. The Planning Commission’s determination and specific reasoning as to the environmental effects pertinent to these findings are more completely

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described in the Findings of Fact and Statement of Overriding Considerations attached as Exhibit A.

SECTION 3. The Planning Commission hereby recommends approval and adoption of the Findings of Fact and Statement of Overriding Considerations attached as Exhibit A and incorporated by this reference. This Findings of Fact and Statement of Overriding Considerations would supersede the document previously approved by the City Council under Resolution No. 10493.

SECTION 4. The Planning Commission hereby recommends approval and adoption of the Mitigation Monitoring Program attached as Exhibit B and incorporated by this reference. This Mitigation Monitoring Program would supersede the document previously approved by the City Council under Resolution No. 10493.

SECTION 5. In view of the facts and findings set forth in this Resolution, the Findings of Fact and Statement of Overriding Considerations (Exhibit A), and the Mitigation Monitoring Program (Exhibit B), and having considered the previously certified EIR, the Planning Commission hereby recommends certification of the Final SEIR for the Project, finding that: (1) is complete and adequate, and has been completed in compliance with the requirements of CEQA and the Guidelines, (2) was presented to the Planning Commission along with the EIR, and the Planning Commission has reviewed and considered the information contained therein, and (3) the Final SEIR for the Project reflects the independent judgment and analysis of the Planning Commission. This Final SEIR would supersede the document previously approved by the City Council under Resolution No. 10493.

SECTION 6: Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 8: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 9: The Secretary shall certify to the adoption of this Resolution and forward a copy hereof to the City Council.

ADOPTED AND APPROVED this 25th day of September 2012.

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Chairperson Hamner

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 25th day of September 2012, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jim Basham, Liaison
Director of Community Development

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: _____
Robert M. Smith
Assistant City Attorney

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEREY PARK RECOMMENDING APPROVAL OF PRECISE PLAN (PP-12-01) AND TENTATIVE TRACT MAP NO. 071549 (TM-12-01) FOR THE MONTEREY PARK MARKET PLACE DEVELOPMENT

The Planning Commission of the City of Monterey Park hereby resolves as follows:

SECTION 1. The Planning Commission finds and declares as follows:

- A. Formal applications were submitted by Monterey Park Retail Partners, LLC, a limited liability company, for approval of Precise Plan (PP-12-01) and Tentative Tract Map No. 071549 (TM-12-01) to allow up to 500,000 square feet of retail and restaurant uses and a minimum of 1,924 parking spaces associated with the Monterey Park Market Place project (the "Project"), generally located at 2250 Greenwood, north of SR-60 between the Paramount Boulevard and Potrero Grande Drive freeway exits (the "Property").
- B. The Project is located on property within a Regional Specialty, Planned Development (R-S, P-D) Overlay Zone, which requires approval of a precise plan which includes specific land use regulations for the Project. The Project applicant is also requesting approval of a tentative tract map, which would divide the Property into 12 different lots that may be individually sold or leased.
- C. The Planning Commission held duly noticed public hearings on August 21 and September 25, 2012, at which time it received oral and documentary evidence from the public regarding the Project.
- D. This Resolution and findings are made based upon the testimony and evidence presented to the Commission.

SECTION 2. *Precise Plan Findings.*

- A. The Planning Commission finds that the scale and location of the Project and unique character of the project site make it desirable to apply regulations specifically tailored to the Property that supersede the more general regulations provided in the City's zoning ordinance. The Precise Plan will permit development of a key site for commercial retail within the City, while ensuring compatibility with existing and future developments in surrounding areas. The Precise Plan facilitates the development of the Monterey Park Market Place development on a significantly underutilized site within the city and includes provisions intended to ensure that such development will be of high-quality architectural design.

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- B. As further described in the Supplemental Environmental Impact Report prepared for the Project (the "SEIR"), the Planning Commission finds that the provisions of the Precise Plan are consistent with the City of Monterey Park General Plan and the City's zoning ordinance. The Precise Plan furthers Land Use ("LU") Element Goal 8.0 [Create a major retail-serving commercial center south of Potrero Grande Drive], LU Policy 8.2 [Encourage development of retail businesses within the OII/Edison area which serve a regional market and maximize tax revenue potential] and LU Policy 8.3 [Work closely with Southern California Edison to create a reuse plan for Edison properties that optimizes potential for retail commercial and complementary development] by permitting development of a first-class commercial retail center on the OII/Edison site, thereby creating a significant amount of anticipated sales tax revenue for the City. The Precise Plan also furthers LU Policy 8.1 [Work with the City of Montebello to ensure good access to the OII/Edison area via Paramount Boulevard], LU Policy 8.4 [Pursue public infrastructure improvements that will support and facilitate redevelopment of the OII/Edison area] and LU Policy 8.5 [Work with Caltrans to enhance the appearance of the Pomona Freeway frontage bordering the OII/Edison area] by requiring the Project applicant to construct or fund construction of all required infrastructure and off-site improvements, thereby significantly improving access to the Property, as well as providing landscaping and aesthetic elements to improve the appearance of the Property as seen from the 60 Freeway. These same goals satisfy Economic Development Goal 7.0 and Policies 7.1 through 7.5.

SECTION 3. *Precise Plan Approval.* The Planning Commission hereby recommends approval of Precise Plan PP-08-02, subject to the conditions provided in Section 4.

SECTION 4. *Precise Plan Conditions of Approval.* In addition to the terms and conditions contained in the Precise Plan, the Project applicant hereby agrees to and is bound by the following conditions:

PLANNING:

1. The Project applicant/Property owner shall maintain substantial conformance to site map date-stamped August 27, 2012, except as modified pursuant to the terms of the Precise Plan.
2. The Property, subject to this approval, shall remain well-maintained and free of graffiti by the Project applicant/Property owner. Failure of the

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Project applicant/Property owner to remove any graffiti upon 24 hours written notice by the City shall authorize the City to remove or mask said graffiti at the cost of the Project applicant/Property owner.

