

1. Agenda For October 8, 2013

Documents: [PLANNING COMMISSION MEETING OCTOBER 8, 2013.PDF](#)

2. Item For October 8, 2013

Documents: [10-8-13 ITEM.PDF](#)

3. Item Two For October 8, 2013

Documents: [10-8-13 ITEM 2.PDF](#)



CITY OF MONTEREY PARK PLANNING COMMISSION AGENDA

REGULAR MEETING
CITY HALL—COUNCIL CHAMBERS
320 W. NEWMARK AVENUE
October 8, 2013
7:00 P.M.

Planning Commission

Michael Hamner, Chairperson
Larry Sullivan, Vice-Chair
Ricky Choi
Rodrigo T. Garcia
Stephen Lam

Staff

James Funk, Lead Planner/Economic and
Development Special Projects Manager
Karl Berger, Assistant City Attorney
Samantha Tewasart, Acting Senior Planner
Harald Luna, 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: **PUBLIC HEARING:**

May 28, 2013

OLD BUSINESS:

None

NEW BUSINESS:

1. CONDITIONAL USE PERMIT – 111 N ATLANTIC BOULEVARD #148 (CU-13-06)

The applicant, Jeff Hsin of the Exit Game, is requesting approval of a Conditional Use Permit to allow an indoor recreational facility at 111 N Atlantic Boulevard #148 in the R-S (Regional Specialty) Zone.

ENVIRONMENTAL: The City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines. This project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301.

RECOMMENDATION: It is recommended that the Planning Commission consider taking the following actions: (1) open the public hearing and take testimonial and documentary evidence; (2) close the public hearing; (3) after considering the evidence represented during the public hearing, adopt the Resolution approving the requested Conditional Use Permit (CU-13-06); and (4) take such additional, related, action that may be desirable.

2. VARIANCE – 241 W POMONA BOULEVARD (V-13-02)

The applicant, David R. Beltran, is requesting a Variance to allow a wall sign higher than 15 feet from grade and exceeding the maximum allowed sign area at 241 West Pomona Boulevard in the C-S (Commercial Services) Zone.

ENVIRONMENTAL: The City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines. This project is categorically exempt from additional environmental review pursuant to CEQA Guidelines §§ 15301 and 15311. Moreover, since this Resolution denies the proposed variance, no CEQA review is required pursuant to CEQA Guidelines § 15270.

RECOMMENDATION: It is recommended that the Planning Commission consider taking the following actions: (1) open the public hearing and take testimonial and documentary evidence;

(2) close the public hearing; (3) after considering the evidence presented during the public hearing, adopt the Resolution denying the requested Variance (V-13-02); and (4) take such additional, related, action that may be desirable.

**ITEMS FROM COMMUNITY
DEVELOPMENT:**

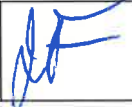
**ITEMS FROM THE
COMMISSION:**

ADJOURNMENT:

Next regular meeting on October 22, 2013, 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:

JAMES FUNK	
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PLANNING COMMISSION

STAFF REPORT

ITEM
NUMBER

1

TO: Planning Commission

FROM: Lead Planner/Economic and Development Special Projects Manager

MEETING DATE: October 8, 2013

SUBJECT: PUBLIC HEARING

CONDITIONAL USE PERMIT (CU-13-06) TO PERMIT
A COMMERCIAL RECREATIONAL USE IN THE R-S
(REGIONAL SPECIALTY) ZONE

LOCATION: 111 N Atlantic Boulevard #148

APPLICANT: Jeff Hsin
109 S Saint Andrews #4
Los Angeles, CA 90004

PROJECT PLANNER: Samantha Tewasart
Acting Senior Planner

RECOMMENDATION: It is recommended that the Planning Commission consider taking the following actions: (1) open the public hearing and take testimonial and documentary evidence; (2) close the public hearing; (3) after considering the evidence presented during the public hearing, adopt the Resolution approving the requested Conditional Use Permit (CU-13-06); and (4) take such additional, related, action that may be desirable.

