

1. Agenda For November 12, 2013

Documents: [PLANNING COMMISSION AGENDA NOVEMBER 12, 2013.PDF](#)

2. Item For November 12, 2013

Documents: [11-12-13 ITEM.PDF](#)

3. Item Two For November 12, 2013

Documents: [11-12-13 ITEM 2.PDF](#)



CITY OF MONTEREY PARK PLANNING COMMISSION AGENDA

REGULAR MEETING
CITY HALL—COUNCIL CHAMBERS
320 W. NEWMARK AVENUE
November 12, 2013
7:00 P.M.

Planning Commission

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

Staff

Michael Huntley, Community and Economic
Development Director
Karl H. 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:

December 11, 2012, May 28, 2013 and September
24, 2013

PUBLIC HEARING:

OLD BUSINESS:

1. CONDITIONAL USE PERMIT – 133 EAST GRAVES AVENUE (CU-13-02)

The applicant, John F. Page of Meher Montessori School, is requesting approval of a Conditional Use Permit to permit a private middle school and preschool with extended child day care within an existing building ("Montessori School") at 133 East Graves Avenue in the R-3 (High Density Residential) 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 (1) reopen the continued 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-13-02); and (4) take such additional, related, action that may be desirable.

NEW BUSINESS:

2. SPECIFIC PLAN – 500 MARKLAND DRIVE (SP-13-01)

The applicant, Mighty Development Inc., is requesting approval for a Specific Plan to construct a new public self storage facility at 500 East Markland Drive.

ENVIRONMENTAL: As required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Staff recommends that after consideration of the Initial Study and comments received during the public review period, that the Planning Commission exercise its independent judgment and recommend to the City Council that with the implementation of certain mitigation measures, the proposed Project would not have a significant impact on the environment and therefore a Mitigated Negative Declaration is recommended.

RECOMMENDATION: It is recommended that the Planning Commission (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 recommending that the City Council approve the MND and Specific Plan (SP-13-01); and (4) take such additional, related, action that may be desirable.

**ITEMS FROM COMMUNITY
DEVELOPMENT:**

**ITEMS FROM THE
COMMISSION:**

ADJOURNMENT:

Next regular meeting on November 26, 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:

MICHAEL HUNTLEY	
----------------------------	---



PLANNING COMMISSION STAFF REPORT

ITEM NUMBER

1

TO: Planning Commission

FROM: Community and Economic Development Department

MEETING DATE: November 12, 2013

SUBJECT: PUBLIC HEARING

CONDITIONAL USE PERMIT (CU-13-02) TO PERMIT
A PRIVATE MIDDLE SCHOOL WITH EXTENDED
CHILD DAY CARE WITHIN AN EXISTING ASSEMBLY
USE BUILDING

LOCATION: 133 East Graves Avenue

APPLICANT: John F. Page of Meher Montessori
2009 South Garfield Avenue
Monterey Park CA 991754

PROJECT PLANNER: Samantha Tewasart
Acting Senior Planner

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

ZONE: R-3 (High Density Residential)

GENERAL PLAN DESIGNATION: High Density Residential

ASSESSORS PARCEL NUMBER: 5257-017-006 (13,937 square feet) and 5275-017-018 (38,983 square feet)

SITE DESCRIPTION:

Property Size: 52,230 square feet (1.2 acres)

Surrounding Properties:

North:	R-1 (Single Family Residence); single family dwelling
South:	R-1 (Single Family Residence); single family dwelling
East:	R-2 (Medium Density Residential); dwellings
West:	R-3 (High Density Residential); dwellings

PROJECT SITE BACKGROUND/PAST CITY APPLICATIONS:

- CU-87-020, Resolution No. 47-87 – Conditional Use Permit to allow a 75-student preschool to operate in an existing church – PC approved 11-28-87
- CU-83-017, Resolution No. 48-83 – Conditional Use Permit to permit St. Gabriel Episcopal Church – PC approved 10-04-83

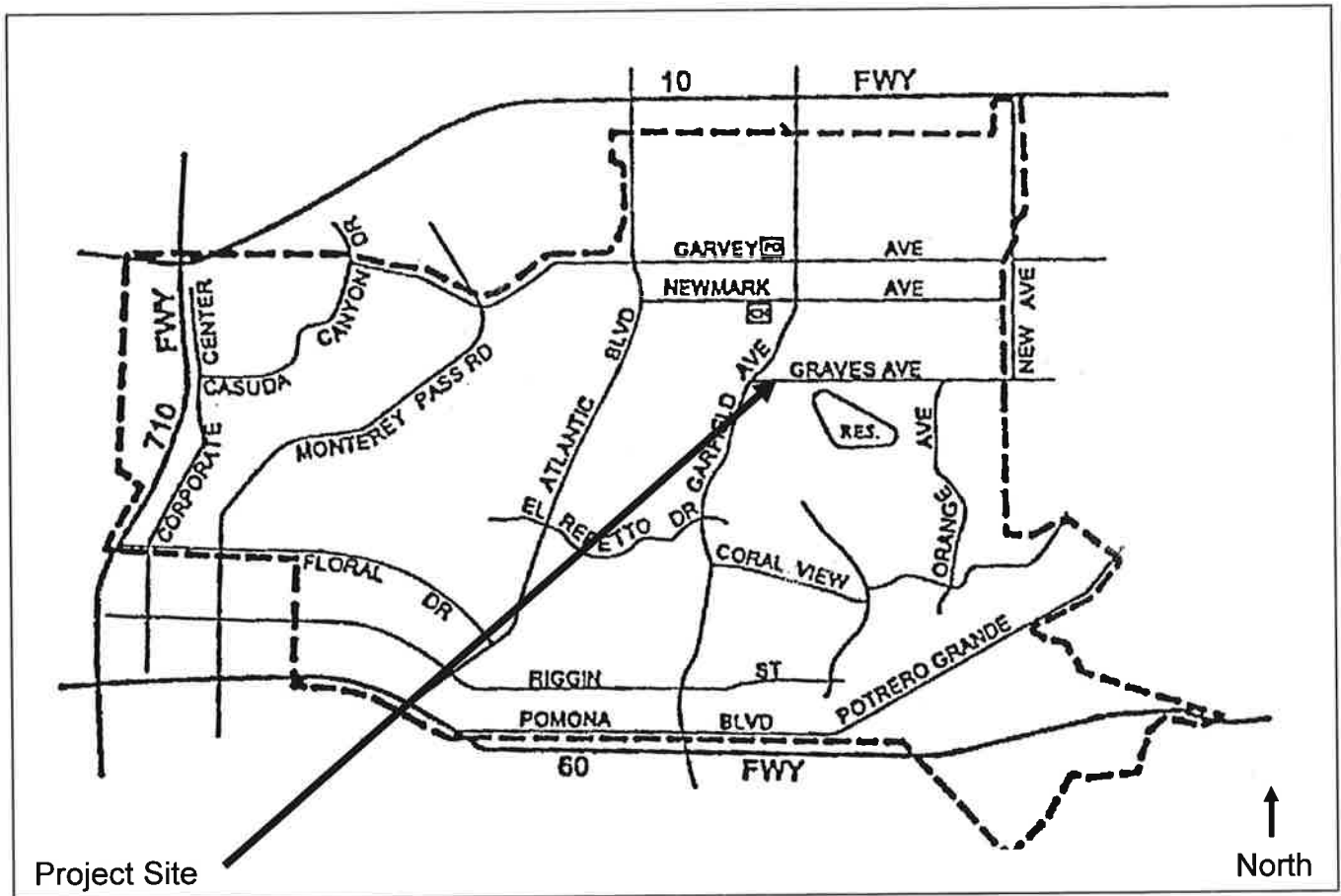
LEGAL NOTIFICATION:

The legal notice of this hearing was posted at the subject site, City Hall, Bruggemeyer Memorial Library, and Langley Center on **April 10, 2013, August 14, 2013** and **October 24, 2013**, with affidavits of posting on file. The legal notice of this hearing was mailed to **108** property owners within a 300 foot radius and current tenants of the property concerned on **April 10, 2013, August 14, 2013** and **October 24, 2013**.