3. All mitigation measures set forth in the SEIR shall be complied with and are hereby made a part of this approval.
4. The Property and parkway shall be maintained by the Project applicant/Property owner to City standards. The maximum height of any landscaping under Southern California Edison power lines is limited to 15 feet.
5. The Property, access road, and parking shall be maintained by the Project applicant/Property owner to City standards, with exception of the LTP/TDF.
6. The Project applicant and Property owner shall sign a notarized Affidavit of Acceptance of all conditions of approval and return it to the Community Development Department within 30 days after the effective date of this approval.
7. Design Review Board approval of the proposed architectural plans, master sign plan, and hardscape and landscaping plans, shall be secured prior to the issuance of a building permit. Elevations and material boards of the buildings to be developed as part of the Precise Plan shall be submitted to the Community Development Department and Design Review Board showing examples of the building elevations prior to submittal of working drawings for plan check. Such building elevations shall reflect additional architectural relief features in terms of height and depth.
8. Low-water use landscaping shall be installed and permanently maintained and continuously provided in a neat and orderly manner including weeds and debris removal on a regular basis. Said Condition shall also be stated within the Reciprocal Easement Agreements ("REAs") to ensure that the Property owner(s) maintain the landscape areas. Each planter area shall be enclosed with raised minimum 6-inch concrete curbing. Each planter area shall be provided with automatic sprinkler system which shall guarantee an adequate supply of water to fulfill the intent of continual plant maintenance. Landscaped plans shall be submitted to the Community Development Department for review and approval in conjunction with grading plans. Landscaped plans shall conform to the landscaped provisions in the Precise Plan and subject to approval by the Community Development Department.

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9. The Project applicant shall submit a copy of the REAs to the City for review and approval prior to submittal to the Los Angeles County Recorder's office for recordation. Said REAs shall ensure overall Property maintenance and upkeep is in accordance with the Precise Plan and any other City requirements. Said REAs to be approved by the City and recorded with the Los Angeles County Recorder.
10. The REAs shall include provisions that the Property shall be maintained clean, sanitary and free of litter and will be cleaned of loose debris on a daily basis.
11. The REAs shall include a provision that any graffiti painted or marked upon the Property shall be removed within 24 hours of discovery or upon notification from the City.
12. Outdoor public address systems that can be heard off-site are prohibited.
13. All utilities such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, fire hydrants, backflow preventers or any potential obstructions shall not be located within the approved parking and/or turn radius area. If approved by the Community Development Department, said facilities may be installed underground in a vault having an approved traffic lid. All such facilities located aboveground shall meet with the approval of the Community Development Department and serving utility.
14. All roof mounted equipment and vents shall be screened from view from Market Place Drive, the Property's parking areas, and adjacent properties. Type and materials to be used for screening shall be reviewed and approved to the satisfaction of the Community Development Department for each building prior to issuance of a building permit.
15. Drainage gutters, scuppers, overflow drains and down spouts located on the exterior walls of any proposed building shall be ornamentally designed or completely concealed inside the proposed structures and elevations.
16. Site entrances shall be expressed with enhanced landscaping, architectural structures and/or entrance monument signs designed to announce entrances into the Property. Detailed plans shall be submitted to the Design Review Board for review and approval.
17. All standard sized parking spaces shall be minimum 9 feet wide by 18 feet deep. All compact sized parking spaces shall be minimum 7 feet 6 inches

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wide by 16 feet deep. Parking stalls may allow for a two foot overhang when fronting a landscaped planter or extended sidewalk. The project will use 24-foot and 25-foot aisle widths within the parking area. Twenty-four-foot aisles are provided everywhere in the center except for the home improvement center area. The 25-foot aisles will be used in the parking area serving the home improvement center. In that area, the standard parking stalls will be 9 feet x 19 feet. Retail Warehouse Clubs shall require 10'x20' parking stalls with 24-foot drive aisles.

18. The Project shall include the following site design concepts:
 - a. Design buildings to be visually connected in order to eliminate a strip commercial appearance.
 - b. The building frontages shall be designed with pedestrian arcades and awnings and pathways connecting the parking area to the buildings.
 - c. Ground story facades should be related to pedestrian scale.
19. A standard detailed elevation drawing for construction of trash enclosures shall be submitted to the Community Development Department for review and approval prior to issuance of any building permits. The enclosure shall incorporate primary design features of the building and as specified in the Precise Plan. Said enclosure shall also include 6 foot high opaque self-closing gates painted to match the building elevations.
20. There shall be no release of utilities in connection with each building until all Planning, Engineering, Building and Fire conditions are met to the satisfaction of the City Building Official.
21. The main gateway entrance into the Project area via Market Place Drive into the project area shall connect with continuous lined trees, pedestrian walkways and landscaped medians. No buildings or striped parking spaces shall impede said circulation pathway.
22. Transformer enclosures attached to the building shall be designed of durable materials, with finishes and colors that are unified and harmonious with the overall architectural theme of the buildings.
23. Electrical equipment and cabinets shall be mounted on the interior of a building wherever possible. When interior mounting is not practical, electrical equipment shall be installed in a location where it is substantially screened from public view. In no case shall exterior electrical equipment

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and cabinets be mounted or installed on the street side or primary exposure side of any building.

24. Any devices employed to screen exterior components of plumbing, processing, heating, cooling and ventilating systems from direct view should appear as an integrated part of the architectural design and as such shall be constructed of complementary and durable materials and finished in a texture and color scheme complementary to the overall architectural design.
25. Parking lot lights must be consistent with the development in terms of scale and design and the height shall not exceed 40 feet.
26. The creative use of building security lighting will be required in the development. Ground lighting fixtures directed upwards along exterior walls may also serve as effective illumination.
27. Ground mounted lighting shall be installed in the landscaped medians, entryways, water feature(s), and activity nodes as a means to enhance these features during the nighttime periods.
28. The use of decorative lighting treatments in landscaping, pedestrian activity areas and nodes and entryways shall be required. These treatments shall also be incorporated into the overall architectural design of the buildings.
29. Landscaped undulating or linear berms shall be proposed along the perimeter facing the SR-60 Freeway to further enhance the landscape character of the Property.
30. The interior streetscape shall act as a unifying element within the Precise Plan area. Landscape treatments shall include small deciduous flowering accent trees planted in a formal row pattern.
31. Irrigation plans for the entire Precise Plan area shall be prepared by a licensed landscaped architect and submitted to the Community Development Department for review and approval.
32. All outdoor dining areas, courtyards and patios are subject to the approval of the Community Development Department and Design Review Board and shall incorporate design features that complement the project's overall primary architectural elements.