ZONE: R-S (Regional Service)

GENERAL PLAN DESIGNATION: Commercial

ASSESSORS PARCEL NUMBER: 5254-013-045

SITE DESCRIPTION:

Property Size: 82,328 square feet (1.89 acres)

Surrounding Properties:

North: R-S (Regional Specialty)

South: R-S (Regional Specialty)

East: R-S, P-D (Regional Specialty, Planned Development);

West: City of Alhambra; residential dwellings

PROJECT SITE BACKGROUND/PAST CITY APPLICATIONS:

None

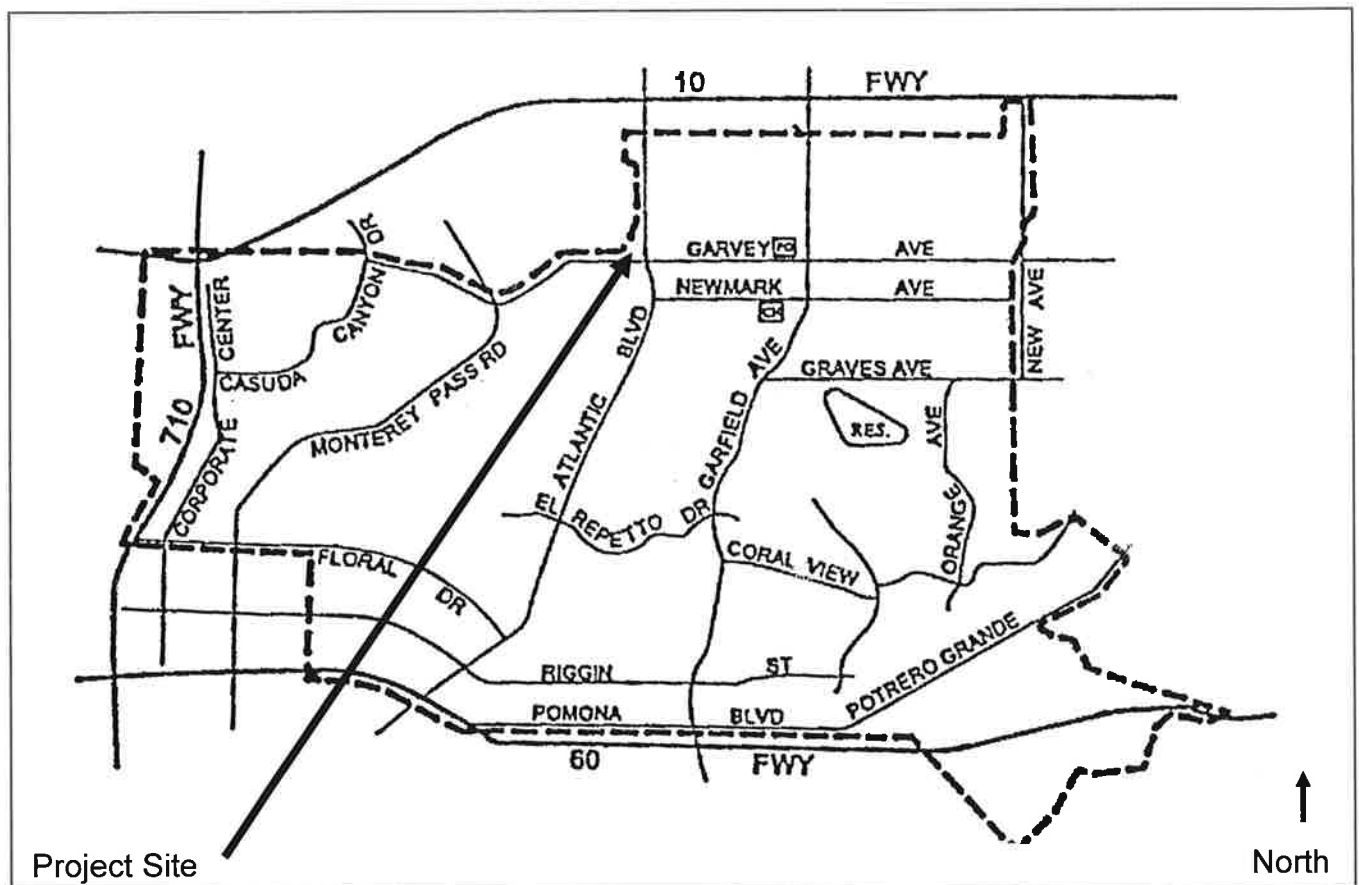
LEGAL NOTIFICATION:

The legal notice of this hearing was posted at the subject site, City Hall, Bruggemeyer Memorial Library, and Langley Center on **September 23, 2013**, with affidavits of posting on file. The legal notice of this hearing was mailed to **97** property owners within a 300 feet radius and current tenants of the property concerned on **September 23, 2013**.

ENVIRONMENTAL ASSESSMENT:

The City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines. This project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301.