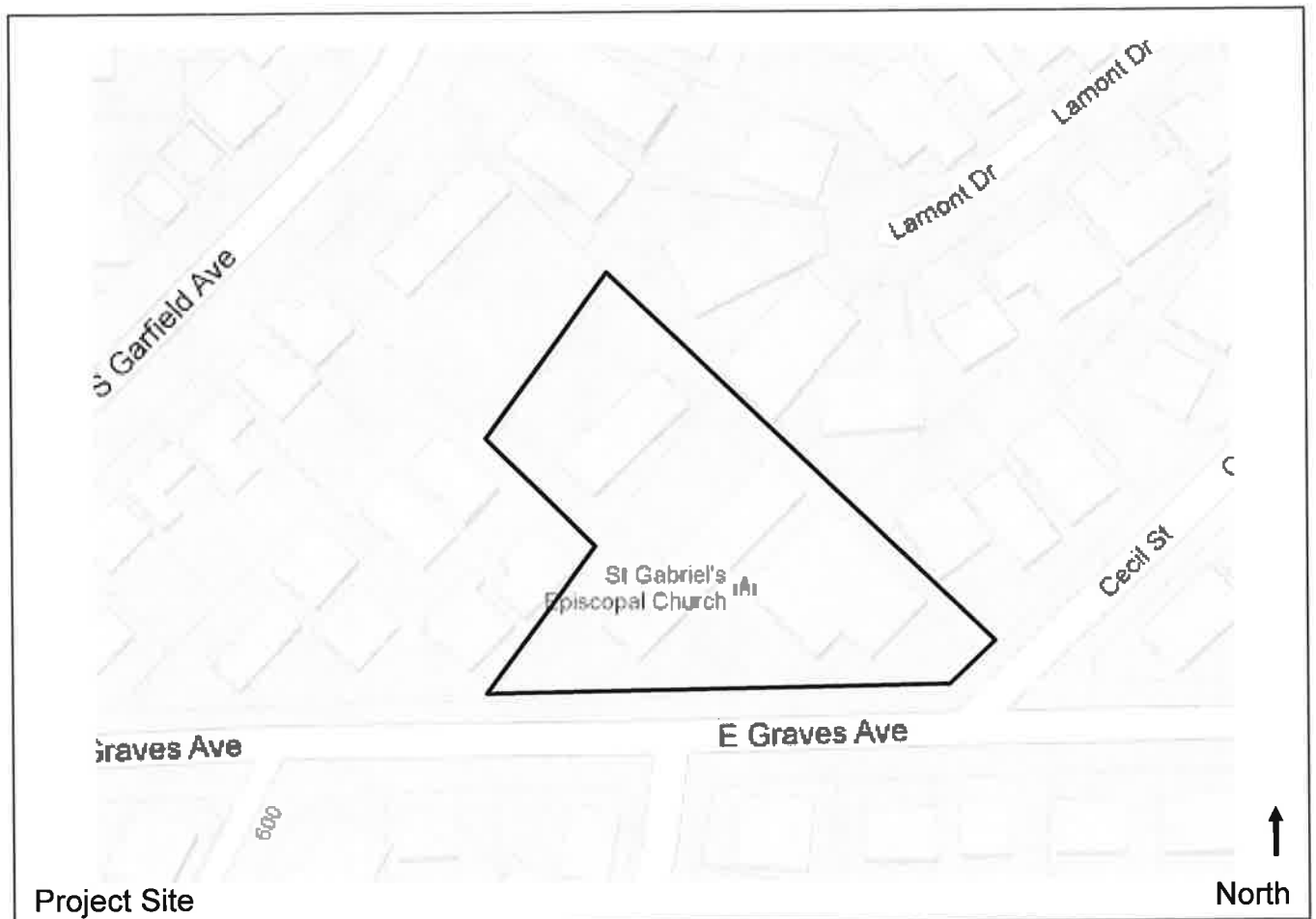
ENVIRONMENTAL ASSESSMENT:

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.

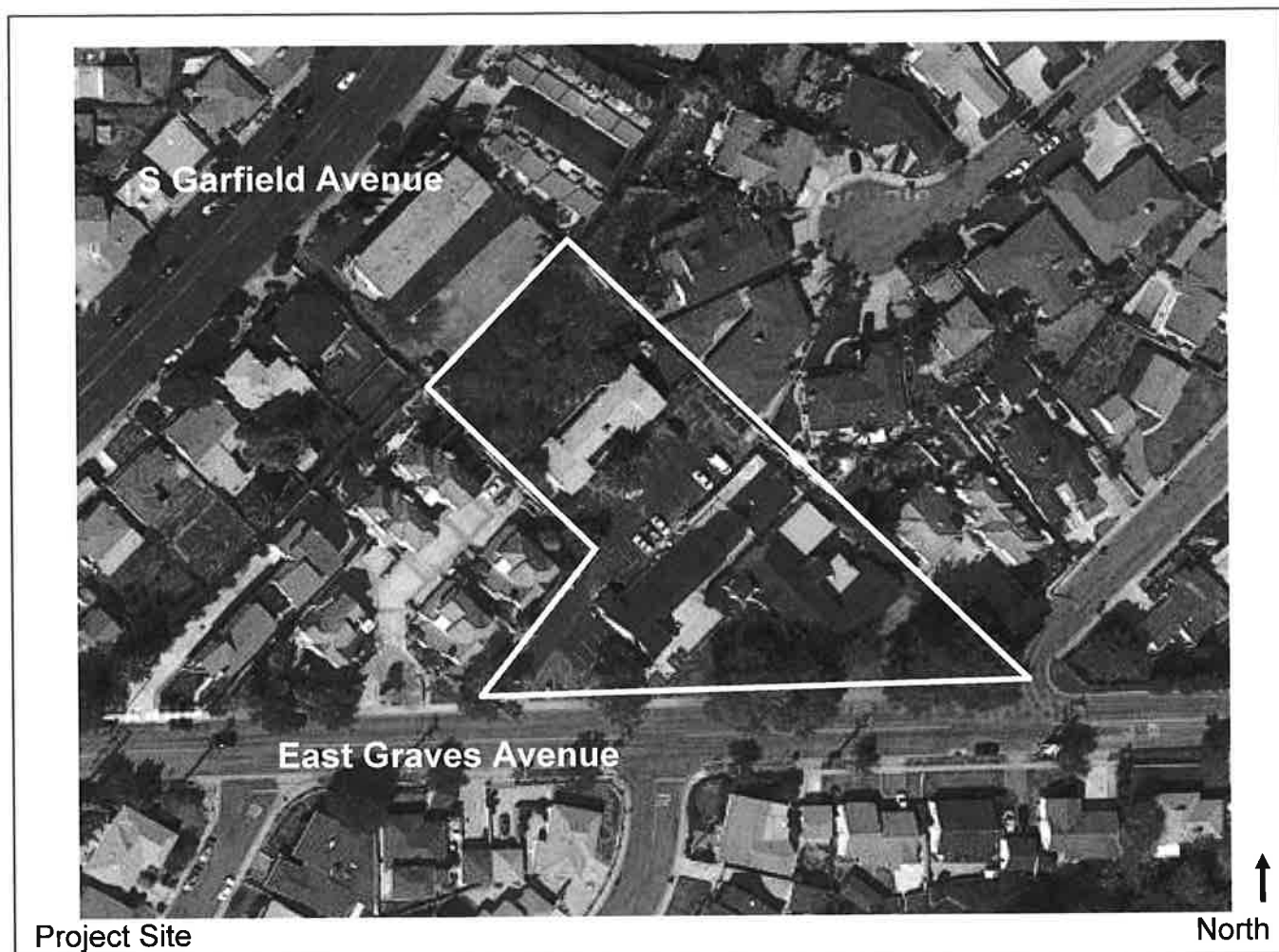
VICINITY MAP:



STREET MAP:



AERIAL MAP



Proposal:

The applicant, John F. Page of Meher Montessori School, is requesting approval of a Conditional Use Permit to permit a private middle school and preschool with extended child day care within an existing building ("Montessori School") at 133 East Graves Avenue. The subject property is located at the northwest corner of Graves Avenue and Cecil Street. The property is zoned R-3 (High Density Residential) and designated High Density Residential. To the north and south are R-1 zoned lots, to the east are R-2 zoned lots and to the west are R-3 zoned lots. The total lot area is 52,920 square feet (1.2 acres). The rear parcel is currently developed with a 1,849 square feet, one-story dwelling unit constructed in 1967. The Pastor resides in the dwelling unit. The front parcel is currently developed with 4 buildings totaling 11,022 square feet in area constructed in 1954. The front parcel is developed with a detached building, detached study building, a multi-purpose building, and an attached child care building.

The attached plans were provided by the St Gabriel's Episcopal Church. These were the plans used in 2000 for an addition project to the existing building. According to City records, the construction work has since been completed and received final inspection approval in 2002. No construction work is proposed with this Montessori School application.

The proposed Montessori School will occupy an existing attached child care building located at the rear of the property. The multi-purpose building includes on the first floor a dining/parish hall, a choir practice room, library, kitchen, an office, and restrooms. The second floor is comprised of 4 offices. The existing child care building is 780 square feet. The property provides 23 existing parking spaces located between the residence and the assembly hall building and 7 stalls in front of the church, accessible from Graves Avenue. The school hours proposed for the Montessori School will be from 8:00 a.m. to 3:30 p.m., Monday through Friday. Early morning and late afternoon care is available before and after school hours from 7:00 a.m. to 6:00 p.m., Monday through Friday. The Montessori School will be closed on Saturdays and Sundays.

According to the Applicant, in Monterey Park the protocol for pick-up and drop-off has been established since the school's inception. The protocol requires parents to park and sign-in or check-out the student each day, which helps to minimize traffic circulation issues.

Conditional Use Permit:

According to Monterey Park Municipal Code (MPMC) § 21.08.030, a private educational institution is permitted in the R-3 (High Density Residential) Zone with a Conditional Use Permit pursuant to § 21.32.020(B) of the Monterey Park Municipal Code. As set forth in the draft resolution, there are sufficient facts to make the findings needed to issue a CUP.

Analysis and Response to Public Comments:

This application was previously brought before the Planning Commission at the meetings of April 23, 2013 and September 24, 2013.

Due to public concerns, the Planning Commission requested staff bring to back additional information including 1) providing the number of accidents that have occurred within the vicinity of the project site, and 2) have the Public Works Department provide comments on the street and traffic conditions.

Since the meeting, the Police Department provided information available from 2007 to 2013. According to City records, one traffic collision has occurred along the 100 to 200 block of East Graves Avenue, one collision has occurred at the intersection of East Graves Avenue and South Lincoln Avenue, and 19 collisions have occurred at the intersection of South Garfield Avenue and Graves Avenue. The general conclusion is that there are not significant traffic accidents in the area.

The Public Works Department requested the traffic consultant to expand the analysis in the Traffic Study to address the concerns expressed at the meeting. According to the Traffic

Study, all-way stop signs warrants defined by the California edition of the Manual of Traffic Control and Devices (MUTCD) were reviewed. The MUTCD provides guidance that all-way stop control can be installed for areas of high vehicle and pedestrian volume, areas with visibility problems, and other factors. In this case, daily vehicle counts and the information provided by the Police Department shows that the thresholds for all-way stop controls are not high enough to warrant all-way stop controls. The Public Works Department determined that the traffic study meets the City's Traffic Impact Study Guidelines dated February 2006 and concurs with the analysis.

At the April 23, 2013 meeting, two items of concern were raised by residents in the surrounding area including 1) a traffic study that was conducted three to five years ago; and 2) clarifying condition number 19 in the draft resolution.

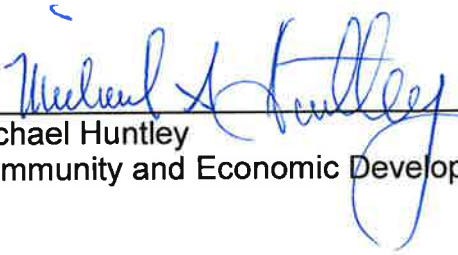
Since the meeting, staff researched City records and the traffic study referenced by the residents could not be located. However, the Applicant obtained the services of KOA Corporation to conduct a Traffic Impact Study for the proposed use (Attachment "3"). The Traffic Impact Study analyzed the signalized intersection at Garfield Avenue (for peak period operations), as well as three roadway segments (for mid block daily volume analysis). Additionally, neighborhood circulation issues, and the pick-up/drop-off operations to occur on neighborhood roadways were evaluated. According to the Traffic Impact Study, the proposed Project is not expected to create significant traffic impacts at the study areas.

According to the floor plan, the subject classroom area will be 780 square feet. The maximum occupancy permitted in the classroom area is 40 individuals (without furniture). With the addition of furniture, the space that can be occupied by students will be even less. The Traffic Impact Study states that the proposed Project would provide seats for up to 50 students; however, not more than 40 individuals can occupy the classroom area. As a result there will be fewer vehicles than the number identified in the Traffic Impact Study.

According to the site plan, 30 parking spaces are provided on the property. Condition number 20 in the Resolution requires the existing driveway approach be expanded and widen on the western side of the driveway an additional 12 feet and to widen and pave drive aisle to match new approach. Condition number 11 requires Meher Montessori School must provide to parents a School Policy and General Information packet that includes information that prohibits the use of Graves Avenue as a drop-off option and require all pick-up and drop-off activities to occur on-site. A pedestrian routes map must be included in the packet, which will identify crossing points for older students and for parents who might choose to walk to school with their children. The pedestrian route map must include Garfield Avenue and Graves Avenue/Grandridge Avenue at the signalized intersection west of the site and Lincoln Avenue and Graves Avenue at the stop controlled intersection east of the site.