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33. Drive-thru lanes must not interfere with on-site vehicular circulation, parking stalls and pedestrian circulation. Drive thru lanes shall be screened by a combination of low decorative block walls and/or bermed landscaping.
34. Large blank single-planed building walls that are visible from public parking areas and pedestrian walkways shall incorporate articulation and human scale interest such as canopies, trellis, and arcades to assist in varied transition.
35. A copy of this Resolution and Precise Plan shall be provided by the Project applicant to all tenants.
36. Trash enclosures shall be located adjacent to buildings (except along the front elevation).
37. The applicant shall install a minimum of one water feature on the Property.

BUILDING:

38. The second sheet of the building plans shall list all City of Monterey Park conditions of approval.
39. Issuance of the building permit shall not be construed as permitting the excavations to encroach into adjacent property. Requirements for protection of adjacent property shall be as defined in California Civil Code Section 832.
40. The site plan shall indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the Property line.
41. A permit from CAL-OSHA shall be obtained prior to issuance of the building permit.
42. The applicant shall provide a thirty (30) foot in width clear unobstructed non buildable easement along the entire perimeter of the buildings.

ENGINEERING:

43. Project applicant is required to obtain a "General Construction Activity Storm Water" Permit and establish compliance with its requirements prior to issuance of a grading permit. Compliance information is available in the

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Office of the City Engineer. Upon approval of the NPDES document by the City, the Project applicant shall submit an electronic copy of the approved NPDES file, including site drawings, prior to the issuance of a grading permit.

44. All improvement plans, including grading and public improvement plans shall be based upon City approved datum. Benchmark references to be obtained from the Engineering Division.
45. Water requirements are to be determined upon completion and submittal of a water meter sizing sheet by the Project applicant. This may include upsizing of water meter and water services. All upgrading costs are the responsibility of the Project applicant.
46. All storm drainage facilities serving the Project shall accommodate a 50-year storm. If existing storm drain facilities are inadequate they shall be enlarged as necessary. All storm drain facilities shall be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also to the satisfaction of the City Engineer.
47. Any damage done to existing street improvements and utilities during construction shall be repaired before issuance of building permits for Project buildings. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer. All existing driveways, if not to be used, must be removed and replaced with curb and sidewalk. Sidewalk shall be 5 feet wide and adjacent to the right-of-way line.
48. All electric, telephone and cable TV utility services shall be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan shall be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
49. All buildings shall include roof gutters and all roof drainage shall be conducted to the public street or an approved drainage facility in manner approved by the City Engineer.
50. Parkways shall be irrigated and landscaped per plans submitted for review and approval by the Design Review Board and Community Development Department.

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51. A water plan shall be submitted for review and approval by the City Engineer. This plan shall substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the Project, the developer will be responsible for conducting the appropriate tests and submitting copies of the test results for the review and approval by the City Engineer.
52. A Property drainage plan shall be prepared for review and approval by the City Engineer. The Property drainage shall be designed so that the Property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties shall not be blocked and shall be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the Property may be required for submittal to the City Engineer for review and approval.

FIRE:

53. Fire hydrants and sprinklers shall be required, subject to the review and approval of the Fire Department.

LICENSING:

54. All commercial occupants shall obtain Certificate of Occupancy and Business License approval prior to occupancy.

POLICE:

55. The Project shall install security video cameras operating 24 hours a day, 7 days a week. The Project applicant/Property owner(s) shall give the Monterey Park Police Department ("MPPD") the authority and access to remotely view all security cameras on the Property. The remote access shall be available via a secure internet site. MPPD shall only be required to furnish a computer with internet access to remotely view all security cameras. The video medium of the security video system shall be maintained for a minimum period of 30 days, and the video medium must be made immediately available to any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras shall be located to cover all ingress and egress areas to the Property, including without limitation main entrances and exits, service areas, areas open to the public, all business establishments, service and delivery roads, primary vehicular access roads, pedestrian roadways and walkways, common areas and parking areas. If the Police Chief

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determines that it is necessary to have additional security cameras installed, the Project applicant/Property owner(s) must comply with the request within 7 days. The Police Chief can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The Project applicant/Property owner(s) must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the Property must meet the approval of the Police Chief. All cameras shall also record onto a recording medium which could be reproduced onto a storage device such as a compact disc, portable storage device (thumb drive), or other suitable storage media. All recordings shall be maintained in a secure and locked enclosure which is accessible to security personnel and accessible to law enforcement personnel for official law enforcement business upon request. A suggested location is a security office or video room. All recordings shall be maintained for a minimum of 30 days.

56. The Project must include 10 parking spaces clearly labeled and reserved for "Police Vehicles," reserved for MPPD vehicles while conducting official MPPD business. These 10 parking spaces must be distributed equally and located within close proximity to each of the retail centers. The locations of the parking spaces are subject to the approval of the Police Chief.
57. Access to the roof of the Project buildings will be locked and secured. Access to the roof will be restricted to maintenance personnel, building management, and other authorized personnel.
58. The Project applicant/Property owner and/or property management company will hire and provide private security for the Property. The private security company will be properly licensed and meet all the criteria and legal obligations to operate a private security company. There shall be a minimum of 3 uniformed security guards on the Property beginning 1 hour prior to the start of normal business hours of the businesses on the Property and 1 hour after the close of the businesses during normal business hours. The Police Chief shall have the authority to increase or decrease the number of security guards based on, without limitation, crime trends, calls for service, or special events, as the situation calls for.
59. The Project applicant shall provide an office for MPPD use on the Property. The location and size of the office shall be mutually agreed upon by MPPD and the Project applicant.

