

CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA

REGULAR MEETING
Monterey Park City Hall Council Chambers
320 West Newmark Avenue
Monterey Park, CA 91754

TUESDAY
MARCH 25, 2014
7:00 PM

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

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 are available for public inspection in the City Clerk's Office 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://ci.monterey-park.ca.us/home/index.asp>. Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Community and Economic Development Department – Planning Division and are available for public inspection during regular business hours.

PUBLIC COMMENTS ON AGENDA ITEMS

For members of the public wishing to address the Planning Commission regarding any item on this Agenda, including Oral Communications, please fill out a speaker card and return it to Planning staff before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Chairperson, as confirmed by the Planning Commission, may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the Community and Economic Development Department twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

CALL TO ORDER – Chairperson Larry Sullivan

ROLL CALL – Commissioners Choi, Hamner, Garcia and Lam

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

[1.] PUBLIC HEARINGS

1-A. TENTATIVE MAP NO. 072627 – 210 SOUTH MOORE AVENUE (PM-13-02)

The applicant, Nicole C. Wang, is requesting approval for a subdivision of air rights to establish and maintain a four-unit condominium project at 210 South Moore Avenue in the R-3 (High Density Residential) Zone.

The Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development). The project consists of a tentative map to allow for the subdivision of air space for separate ownership of each of the four units. The property will remain as one lot.

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 Tentative Map (PM-13-02); and
- (4) take such additional, related, action that may be desirable.

1-B. TENTATIVE MAP NO. 072557 – 328 SEFTON AVENUE (PM-13-03)

The applicant, Jian Ni, is requesting approval for a subdivision of air rights to establish and maintain a three-unit condominium project at 328 Sefton Avenue in the R-3 (High Density Residential) Zone.

The Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development). The project consists of a tentative map to allow for the subdivision of air space for separate ownership of each of the three units. The property will remain as one lot.

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 Tentative Map (PM-13-03); and
- (4) take such additional, related, action that may be desirable.

1-C. APPEAL – 420 WEST HELLMAN AVENUE

The applicant, Peter Lim, is requesting approval of an appeal of the City Planner's decision to not allow the reconstruction of a demolished residential dwelling unit without complying with the rear yard setback of 25 feet. The subject site is located in the R-2 (Medium-Multiple Residential) Zone and the residential dwelling unit in question is in the rear yard facing Hellman Avenue.

The initial issuance of a Building Permit is considered by CEQA as a Ministerial Project. Since an Appeal Application has been submitted related to the City Planner's decision requiring a determination by the Planning Commission, staff has prepared a Class 2 Categorical Exemption (CEQA Guidelines § 15302). A Class 2 Categorical Exemption specifically exempts the replacement or reconstruction of existing structures. In this case, the appellant is requesting to rebuild a residential dwelling unit in the same location and at the same size as what was approved previously by the City.

After considering the scheduled matter:

- (1) open the public hearing to take testimonial and documentary testimony;
- (2) close the public hearing and consider the matter;
- (3) after considering the matter, adopt the attached Resolution upholding the City Planner's decision; and

(4) take such related action that may be desirable.

[2.] UNFINISHED BUSINESS

[3.] NEW BUSINESS

[4.] COMMISSION COMMUNICATIONS AND MATTERS

[5.] CLOSED SESSION

ADJOURN

APPROVED BY:

MICHAEL A. HUNTLEY	
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PLANNING COMMISSION STAFF REPORT

ITEM
NUMBER

1

TO: Planning Commission

FROM: Community and Economic Development Department

MEETING DATE: March 25, 2014

SUBJECT: Public hearing

Tentative Map No. 072627 to subdivide air rights to establish and maintain a four unit condominium project in the R-3 (High Density Residential) zone.

LOCATION: 210 South Moore Avenue

APPLICANT: Nicole C. Wang
9117 Olive Street
Temple City, CA 91780

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 Tentative Map No. 072627 (PM-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

ASSESSOR'S PARCEL NUMBER: 5257-005-025

SITE DESCRIPTION:

Property Size: 15,878 square feet (0.36 acre)

Surrounding Properties:

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

PROJECT SITE BACKGROUND/PAST CITY APPLICATIONS:

None

LEGAL NOTIFICATION:

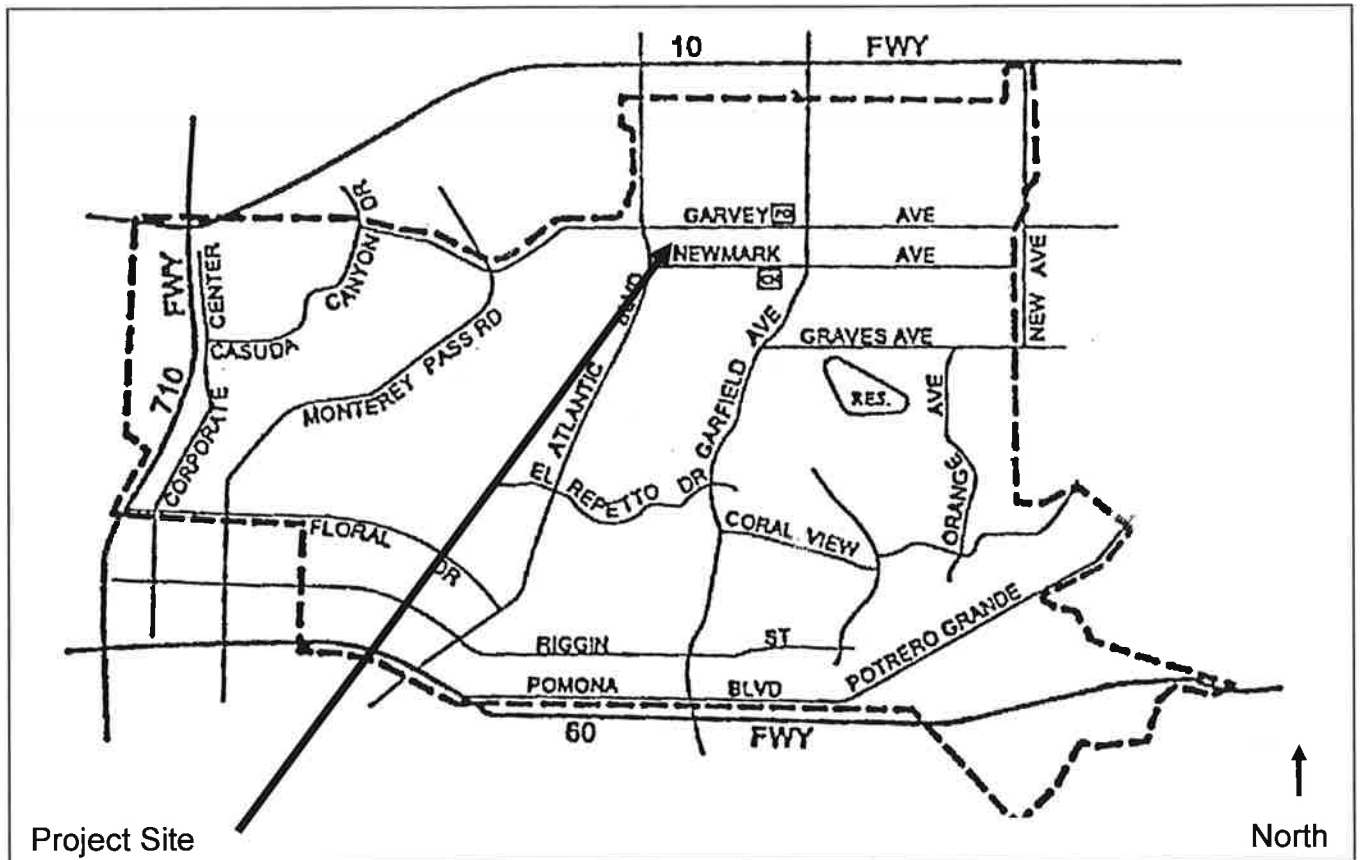
The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **March 5, 2014** and published in the Monterey Park Progress on **March 13, 2014**, with affidavits of posting on file. The legal notice of this hearing was mailed to **96** property owners within a 300 feet radius and current tenants of the property concerned on **March 5, 2014**.

ENVIRONMENTAL ASSESSMENT:

The Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development). The project consists of the division of property in an urbanized area that is zoned for residential use into four or fewer parcels. The project conforms with the General Plan because, according to the Land Use Element, the High Density Residential land use category allows a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The project is the subdivision of air rights to establish and maintain a five-unit condominium development. The project is consistent with the zoning. No variances or exceptions are required for this project, all services and access to the proposed parcels to local standards are available, the parcel was not involved in

a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The subject property is relatively flat.