Conclusion:

Staff recommends adopting the draft Resolution approving the requested Conditional Use Permit (CU-13-02), subject to the attached conditions of approval.



Michael Huntley
Community and Economic Development Director

Attachments:

1. Draft Resolution
2. Plans
3. Traffic Impact Study, dated October 29, 2013
4. Letter from Mr. David Chow, dated May 27, 2013
5. Letter from Mr. Joseph C. Reichenberger, P.E. BCEE, date May 8, 2013
6. Petition, dated April 28, 2013

RESOLUTION NO.

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CU-13-02) TO PERMIT A PRIVATE MIDDLE SCHOOL WITH EXTENDED CHILD DAY CARE WITHIN AN EXISTING ASSEMBLY USE BUILDING AT 133 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 January 30, 2013, John F. Page of Meher Montessori School, submitted an application pursuant to Title 21 of Monterey Park Municipal Code ("MPMC") requesting approval of Conditional Use Permit (CU-13-02) permit a private middle school with extended child day care within an existing church at 133 East Graves Avenue, ("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 November 12, 2013; notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On November 12, 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 Meher Montessori School; and,
- F. The Planning Commission considered the information provided by City, public testimony and the representatives of Meher Montessori School. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its November 12, 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:

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 5**

- A. The Applicant seeks to open a private middle school with extended child day care within an existing assembly use building at 133 East Graves Avenue;
- B. 133 East Garvey Avenue is zoned R-3 (High Density Residential) and designated High Density Residential in the Monterey Park General Plan;
- C. The Project property is located northwest corner of Graves Avenue and Cecil Street. To the north and south are R-1 zoned lots, to the east are R-2 zoned lots and to the west are R-3 zoned lots;
- D. The Project property is 52,920 square feet (1.2 acres) in area and is developed with five existing buildings including a study building, a multi-purpose building, and an attached child care building;
- E. No new construction or additions to the existing building is proposed; and
- F. The Applicant seeks to occupy the existing attached 785 square feet child care 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 private middle school with extended child day care within an existing assembly use building with little or no tenant improvements. The project is not anticipated to have any significant impacts with regard to traffic, noise, air 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(B):

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

The site is adequate in size, shape and topography for the proposed private educational institution ("Montessori School") because the front parcel is developed with 4 existing buildings totaling 11,022 square feet in area and the rear parcel is developed with an existing 1,849 square feet, one-story dwelling unit. The site is irregular shaped and is comprised of two existing parcels totaling 52,920 square feet (1.2 acres) in area. The property provides 30 parking spaces located between the residence and the assembly hall,

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 5**

accessible from Graves Avenue.

2. The Project 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, adequate in width and pavement type to carry the quantity and quality of traffic generated by the Project because the site has an existing driveway that provides access to East Graves Avenue (a minor arterial street with an 80- to 88-foot right-of-way). The site is developed with existing buildings and no construction is proposed for the Montessori School. According to the applicant, in Monterey Park the protocol for pick up and drop off has been established since the school's inception. The protocol requires parents to park and sign-in or check-out the student each day, which helps to minimize traffic circulation issues.

3. The Project conforms with all the requirements of the General Plan and zoning regulations.

The Project is part of the General Plan and conforms with both the General Plan and MPMC zoning regulations. MPMC § 21.70.030 allows a private educational institutional with extended day care is permitted subject to a CUP in the R-3 (High Density Residential) Zone. The subject property is designated High Density Residential in the General Plan Land Use Element and the High Density Residential land use category permits religious and educational institutions, group homes, and community care facilities, consistent with the zoning regulations. Accordingly, the Project meets the City's land use plans.

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

The Project will not have an adverse effect on the use, enjoyment or valuation of the property in the neighborhood in which it is proposed because the proposed Montessori School will be closed on Saturday and Sunday. The school hours proposed for the Montessori School will be from 8:00 a.m. to 3:30 p.m., Monday through Friday. Early morning and late afternoon care is available before and after school hours from 7:00 a.m. to 6:00 p.m., Monday through Friday. No new construction is involved with the Project.

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

The Project will not have an adverse effect on the public health, safety and general welfare because the Montessori School will provide an additional education institution choice for parents with middle school age children. The

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

Montessori School will occupy an existing building and no new construction or addition of square footage to the existing building 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-12-09.

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 John F. Page of Meher Montessori School 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.

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

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 12th day of November 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 12th day of November 2013, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael Huntley, 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

133 EAST GRAVES AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Meher Montessori School agrees that it will comply with the following provisions as conditions for the City of Monterey Park's approval of Conditional Use Permit (CU-13-02) ("Project Conditions").

PLANNING:

1. Meher Montessori School (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-13-02 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-13-02, 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.
6. The real property, subject to CU-13-02 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. The hours of operation are limited to 8:00 a.m. to 3:30 p.m., Monday through Friday. Early morning and late afternoon care must be available from 7:00 a.m. to 6:00 p.m., Monday through Friday.
10. Remove the two unpermitted striped parallel parking stalls located along the west property line.
11. Meher Montessori School must provide to parents a School Policy and General Information packet that includes information that prohibits the use of Graves Avenue as a drop-off option and require all pick-up and drop-off activities to occur on-site. A pedestrian routes map must be included in the packet, which will identify crossing points for older students and for parents who might choose to walk to school with their children. The pedestrian route map must include Garfield Avenue and Graves Avenue/Grandridge Avenue at the signalized intersection west of the site and Lincoln Avenue and Graves Avenue at the stop controlled intersection east of the site.

BUILDING:

12. The second sheet of the building plans must include all City of Monterey Park conditions of approval.
13. All improvements must comply with the California Building Code, California Plumbing Code, and California Electrical Code in effect at the time the City issues building permits.
14. An occupancy separation must be placed between B and E occupancy.
15. A building permit is required for the interior alteration works.
16. Plumbing fixtures must comply with the California Plumbing Code in effect at the time the City issues permits. At the time these conditions were approved, plumbing fixtures must comply with 2010 California Plumbing Code, Table T4-1.

17. The location of any daycare, kindergarten, first or second grade uses must be located on the first floor.

ENGINEERING:

18. Any damage done to existing street improvements and utilities during construction must 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.
19. Expand and widen existing driveway approach westerly 12 feet. Widen and pave drive aisle to match new approach.
20. Existing water service meter must be removed. Coordinate with the City's Water Division regarding removal.

FIRE:

21. Provide Building Code occupancy classification(s) for all separate and distinct uses of the structure(s) in accordance with California Building Code § 302.1. Indicate on the site plan.
22. Provide California Building Code type of construction in accordance with Building Code § 602.1 and Table 601. Indicate type of construction on the site plan and provide construction details for the structural elements in Table 601.
23. The height and area of buildings of different construction types are governed by the intended use of the building and cannot exceed the limits in California Fire Code Table 503 except for area modifications in CFC § 506. Incorporate calculations on the site plan.
24. The fire-resistance rating of exterior walls with a fire separation distance must comply with California Building Code Table 602 and Table 705.8. Indicate fire resistance of exterior walls on site plan, floor plan and provide a construction detail. Indicate openings protection door/window schedule.
25. Provide an approved fire alarm system as set forth by Fire Code § 907. Plans must be submitted to the Fire Department for review and approval before installation.
26. Provide portable fire extinguishers as set forth by Fire Code § 906. Indicate size and locations of all exiting fire extinguishers on site plan.