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60. The Project applicant/property manager will install 2 Automated License Plate Readers (“ALPR”) video cameras to capture and record vehicle and license plate information entering and exiting the Property. The ALPR units will be installed to cover the Paramount Boulevard/Market Place Drive entrance and the Greenwood Avenue entrance. The Police Chief will have the final authority and determination as to the specifications and the positions of the ALPR units. The ALPR units will have to be compatible and integrate with MPPD’s existing ALPR system.
61. Those businesses having a fixed money handling area shall have a security camera overlooking the money handling area and a security camera facing the front door. All video security cameras shall record onto a recording medium and all recordings shall be maintained in a secure location for no less than 30 days. All recordings shall be made readily available for a law enforcement official who requests such recordings for official purposes.
62. All business locations on the Property must comply with federal, state, and local laws governing business licensing, noise levels, alcohol sales and consumption. All business locations shall obtain all appropriate license(s) from the regulating agency in order to conduct business.
63. The Police Chief will reserve the right to revoke any or all permits issued to an establishment for violation of federal, state, or local law, deemed to be a nuisance to the community due to continued negative contact with law enforcement, or failure to comply with these or subsequent conditions.
64. In addition to the foregoing conditions, any fitness center shall include security video cameras at the entrances and exits of the locker rooms and in the major common areas of the fitness center. Areas such as locker rooms, restrooms, or any other areas where a person would have a reasonable expectation of privacy are excluded from this requirement. The video cameras shall be positioned to capture the faces of people entering and exiting the locker rooms. All video security cameras shall record onto a recording medium and all recordings shall be maintained in a secure location for no less than 30 days. All recordings shall be made readily available for a law enforcement official who requests such recordings for official purposes.

SECTION 5. *Tract Map Findings.*

- A. Approval of the proposed tract map is consistent with the City’s General Plan as stated in the SEIR and Section 2, above.

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- B. The proposed tract map is consistent with the applicable development standards for the site proposed in the Precise Plan, which contemplates a proposed development of 500,000 square feet. The tract map would divide the Property into 12 separate parcels, which generally correspond to the different proposed uses and development pads provided on the Precise Plan's site plan.
- C. The Property is suitable for the type of development and the proposed intensity of the Project. The size of the Property is approximately 42 acres and adequate in size to accommodate the proposed 500,000 square foot Project and required off-street parking. As stated in the City's General Plan, the Property is located near the 60 (Pomona) Freeway, in a location uniquely suited for a large commercial retail development. There are no adjacent land uses that are inconsistent with the proposed Project and the Project's retail and restaurant uses would complement existing nearby residential uses. The Project also complies with all parking requirements and height restrictions in the underlying R-S zone.
- D. The design of the subdivision and Project is not likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat. The Property is part of the former Operating Industries Incorporated ("OII") Landfill, which was previously declared a Superfund site. The Project provides positive environmental benefits by restoring a portion of the OII Landfill site to beneficial use, incorporating landscaping and irrigation, and incorporating mitigation measures to prevent any injury to wildlife or habitats.
- E. The design of the subdivision and Project is not likely to cause serious health problems. The Project contemplates a high-quality mixed-use development, while preserving the City's authority to impose health and safety regulations. The Monterey Park Market Place facilitates the utilization of a key site within the City strategically placed near the 60 Freeway to attract significant national retail tenants and which is anticipated to attract and generate additional retail activity in the City, thereby preserving or raising adjacent property values and generating significant additional revenue for the City in the form of additional sales tax and property tax.
- F. The design of the subdivision and Project will not conflict with easements, acquired by the public at large, for access through or use of the Property. There are no public easements for access within the Property. Further,

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the Project will improve public access through the construction of Market Place Drive, which will provide access and circulation through the Property.

SECTION 6. *Tract Map Approval.* The Planning Commission hereby recommends approval of Tentative Tract Map 71459, subject to the conditions provided in Section 7.

SECTION 7. *Tract Map Conditions of Approval.* The Project applicant hereby agrees to and is bound by the following conditions:

PLANNING:

1. The applicant/property owner shall maintain substantial conformance to tentative tract map date-stamped [xxx].
2. Approval shall expire 24 months after the date the tentative tract map was conditionally approved. An extension of up to 6 years may be approved by the City Council upon application, payment of fee, and findings of good cause. In addition, the filing of a final map shall extend the expiration of the tentative map by 36 months from the date of the expiration. Any such extensions shall not extend the tentative map beyond the termination date of the development agreement or 10 years from the tentative map approval date, whichever is later.
3. A final map shall be recorded prior to approval of the first certificate of occupancy.

ENGINEERING:

4. Record the final tract map after approval of the map by the City Engineer and acceptance of required bonds and agreements by the City Council. A refundable \$191 cash deposit is to be submitted to guarantee that the Project applicant will provide the City with 1 transparent 4 mil thick mylar tracing, 1 electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and 2 blueprints of the recorded map which shall be filed with the City Engineer's Office within 3 months of recordation. If recorded copy is not submitted by the end of the three-month time period, Project applicant will forfeit the \$191 cash deposit.
5. Prior to submittal of final map for City approval, the Project applicant shall provide written proof that there are no liens against the subdivision for

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unpaid taxes or special assessments and its submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check.

6. The Project applicant shall be responsible for implementing and complying with the Monterey Park Precise Plan and Development Agreement. A copy of the recorded Development Agreement shall be submitted prior to final inspection and clearance of the building permit.
7. Provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps will not be permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines shall be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
8. All public works improvements shall comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted prior to final map approved by the City Council.
9. The Project applicant shall accept the requirements for construction and maintenance of improvements as stipulated in final order of condemnation filed in Los Angeles Superior Court on July 17, 2003, Document Number 03 2183931 Schedule III Page 3 of 11 and Document Number 03 2183929 Schedule III Page 2 of 9 and Document Number 03 2183930 inclusive filed July 30, 2003.
10. All Project plans shall be completed to the satisfaction and approved by the City Engineer.
11. The Project applicant shall submit an off-site drainage acceptance letter from adjacent property owners and submit off-site grading improvements and utilities letter from adjacent owners. Both of the letters are subject to the City Engineer's review and approval. The approved letters shall be submitted prior to issuance of any permits.
12. All public works improvements shall be completed in accordance with the Development Agreement and SEIR, and in compliance with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City, or a public works improvement guarantee and agreement posted prior to final map approved by the City Council.