VICINITY MAP:



STREET MAP:



AERIAL MAP



ANALYSIS AND EVALUATION OF PROJECT:

The applicant, Nicole C. Wang, is requesting approval of a Tentative Map for the subdivision of air rights as part of the development of a four unit condominium project at 210 South Moore Avenue. The property is located seven lots north of the northeast corner of West Newmark Avenue and South Moore Avenue. The property is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan. To the north, south, east and west of the property are R-3 zoned lots. The subject site

has a frontage of 85 feet and a depth of 186.09 feet, with a total lot area of 15,817 square feet in size.

Per R-3 development standards, a maximum building density of 1 unit per 3,000 square feet applies to the subject property. A maximum of 5 units can be built on the lot, and 4 units are proposed. There is an existing single family dwelling on the subject site, which will be demolished, and replaced by the four detached condominium units. The property will remain as one lot. Under California law, a tentative map is required to allow for the subdivision of air space for separate ownership of each of the units.

All four units will have 5 bedrooms. The proposed units are between 1,922 square feet and 2,164 square feet. The proposed buildings on the site will meet the required front and rear setback of 25 feet, with 5-foot side setback for the first floor, and 10-foot side setback for the second floor. Each unit will be two stories, with a maximum height of 24 feet 3 inches. A clearance of at least 12 feet will be provided between the buildings.

According to Monterey Park Municipal Code (MPMC) § 21.22.050, condominium units with three or less bedrooms require 2 enclosed garage spaces plus 1 guest space per 2 dwelling units. For units with four or more bedrooms, 2 enclosed garage spaces, plus 1 guest parking per 1 dwelling unit are required. Overall, 8 enclosed garage spaces and 4 guest parking spaces are required. Each unit will have two-car garages plus one guest parking space meeting the off-street parking requirement. The driveway has a width of 18 feet, and each parking space has a back-up space of 26 feet. Each enclosed parking space is required to have a minimum width of 9 feet, and a minimum depth of 20 feet.

Per the MPMC § 21.08.080(O), the project is required to provide a minimum of 1,600 square feet of common open space, and a minimum of 150 square feet of private open space per unit. According to the site plan, the project will include a 1,600 square foot common open space in the back yard area, and each unit will be provided with private open spaces with at least 150 square feet. The common open space area will be maintained by a Homeowner's Association, which will be a requirement of the covenants, conditions and restrictions ("CC&Rs") that must be recorded.

This proposal will allow for the subdivision of air rights for condominium purposes only. The project is in compliance with zoning development standards. The project design must be approved by the Design Review Board.

CONCLUSION:

Staff recommends adopting the Resolution approving the Tentative Map No. 072627, subject to conditions contained therein.



Michael A. Huntley
Director of Community and Economic Development

Attachments:

1. Draft Resolution
2. Site, Floor and Elevation Plans
3. Tentative Map No. 072627

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 072627 (PM-13-02) TO SUBDIVIDE AIR RIGHTS FOR A FOUR-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 210 SOUTH MOORE 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 December 18, 2013, Nicole C. Wang submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC"), requesting approval of Tentative Map No. 072627 (PM-13-02) to subdivide air rights to establish and maintain a four-unit condominium project at 210 South Moore Avenue, ("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 March 25, 2014. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On March 25, 2014, 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 Nicole C. Wang; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its March 25, 2014 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 four new detached residential dwelling units and subdivide the air rights for condominium purposes;
- B. 210 South Moore Avenue is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan;

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- C. The Project property is located on the east side of South Moore Avenue. To the north, south, east and west of the subject property are residential uses;
- D. The Project property is 15,811 square feet (0.36 acres) in area and is currently developed with two residential dwelling units that will be demolished a part of the proposed Project.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development). The project consists of the division of property in an urbanized area that is zoned for residential use into four or fewer parcels. The project conforms with the General Plan because, according to the Land Use Element, the High Density Residential land use category allows a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The project is the subdivision of air rights to establish and maintain a four-unit condominium development. The project is consistent with the zoning. No variances or exceptions are required for this project, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The subject property is relatively flat.

SECTION 4: *Tentative Map Findings.* The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

1. The proposed map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The proposed Tentative Map is consistent with the City's General Plan in that the subject property is proposed to be developed at a maximum density of 14 dwelling units per acre, which will not exceed the maximum allowed standard of 25 dwelling units per acre for high density residential uses. The property is located on South Moore Avenue, a local street with a 50-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a four-unit condominium project, which is compatible with the high density housing either attached or detached allowed in the high density residential category. There is no specific plan adopted for this area.
3. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 15,811 square feet (0.36 acres) and adequate in size to accommodate a four-unit condominium project because in the R-3

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Zone, one dwelling unit is allowed for every 3,000 square feet of lot area on lots of 7,000 square feet or more and having a front lot line of at least fifty feet.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.
5. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all City, State, and Federal regulations and specifications.
6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed development.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 072627 (PM-13-02).

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.

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

SECTION 10: A copy of this Resolution will be mailed to Nicole C. Wang 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.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 25th day of March 2014.

Chairperson Larry Sullivan

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 25th day of March 2014, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. 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

210 SOUTH MOORE AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Nicole C. Wang agrees that he will comply with the following provisions as conditions for the City of Monterey Park's approval of Tentative Map No. 072627 (PM-13-02) ("Project Conditions").

PLANNING:

1. Nicole C. Wang (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 PM-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 of the City approval of PM-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 and Safety Division. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four 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 total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
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.

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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 PM-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 installed and maintained in good condition at all times.
9. The carport parking spaces must be marked as guest parking spaces on the final map.
10. The two landscape planter areas with the tree well pop-outs must be reduced to no more than 3 feet to improve the backup area for Units 2 and 3.
11. A final map must be approved and recorded before the City issues a certificate of occupancy.
12. Provide a 26 feet turning radius, not including the width of the block wall.
13. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.

BUILDING:

14. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
15. A valid building permit does not allow excavations to encroach into adjacent property. Requirements for protection of adjacent property are defined in Civil Code § 832.
16. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
17. A soils and geology report is required as part of plan check submittal.
18. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.

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19. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.

ENGINEERING:

20. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition the issuance of the grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.
21. The applicant must record the Final Map after the City Council approves the final map and the City Council accepts any applicable bonds or agreements. A refundable \$191 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with the City Engineer's Office within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$191 cash deposit.
22. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
23. The developer/owner is responsible for paying all applicable City development impact fees as required by the MPMC.
24. A homeowner's association must be established.
25. Covenants Conditions & Restrictions must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. Developer/owner is responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.

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26. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
27. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer is responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
28. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner.
29. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
30. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties must not be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
31. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also the satisfaction of the City Engineer before the City approves grading and drainage plans.
32. Any damage done to existing street improvements and utilities during construction must be repaired before the City issues certificates of occupancy. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer.
33. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works

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improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.

34. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
35. A sewer connection reconstruction fee will be assessed at the time of issuance of a building permit in accordance with the provisions of MPMC Chapter 14.06.
36. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer.
37. The grading and drainage plan must be submitted by the first plan check and must incorporate all pertinent site development comments from the City's geological and geotechnical consultants and must also include the approved geological report submitted by the developer's consultant.
38. Modify and/or correct the tentative map in accordance with the adopted conditions of approval of the tentative map and also in accordance with the specific criteria noted by the City Engineer verify and submit correct drainage pattern of adjacent property.
39. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the City Recreation and Parks Department.
40. The City reserves the right to restrict driveway access to and from the project in the event future traffic conditions warrant such restricted turn movements.

FIRE:

41. The applicant must submit plans to the Monterey Park Fire Department for approval before the City issues a building permit.
42. The applicant must provide a minimum unobstructed driveway width of 20 feet, except for approved security gates in the accordance with California Fire Code § 503.6, as adopted by the MPMC ("CFC"), and an unobstructed vertical clearance "clear to sky" for Fire Department vehicular access to within 150 feet of all portions of the exterior building walls according to CFC § 503.2.1. Cross-hatch the Fire Department vehicle access on the site plan.