27. The required fire flow for public fire hydrants at this location are determined per 2010 California Fire Code § 507.3, Table B105.1
28. Show all existing public fire hydrants within 250 feet of the lot frontage on both sides of the street. Specify size of fire hydrant(s) and dimension(s) to the property lines. Additional fire hydrant requirements may be necessary after this information is provided per California Fire Code § 507.1. Indicate size and locations of all existing fire hydrants on site plan.
29. Provide occupant load calculation and exit width analysis for all portions of the building in accordance with California Building Code §§ 1004, 1005, Table 1004.1 and Table 1005.1. Incorporate calculations on site plan or provide and exit analysis plan.

POLICE:

30. The business/location must be equipped with an alarm system that monitors break-ins and robberies and identifies the coverage for each building. The alarm must be monitored by an alarm monitoring company that will notify the Monterey Park Police of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm company that a robbery is taking place. The business owner/manager will obtain an alarm permit from the Monterey Park Police Department. The permit may be obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.
31. A video surveillance camera is strongly recommended to cover the outer perimeter of the building, including all areas of the parking lot, and the main entry doors to the facility. The video surveillance cameras must be on and recording at all times. The video surveillance cameras must record onto a recording medium/device and such recordings must be kept for a minimum of 30 days. All recordings must be made immediately available to any law enforcement officer if requested for official purposes. Nothing in this condition will require the business owner or responsible party from violating laws, as it pertains to video surveillance cameras.
32. The business owner/manager must submit a site Security/Safety Plan to the Chief of Police, or designee for approval. The Security/Safety Plan will outline the measures taken to protect the safety and well being of the children. Items to be covered include, without limitation:
 - Means to prevent children from walking away from the school/business.

- Means to prevent unauthorized persons from entering the school/business.
 - Means to prevent child abduction from the school/business.
33. The business owner/manager must be required to submit and receive approval of the Security/Safety Plan from the Police Chief, or designee, before opening for business.
34. The Meher Montessori School will comply with and maintain adherence to all local, state, and federal laws governing schools, to include but not limited to center licensing, child care licensing, the hiring of employees, and agents.

By signing this document, John F. Page of Meher Montessori School, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

John F. Page
Meher Montessori School



PLANNING COMMISSION STAFF REPORT

ITEM
NUMBER

2

TO: Planning Commission

FROM: Community and Economic Development Director

MEETING DATE: November 12, 2013

SUBJECT: PUBLIC HEARING
SPECIFIC PLAN (SP-13-02) TO PERMIT A NEW
PUBLIC SELF STORAGE FACILITY IN THE C-S
(COMMERCIAL SERVICES) ZONE

LOCATION: 500 E Markland Drive

APPLICANT: Mighty Development Inc.
3296 E Guasti Road #120
Ontario, CA 91761

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 recommending that the City Council certify a mitigated negative declaration and adopt the Specific Plan (SP-13-01); and (4) take such additional, related, action that may be desirable.

ZONE: C-S (Commercial Services)

GENERAL PLAN DESIGNATION: Commercial

ASSESSORS PARCEL NUMBER: 5275-001-018

SITE DESCRIPTION:

Property Size: 48,588 square feet (1.12 acres)

Surrounding Properties:

North:	R-1 (Single Family Residential); single-family dwellings
South:	Pomona (60) Freeway
East:	R-S, P-D (Regional Specialty, Planned Development); commercial
West:	C-S (Commercial Services); public storage facility

PROJECT SITE BACKGROUND/PAST CITY APPLICATIONS:

- CU-05-12 – Resolution No. 8-06 – to construct a new commercial center with 5 or more units or more than one acre and a freeway sign in the C-S (Commercial Services) Zone.

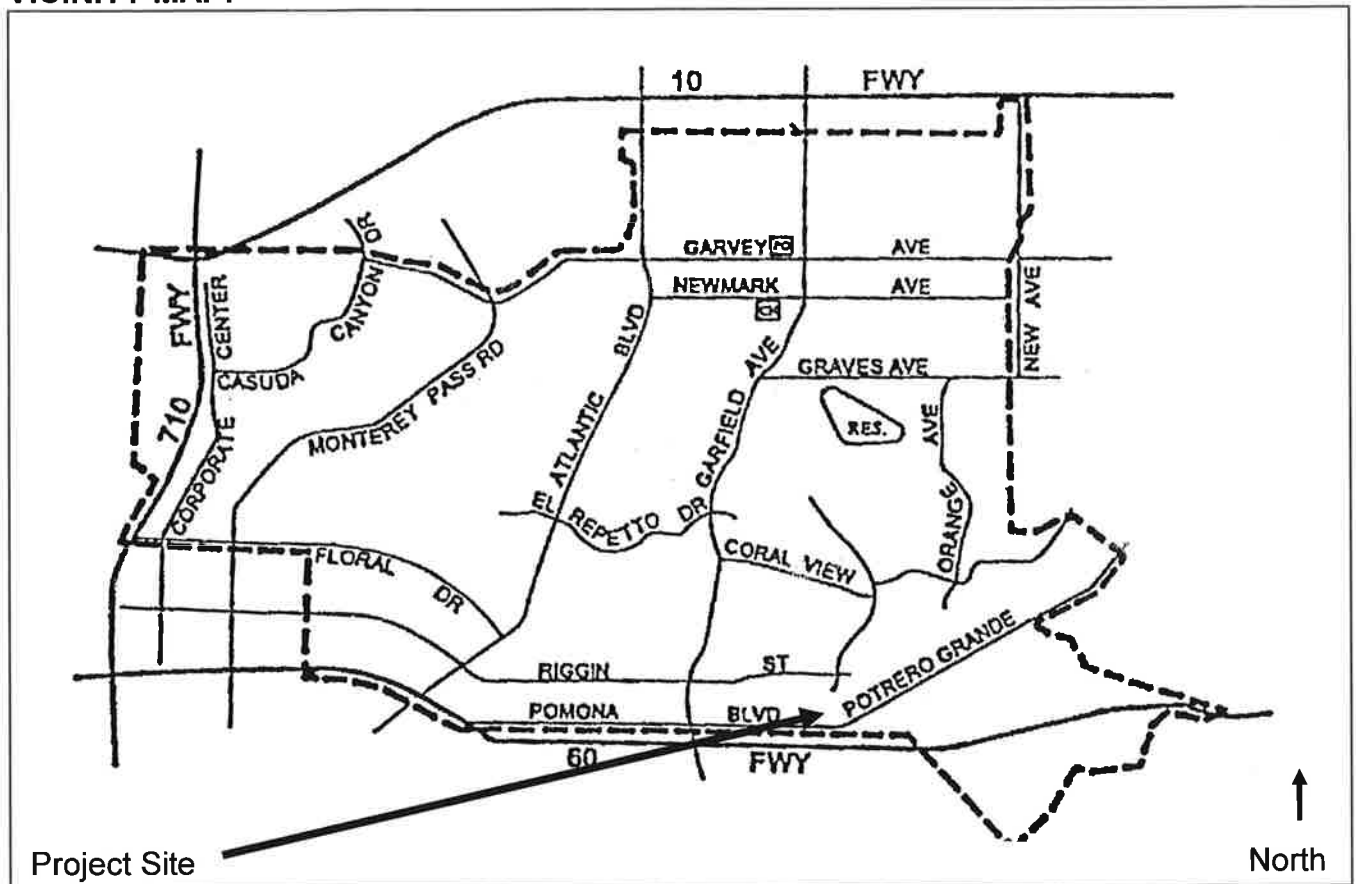
LEGAL NOTIFICATION:

A Notice of Intent to adopt a Mitigated Negative Declaration was published in the Monterey Park Progress and circulated for public review for a period of 20 days (**October 24, 2013 to November 12, 2013**) and posted on **October 24, 2013**, in the Monterey Park Bruggemeyer Library, Langley Center and the City Hall with affidavits of publishing and posting on file. The legal notice of this hearing was mailed to **24** property owners within a 300 feet radius on **October 24, 2013**.