VICINITY MAP:



STREET MAP:



AERIAL MAP



ANALYSIS AND EVALUATION OF PROJECT:

The applicant, Jeff Hsin, is requesting a Conditional Use Permit to allow a commercial recreational facility at 111 N Atlantic Boulevard #148. The subject property is located at the northwest corner of Garvey Avenue and Atlantic Boulevard. The property is zoned R-S (Regional Specialty) and designated Commercial in the General Plan. To the north of the property is Mar Center, south are Garvey Avenue and a vacant lot, east are North Atlantic Boulevard and a vacant gas station, and west is a vacant lot. The lot is 82,328

square feet (1.89 acres) in area and is developed with a three-story commercial building with 25 tenant space and two-levels of subterranean parking. The applicant proposes to occupy a 7,500 square feet corner unit at the subterranean commercial level of the commercial plaza that was previously occupied by Omni Bank.

According to the applicant, the proposed use is a commercial recreational facility (Exit Game). The use is described by the applicant as a gaming facility where players in groups of 3 to 10 people walk through different rooms to solve puzzles. Smaller groups will be paired with teams until the capacity per room is reached. Players will receive one hour of play time per ticket and ticket prices range from \$20 to \$25. The players will be ushered into the puzzle rooms by a guide. Before entering the rooms the guide will ensure that the group does not bring any metallic objects into the room by scanning each player with a metal detector. This is done for safety purposes and to prevent players from taking pictures inside the puzzle rooms. Players are also required to sign a form that agrees to the rules of the game. Once inside the rooms, the usher will leave and watch the room from cameras. The room doors cannot be locked and the players are free to exit the room at any time. The cameras installed in each room gives the usher full view of every player. To solve the puzzle in each room, each group is given a hint card. The premise of the game is to solve block puzzles. Once the blocks are correctly assembled a projector will provide the players with the codes to move onto the next puzzle. Every room requires an usher to operate the equipment in each room; therefore, the game cannot function without an usher.

Conditional Use Permit

According to MPMC § 21.10.030, a commercial recreational facility is permitted with a Conditional Use Permit. As set forth in the draft resolution, there is substantial evidence to make the findings required by MPMC § 21.32.020.

CONCLUSION:

Staff recommends adopting the Resolution approving the requested Conditional Use Permit (CU-13-06), subject to the draft conditions of approval.



James Funk
Lead Planner/Economic and Development Special Projects Manager

Attachment:

1. Site and floor plans

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CU-13-06) TO ALLOW A COMMERCIAL RECREATIONAL FACILITY ON THE FIRST FLOOR OF AN EXISTING COMMERCIAL BUILDING AT 111 NORTH ATLANTIC BOULEVARD #148.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On July 18, 2013, Jeff Hsin, submitted an application pursuant to Title 21 of Monterey Park Municipal Code ("MPMC") requesting a Conditional Use Permit (CU-13-06) to allow a commercial recreational facility within an existing commercial building at 111 N Atlantic Boulevard #148, ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the 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");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for October 8, 2013; notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On October 8, 2013, 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 Jeff Hsin; and
- F. The Planning Commission considered the information provided by City, public testimony and the representatives of Jeff Hsin. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its October 8, 2013 hearing including, without limitation, the staff report submitted by the Community Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds the following facts exist and makes the following conclusions:

- A. The Applicant seeks to open a commercial recreational facility within an existing commercial plaza at 111 N Atlantic Boulevard #148;

**PLANNING COMMISSION
RESOLUTION NO.
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- B. 111 N Atlantic Boulevard #148 is zoned R-S (Regional Specialty) and designated Commercial in the Monterey Park General Plan;
- C. The Project property is located at the northwest corner of North Atlantic Boulevard and West Garvey Avenue. To the north of the property is Mar Center, south are Garvey Avenue and vacant lot, east are North Atlantic Boulevard and a vacant gas station, and west is a vacant lot.;
- D. The Project property is 82,328 square feet (1.89 acres) in area and is developed with a three-story commercial building with 25 tenant space and two-levels of subterranean parking;
- E. No new construction or additions to the existing building is proposed; and
- F. The Applicant seeks to occupy the existing 7,500 square feet unit at the southeast corner of the commercial building.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations CEQA §§ 15301 and 15332 as a Class 1 categorical exemption (Existing Facilities) and Class 32 categorical exemption (Infill Development). The Project would open a new commercial recreational facility within an existing commercial building. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality, or water quality. Moreover, the project is proposed to be built on sites of not more than five acres surrounded by urban uses. Further, the sites have no value as habitat for endangered, rare, or threatened species. There are adequate utilities and public services to serve the project.

