

CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA

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

TUESDAY
MAY 13, 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

MINUTES – April 22, 2014

[1.] PUBLIC HEARINGS

[2.] UNFINISHED BUSINESS

1-A. TENTATIVE MAP NO. 071737 – 608 NORTH HUNTINGTON AVENUE (PM-12-02)

The applicant, Ben Kwok, is requesting approval for a subdivision of air rights to establish and maintain a two-unit condominium project at 608 North Huntington Avenue in the R-2 (Medium Density Residential) Zone.

The Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines § 15315 Class 15 categorical exemption (Minor Land Divisions). 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) Reopening the continued public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the attached Resolution approving Tentative Map No. 071737 (PM-12-02), subject to conditions contained therein; and
- (5) Taking such additional, related, action that may be desirable.

1-B. CONDITIONAL USE PERMIT – 220 WEST GARVEY AVENUE (CU-14-01)

The applicant, Steven Chen, is requesting approval to allow on-sale beer and wine (Type 41) in conjunction with a retail eating establishment at 220 West Garvey Avenue in the C-B, P-D (Central Business, Planned Development) Zone.

The Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines § 15301 (Existing Facilities).

It is recommended that the Planning Commission consider taking the following actions:

- (1) Reopening the continued public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CU-14-01) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

1-C. PRECISE PLAN – 808 WEST GARVEY AVENUE (PP-13-01)

The applicant, M&A Gabee, LP, is requesting a Precise Plan to construct a new 7 stories mixed-use project with 148 hotel rooms and 98 apartment units at 808 West Garvey Avenue.

As required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Following the Initial Study, it was determined that although the proposed project could have a significant effect on the environment, there will not be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent and a Mitigated Negative Declaration was prepared. Less than significant impacts with mitigations incorporated were identified in the areas of Air Quality, Cultural Resources, Hazardous Materials, Noise, and Transportation and Traffic. The mitigation measures relative to air quality, cultural resources, hazardous materials, and noise addresses actions that must be taken prior and during the construction process. Staff recommends that after consideration of the Initial Study and comments received during the public review period, that the Planning Commission adopt the Mitigated Negative Declaration.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Reopening the continued public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Precise Plan (PP-13-01) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

[3.] NEW BUSINESS

None

[4.] COMMISSION COMMUNICATIONS AND MATTERS – Commissioner Choi requested to discuss the matter of expanding the public notification radius from the current State requirement of 300 feet (Government Code § 65091(4)) to 500 feet.

[5.] CLOSED SESSION

ADJOURN

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: May 13, 2014

AGENDA ITEM NO: 1-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 071737 (PM-12-02) to subdivide air rights to establish and maintain a two-unit condominium project in the R-2 (Medium Density Residential) zone – 608 North Huntington Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Reopening the continued public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the attached Resolution approving Tentative Map No. 071737 (PM-12-02), subject to conditions contained therein; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This item was previously brought before the Planning Commission at the meeting of April 22, 2014. At the meeting, the Commission expressed concerns about the vehicle backup distance and the floor plan and requested some points of clarification be provided. The requested information is provided in this staff report.

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, 4 enclosed garage spaces and 2 guest parking spaces are required and 5 enclosed garages and 3 guest parking spaces will be provided exceeding code requirements. The front unit will have a three-car garage, the rear unit will have a two-car garage, and three guest parking spaces will be shared by both units. The driveway has a width of 18 feet.

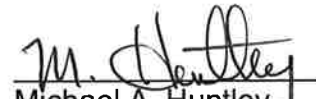
On September 1, 2011, a minor departure application was made by the applicant for a 25 feet 6 inches vehicle backup distance instead of the required 26 feet and a 19 feet garage depth instead of the required 20 feet. Pursuant to the MPMC before 2013, an administrative committee made up of the city engineer, planner and city manager had the discretion to allow a departure of not in excess of 10 percent of any area or yard

requirement to properties that have special circumstances to the property such as size, shape, topography, location or surroundings. The requested deviations were within the 10 percent limitations established by the previous version of the MPMC. The parking stall depth represented a 1 percent reduction. The turning radius represented a 1 percent reduction. The reductions were determined by the administrative committee to have minimal detrimental impacts on the use of the property and no adverse impacts were anticipated by granting of the minor departure.