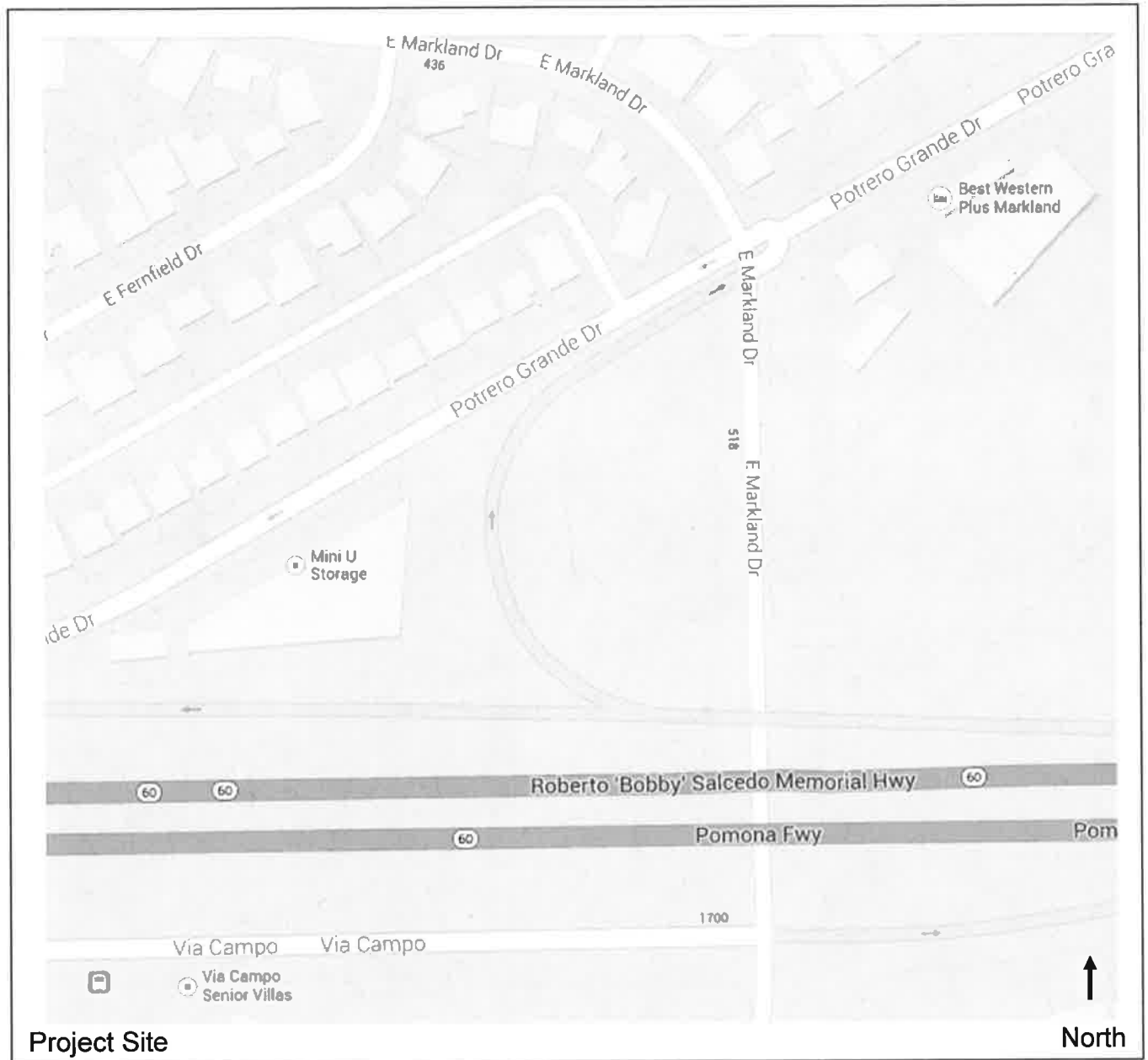
ENVIRONMENTAL ASSESSMENT:

As required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Staff recommends that after consideration of the Initial Study and comments received during the public review period, that the Planning Commission exercise its independent judgment and recommend to the City Council that it certify a Mitigated Negative Declaration.

VICINITY MAP:



STREET MAP:



AERIAL MAP



ANALYSIS AND EVALUATION OF PROJECT:

The applicant, Mighty Development Inc., is requesting approval for a Specific Plan for the construction of a new 123,062 square foot public self storage facility at 500 E Markland Drive. This facility would be three stories, with a basement. The property is zoned C-S (Commercial Services) and designated Commercial in the General Plan. The subject property is located at the southwest corner of Potrero Grande Drive and Markland Drive. The lot is 48,588 square feet (1.12 acres) in size, is semi-circular shaped and sits lower than the street level on the Markland Drive side of the property.

To the north of the property is Potrero Grande Drive and single-family dwellings, to the south is the Pomona (60) Freeway, east are Markland Drive and a Shell gas station, and west is a freeway off-ramp landscape area.

The proposed public storage facility is a walk-in facility, and not a standard drive-through facility. A total of 816 storage units are proposed ranging in size from a minimum of 5 feet by 5 feet units to a maximum of 10 feet by 30 feet units. The proposed building will be 40 feet tall, which is the maximum height permitted in the C-S Zone. The project also includes a 1,218 square feet customer service area, 403 square feet lobby area, and 1,470 square feet manager's unit.

The required number of parking spaces is based on the leasable area of the proposed use. In this case, 23 spaces are required and 22 spaces are provided. The parking lot is accessible from Markland Drive, a collector street that is a two-lane and four-lane road and is designed to carry moderate levels of traffic. The street frontage along Markland Drive is 301 feet wide. The property is not accessible from Potrero Grande Drive because of the off-ramp lane from the Pomona (60) Freeway. Two driveways are proposed along Markland Drive, a 30-foot wide driveway for ingress/egress and a 20-foot wide driveway for egress only. The driveway is proposed 128 feet away from the corner to allow for adequate queuing space on the left turn lane onto Potrero Grande Drive.