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43. Dead-end fire apparatus access roads in excess of 150 feet in length must be provided with an approved Fire Department turnaround according to CFC § 503.2.5 Cross hatch the Fire Department turnaround on the site plan.
44. Fire Department vehicular access roads must be installed and maintained in a serviceable manner before and during the time of construction according to CFC § 501.4. Provide a note on the site plan.
45. A minimum 5 feet wide approved firefighter access walkway leading from the fire apparatus access road to the building exterior openings must be provided for fire fighting and rescue purposes according to CFC § 504.1. Indicate the fire fighter walkway access routes on the site plan.
46. When security gates are provided, maintain a minimum access width of 20 feet. The security gates must be provided with an approved means of emergency operations, and must be maintained operation at all times. Electric gate operators, where provided, must be listed in accordance with UL325. Gates intended for automatic operation must be designed, constructed and installed to comply with the requirements of ASTM F220 per CFC § 503.6. Indicate the access width of the security gates on the site plan. means for emergency operation, and the requirement that it be maintained at all times.
47. Manually operated gates and barriers must have a weather resistant Knox-key box. The key box must be placed four to five feet above the roadway surface at the right side of the access gate in a conspicuous location that is readily and visibly accessible. The key box must be clearly labeled "FIRE DEPT" per CFC § 506.
48. Electrically operated gates and barriers must have an operable Knox-key switch. The key switch must be placed between 42 inches and 48 inches above the roadway surface at the right side of the access gate within two feet of the edge of the roadway. The key switch must be readily visible and unobstructed from the fire lane leading to the gate. The key must be clearly labeled "FIRE DEPT" per CFC § 506 and Appendix D.
49. Gate and barrier locks must be reviewed and approved before installation on any new and/or existing access gate or barrier. Authorization/order forms for Knox products may be obtained through the Monterey Park Fire Department Fire Prevention Division at (626) 307-1308 per CFC § 506 and Appendix D.
50. 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 per CFC Appendix D. Provide a note on the site plan and show the location of each "Fire Lane – No Parking Sign" and the dimensions of the roadway width.

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51. Minimum road widths must be measured from top face of curb for standard vertical curbs or flow line to flow line for rolled, ramped, or other curb types. Parking prohibited on roadway less than 28 feet and the roadway is required to be posted as a fire lane. If roadway is at least 28 feet but less than 36 feet, parking is permitted on one side only and roadway is required to be posted as a fire lane. If roadway is 36 feet or wider, parking will be permitted on both sides. Indicate roadway width and the requirement that it be maintained at all times.
52. The Fire Department vehicular access roads must be hardscape for all weather access in according with the All Weather Access Requirements per CFC § 503.2.3. On the site plan, label the surface type of the access road. A letter or statement, wet-stamped and signed by a registered engineer must be provided on the plans certifying that any new roadway meets the 75,000 pound all weather requirements.
53. The 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.
54. A minimum 5-foot wide approved firefighter access walkway leading from the fire apparatus access road to the building's exterior opening must be provided for fire fighting and rescue purposes per CFC § 504.1.
55. The fire apparatus access road must be identified with approved signs. Temporary signs must be installed at each street intersection when construction of new roadway allows passage by vehicles. Signs must be an approved size, weather resistant and be maintained until replaced by permanent signs per CFC § 505.2.
56. The required fire flow from fire hydrants at this location is based on the type of construction and occupancy classification per CFC Table B105. Plan submittal must include fire flow test date to be obtained within one year of the submittal date. The fire flow test can be requested at the Fire Prevention Office per CFC Table B105.
57. Show all existing public fire hydrants within 250 feet of the lot frontage on both sides of the street. Specify the size of the fire hydrant(s) and dimensions to the property lines. Additional fire hydrant requirements may be necessary after this information is provided per CFC Table B105.
58. All fire hydrants must measure 6 inches by 4 inches by 2 ½ inches, brass or bronze, conforming to American Water Works Association Standard C53, or approved equal per CFC § 507.5.
59. Approved numbers or addresses must be placed on the front elevation of all new or existing buildings in such a position that is plainly visible and legible from the

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street or road on which the property is addressed. Addressed must not be located where they have the potential of being obstructed by signs, awnings, vegetation or other building/site elements. Numbers must be a minimum of 4 inches high with a minimum stroke width of 0.5 inch per CFC § 505 and California Building Code § 501.2.

60. If all building addressed are not clearly visible or legible from the public road serving the structures, an address monument must be provided at the entry points to the site indicating the range of addressed accessible from that entrance per CFC § 505. Provide a note on the site plan and clearly show the location of the address monument and dimensions of the monument.
61. Provide an approved automatic fire sprinkler system as set forth by CFC § 903 and 907.

POLICE:

62. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
63. 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 and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.
64. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
65. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.
66. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street. Numbers must be at least 12 inches in height.
67. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
68. All common open areas must be well lit during the hours of darkness.
69. Signs must be posted at the guest parking areas and in the driveway leading into the complex.
70. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police

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Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, Nicole C. Wang, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Nicole C. Wang, Applicant



PLANNING COMMISSION STAFF REPORT

ITEM
NUMBER

2

TO: Planning Commission

FROM: Community and Economic Development Department

MEETING DATE: March 25, 2014

SUBJECT: Public hearing

Tentative Map No. 072557 to subdivide air rights to establish and maintain a three unit condominium project in the R-3 (High Density Residential) zone.

LOCATION: 328 Sefton Avenue

APPLICANT: Jian Ni
5430 Halifax Road
Temple City, CA 91780

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 Tentative Map No. 072557 (PM-13-03); and (4) take such additional, related, action that may be desirable.

ZONE: R-3 (High Density Residential)

GENERAL PLAN DESIGNATION: High Density Residential

ASSESSOR'S PARCEL NUMBER: 5259-007-061

SITE DESCRIPTION:

Property Size: 11,100 square feet (0.25 acre)

Surrounding Properties:

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

PROJECT SITE BACKGROUND/PAST CITY APPLICATIONS:

None

LEGAL NOTIFICATION:

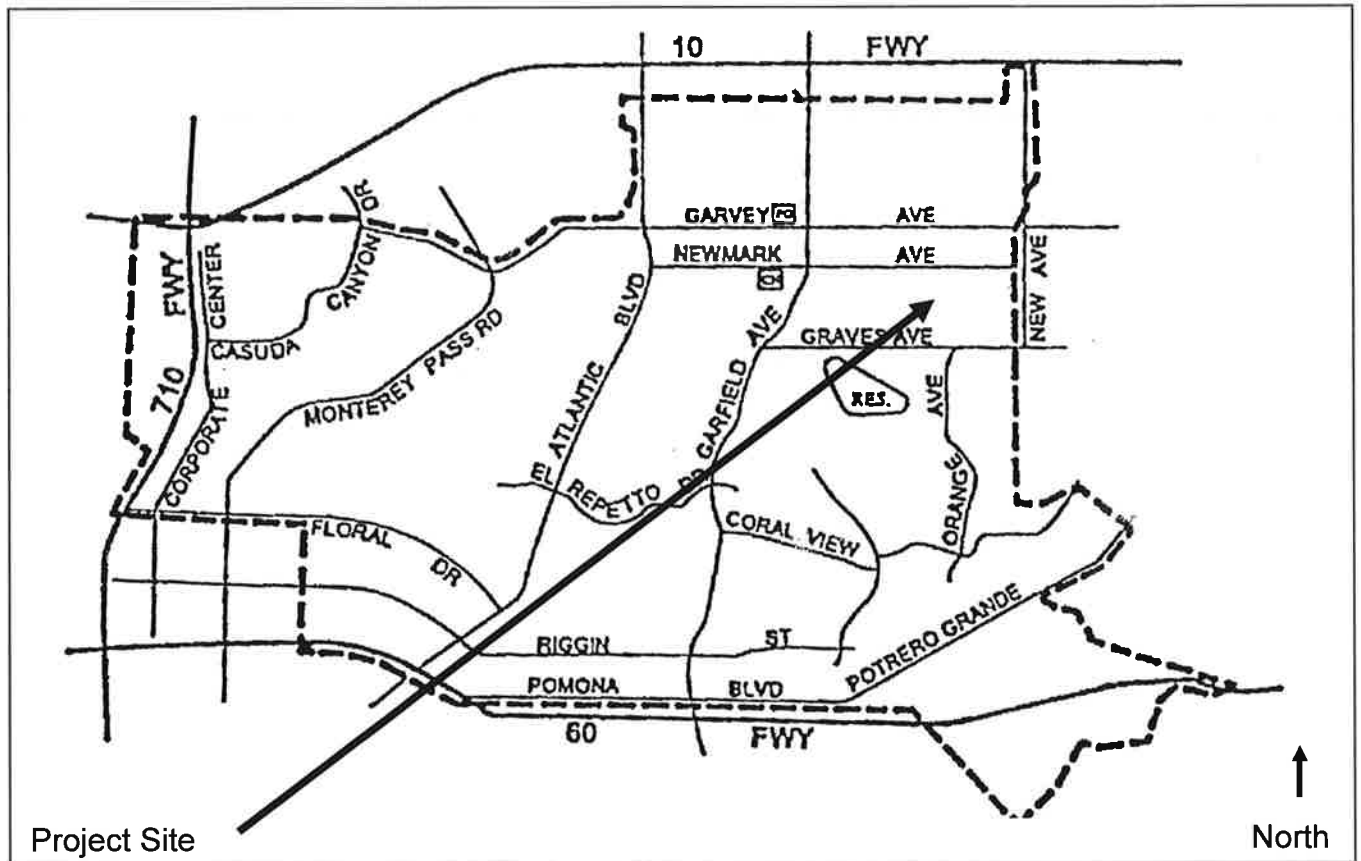
The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **March 5, 2014** and published in the Monterey Park Progress on **March 13, 2014**, with affidavits of posting on file. The legal notice of this hearing was mailed to **126** property owners within a 300 feet radius and current tenants of the property concerned on **March 5, 2014**.