Before 2013, staff would annually receive an average of 5 minor departure applications for a reduced turning radius and garage depth on 50-foot wide lots. The minor departure applications were all approved since the requests would equate to only a 1 percent deviation from the MPMC. Also, staff observed that the 1 percent deviations did not prevent access to and from the garages that were built on the lots that were granted the 1 percent deviations.

So, during the recent MPMC update, a regulation was added to the MPMC to allow for the 1 percent deviation. Specifically, pursuant to MPMC § 21.22.100, the backup space for a garage on a 50 foot wide residential lot with a garage entrance at right angles to the street is 25 feet.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Kari M. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Planning Commission Staff Report, dated April 22, 2014
- Exhibit B: Draft Resolution
- Exhibit C: Site, floor, and elevation plans
- Exhibit D: Tentative Parcel Map No. 071737

EXHIBIT A

Planning Commission Staff Report, dated April 22, 2014

EXHIBIT B

Draft Resolution

EXHIBIT C

Site, floor, and elevation plans

EXHIBIT D

Tentative Parcel Map No. 071737

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 071737 (PM-12-02) TO SUBDIVIDE AIR RIGHTS FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 608 NORTH HUNTINGTON 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 March 28, 2012, Ben Kwok submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC"), requesting approval of Tentative Map No. 071737 (PM-12-02) to subdivide air rights to establish and maintain a two-unit condominium project at 608 North Huntington 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 May 13, 2014. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On May 13, 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 Ben Kwok; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its May 13, 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 subdivide the air rights for condominium purposes;
- B. 608 North Huntington Avenue is zoned R-2 (Medium Density Residential) and designated Medium Density Residential in the General Plan;
- C. The Project property is located on the east side of North Huntington Avenue. To the north, south, east and west of the subject property are residential uses;

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- D. The Project property is 10,386 square feet (0.24 acres) in area and is currently being developed with two new residential dwelling units.

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 as a Class 15 categorical exemption (Minor Land Divisions). 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 10 dwelling units per acre, which will not exceed the maximum allowed standard of 16 dwelling units per acre for medium density residential uses. The property is located on North Huntington 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 two-unit condominium project, which is compatible with the medium 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 10,386 square feet (0.24 acres) and adequate in size to accommodate a two-unit condominium project because in the R-2 Zone, one dwelling unit is allowed for every 4,356 square feet of lot area on lots of 9,000 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

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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. 071737 (PM-12-02).

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.

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

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

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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 13th day of May 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 13th day of May 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

608 NORTH HUNTINGTON AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Ben Kwok agrees that he will comply with the following provisions as conditions for the City of Monterey Park's approval of Tentative Map No. 071737 (PM-12-02) ("Project Conditions").

PLANNING:

1. Ben Kwok (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-12-02 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-12-02, 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. 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.
3. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
4. The real property subject to PM-12-02 must remain well-maintained and free of graffiti.
5. Landscaping/irrigation must be maintained in good condition at all times.
6. A final map must be approved and recorded before the City issues a certificate of occupancy.
7. The units must not be sold until after recordation.

**PLANNING COMMISSION
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8. 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.

ENGINEERING:

9. 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.
10. 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.
11. The developer/owner is responsible for paying all applicable City development impact fees as required by the MPMC.
12. A homeowner's association must be established.
13. 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.
14. 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.
15. 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.

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16. 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.
17. 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.
18. 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.
19. 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.
20. 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:

21. 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.
22. 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.
23. 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

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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 land leading to the gate. The key must be clearly labeled "FIRE DEPT" per CFC § 506 and Appendix D.

24. 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.
25. 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.
26. 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.

POLICE:

27. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
28. 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.
29. 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.

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

Ben Kwok, Applicant



Planning Commission Staff Report

DATE: May 13, 2014

AGENDA ITEM NO: 1-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-14-01) to permit on-sale beer and wine in conjunction with a bona fide retail eating establishment – 220 West Garvey Avenue.