In addition to a monument sign, two wall signs are proposed. A primary wall sign will be installed on the southeast elevation closest to the Pomona (60) Freeway and a secondary wall sign will be installed on the northeast elevation, at the customer service area, closest to Potrero Grande Drive. The primary wall sign will be 41 square feet and the secondary wall sign will be 28 square feet. Both wall signs will be comprised of individual internally illuminated channel letters. According to MPMC § 21.24.660, a high-rise building identification sign may be attached to the exterior wall of buildings of three or more stories in height. The building architecture, monument sign, and two wall signs received Design Review Board approval on September 17, 2013.

Specific Plan

The applicant is requesting approval of a Specific Plan to allow for a 3.0 floor area ratio instead of 1.0, which is the maximum floor area ratio allowed in the C-S Zone and 22 parking spaces instead of the required 23 spaces. The proposed Specific Plan is appropriate for this property because of the unique topographic characteristic of the lot. The proposed building will be 40 feet tall, but the topography of the lot allows for one basement level of storage and three above grade levels. Portions of the building will appear to be two-story on the Markland Drive elevation because the lot is below grade. The topography will help to screen the massing of the building and reduce the visual impacts of proposed floor area ratio. Additionally, the proposed use is not anticipated to generate a significant amount of traffic or vehicle trips. The proposed parking stalls will be 10 feet wide instead of the minimum required 9 feet to accommodate for larger vehicles. The parking spaces can be reduced to 9 feet to provide the required 23

parking spaces. However, business anticipates that larger vehicles will frequent the property and therefore, is requesting one parking space less than the required number.

According Government Code § 65451, a Specific Plan must include certain text and diagram(s). As set forth in the draft resolution, there is substantial evidence to make the findings required by Government Code § 65450.

CONCLUSION:

Staff recommends that, following the public hearing, the Planning Commission adopt a resolution recommending that the City Council approve the mitigated negative declaration prepared for this project and adopt the Specific Plan (SP-13-02).



Michael Huntley
Community and Economic Development Director

Attachment:

1. Site, floor, and elevation plans
2. Draft ordinance adopting Specific Plan
3. Initial Study/ Mitigated Negative Declaration

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL CERTIFY A MITIGATED NEGATIVE DECLARATION AND ADOPT SPECIFIC PLAN (SP-13-01) FOR THE CONSTRUCTION A NEW PUBLIC SELF STORAGE FACILITY AT 500 E MARKLAND DRIVE.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On November 12, 2013, Mighty Development Inc. submitted an application pursuant to Tile 21 of the Monterey Park Municipal Code ("MPMC"), requesting approval of a Specific Plan (SP-13-01) to construct a new public self storage facility at 500 East Markland Drive ("Project");
- B. The proposed Project was reviewed by the 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 November 12, 2013. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On November 12, 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 the applicant's representatives; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its November 12, 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 that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to construct a new 123,062 square foot public self storage facility. The facility will be three-stories high and include a basement level;
- B. 500 East Markland Drive is zoned C-S (Commercial Services) and designated Commercial in the General Plan;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 4**

- C. The Project property is located at the southwest corner of Potrero Grande Drive and Markland Drive. To the north of the property is Potrero Grande Drive and single-family dwellings, to the south is the Pomona (60) Freeway, east are Markland Drive and a Shell gas station, and west is a freeway off-ramp landscape area;
- D. The Project property is 48,588 square feet (1.12 acres) in size and is currently a vacant lot.

SECTION 3: *Environmental Assessment.*

- A. The Project was analyzed for its environmental impacts and an Initial Study was prepared pursuant to CEQA Guidelines § 15063. The Initial Study demonstrated that the project would not have a significant effect on the environment with the implementation of mitigation measures. A Mitigated Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA Guidelines §15070 (the "MND"). The MND is attached as Exhibit "A," and incorporated by this reference. A Notice of Intent to Adopt a Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073, and was available for public comment from October 21, 2013 to November 9, 2013.
- B. In accordance with CEQA Guidelines § 15074, the record on which the Planning Commission's findings are based is located at the City of Monterey Park Community and Economic Development Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.
- C. When considering the whole record for the draft Initial Study and Negative Declaration, there is no evidence that the Project will have the potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, because the project is in a built-out urban environment.
- D. These findings are based on the various mitigation measures to be required in the implementation of the project as set forth in the MND as already having been incorporated into the Project. The Planning Commission finds that all the mitigation measures now incorporated into the project are desirable and feasible.
- E. Accordingly, based upon the evidence presented to the Planning Commission, the City need not prepare an environmental impact report for the proposed project. Consequently, the Planning Commission recommends that the City Council certify the MND.

SECTION 4: *Specific Plan Findings.* The Commission finds as follows pursuant to Government Code § 65451 and MPMC Title 21:

- 1. The Specific Plan includes text and diagrams which specifies all the required details. The Plan outlines the distribution, location, and extent of the uses of land, including

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 4**

open space, within the area covered by the plan. The Plan addresses the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the Specific Plan and needed to support the land uses described in the Plan. The Plan includes the standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable. The Plan provides a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the details of the Plan.

2. The Specific Plan includes a statement of the relationship of the Specific Plan to the General Plan. The Plan is consistent with the General Plan because no changes are proposed to the General Plan. The Project property is designated Commercial in the General Plan and the Commercial 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 as well as regional shopping demand.

SECTION 5: Recommendations. The Planning Commission recommends that the City Council:

- A. Certify the MND and direct the Director of Community and Economic Development to file any appropriate notifications in accordance with applicable law;
- B. Adopt the Ordinance set forth in Exhibit "B," and incorporated by reference, that would approve Specific Plan (SP-13-01) in its entirety including, without limitation, the conditions of approval set forth within the draft Ordinance; and
- C. Authorize the City Manager, or designee, to make non-substantive changes to the Specific Plan, as determined by the City Attorney.

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

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

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 become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the applicant 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.

ADOPTED AND APPROVED this 12th day of November 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 12th day of November 2013, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael Huntley, Secretary

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

By:

Karl H. Berger,
Assistant City Attorney

ORDINANCE NO.

Exhibit A

CONDITIONS OF APPROVAL

500 E MARKLAND DRIVE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Mighty Development Inc. agrees that it will comply with the following provisions as conditions for the City of Monterey Park's approval of Specific Plan (SP-13-01) ("Project Conditions").

PLANNING:

1. Mighty Development Inc. (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 SP-13-01 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 SP-13-01, 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 City Council 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 Community and Economic Development Department. Any subsequent modification must be referred to the Director of the Community and Economic Development Department for a determination regarding the need for City Council review and approval of the proposed modification.
3. 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.
4. 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.
5. The real property subject to SP-13-01 must remain well-maintained and free of graffiti.
6. Landscaping/irrigation must be maintained in good condition at all times. Additional landscaping, including a mixture of shrubs and groundcover, will be

required at the northern portion of the lot adjacent to the building wall, subject to the review and approval of the Planner.

BUILDING:

7. The second sheet of the building plans must include all City of Monterey Park conditions of approval.
8. Specify the type of construction and occupancy on the plan. Provide analysis per the California Building Code (CBC) § 504 and § 506 for allowable floor area and maximum height of building.
9. All works must conform to the requirements of the 2010 CBC, as amended by the MPMC. If building permits are sought after January 1, 2014, the applicant must comply with the 2013 CBC as amended by the MPMC.