ENVIRONMENTAL ASSESSMENT:

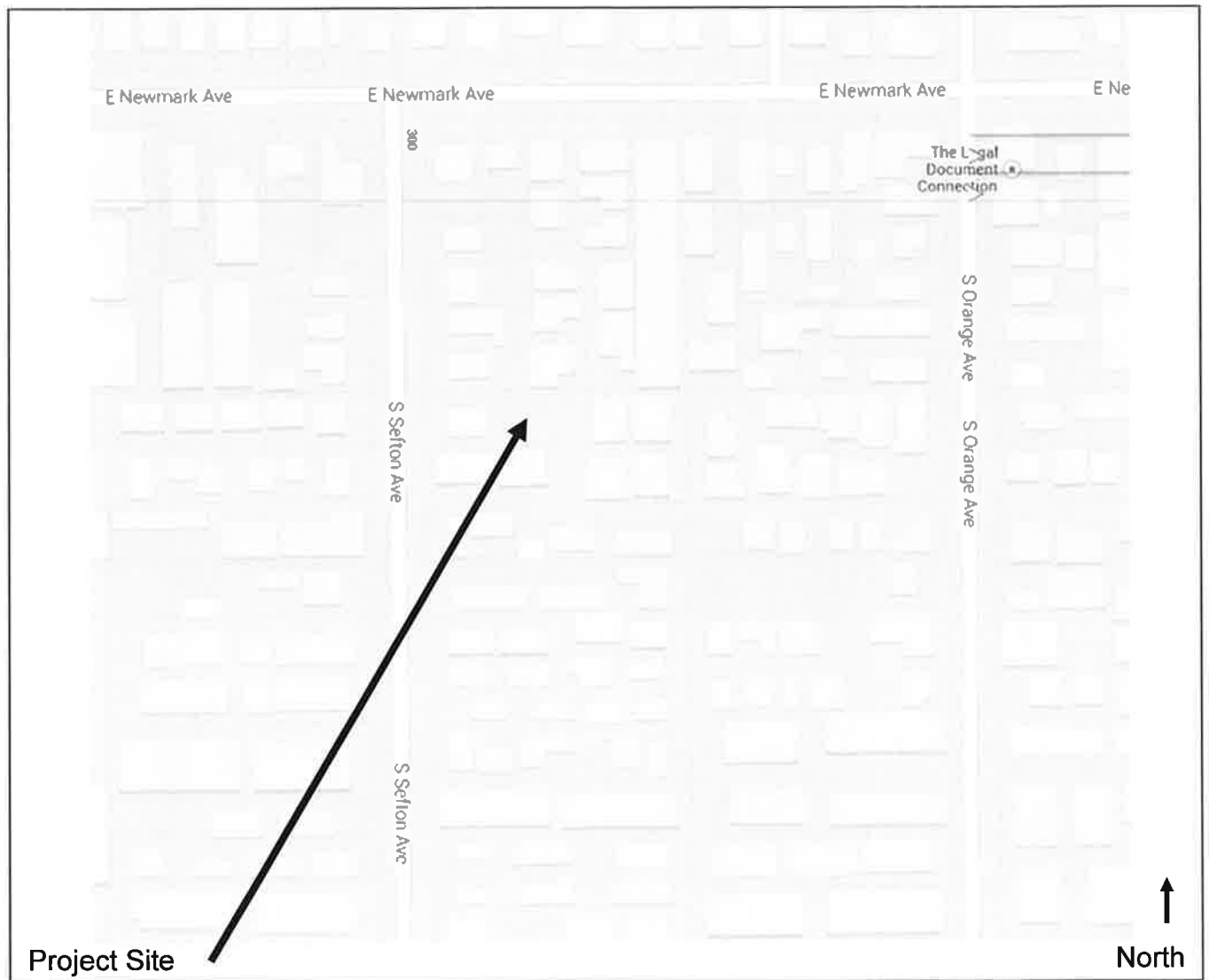
The Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development). The project consists of the division of property in an urbanized area that is zoned for residential use into four or fewer parcels. The project conforms with the General Plan because, according to the Land Use Element, the High Density Residential land use category allows a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The project is the subdivision of air rights to establish and maintain a three-unit condominium development. The project is consistent with the zoning. No variances or exceptions are required for this project, all services and access to the proposed parcels to local standards are available, the parcel was not involved in

a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The subject property is relatively flat.

VICINITY MAP:



STREET MAP:



AERIAL MAP



ANALYSIS AND EVALUATION OF PROJECT:

The applicant, Jian Ni, is requesting approval of a Tentative Map for the subdivision of air rights as part of the development of a three unit condominium project at 328 Sefton Avenue. The property is located six lots north of the northeast corner of East Newmark Avenue and South Sefton Avenue. The property is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan. To the north, south, east and west of the property are R-3 zoned lots. The subject site has a frontage of 60 feet and a depth of 185 feet, with a total lot area of 11,100 square feet in size.

Per R-3 development standards, a maximum building density of 1 unit per 3,000 square feet applies to the subject property. A maximum of three units can be built on the lot, and three units are proposed. There is an existing single family dwelling on the subject site, which will be demolished, and replaced by the three detached condominium units. The property will remain as one lot. Under California law, a tentative map is required to allow for the subdivision of air space for separate ownership of each of the units.

The three proposed units will have 4 bedrooms. The proposed units are between 1,400 square feet and 1,631 square feet. The proposed buildings on the site will meet the required front and rear setback of 25 feet, with 5-foot side setback for the first floor, and 10-foot side setback for the second floor. Each unit will be two stories, with a maximum height of 25 feet 11 inches.

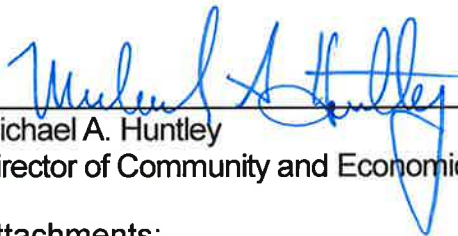
According to Monterey Park Municipal Code (MPMC) § 21.22.050, condominium units with four or more bedrooms require 2 enclosed garage spaces, plus 1 guest parking per 1 dwelling unit. Overall, 6 enclosed garage spaces and 3 guest parking spaces are required. Each unit will have two-car garages plus one guest parking space meeting the off-street parking requirement. The driveway has a width of 18 feet, and each parking space has a back-up space of 26 feet. Each enclosed parking space is required to have a minimum width of 9 feet, and a minimum depth of 20 feet.

Per the MPMC § 21.08.080(O), the project is required to provide a minimum of 1,200 square feet of common open space, and a minimum of 250 square feet of private open space per unit. According to the site plan, the project will include a 1,200 square foot common open space in the back yard area, and each unit will be provided with private open spaces with at least 250 square feet. The common open space area will be maintained by a Homeowner's Association, which will be a requirement of the covenants, conditions and restrictions ("CC&Rs") that must be recorded.

This proposal will allow for the subdivision of air rights for condominium purposes only. The project is in compliance with residential development standards. The project design must be approved by the Design Review Board.

CONCLUSION:

Staff recommends adopting the Resolution approving the Tentative Map No. 072557, subject to conditions contained therein.