SECTION 4: *Conditional Use Permit Findings.* After considering the factual findings of this Resolution and the accompanying staff report, the Commission finds as follows pursuant to the MPMC § 21.32.020:

1. That the site is adequate in size, shape and topography for the proposed use.

The site will be adequate in size, shape and topography for the proposed commercial recreational facility. The lot is 82,328 square feet (1.89 acres) in area, rectangular shaped, and relatively flat. The property is developed with an existing three-story commercial building with 25 tenant spaces and two-levels of subterranean parking. The subject tenant space is a 7,500 square feet corner unit, previously occupied by Omni Bank. Surface level parking is provided north and west of the building and in the two subterranean parking levels. The site is accessible from West Garvey Avenue and North Atlantic Boulevard. The driveway entrance on Garvey Avenue is located west of

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RESOLUTION NO.
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the building and the entrance on North Atlantic Boulevard is located north of the building.

2. That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

The site has sufficient access to streets and highways and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed medical clinic. The site is accessible from both Garvey Avenue, a minor arterial street, and Atlantic Boulevard, a principal arterial street. The required number of parking spaces for a commercial recreational facility is 1 per 4 guest according to MPMC § 21.10.030. Adequate parking is provided at the surface level and two subterranean parking levels on the property and the project does not include new construction or additional square footage. No changes are proposed to the buildings or parking area.

3. That the proposed use is deemed to be part of the General Plan and conforms to all requirements of the General Plan and zoning regulations.

MPMC § 21.10.030 allows a commercial recreational facility subject to a conditional use permit in the R-S (Regional Specialty) Zone. The subject property is designated Commercial in the General Plan Land Use Element, and the Commercial land use category permits retail and service commercial, and professional uses. The proposed commercial recreational facility is consistent with the General Plan in that the Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of the Monterey Park residents and businesses. The property is located in the North Atlantic Focus Area and one of the goals (Goal 3.0) of the Focus Area is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed use is consistent with the uses encouraged by the Focus Area.

4. That the proposed use will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood in which it is proposed.

The proposed commercial recreational facility will not have adverse affects on the enjoyment or valuation of neighboring properties. To the north of the property are commercial uses, west are a vacant lot and commercial uses, south are West Garvey Avenue and a vacant, and east are North Atlantic Boulevard and a vacant gas station. The properties to the north, south, and east are also zoned R-S (Regional Specialty) and permit the same land uses.

5. The proposed use will not have an adverse effect on the public health, safety and general welfare.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 5**

The proposed commercial recreational facility will not have an adverse effect on the public health, safety and general welfare. The commercial recreational facility will occupy an existing tenant space in a multitenant commercial building. No new construction or addition of square footage is proposed.

SECTION 5: Approvals. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit CU-13-06.

SECTION 6: 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 7: 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 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 8: 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 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to Jeff Hsin and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

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RESOLUTION NO.
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SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 8th day of October 2013.

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 8th day of October 2013, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

James Funk, Secretary

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

By:

Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

111 N ATLANTIC BOULEVARD #148

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Jeff Hsin agrees that he will comply with the following provisions as conditions for the City of Monterey Park's approval of Conditional Use Permit (CU-13-06) ("Project Conditions").

PLANNING:

1. Jeff Hsin (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CU-13-06 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out the City approval of CU-13-06, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification must be referred to the Director of the Planning and Building Safety Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A single one year extension may be granted by the Planning Commission upon finding of good cause.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

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RESOLUTION NO.
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6. The real property, subject to CU-13-06 must remain well-maintained and free of graffiti; any graffiti must be removed within 24 hours after discovery.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.

BUILDING:

9. The second sheet of the building plans must include all City of Monterey Park conditions of approval.
10. All work must conform to the requirements of the 2010 California Building Code ("CBC"), as adopted by the MPMC.
11. Plan checks are required before the City considers issuing building permits.
12. At time of plan check, submit an exit plan that labels and clearly shows compliance with all required egress features such as, common path of travel, required number of exits, occupant load, required width, continuity, travel distance etc.
13. At time of plan check, the applicant must submit information about accessibility to commercial building in accordance with CBC Chapter 11B.

FIRE:

14. Submit plans to Monterey Park Fire Department for approval before obtaining a building permit.
15. Temporary signs must be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs must be of an approved size weather resistant and be maintained until replaced by permanent signs per California Fire Code (CFC) 505.2, as adopted by the MPMC.
16. Any fire sprinkler system installation or modification requires a separate plan check submittal and approval. Work cannot commence until a fire permit is obtained. Inspection of the rough piping must be performed before being concealed. Ceiling tiles and/or dry wall cannot be installed unless approved by the Fire Inspector per 2010 CFC § 901.2, as adopted by the MPMC.
17. Any fire alarm and/or fire sprinkler system monitoring installation or modification required a separate plan check submittal and approval. Work cannot commence until a fire permit is obtained. Inspection of the system must be performed and subject to acceptance tests before operation per CFC § 907.1.1, as adopted by the MPMC.