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13. Construct a wheelchair ramp in the curb return at the street intersection of Potrero Grande Drive and Greenwood Avenue.
14. The grading and drainage plan shall incorporate all pertinent site development comments from the City's geological and geotechnical consultants and shall also include the approved geological and geotechnical report submitted by the Project applicant's consultant.
15. Submit a list of items of work and cost estimates for the proposed grading and site improvements, such as: earth work quantities, retaining walls, drainage devices, landscaping, asphalt pavement, and fencing. Cost estimates will be necessary for determining bond amounts for this development. Improvement bonds shall be submitted for City review and approval prior to issuance of any building permits or grading permits.
16. Proposed water mains shall be a public utility constructed within a utility easement granted to the City of Monterey Park. Public utility easements shall be delineated on the final map. Install offsite water mains as required by the water system analyses prepared by Tetra-Tech dated January 21, 2009.
17. Storm drains shall be privately-owned and maintained by the Project applicant.
18. Sanitary sewers within the subdivision boundaries shall be privately-owned and maintained by the Project applicant. Sanitary sewer shall be constructed and connected to the existing 8 foot sanitary sewer in Potrero Grande (Sewer D733).
19. The Project applicant shall notify the City of the official engineer of record and the official geotechnical engineer of record for the Project who shall be responsible for rough grading and final grading certification.
20. Lot "S" shall be a private access roadway, and shall be maintained by the Project applicant. Clearly identify Lot "S" on all sheets and label as private roadway or driveway. Identify and label ingress and egress easements on Greenwood Avenue extension and access easement from Neil Armstrong Street.
21. Comply with all mitigation measures identified in the Supplemental Environmental Impact Report.

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RESOLUTION NO.
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22. Any easements for any offsite construction and maintenance purposes shall be labeled as such and shall be completed to the satisfaction of the City Engineer.

SECTION 8. *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9. *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 10. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 11. The Secretary shall certify to the adoption of this Resolution and forward a copy hereof to the City Council.

ADOPTED AND APPROVED this 25th day of September 2012.

Chairperson Michael Hamner

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 25th day of September 2012, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

**PLANNING COMMISSION
RESOLUTION NO.
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Jim Basham, Liaison
Director of Community Development

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: _____
Robert M. Smith
Assistant City Attorney



PLANNING COMMISSION STAFF REPORT

ITEM NUMBER

2

TO: Planning Commission

FROM: Director of Community Development

MEETING DATE: September 25, 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:

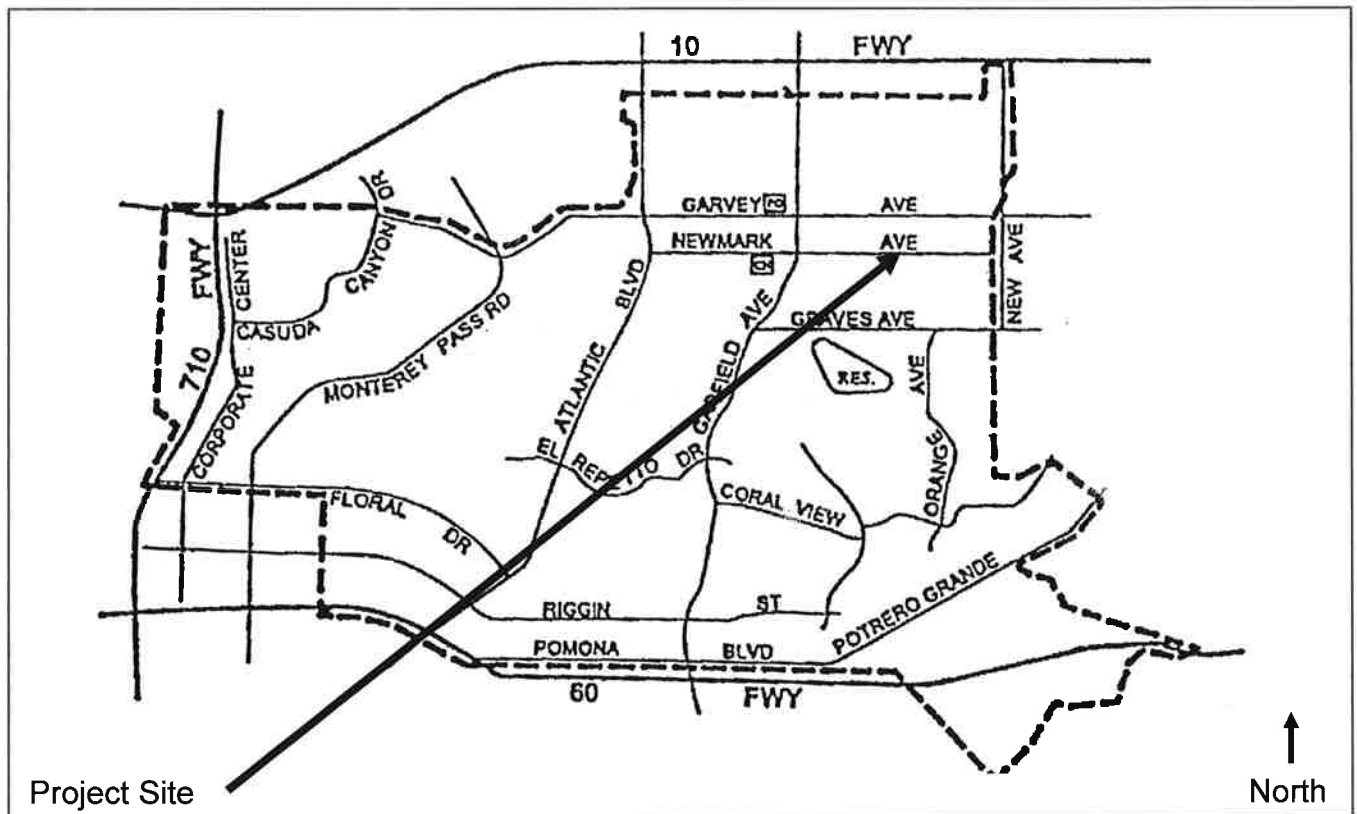
Pursuant to the guidelines of the California Environmental Quality Act (CEQA), the project is categorically exempt from CEQA review under Section 15302 Class 2 (Replacement or Reconstruction) because the project consists of the replacement of existing structures where the new structures will be located 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:

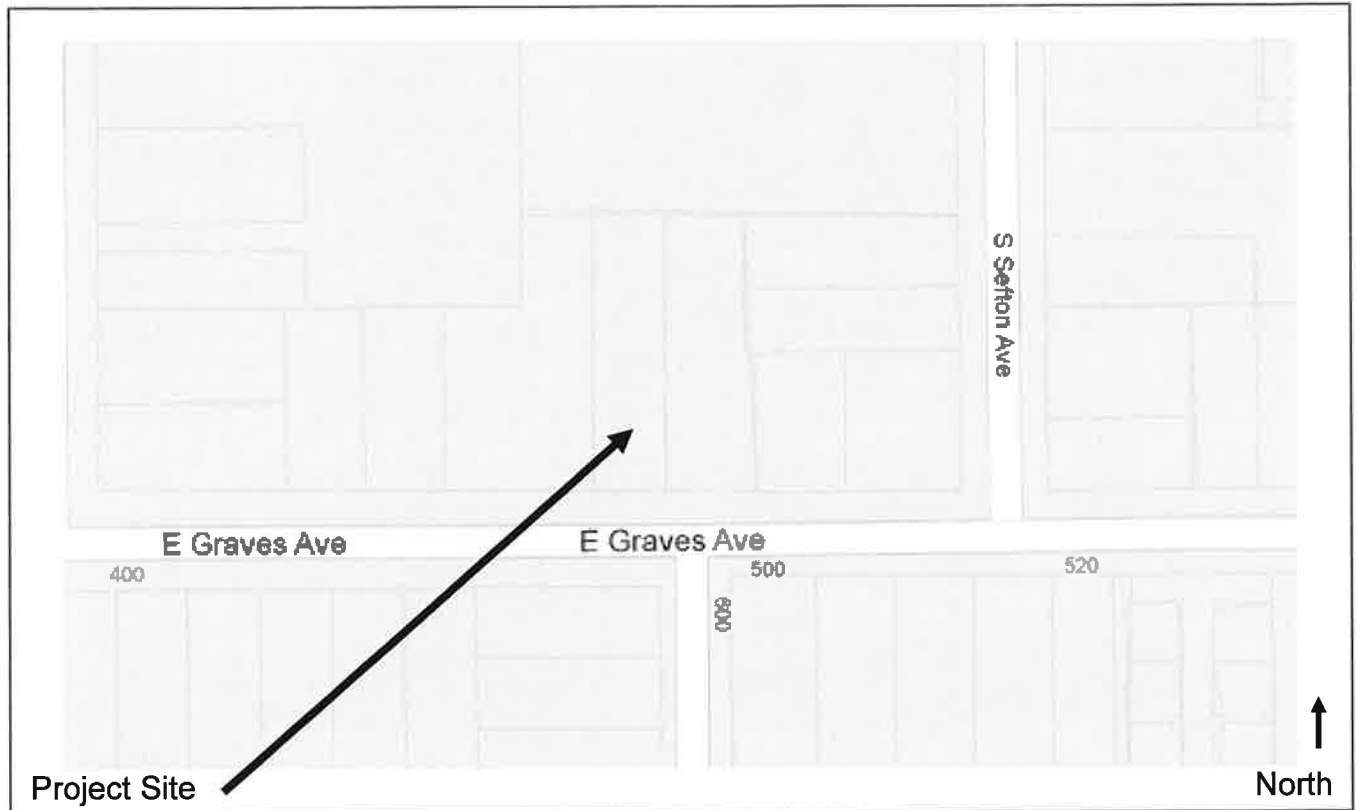
The proposed subdivision is consistent with the City's General Plan because the project is a three-unit condominium development, which is compatible with the high density housing allowed in the High Density Residential land use category. The subject property is proposed to be developed at a maximum density 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:



AERIAL MAP:



ANALYSIS AND EVALUATION OF PROJECT:

This project was continued from the Planning Commission hearing of July 10, 2012 to allow the applicant time to address the issues and concerns raised at the hearing. The issues and concerns raised include: 1) number of parking spaces provided on the property; 2) vehicle circulation; and 3) traffic safety as vehicles exit the property.

- 1) According to Monterey Park Municipal Code (MPMC) Section 21.40.020, four parking spaces are required for each unit containing four bedrooms or any unit two thousand square feet or less. One-quarter parking space required per bedroom shall be guest parking.

For each unit, the code requires one parking space per bedroom. One fourth of a parking space is required per bedroom to function as a guest parking space, meaning one of the four required parking space is to function as a guest parking space. The required number of parking spaces is 12 and 12 spaces are provided. Each unit will have an attached 3 car garage and 3 unenclosed guest parking spaces will be provided.

- 2) The applicant obtained the services of KOA Corporation to analyze the circulation conditions on the property and prepare a technical memorandum. KOA conducted simulation tests and recommended increasing the backup space from 26 feet to 28 feet, which has been revised on the parking plan. The guest parking layout has also been modified to provide two turn-in guest parking stalls and one parallel parking stall, instead of three parallel spaces. The redesign of the guest parking stalls has allowed the project to provide a 'no parking' area at the northeastern side of Unit 1.
- 3) Traffic safety was also analyzed by KOA. KOA determined that traffic safety should improve with the project because all outbound traffic will exit the driveway head first and visibility will improve with the 16 feet wide driveway instead of the existing 10 feet wide driveway.