Michael A. Huntley
Director of Community and Economic Development

Attachments:

1. Draft Resolution
2. Site, Floor and Elevation Plans
3. Tentative Map No. 072557

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 072557 (PM-13-03) TO SUBDIVIDE AIR RIGHTS FOR A THREE-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 328 SEFTON 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 November 12, 2013, Jian Ni submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC"), requesting approval of Tentative Map No. 072557 (PM-13-03) to subdivide air rights to establish and maintain a three-unit condominium project at 328 Sefton Avenue, ("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 March 25, 2014. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On March 25, 2014, 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 Jian Ni; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its March 25, 2014 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 three new detached residential dwelling units and subdivide the air rights for condominium purposes;
- B. 328 Sefton Avenue is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan;

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- C. The Project property is located on the east side of Sefton Avenue. To the north, south, east and west of the subject property are residential uses;
- D. The Project property is 11,100 square feet (0.25 acres) in area and is currently developed with two residential dwelling units that will be demolished a part of the proposed Project.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development). The project consists of the division of property in an urbanized area that is zoned for residential use into four or fewer parcels. The project conforms with the General Plan because, according to the Land Use Element, the High Density Residential land use category allows a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The project is the subdivision of air rights to establish and maintain a three-unit condominium development. The project is consistent with the zoning. No variances or exceptions are required for this project, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The subject property is relatively flat.

SECTION 4: Tentative Map Findings. The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

1. The proposed map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The proposed Tentative Map is consistent with the City's General Plan in that the subject property is proposed to be developed at a maximum density of 14 dwelling units per acre, which will not exceed the maximum allowed standard of 25 dwelling units per acre for high density residential uses. The property is located on Sefton Avenue, a local street with a 50-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a three-unit condominium project, which is compatible with the high density housing either attached or detached allowed in the high density residential category. There is no specific plan adopted for this area.
3. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 11,100 square feet (0.25 acres) and adequate in size to accommodate a three-unit condominium project because in the R-3

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Zone, one dwelling unit is allowed for every 3,000 square feet of lot area on lots of 7,000 square feet or more and having a front lot line of at least fifty feet.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.
5. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all City, State, and Federal regulations and specifications.
6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed development.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 072557 (PM-13-03).

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.

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

SECTION 10: A copy of this Resolution will be mailed to Jian Ni 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.

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 25th day of March 2014.

Chairperson Larry Sullivan

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 25th day of March 2014, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. 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

328 SEFTON AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Jian Ni agrees that he will comply with the following provisions as conditions for the City of Monterey Park's approval of Tentative Map No. 072557 (PM-13-03) ("Project Conditions").

PLANNING:

1. Jian Ni (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 PM-13-03 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 of the City approval of PM-13-03, 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 and Safety Divisions. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four 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 total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
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.

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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 PM-13-03 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be installed and maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. Provide a 26 feet turning radius, not including the width of the block wall.
11. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.

BUILDING:

12. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
13. A valid building permit does not allow excavations to encroach into adjacent property. Requirements for protection of adjacent property are defined in Civil Code § 832.
14. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
15. A soils and geology report is required as part of plan check submittal.
16. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
17. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.

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ENGINEERING:

18. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition the issuance of the grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.
19. The applicant must record the Final Map after the City Council approves the final map and the City Council accepts any applicable bonds or agreements. A refundable \$191 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with the City Engineer's Office within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$191 cash deposit.
20. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
21. The developer/owner is responsible for paying all applicable City development impact fees as required by the MPMC.
22. A homeowner's association must be established.
23. Covenants Conditions & Restrictions must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. Developer/owner shall be responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.
24. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.

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25. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer is responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
26. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner.
27. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
28. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties must not be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
29. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also the satisfaction of the City Engineer before the City approves grading and drainage plans.
30. Any damage done to existing street improvements and utilities during construction must be repaired before the City issues certificates of occupancy. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer.
31. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.

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32. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
33. A sewer connection reconstruction fee will be assessed at the time of issuance of a building permit in accordance with the provisions of MPMC Chapter 14.06.
34. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer.
35. The grading and drainage plan must be submitted by the first plan check and must incorporate all pertinent site development comments from the City's geological and geotechnical consultants and must also include the approved geological report submitted by the developer's consultant.
36. Modify and/or correct the tentative map in accordance with the adopted conditions of approval of the tentative map and also in accordance with the specific criteria noted by the City Engineer verify and submit correct drainage pattern of adjacent property.
37. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the City Recreation and Parks Department.
38. The City reserves the right to restrict driveway access to and from the project in the event future traffic conditions warrant such restricted turn movements.

FIRE:

39. The applicant must submit plans to the Monterey Park Fire Department for approval before the City issues a building permit.
40. The applicant must provide a minimum unobstructed driveway width of 20 feet, except for approved security gates in the accordance with California Fire Code § 503.6, as adopted by the MPMC ("CFC") and an unobstructed vertical clearance "clear to sky" for Fire Department vehicular access to within 150 feet of all portions of the exterior building walls according to CFC § 503.2.1. Cross-hatch the Fire Department vehicle access on the site plan.
41. Dead-end fire apparatus access roads in excess of 150 feet in length must be provided with an approved Fire Department turnaround according to CFC § 503.2.5 Cross hatch the Fire Department turnaround on the site plan.

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42. Fire Department vehicular access roads must be installed and maintained in a serviceable manner before and during the time of construction according to CFC § 501.4. Provide a note on the site plan.
43. A minimum 5 feet wide approved firefighter access walkway leading from the fire apparatus access road to the building exterior openings must be provided for fire fighting and rescue purposes according to CFC § 504.1. Indicate the fire fighter walkway access routes on the site plan.
44. When security gates are provided, maintain a minimum access width of 20 feet. The security gates must be provided with an approved means of emergency operations, and must be maintained operation at all times. Electric gate operators, where provided, must be listed in accordance with UL325. Gates intended for automatic operation must be designed, constructed and installed to comply with the requirements of ASTM F220 per California CFC (CFC) § 503.6. Indicate the access width of the security gates on the site plan, means for emergency operation, and the requirement that it be maintained at all times.
45. Manually operated gates and barriers must have a weather resistant Knox-key box. The key box must be placed four to five feet above the roadway surface at the right side of the access gate in a conspicuous location that is readily and visibly accessible. The key box must be clearly labeled "FIRE DEPT" per CFC § 506.
46. Electrically operated gates and barriers must have an operable Knox-key switch. The key switch must be placed between 42 inches and 48 inches above the roadway surface at the right side of the access gate within two feet of the edge of the roadway. The key switch must be readily visible and unobstructed from the fire lane leading to the gate. The key must be clearly labeled "FIRE DEPT" per CFC § 506 and Appendix D.
47. Gate and barrier locks must be reviewed and approved before installation on any new and/or existing access gate or barrier. Authorization/order forms for Knox products may be obtained through the Monterey Park Fire Department Fire Prevention Division at (626) 307-1308 per CFC § 506 and Appendix D.
48. 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 per CFC Appendix D. Provide a note on the site plan and show the location of each "Fire Lane – No Parking Sign" and the dimensions of the roadway width.
49. Minimum road widths must be measured from top face of curb for standard vertical curbs or flow line to flow line for rolled, ramped, or other curb types. Parking prohibited on roadway less than 28 feet and the roadway is required to

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be posted as a fire lane. If roadway is at least 28 feet but less than 36 feet, parking is permitted on one side only and roadway is required to be posted as a fire lane. If roadway is 36 feet or wider, parking will be permitted on both sides. Indicate roadway width and the requirement that it be maintained at all times.

50. The Fire Department vehicular access roads must be hardscape for all weather access in according with the All Weather Access Requirements per CFC § 503.2.3. On the site plan, label the surface type of the access road. A letter or statement, wet-stamped and signed by a registered engineer must be provided on the plans certifying that any new roadway meets the 75,000 pound all weather requirements.
51. The 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.
52. A minimum 5-foot wide approved firefighter access walkway leading from the fire apparatus access road to the building's exterior opening must be provided for fire fighting and rescue purposes per CFC § 504.1.
53. The fire apparatus access road must be identified with approved signs. Temporary signs must be installed at each street intersection when construction of new roadway allows passage by vehicles. Signs must be an approved size, weather resistant and be maintained until replaced by permanent signs per CFC § 505.2.
54. The required fire flow from fire hydrants at this location is based on the type of construction and occupancy classification per CFC Table B105. Plan submittal must include fire flow test date to be obtained within one year of the submittal date. The fire flow test can be requested at the Fire Prevention Office per CFC Table B105.
55. Show all existing public fire hydrants within 250 feet of the lot frontage on both sides of the street. Specify the size of the fire hydrant(s) and dimensions to the property lines. Additional fire hydrant requirements may be necessary after this information is provided per CFC Table B105.
56. All fire hydrants must measure 6 inches by 4 inches by 2 ½ inches, brass or bronze, conforming to American Water Works Association Standard C53, or approved equal per CFC § 507.5.
57. Approved numbers or addresses must be placed on the front elevation of all new or existing buildings in such a position that is plainly visible and legible from the street or road on which the property is addressed. Addressed must not be located where they have the potential of being obstructed by signs, awnings, vegetation or other building/site elements. Numbers must be a minimum of 4

**PLANNING COMMISSION
RESOLUTION NO.**

inches high with a minimum stroke width of 0.5 inch per CFC § 505 and CBC § 501.2.