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RESOLUTION NO.
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18. A readily visible and durable sign must be provided above the main entrance door stating, "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS" in occupancy Group A having an occupant load of 300 or less, groups B; F; M and S Occupancies per CFC § 1008.1.9.3, as adopted by the MPMC.
19. The suite address designation must be installed on or near all exterior doors of the suite in 4-inch high numbers or letters on a contrasting background per CFC § 505.1, as adopted by the MPMC.
20. Provide the CBC occupancy classification(s) for all separate and distinct uses of the structure(s) in accordance with CBC 302.1, as adopted by the MPMC.
21. Provide CBC type of construction in accordance with CBC § 602.1 and CBC Table 601, as adopted by the MPMC.
22. Provide occupant local circulation and exit width analysis for all portions of the building in accordance with CBC 1004, Table 1004.1.1, and 1005, as adopted by the MPMC.
23. The means of egress, and exit discharge, must be illuminated at any time the building is occupied with a light intensity of not less than 1 foot-candle at the walking surface level per CBC 1006.2, as adopted by the MPMC.
24. The power supply for means of egress illumination must normally be provided by the premises' electrical supply. In the event of power supply failure, the emergency power system must provide power for duration of not less than 90 minutes and must consist of storage batteries, unit equipment or an on-site generator per CBC 1006.3, as adopted by the MPMC.
25. Exits, exit access doors and paths of egress travel that is not immediately visible to the occupants must be marked by an approved exit sign that is readily visible from any direction of egress travel. Exit signs must be internally or externally illuminated per CBC 1011, as adopted by the MPMC.

By signing this document, Jeff Hsin, certifies that the he has read, understood, and agrees to the Project Conditions listed in this document.

Jeff Hsin, Applicant



PLANNING COMMISSION STAFF REPORT

ITEM
NUMBER

2

TO: Planning Commission

FROM: Lead Planner/Economic and Development Special Projects Manager

MEETING DATE: October 8, 2013

SUBJECT: PUBLIC HEARING

VARIANCE (V-13-02) TO ALLOW A WALL SIGN HIGHER THAN 15 FEET FROM GRADE AND EXCEEDING THE MAXIMUM ALLOWED SIGN AREA IN THE C-S (COMMERCIAL SERVICES) ZONE

LOCATION: 241 W Pomona Boulevard

APPLICANT: David R. Beltran
241 W Pomona Boulevard
Monterey Park, CA 91754

PROJECT PLANNER: Samantha Tewasart
Acting Senior Planner

RECOMMENDATION: It is recommended that the Planning Commission consider taking the following actions: (1) open the public hearing and take testimonial and documentary evidence; (2) close the public hearing; (3) after considering the evidence presented during the public hearing, adopt the Resolution denying the requested Variance (V-13-02); and (4) take such additional, related, action that may be desirable.

ZONE: C-S (Commercial Service)

GENERAL PLAN DESIGNATION: Commercial

ASSESSORS PARCEL NUMBER: 5273-021-029 and 5273-021-030

SITE DESCRIPTION:

Property Size: 10,000 square feet (0.23 acres)

Surrounding Properties:

North: R-1 (Low Density Residential); residential dwelling units

South: Pomona Boulevard and Pomona (60) Freeway

East: C-S, P-D (Commercial Services, Planned Development); commercial uses

West: C-S, P-D (Commercial Services, Planned Development); commercial uses

PROJECT SITE BACKGROUND/PAST CITY APPLICATIONS:

None

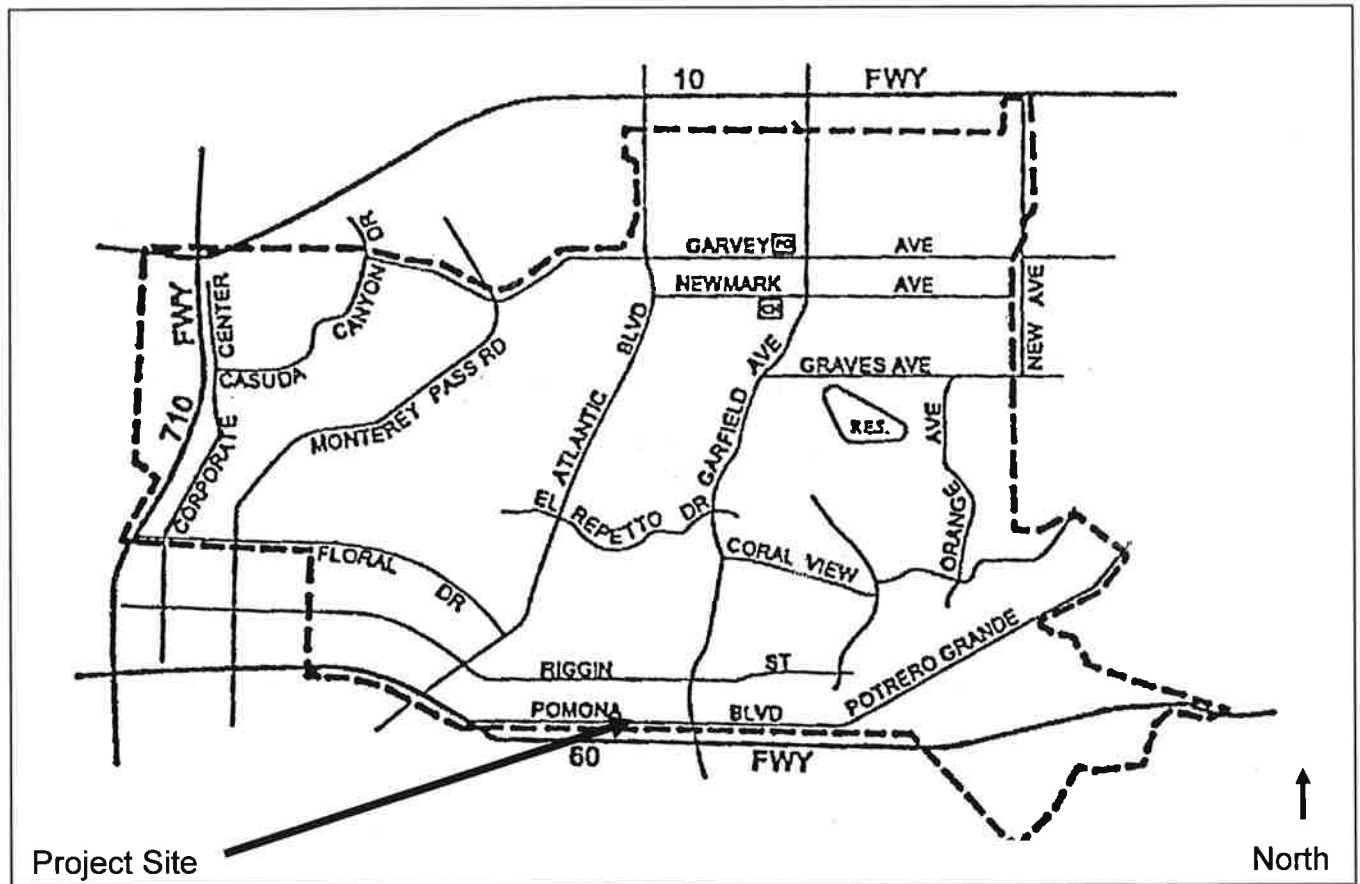
LEGAL NOTIFICATION:

The legal notice of this hearing was posted at the subject site, City Hall, Bruggemeyer Memorial Library, and Langley Center on **September 24, 2013**, with affidavits of posting on file. The legal notice of this hearing was mailed to **40** property owners within a 300 feet radius and current tenants of the property concerned on **September 24, 2013**.