Staff has reviewed the revisions to the proposed project and believes that the applicant has addressed the items identified at the previous hearing.

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.

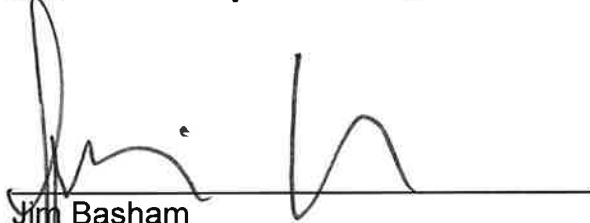
3. That the granting of the variance will not adversely affect the general plan or purpose of the provisions of the Zoning Code.

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
4. KOA Corporation Technical Memorandum, dated September 12, 2012
5. Public Works Department Memorandum, dated July 24, 2012

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEREY PARK APPROVING TENTATIVE PARCEL MAP NO. 071887 (PM-12-01) TO SUBDIVIDE AIR RIGHTS FOR A THREE-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AND VARIANCE (V-12-01) FOR A 50 FEET LOT WIDTH IN THE R-3 (HIGH DENSITY RESIDENTIAL) ZONE AT 429 EAST GRAVES AVENUE

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On May 23, 2012, applicant, Hayk Martirosian of Techna Land Co Inc., on behalf of the property owner, Danny Tak-Yip Lau, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code (MPMC), requesting approval of Tentative Parcel Map No. 071887 (PM-12-01) to subdivide air rights to establish and maintain a three-unit condominium project and Title 21, Chapter 21.70, requesting approval of Variance (V-12-01) for a 50 feet wide lot width in the R-3 (High Density Residential) Zone at 429 East Graves Avenue, ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community Development Department for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines" and determined the proposed project to be exempted from environmental review pursuant to Section 15302 Class 2 (Replacement or Reconstruction) and Section 15303 Class 3 (New Construction or Conversion of Small Structures) 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 consists of the construction of a multi-family residential structure totaling no more than four dwelling units;
- D. The Community Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for September 25, 2012; and that notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On September 25, 2012, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Danny Tak-Yip Lau; and,

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- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its September 25, 2012 hearing including, without limitation, the staff report submitted by the Community Development Department.

SECTION 2: The Planning Commission hereby determines that Tentative Parcel Map No. 071887 (PM-12-01) is **APPROVED**, pursuant to Section 66474 of the Subdivision Map Act and subject to the Conditions listed in Section 4 below, based upon the following findings:

1. The proposed map is consistent with applicable general and specific plans as specified in Section 66473.5 of the Subdivision Map Act. The proposed Tentative Parcel Map is consistent with the City's General Plan in that 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 uses. 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. Approval of the Tentative Parcel Map will not adversely affect the Zoning Code because the Tentative Map 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. There is no specific plan adopted for this area.
2. The design and improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the City's General Plan in that the project is a three-unit condominium project, which is compatible with the high density housing either attached or detached allowed in the high density residential category. There is no specific plan adopted for this area.
3. The site is physically suitable for the type of development. The size of the property is 9,556 square feet (0.22 acres) and adequate in size to accommodate a three-unit condominium project because in the R-3 Zone, one dwelling unit is allowed for every 3,000 square feet of lot area on lots of 7,000 square feet or more and having a front lot line of at least fifty feet. The property is located on East Graves Avenue, a minor arterial street with a 80- to 88-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development.

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4. The site is physically suitable for the proposed density of the development. The size of the property is 9,556 square feet (0.22 acres) and adequate in size to accommodate a three-unit condominium project because in the R-3 Zone, one dwelling unit is allowed for every 3,000 square feet of lot area on lots of 7,000 square feet or more and having a front lot line of at least fifty feet.
5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is surrounded by residentially developed lots to the north, south and west and Garfield Hospital to the east. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.
6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all City, State, and Federal regulations and specifications.
7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed development.

SECTION 3: The Planning Commission hereby determines that Variance (V-11-01) is **APPROVED**, subject to the Conditions listed in Section 4 below, based upon the following findings:

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 City of Monterey Park was a part of Unincorporated Los Angeles in 1909. 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.

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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.

SECTION 4: The Planning Commission hereby determines that the approval of Tentative Parcel Map No. 071887 (PM-12-01) and Variance (V-12-01) is subject to the following conditions:

PLANNING:

1. That the applicant/property owner and each successor in interest to the property which is the subject of this project shall defend, indemnify and hold harmless the City of Monterey Park and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, City Council, Planning Commission, or Design Review Board concerning this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.
2. The applicant/property owner shall maintain substantial conformance to submitted map date-stamped September 13, 2012, except as modified herein.

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3. Approval shall expire 24 months after the date the application was conditionally approved. A one-year extension may be approved by the granting body upon application, payment of fee, and findings of good cause and such extensions do not exceed an aggregate of three years.
4. The property, subject to this approval, shall remain well-maintained and free of graffiti by the applicant/property owner. Failure of the applicant/property owner to remove any graffiti upon 24 hours written notice by the City shall authorize the City to remove or mask said graffiti at the cost of the applicant/property owner.
5. The City may process the formation and creation of an assessment district or districts pursuant to and as permitted by state or local law to fund the maintenance, repair and operation of some or all public improvements constructed for and serving this proposed development. The public improvements or easements upon which benefit assessment districts may be formed and created include, but are not limited to, street medians, parkway trees, landscaping, street lighting, sewers, storm drains. As a condition of this project approval, applicant/property owner agrees to and waives any protest to the formation of any such assessment districts and/or the imposition of any fee, pursuant to Condition No. 6. Applicant/property owner, by his approval, does not waive its statutory right to object or protest the amount of any assessment proposed for any individual lot or lots.
6. In addition to and/or in lieu of Condition No. 5 herein, the applicant/property owner agrees to be subject to any development impact fee that the City may process to finance any one or more of the matters set forth in Condition No. 5 herein, and/or to finance police protection services, fire protection and suppression services.
7. The subject site and parkway shall be maintained by the applicant/property owner to City standards, during any period prior, during and after the processing of the proposed development.
8. The applicant and property owner shall sign a notarized Affidavit of Acceptance of all conditions of approval and return it to the Planning Division within 30 days after the effective date of this approval or prior to the issuance of a building permit or certificate of occupancy, whichever may occur first.
9. A final map shall be recorded prior to occupancy approval.