RECOMMENDATION:

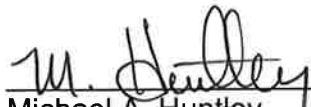
It is recommended that the Planning Commission consider:

- (1) Reopening the continued public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CU-14-01) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This item was brought before the Planning Commission at the meeting of April 22, 2014. At the meeting, the applicant requested to extend the hours of operation from 10:00 p.m. to 4:00 a.m. on Fridays and Saturdays. The applicant was informed to contact the City's Police Department to request for approval and obtain comments and conditions. The applicant met with the Police Department on May 5, 2014. The Police Department did not express any concerns and did not provide any additional comments nor request any amendments or addition of new conditions for the request.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

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Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Planning Commission Staff Report, dated April 22, 2014
- Exhibit B: Draft Resolution
- Exhibit B: Site, floor, and elevation plans

EXHIBIT A

Planning Commission Staff Report, dated April 22, 2014

EXHIBIT B

Draft Resolution

EXHIBIT C

Site, floor, and elevation plans

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CU-14-01) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING ESTABLISHMENT AT 220 WEST GARVEY 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 March 11, 2014, Steven Chen, on behalf of the property owner, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.30.020, requesting approval of Conditional Use Permit (CU-14-01) to permit on-sale alcoholic beverages (beer and wine) in conjunction with a bona fide public eating establishment at 220 West Garvey Avenue, ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines") and determined the proposed project to be exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines which is a Class 1 (Existing Facilities) Categorical Exemption;
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for May 13, 2014; notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On May 13, 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 Steven Chen; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its May 13, 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 serve beer and wine in conjunction with an existing retail eating establishment;

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- B. 220 West Garvey Avenue is zoned C-B, P-D (Central Business, Planned Development) and designated Mixed-Use I (MU-I) in the General Plan;
- C. The Project property is located on the south side of West Garvey Avenue. To the north, east and west of the subject property are commercial uses and south are residential uses; and
- D. The Project property is 34,718 square feet (0.80 acres) in area and is currently developed with a one-story, multi-tenant commercial building.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines §§ 15301 (Existing Facilities).

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC §§ 21.10.030 and 21.32.020, the Planning Commission finds as follows:

1. That the proposed use complies with all requirements as set forth for the issuance of a conditional use permit.

The proposed use complies with all requirements for the issuance of the conditional use permit. First, the site is adequate in size, shape and topography for the proposed use because the proposed use is the addition of beer and wine sales to an existing restaurant. No changes are proposed to the site. Second, the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The site is accessible from West Garvey Avenue, a 100 foot wide right-of-way minor arterial street. The proposed use is not expected to significantly increase traffic. Third, the proposed use is deemed to be part of the general plan and serves objectives of the general plan and the zoning regulations and conforms thereto. The subject property is designated Mixed-Use I in the General Plan. The Mixed-Use I land use category applies both to Downtown and the North Atlantic area and provides opportunities for complementary service and retail commercial businesses, professional offices, and residential uses to locate within the City's core business districts. The proposed use is the addition of beer and wine sales to accompany meals at an existing retail eating establishment. On-sale alcoholic beverage sales are permitted in the C-B, P-D (Central Business, Planned Development) Zone with Conditional Use Permit approval. Fourth, the proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

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RESOLUTION NO.
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2. That the proposed use will not present problems, including, but not limited to, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed use is the addition of on-sale beer and wine in conjunction with an existing restaurant. The property is developed with a 34,718 square feet, one-story multi-tenant building. There are 80 parking spaces provided on the property. The parking areas are accessible from West Garvey Avenue. The nearest highway is the Interstate 10 Freeway located less than a mile north of the subject property. The Institute of Transportation Engineers does not distinguish a difference between the classification of restaurants and restaurants with alcohol sales in the trip generation report, which indicates that trip generation is not significantly affected by the on-sale of alcoholic beverage uses. No changes are proposed to the existing layout as part of the proposed use. On-sale of alcoholic beverage uses is permitted with a conditional use permit.