58. If all building addressed are not clearly visible or legible from the public road serving the structures, an address monument must be provided at the entry points to the site indicating the range of addressed accessible from that entrance per CFC § 505. Provide a note on the site plan and clearly show the location of the address monument and dimensions of the monument.

59. Provide an approved automatic fire sprinkler system as set forth by CFC § 903 and 907.

POLICE:

60. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.

61. 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 and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.

62. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.

63. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.

64. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street. Numbers must be at least 12 inches in height.

65. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.

66. All common open areas must be well lit during the hours of darkness.

67. Signs must be posted at the guest parking areas and in the driveway leading into the complex.

68. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

**PLANNING COMMISSION
RESOLUTION NO.**

By signing this document, Jian Ni, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Jian Ni, Applicant



PLANNING COMMISSION STAFF REPORT

ITEM NUMBER

3

TO: Planning Commission
FROM: Community and Economic Development Department
MEETING DATE: March 25, 2014
SUBJECT: Scheduled Matter

An appeal of the City Planner's decision to not allow the reconstruction of a demolished residential dwelling unit without complying with the rear yard setback of 25 feet. The subject site is located in the R-2 (Medium-Multiple Residential) Zone and the residential dwelling unit in question is in the rear yard facing Hellman Avenue.

LOCATION: 420 West Hellman Avenue

APPELLANT: Peter Lim for
PL Diamond Construction, Inc
405 S. Astell Avenue
West Covina, CA 91790-3116

PROJECT PLANNER: Michael Huntley
Director of Community and Economic Development

RECOMMENDATION: It is recommended that the Planning Commission (1) open the public hearing to take testimonial and documentary testimony; (2) close the public hearing and consider the matter; (3) after considering the matter, adopt the attached Resolution upholding the City Planner's decision; and (4) take such related action that may be desirable.

ZONE: R-2 (Medium-Multiple Residential)

GENERAL PLAN DESIGNATION: Medium Density Residential

ASSESSOR'S PARCEL NUMBER: 5256-009-073

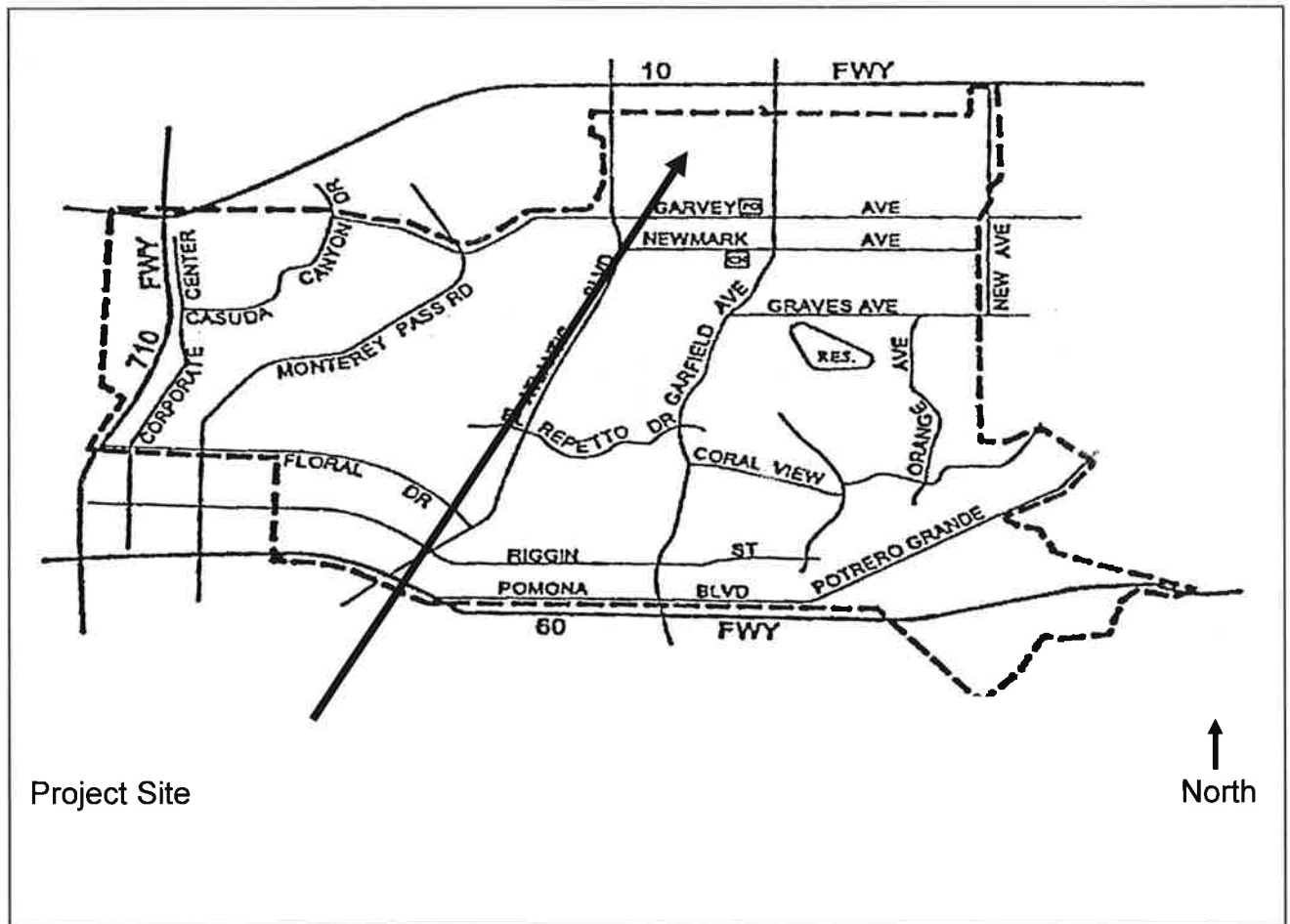
SITE DESCRIPTION:

Property Size:

Surrounding Properties:

North:	R-2 (Medium-Multiple Residential); single-family dwelling
South:	R-2 (Medium-Multiple Residential); single-family dwelling
East:	R-2 (Medium-Multiple Residential); single-family dwelling
West:	R-2 (Medium-Multiple Residential); single-family dwelling

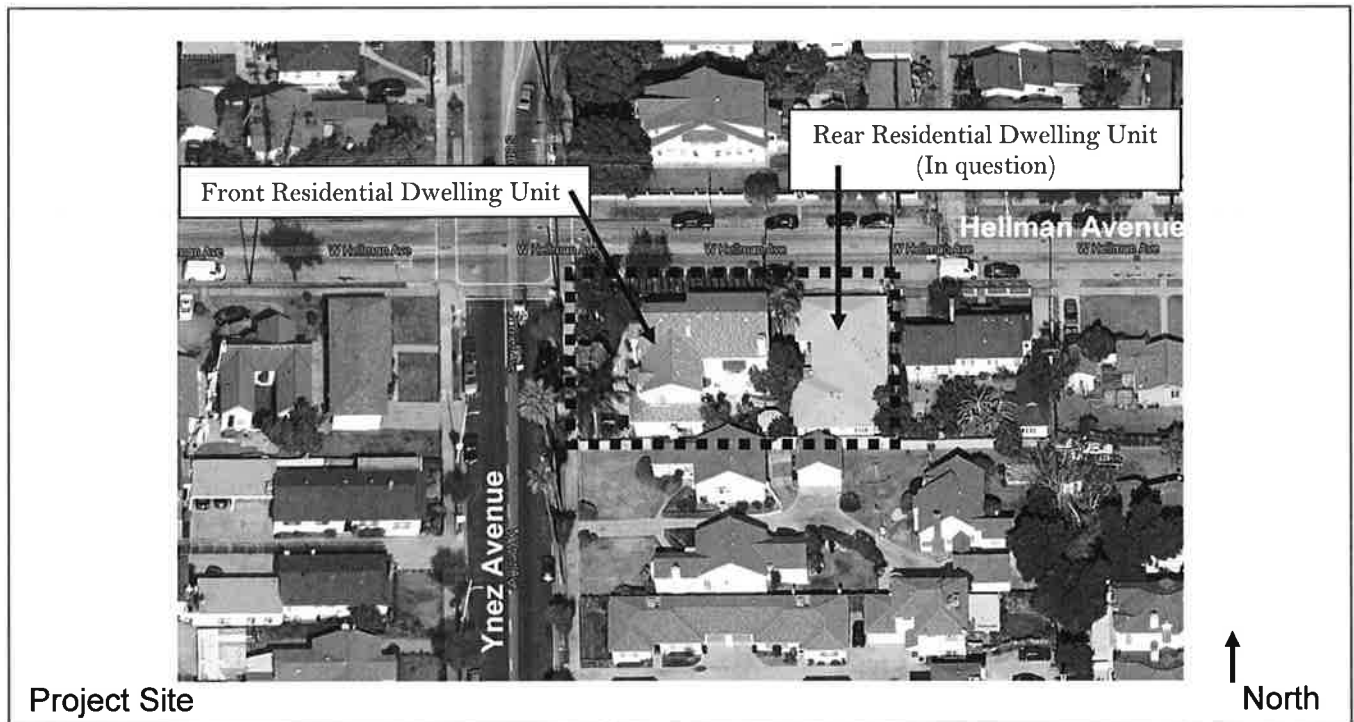
VICINITY MAP:



STREET MAP:



AERIAL MAP



BACKGROUND:

On October 28, 2013, the City issued a Building Permit to remodel an existing 1,760 square foot house; adding 326 square feet and expanding an existing garage. The existing property fronts onto Ynez Avenue (which is the primary frontage) and also fronts onto Hellman Avenue (which is the secondary frontage). The property consists of two residential dwelling units and the dwelling unit in question sits at the rear of the property or right hand side of the aerial photo above.

On November 7, 2013, a City Building Inspector was called out to the property to conduct an inspection on the installation of a temporary power pole for the project. Shortly thereafter, the Building Inspector reported back to his supervisor that the rear dwelling unit had been totally demolished. The City Community and Economic Development Director (i.e., City Planner) as well as building staff informed the General Contractor, Peter Lim, that the work on the project must cease until the City evaluated various options. It was the City's understanding that the General Contractor was the main contact for the project since Mr. Lim was consistently in contact with the City.

In November, the City Planner met Mr. Lim at the subject site to discuss the demolition of the structure and see firsthand what portions of the structure remained, if any. Based on the City Planner's observation, the only remaining portion of the demolished structure was the foundation (i.e., slab on grade). When questioned as to why the structure was totally demolished, Mr. Lim stated that during demolition, it was identified that there was mold

damage in the exterior walls that posed a health concern and that the damage affect the structural integrity of the walls as well.

As the City Planner evaluated the situation, it became apparent that the demolished residential structure was a nonconforming use due to the fact that the structure did not meet the required 25 foot rear yard setback. Prior to demolition, the structure maintained a four foot ten inch rear yard setback. In reviewing the construction plans approved by the City of Monterey Park, the rear residential structure was to be remodeled along with minor adjustments in the structure's square footage. The construction plans for this project clearly identified which interior and exterior walls of the existing residential structure would remain and not be demolished as part of the project.

In December 2013, the City Planner met with Mr. Lim and the property owner to discuss the approved constructions plans, the situation that lead up to the demolition of the rear residential structure and the property owner's need to move forward with the construction so that he may move out of the front house. The owner stated to the City Planner that Peter Lim had informed him of the condition of the structure and that they made a conscious decision to move forward with the total demolition of the structure instead of waiting for a City Building Inspector to inspect the conditions of the walls.

After reviewing the City approved construction plans for this property, visiting the property in person and discussing the matter with the General Contractor, Peter Lim, it is the City Planner's opinion that the Appellant did not produce any evidence that would justify the demolition of the interior and exterior walls called out to be retained as part of the project. During discussions with Peter Lim, the City Planner inquired as to why the structure was demolished and if Mr. Lim had taken pictures of the walls to demonstrate why the walls were demolished. Mr. Lim responded that the structure was demolished because there was mold damage in the interior of the walls causing structural damage and creating a potential health hazard. As it relates to the pictures, he indicated that they had not taken pictures of the damaged walls, but did have some of the demolition debris off-site if the City Planner wished to look at it. It should be mentioned that pictures were produced sometime later and are attached to this staff report.

CITY PLANNER'S DETERMINATION:

Monterey Park Municipal Code ("MPMC") § 21.30.040 provides as follows:

"A nonconforming use which occupies a structure that is voluntarily demolished or demolished because of a maintenance failure or other neglect can be replaced only with a use that fully complies with all applicable provisions of this code."

At some point between October 28, 2013 and November 7, 2013, the property owner voluntarily allowed the nonconforming structure to be completely demolished (despite the City approved plans). Consequently, in accordance with MPMC § 21.30.040, the property owner must now fully comply with the MPMC; the property owner cannot restore the nonconforming structure. Accordingly, the property owner cannot utilize the previously legal

nonconforming setback and has lost the right to maintain the existing 4 foot 10 inch rear yard setback. The MPMC requires a 25 foot rear yard setback be provided for the new dwelling unit.

On January 7, 2014, the City Planner sent a letter (see attached) to the General Contractor providing a determination on the demolition of the dwelling. The letter informed the General Contractor of the consequence of the demolition and that the dwelling must now fully comply with the MPMC.

Pursuant to MPMC § 21.02.090, the City Planner may interpret the MPMC. Persons dissatisfied with the City Planner's decision may appeal such decision to the Planning Commission for its review and consideration.

Pursuant to MPMC § 21.02.090, appeals from the decision or action of the City Planner may be appealed to the Planning Commission. MPMC § 21.32.090 provides that an appeal must occur within nineteen (19) days following the decision.

APPEAL:

On January 27, 2014, Mr. Peter Lim, the General Contractor, submitted an Appeal to the City Clerk's office on behalf of the owner. A copy of the Appeal application and letter submitted by the General Contractor is attached to this report for consideration by the Planning Commission.

ENVIRONMENTAL:

The initial issuance of a Building Permit is considered by CEQA as a Ministerial Project. Since an Appeal Application has been submitted related to the City Planner's decision requiring a determination by the Planning Commission, staff has prepared a Class 2 Categorical Exemption (CEQA Guidelines § 15302). A Class 2 Categorical Exemption specifically exempts the replacement or reconstruction of existing structures. In this case, the appellant is requesting to rebuild a residential dwelling unit in the same location and at the same size as what was approved previously by the City.

SUMMARY/CONCLUSION:

The item in front of the Planning Commission is an appeal of the City Planner's decision to not allow the reconstruction of a demolished residential dwelling unit without complying with the rear yard setback of 25 feet. After reviewing the City approved construction plans for 420 W. Hellman Avenue, visiting the property in person and discussing the matter with the General Contract, Peter Lim, there is no conclusive evidence that the interior and exterior walls called out to be retained as part of the project should have been demolished. Furthermore, the decision to move forward with the complete demolition of the building shows that the demolition was voluntary and the General Contractor should have understood the implication of this action. Staff is therefore requesting the Planning Commission adopt the draft resolution upholding the City Planner's determination.

RECOMMENDATION:

It is recommended that the Planning Commission: (1) open the public hearing to take testimonial and documentary testimony; (2) close the public hearing and consider the matter; (3) after considering the matter, adopt the attached Resolution upholding the City Planner's decision; and (4) take such related action that may be desirable.



Michael A. Huntley
Director of Community and Economic Development

Attachments:

1. Resolution
2. City Letter – January 7, 2014
3. Appeal Application and Letter
4. Appellant's Pictures

RESOLUTION NO. ____

A RESOLUTION DENYING AN APPEAL (AP-14-01) AND UPHOLDING THE CITY PLANNER'S DECISION THAT DEMOLITION OF A LEGAL NONCONFORMING STRUCTURE LOCATED AT 420 WEST HELLMAN AVENUE WAS VOLUNTARY AND REQUIRING THE PROPERTY OWNER TO COMPLY WITH ALL CURRENT MONTEREY PARK MUNICIPAL CODE REGULATIONS INCLUDING SETBACK REQUIREMENTS OF 25 FEET.

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

SECTION 1: The Planning Commission finds as follows:

- A. On January 7, 2014, the City Planner rendered a written decision regarding demolition of a dwelling unit located at 420 West Hellman Avenue (the "Decision");
- B. The Appellant, Mr. Peter Lim, timely appealed the Decision to the Planning Commission in accordance with Monterey Park Municipal Code ("MPMC") §§ 21.02.090(C) and 21.32.090 on January 27, 2014 (the "Appeal");
- C. The Appeal was scheduled for a public hearing on March 11, 2014; it was continued until March 25, 2014; and
- D. On March 25, 2014, the Planning Commission opened a public hearing and took testimonial and documentary evidence regarding the Appeal.