BUILDING:

10. The second sheet of the building plans shall list all City of Monterey Park conditions of approval.

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11. Issuance of the building permit shall not be construed as permitting the excavations to encroach into adjacent property. Requirements for protection of adjacent property shall be as defined in California Civil Code Section 832.
12. The site plan shall be submitted prior to the issuance of building permits and indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
13. A soils and geology report is required as part of plan check submittal.
14. A permit from CAL-OSHA shall be obtained prior to issuance of the building permit.
15. A compaction report for demolition of previous buildings shall be submitted to the City of Monterey Park prior to excavation of new foundations.

ENGINEERING:

16. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee, this project involves the disturbance of soils by grading, clearing and/or excavation. Developer/owner is required to obtain a "General Construction Activity Storm Water" Permit, therefore, no grading permit shall be issued until satisfactory evidence of compliance with this permit and its requirements is provided. Compliance information is available in the Office of the City Engineer.
17. Prior to the approval of the final Parcel map by the City Engineer and acceptance of required bonds and agreements by the City Council, a refundable \$191 cash deposit is to be submitted to guarantee that developer will provide the City with the (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which shall be filed with the City Engineers Office within three (3) months of recordation. If recorded copy is not submitted by the end of the three month time period, developer will forfeit the \$191 cash deposit. OR process merger by documents.
18. Prior to submittal of final map for City approval, the applicant/property owner shall provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments; submit L.A. County tax bill, tax payment receipt, and copy of cancelled check.
19. The developer/owner is responsible for ascertaining and paying all City development fees such as, but not limited to, sewer deficiency fees, water meter fees and metered water service impact fees as required by MPMC.

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20. C.C. & R's shall, among other things, establish a homeowner's association to address common maintenance and utilities and shall be prepared to the satisfaction of the City Attorney and the City Engineer. Developer/owner shall be responsible for securing the C.C. & R. guidelines from the Office of the City Engineer. A copy of the recorded C.C. & R's shall be submitted prior to final inspection and clearance of the building permit.
21. All improvement plans, including grading and public improvement plans shall be based upon City approved datum. Benchmark references to be obtained from the Engineering Division.
22. A water plan shall be submitted for review and approval by the City Engineer. This plan shall substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer will be responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City. The substantiation of adequate water services shall be verified by the City Engineer prior to the issuance of building permits.
23. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner and shall be completed prior to final inspection approval.
24. Provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer prior to the approval of the final Parcel map. All maps must be prepared from a field survey. Compiled maps will not be permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines shall be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
25. A site drainage plan shall be prepared for review and approval by the City Engineer prior to the issuance of building permits. The property drainage shall be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties shall not be blocked and shall be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
26. All storm drainage facilities serving the development shall accommodate a 50 year storm. If existing storm drain facilities are inadequate they shall be enlarged as necessary. All storm drain facilities shall be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also to the satisfaction of the City Engineer prior to the issuance of building permits.

**PLANNING COMMISSION
RESOLUTION NO.
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27. Any damage done to existing street improvements and utilities during construction shall be repaired before acceptance of the project. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must also be repaired or replaced to the satisfaction of the City Engineer. All existing driveways, if not to be used, must be removed and replaced with curb and sidewalk.
28. All public works improvements shall comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted prior to final map approved by the City Council.
29. All electric, telephone and cable TV utility services shall be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan shall be prepared and submitted prior to the issuance of building permits, showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
30. A sewer connection reconstruction fee will be assessed at the time of issuance of a building permit in accordance with the provisions of Chapter 14.06 of the Municipal Code.
31. All buildings shall have roof gutters and all roof drainage shall be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer prior to the issuance of building permits.
32. The grading and drainage plan shall be submitted at time of plan check and shall incorporate all pertinent site development comments from the City's geological and geotechnical consultants and shall also include the approved geological and geotechnical report submitted by the developer's consultant.
33. Parkways shall be irrigated and landscaped per plans submitted for review and approval by the City Engineer prior to final inspection approval. The need for preserving existing street trees and/or providing additional street trees shall be reviewed and approved by the City Recreation and Parks Department.
34. The City reserves the right to restrict driveway access to and from the project in the event future traffic conditions warrant such restricted turn movements.

FIRE:

35. Fire lane and/or additional water source may be required, subject to the future plan check submission for building permits.

LICENSING:

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36. Business licenses shall be required if residential dwelling units are used as rentals.

POLICE:

37. Adequate exterior lighting shall be provided so that the units are visible from the street during the hours of darkness.
38. An alarm system must be installed in each residential unit prior to issuance of certificate of occupancy. The alarm system will be a deterrent to criminal activity, and allow notification of the police in the event of any such attempt. An alarm permit must be maintained and kept updated on each residential unit. Contact the Monterey Park Police Department Community Relations Bureau at (626) 307-1215 for the alarm permits.
39. The shrubbery on the property shall be installed and maintained in such condition to permit good visibility of the units from the streets. Any shrubbery surrounding the complex and in the courtyard areas shall be planted and maintained where the height of the greenery would not easily conceal persons.
40. The driveway leading into the complex shall be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
41. All common open areas shall be well lit during the hours of darkness.
42. Proper signs shall be posted at the guest parking areas and in the driveway leading into the complex preventing illegal or overnight parking of unwanted guests.
43. A proper thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel shall be maintained at all times. The Monterey Park Police Department Traffic Bureau shall be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

SECTION 5: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 6: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning

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Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 7: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 8: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 9: The Secretary shall certify to the adoption of this Resolution and forward a copy hereof to the City Council.

ADOPTED AND APPROVED this 25th day of September 2012.

Chairperson Michael Hamner

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 25th day of September 2012, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jim Basham, Staff Liaison
Director of Community Development

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APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:

Elizabeth M. Calciano,
Assistant City Attorney