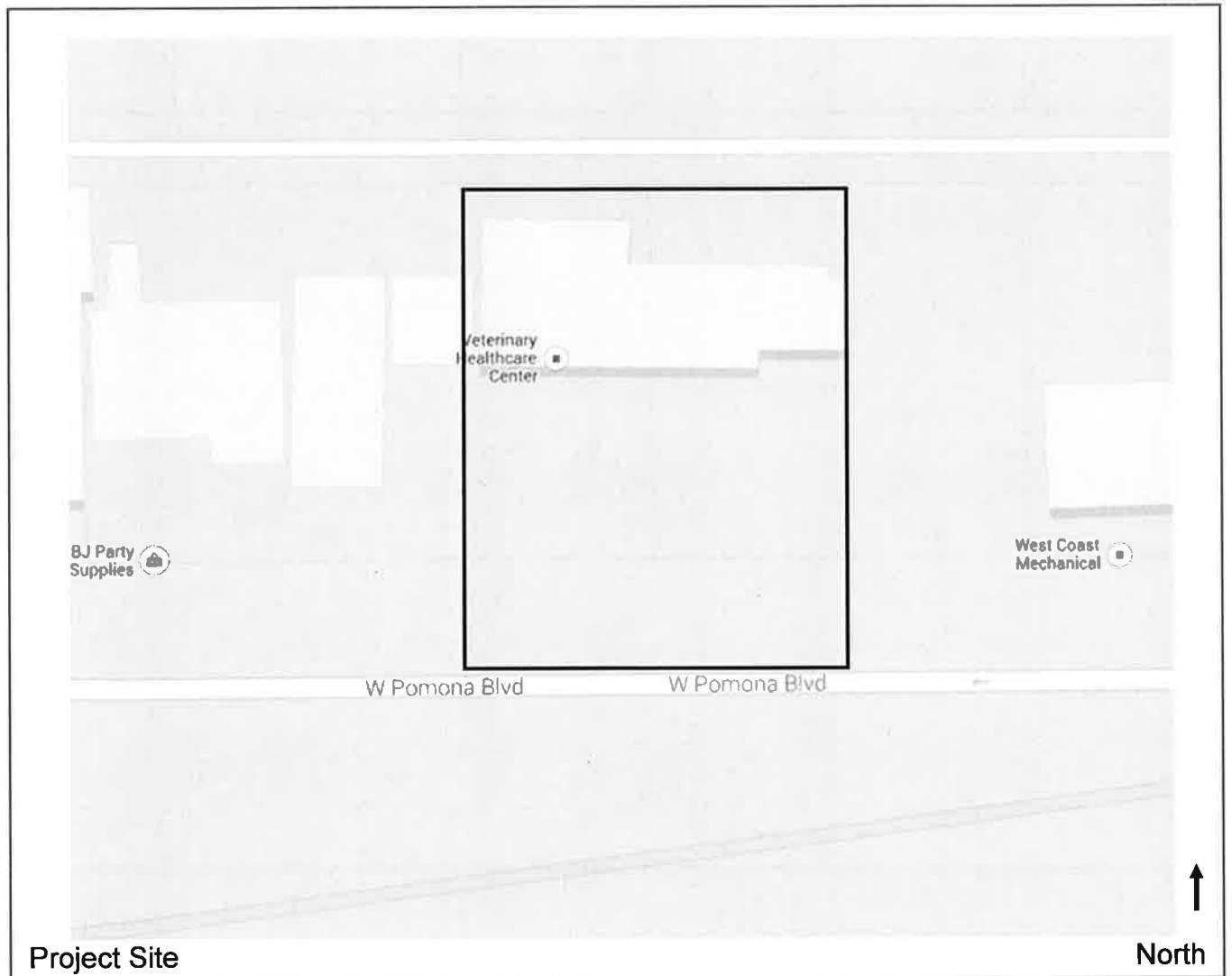
ENVIRONMENTAL ASSESSMENT:

The City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines. This project is categorically exempt from additional environmental review pursuant to CEQA Guidelines §§ 15301 and 15311. Moreover, since this Resolution denies the proposed variance, no CEQA review is required pursuant to CEQA Guidelines § 15270.

VICINITY MAP:



STREET MAP:



AERIAL MAP



ANALYSIS AND EVALUATION OF PROJECT:

The applicant, David R. Beltran, is requesting a Variance to allow a wall sign higher than 15 feet from grade and exceeding the maximum allowed sign area at 241 West Pomona Boulevard. The subject property is located on the north side of West Pomona Boulevard, between Isabella Avenue and Ferdinand Avenue. The property is zoned C-S (Commercial Services) and designated Mixed-Use II (MU-II) in the General Plan. To the north of the property are an alley and residential dwellings, south are Pomona Boulevard and the Pomona (60) Freeway, and east and west are commercial properties. The lot is 10,000 square feet (0.23 acres) in area and is developed with a two-story veterinary clinic.

The applicant proposes to install a new wall on the northwest elevation of the building. The wall sign will be 44 feet 8 inches long and 2 feet tall, totaling 89.34 square feet in area. The building frontage is 100 feet wide. The maximum sign area allowed is 75 percent of the lineal width of the building frontage, which is 75 square feet. The proposed height and square footage exceeds the maximums allowed by the Monterey Park Municipal Code ("MPMC"). The proposed wall sign will be individually internally illuminated channel letters installed on a raceway. A new wall sign would also require Design Review Board approval.

Variance

The applicant seeks greater visibility of commercial signage for his business. According to the applicant, the elevation of his property is 20 feet lower than the Pomona Freeway which is close-by. Moreover, the applicant points out that other, nearby, businesses have signage that can be seen from the Pomona Freeway – something the applicant's property cannot obtain absent a variance.

After reviewing the application, planning staff does not believe that there is sufficient evidence to support the findings required for a variance in accordance MPMC § 21.32.010 for the reasons set forth in the draft resolution. Accordingly, staff recommends that the Planning Commission deny the application.