SECTION 2: *Factual findings and Conclusions.* Based upon the entire administrative record and the evidence provided during the public hearing, the Planning Commission finds as follows:

- A. On October 28, 2013, the City issued a building permit to remodel an existing 1,760 square foot house located at 420 West Hellman Avenue (the "House");
- B. The building permit allows the permittee to add 326 square feet to the House and expand an existing garage;
- C. When the City issued the building permit on October 28, 2013, the House was a legal nonconforming structure as defined by MPMC § 21.30.020;
- D. On or about November 7, 2013, City employees discovered that portions of the House were completely demolished, in violation of the building permit (the "Violation"); and

- E. The Appellant provided no substantial or reasonable evidence supporting his claim that the Violation was justified because mold was discovered during the course of remodeling the House in accordance with the building permit.

SECTION 3: *Environmental Review.* This matter was reviewed in accordance with 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”). The Planning Commission finds that:

- A. Issuing a building permit is a ministerial function that is statutorily exempt from additional CEQA review pursuant to CEQA § 21080 and CEQA Guidelines § 15268;
- B. The Appeal constitutes a Class 2 Categorical Exemption in accordance with CEQA Guidelines § 15302. A Class 2 Categorical Exemption specifically exempts the replacement or reconstruction of existing structures. In this case, the appellant is requesting to rebuild a residential dwelling unit in the same location and at the same size as what was approved previously by the City.

SECTION 4: *Determination.* Based upon the Findings and Conclusions set forth in Section 2, the Planning Commission renders the following determinations:

- A. The House lost its legal nonconforming status when the Violation occurred since the Violation constitutes a voluntary demolition as contemplated by MPMC § 21.30.040;
- B. Nothing in the record supports the Appellants suggestion that the legal nonconforming status may be retained in accordance with MPMC § 21.30.030;
- C. Accordingly, the House must fully comply with all provisions of the MPMC including, without limitation, setback requirements as set forth in the Decision; and
- D. The Planning Commission denies the Appeal and upholds the Decision for the reasons set forth in this Resolution.

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

SECTION 6: *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 7: *Notice.* The City Clerk is directed to provide a copy of this Resolution to the Planning Commission, the Appellant, and to any other person requesting a copy.

SECTION 8: *Effective Date.* This Resolution becomes effective immediately upon adoption and memorializes the Planning Commission's final decision made on March 25, 2014. Note that persons dissatisfied with the Planning Commission's decision may appeal it in accordance with the MPMC within 19 days of the Planning Commission's decision.

PASSED, ADOPTED AND APPROVED this 25th day of March 2014.

Larry Sullivan, Chairperson

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

By:

Karl H. Berger, Assistant City Attorney

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.ci.monterey-park.ca.us



City Council
Teresa Real Sebastian
Anthony Wong
Mitchell Ing
Peter Chan
Hans Liang

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

January 7, 2014

Mr. Peter Lim
PL Diamond Construction, Inc.
405 S Astell Avenue
West Covina, CA 91790-3116

Subject: Demolition of nonconforming residential structure – 420 W. Hellman Avenue,
Monterey Park CA

Dear Mr. Lim,

As you are aware, it has come to my attention that the nonconforming residential structure at the rear of the property located at 420 W. Hellman Avenue was completely demolished with only the foundation remaining. Based on the construction plans approved by the City of Monterey Park, the rear residential structure was to be remodeled along with minor adjustments in the structure's square footage. The construction plans for this project clearly identified which interior and exterior walls of the existing residential structure would remain and "not" be demolished as part of the project.

After reviewing the City approved construction plans for this property, visiting the property in person and discussing the matter with you, there is no conclusive evidence that the interior and exterior walls called out to be retained as part of the project should have been demolished. Moreover, the residential structure under discussion was considered legal nonconforming since it did not meet the current rear yard setback requirement of 25 feet. The residential structure that was demolished only provided a 4 foot 10 inch rear yard setback as indicated on the approved construction drawings.

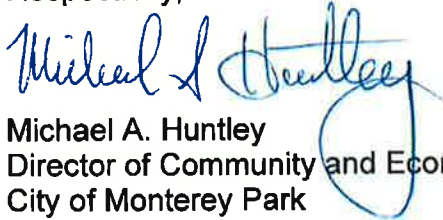
Pursuant to Monterey Park Municipal Code (MPMC) Section 21.30.040 (Voluntary Demolition of Structure) a nonconforming use that occupies a structure this is voluntarily demolished or demolished because of maintenance failure or other neglect can be replaced only with a use that fully complies with all of the applicable provisions of this code. By demolishing the existing nonconforming residential structure, you have lost the right to maintain the 4 foot 10 inch rear yard setback and shall comply with the current code

requirements. The current Zoning Code requires a 25 foot rear yard setback be provided for the construction of a dwelling unit. Accordingly, the existing approved construction drawing for the property will have to be revised and resubmitted to the City for review and approval before construction activities can commence.

Pursuant to MPMC Section 21.02.090, the City Planner has the authority and responsibility to hear and act upon all matters as specified in the Zoning Code. Anyone who does not agree with the City Planner's determination may appeal such decision to the Planning Commission for their review and consideration.

Pursuant to MPMC Section 21.32.090, appeals from the decision or action of the City Planner may be appealed to the Planning Commission within nineteen (19) days. The appeal must be filed by 5:00 p.m. within nineteen (19) days of the City Planner's decision with the Community and Economic Development Department, whereby the City Planner will schedule the appeal for a public hearing pursuant to Sections 21.32.060 and 21.32.070. The appeal fee is \$510 and an Appeal Application is available at the City Clerk's counter.

Respectfully,



Michael A. Huntley
Director of Community and Economic Development
City of Monterey Park



APPEAL

CITY OF MONTEREY PARK

CITY CLERK OFFICE

Project type and case number:

420 W. HELLMAN

HELLMAN
NEWARK

JAN 27 P 4:07

Project address:

420 W. HELLMAN
NEWARK AVE

CITY OF MONTEREY PARK

Project name (if applicable):

LAM REMODEL

Appellant's name:

PETER LIM - CONTRACTOR

Address:

405 S. ASTELL AVE WEST COVINA CA

Check preferred method of contact

☒ Phone number:

626 695-0815

☒

E-mail address:

DIAMONDCLINK@AOL.COM

☐

Fax no:

The appellant requests review of the following action:

☐

Planning Commission decision

☐

Design Review Board decision

☒

Staff decision

Case Number(s):

B13-0218

Date decision rendered:

JANUARY 27, 2014

Relationship of appellant to the project or decision:

CONTRACTOR

Appellant's signature:

PL

Date:

1/27/2014

Statement of Circumstances

On a separate page, describe in detail the circumstances of the decision and your reason for the appeal.

Appeal applications must be filed with the City Clerk within the prescribed appeal period. An appeal fee is required at the time of application.

Do Not Write Below This Line

AP-14-01

RECEIVED

JAN 27 2014

CITY OF MONTEREY PARK
COMMUNITY DEVELOPMENT DEPT.

PL Diamond Construction, Inc

State License # 683402

diamondccinc@aol.com

626-898-4388 626-695-0815

Statement of Information

January 27, 2014

City of Monterey Park
Michael A. Huntley
Director of Community and Economic Development
320 W. Newmark Ave.
Monterey Park, CA 91754

Subject: Unintentional Demolition of nonconforming residential structure – 420 W. Hellman Avenue, Monterey Park, CA

Dear Mr. Huntley,

As you are aware of the unintentional demolition of the walls located at 420 W. Hellman Ave. I would like to reiterate the steps that brought us to the current situation.

On the afternoon of Friday, November 8, 2013, the demolition contractor accidentally demolished the walls that I had marked to remain as per approved plans. I was immediately notified and said I will be out there the following day (Saturday, November 9, 2013) with the property owner and the Architect Patrick Chu.

As the Architect assessed the unintentional demolition of the walls, he came to a conclusion that the 2 x 4 studs and plate material were damaged to a point where they were not structurally sound. Since, I was unable to contact the city due to the weekend and a Holiday on the following Monday, the Owner and I made a decision on permitting the demolition contractor to remove the material and store some of the material at his yard.

When the City was open for business on Tuesday, November 12, 2013, I approached the Building Department and said the Building Official is not in the office to make the decision and will be back on Monday November 18, 2013. When the Building Official came back, I called and he said he needed to discuss the situation with the Director.

After your decision on requiring the rear setback to be 25'. The Owner, Randy Lam and I would like to appeal your decision.

The property owner and I would like for the Planning Commission to approve the new walls in place of the existing walls. It was never our intention to remove the walls completely but was the fault of the demolition contractor's workers.

Regards,

Peter Lim CEO, CBO
PL Diamond Construction, Inc.

cc

Randy Lam - Property owner