PARKS:

10. Provide landscaping and irrigation plans for landscape improvements along City right-of-way on Potrero Grande Drive to Markland intersection. *Lagerstroemia Indica* Crape Myrtle trees pink or white in color must be planted along with grass, ground cover or mulch.

FIRE:

11. Provide a minimum unobstructed driveway width of 20 feet, exclusive of shoulders and except for approved security gates in accordance with California Fire Code (CFC) § 503.6 and an unobstructed vertical clearance for Fire Department vehicular access to within 150 feet of all portions of the exterior building walls per CFC § 503.2.1, as amended by the MPMC.
12. A new fire flow test is required for all new building construction. Plan submittal must include fire flow test data obtained within one year of the submittal date. The fire flow test can be requested at the Fire Prevention office.
13. Provide approved signs or other approved notices or markings that include the words No Parking – Fire Lane. Signs must be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof, as required by the California Fire Code (CFC) Appendix D103.6.
14. Dead-end fire apparatus access roads in excess of 150 feet in length must be provided with an approved Fire Department turnaround per CFC § 503.2.5.
15. Fire Department vehicular access roads must be installed and maintained in a serviceable manner before and during the time of construction per CFC § 501.4.

16. 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 CFC § 505.2.
17. Fire hydrant location and distribution must be provided per CFC Appendix C and Table C105.1.
18. The required fire flow for public fire hydrants must be per CFC § 507.3, Table B 105.1.
19. All fire hydrants must measure 6 inches by 4 inches by 2 ½ inches, brass or bronze, conforming to American Water Works Association Standard C503, or approved equal, and must be installed in compliance with CFC § 507.
20. All required public fire hydrants must be installed, tested and accepted before beginning construction per CFC § 501.4.
21. Provide an approved automatic fire sprinkler system as set forth by CBC § 903 and CFC § 903. Plans must be submitted for review and approval before installation.
22. Provide an approved manual, automatic, or manual automatic fire alarm installed in accordance with the provisions of this CFC. NFPA 72 must be provided in new buildings and structures in accordance with CFC § 907.2.1 through § 902.2.23 and provide occupant notification in accordance with CFC § 907.10.
23. Elevators must comply with the requirements set forth in CBC Chapter 30. Building and structures with one or more passenger service elevators must be provided with not less than one medical emergency service elevator all meeting the requirements of CBC § 3002.4 1a through § 3002.4.7a.
24. Provide occupant load calculation and exit width analysis for all portion of the building in accordance with CBC § 1004, Table 1004.1.1 and 1005.

POLICE:

25. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness. At all times, all hallways, stairwells, and any garage/carport, guest parking areas and parking entrances must be well lit to deter any criminal activity. There must also be adequate lighting in all common areas of the facility. During non-business hours motion sensor activated lights may be used in the interior areas of the facility in order to reduce electricity usage.

26. Access to the roof of the building must be locked and secured. Access to the roof must be restricted to maintenance personnel, building management, or other authorized personnel.
27. The shrubbery on the property must be installed and maintained in such condition to permit good visibility of the units from the streets. Any shrubbery surrounding the complex must be planted and maintained where the height of the greenery would not easily conceal persons.
28. An alarm system must be installed at the main entrances and exists to the facility/lobby. In addition to the security alarm system, access control points/panels must be installed on the entrances/gages/doors to the storage units in order to prevent unauthorized access to the common areas of the facility. Contact the Monterey Park Police Department Community Relations Bureau at (626) 307-1215 for additional information and alarm permits.
29. A camera surveillance/security system must be installed covering the interior and exterior areas of the property such as the driveway, entrances and exits to the property, common hallways, and exterior storage units, or other areas where property may be kept. The video surveillance/security must operate 24 hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. The recordings must be maintained for a minimum of 30 days and made readily available for any law enforcement official who requests the recording(s) for official purposes.

By signing this document, Mighty Development Inc., certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

By: _____
Mighty Development Inc., Applicant

ORDINANCE NO.

AN ORDINANCE CERTIFYING A MITIGATED NEGATIVE DECLARATION AND ADOPTING THE 500 E MARKLAND SPECIFIC PLAN (SP-13-01).

The City Council for the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and declares that:

- A. On November 12, 2013, Mighty Development Inc. filed an application pursuant to Title 21 of the Monterey Park Municipal Code ("MPMC") requesting approval of a Specific Plan (SP-13-01) to construct a self storage facility at 500 East Markland Drive (the "Project");
- B. The proposed Project was reviewed by the 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 November 12, 2013. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On November 12, 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 applicant representatives. The Planning Commission adopted Resolution No. 11-13 which recommended that the City Council certify the Mitigated Negative Declaration and adopt the Specific Plan;
- F. The City Council reviewed the draft Specific Plan and related environmental aspects of the proposal as required by the MPMC at the December 4, 2013 hearing; and
- G. The City Council has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing of December 4, 2013.

ORDINANCE NO.
PAGE 2 of 4

SECTION 2: The City Council finds and determines that the Specific Plan attached as Exhibit "A," and incorporated by this reference, was processed in accordance with California law and the MPMC (the "Specific Plan"). Adopting the Specific Plan is in the public interest and consistent with the Monterey Park General Plan pursuant to Government Code § 65588. The findings and analysis set forth in Planning Commission Resolution No. 11-13, as adopted November 12, 2013, is incorporated into this Ordinance as if fully set forth.

SECTION 3: *Environmental Findings.*

- A. The Project was analyzed for its environmental impacts and an Initial Study was prepared pursuant to CEQA Guidelines §15063. The Initial Study demonstrated that the Project would not have a significant effect on the environment with the implementation of mitigation measures. A Mitigated Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA Guidelines §15070. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073, and was available for public comment from October 21, 2013 to November 9, 2013.
- B. In accordance with § 15074 of the CEQA Guidelines, the record on which the City Council's findings are based is located at the City of Monterey Park Community and Economic Development Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.
- C. When considering the whole record for the Mitigated Negative Declaration, there is no evidence that the Project will have the potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, because the project is in a built-out urban environment.
- D. These findings are based on the various mitigation measures to be required in the implementation of the project as adopted in the Mitigated Negative Declaration as already having been incorporated into the Project. The City Council finds that all the mitigation measures now incorporated into the project are desirable and feasible.
- E. Accordingly, based upon the evidence presented to the City Council, the City need not prepare an environmental impact report for the proposed project. Consequently, the City Council certifies the MND attached as Exhibit "B," and incorporated by reference.

SECTION 4: *Approvals.*

ORDINANCE NO.
PAGE 3 of 4

- A. Subject to the conditions listed on attached Exhibit "C," which are incorporated into this Ordinance by reference, the City Council approves the Specific Plan.
- B. The Monterey Park Zoning Map is amended to add the zoning designation of "SP-13-01" as set forth in Exhibit "D," and incorporated by reference.

SECTION 5: *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance 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 City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 6: *Limitations.* The City Council'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 City Council'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: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED, APPROVED, AND ADOPTED this December 4, 2013.

Teresa Real Sebastian, Mayor
City of Monterey Park, California

ATTEST:

Vincent D. Chang, City Clerk
City of Monterey Park, California

I HEREBY CERTIFY that the above and foregoing ordinance was duly passed and adopted by the Monterey Park City Council at its regular meeting held on XX of _____, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: _____
Karl H. Berger, Assistant City Attorney