CONCLUSION:

Staff recommends that the Planning Commission adopt the Resolution denying the requested Variance (V-13-02).



James Funk
Lead Planner/Economic and Development Special Projects Manager

Attachment:

1. Sign Plan

RESOLUTION NO.

A RESOLUTION DENYING A VARIANCE (V-13-02) TO ALLOW A WALL SIGN HIGHER THAN 15 FEET FROM GRADE AND EXCEEDING THE MAXIMUM ALLOWED SIGN AREA AT 241 WEST POMONA BOULEVARD.

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

SECTION 1: Recitals. The Planning Commission finds and declares that:

- A. On May 28, 2013, David R. Beltran, submitted an application pursuant to Title 21 of Monterey Park Municipal Code ("MPMC") requesting approval of Variance (V-13-02) to allow a wall sign higher than 15 feet from grade and exceeding the maximum allowed sign area at 241 West Pomona Boulevard, ("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 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");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for October 8, 2013; notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On October 8, 2013, 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 David R. Beltran; and
- F. The Planning Commission considered the information provided by City, public testimony and the representatives of David R. Beltran. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its October 8, 2013 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: Factual Findings and Conclusions. The Planning Commission finds the following facts exist and makes the following conclusions:

- A. The Applicant seeks to install a wall sign higher than 15 feet from grade and exceeding the maximum allowed sign area at 241 West Pomona Boulevard;

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- B. 241 West Pomona Boulevard is zoned C-S, P-D (Commercial Services, Planned Development) and designated Mixed-Use II in the Monterey Park General Plan;
- C. The Project property is located on the north side of West Pomona Boulevard, between Isabella Avenue and Ferdinand Avenue. To the north of the property are an alley and residential dwellings, south are Pomona Boulevard and the Pomona (60) Freeway, and east and west are commercial properties;
- D. The lot is 10,000 square feet (0.23 acres) in area and is developed with a two-story veterinary clinic; and
- E. No new construction or additions to the existing building is proposed.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §§ 15301 and 15311 as a Class 1 categorical exemption (Existing Facilities) and Class 11 categorical exemption (Accessory Structures). The Project is the installation of a new wall sign. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality, or water quality. Moreover, the site has no value as habitat for endangered, rare, or threatened species. There are adequate utilities and public services to serve the project. Moreover, since this Resolution denies the proposed variance, no CEQA review is required pursuant to CEQA Guidelines § 15270.

SECTION 4: Variance Findings. After considering the factual findings of this Resolution and the accompanying staff report, the Commission finds as follows pursuant to the MPMC § 21.32.010:

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings that do not generally apply to other properties in the same zone.

The property is 10,000 square feet in area, the lot is rectangular shaped, and the lot slopes up towards the rear. The properties within the vicinity have similar lot dimensions and topography. Therefore, special circumstances are not applicable to the subject property.

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.

The applicant references two existing businesses that have freestanding freeway sign, including the California Driving School and Arco gas station. According to MPMC §

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21.24.690, freeway signs are prohibited within one hundred feet from any residentially zoned property. The two existing freeway signs are located 100 feet away from the nearest residentially zoned property on Fernfield Drive. The subject property, however, is located within 100 feet of a residentially zoned property.

3. That the granting of the variance is consistent with the General Plan and purpose of this title.

The subject property is designated Mixed-Use II in the General Plan. A veterinary clinic is a permitted use in the C-S (Commercial Services) zone. In 2007, the building was reconstructed to the current design. At the time, the property owner was informed that the proposed sign did not meet MPMC requirements.

4. That the granting of the variance will not result in material damage or prejudice to other property in the vicinity, nor be detrimental to public safety or welfare.

The granting of the variance will result in prejudice to other property in the vicinity because there are 14 other C-S zoned properties located along West Pomona Boulevard that would not have the same privilege.

5. That the variance does not grant special privilege to the applicant.

The variance will grant special privileges to the applicant because no other properties in the same zone is allowed to install a wall sign higher than 15 feet and exceeds the maximum sign area permitted by the code.

SECTION 5: Actions. Based upon the findings in Section 4, the Planning Commission denies the application for Variance No. V-13-02. This decision may be appealed in accordance with MPMC § 21.32.130.

SECTION 6: 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 7: 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 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

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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 8: *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 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to David R. Beltran and to any other person requesting a copy.

SECTION 11: Pursuant to MPMC §§ 21.32.110 and 21.32.130, this Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 8, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 8th day of October 2013.

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 8th day of October 2013, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

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James Funk, Secretary

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

By:

Karl H. Berger,
Assistant City Attorney