3. That the proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

The subject property is zoned C-B, P-D (Central Business, Planned Development). A retail eating establishment is a permitted principle use in the C-B Zone. Surrounding properties include C-B zoned lots to the north, east and west and an R-3 zoned lot to the south. The properties to the north, east and west are permitted to have a retail eating establishment use and to apply for a conditional use permit for on-sale beer and wine in conjunction with a bona fide public eating establishment. The suitability of any nearby commercial-zoned properties for commercial use will remain the same.

4. The use does not adversely affect the welfare of area residents or result in undue concentration in the neighborhood of establishments dispensing alcoholic beverages including beer and wine.

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

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the

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exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. Staff conducted a site inspection and found that the subject property has adequate exterior lighting attached to the front and interior walkway building walls. The existing exterior lights provide adequate lighting without disturbing the adjacent properties. The Police Department has included conditions numbers 16 through 23 in the Resolution to address security and alarm requirements.

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 Conditional Use Permit (CU-14-01).

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

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

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

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

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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 13th day of May 2014.

Larry Sullivan, Chairperson

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 13th day of May 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

220 WEST GARVEY AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Bih-Chung Yang, Kao-Chang Yang, and Kao-Ping Yang agree that they will comply with the following conditions of approval for Conditional Use Permit (CU-14-01) ("Project Conditions").

PLANNING:

1. Bih-Chung Yang, Kao-Chang Yang, and Kao-Ping Yang (the "Property Owner"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CU-14-01 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CU-14-01, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the 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 conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a year extension 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. Building permits are required for any interior tenant improvements.
7. Landscaping/irrigation must be installed and maintained in good condition at all times.
8. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
9. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.
10. A copy of the Conditions of Approval for the Conditional Use Permit must be kept on the premises of the establishment and presented to any authorized City official upon request.
11. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
12. The applicant/owner of the establishment must comply with all applicable law. The applicant must obtain and maintain a valid Alcoholic Beverage License for On-Sale Beer and Wine – Eating Place. All conditions of the Alcoholic Beverage Control license must be maintained at all times and failure to do so will be grounds for revocation.
13. The service of alcohol is intended for consumption with food service only. Therefore, no separate bar area is permitted.
14. No entertainment uses including, without limitation, karaoke, dancing, or live music, are permitted at this location unless a modification to the Conditional Use Permit is approved for such use.
15. The hours of operation will be from 10:00 a.m. to 3:00 p.m. and 6:00 p.m. to 10:00 p.m. Monday through Thursday, and 10:00 a.m. to 3:00 p.m. and 6:00 p.m. to 4:00 a.m., Friday and Saturday.

LICENSING:

16. Additional business license tax must be paid upon approval of license from Alcoholic Beverage Control (ABC) pursuant to MPMC § 5.12.230 (29)(B).

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POLICE:

17. The sale of alcoholic beverages for consumption off the premise is prohibited.
18. Food service is required at all hours that the establishment is open for business.
19. The restaurant must have security video cameras operating during all hours that the business is open. All cameras must record onto a videotape or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public and all areas of the cash register/cashier and all areas where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.
20. All conditions of the Alcoholic Beverage Control Board must be adhered at all times.
21. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
22. The manager/owner is responsible for maintaining the property free of litter and graffiti.
23. Three or more violations of applicable law including, without limitation, these conditions within a one year period (as calculated starting on May 13, 2014 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
24. The restaurant must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify law enforcement of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The restaurant manager/owner must obtain an alarm permit from the Monterey Park Police Department. The permit be my obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.
25. If the establishment is open for business past midnight (12:01 a.m.), the restaurant will employ one licensed security guard to remain on the premises

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during the hours of 6:00 p.m. to closing. The security guard will cooperate with the Police Department in any official police investigations or other related matters. If at any time, the Chief of Police deems that the security guard/company is inadequate, the Chief may require the owner to retain additional security guards or a new security company. If such a situation arises, the Chief of Police must notify the restaurant owner/manager in writing and the manager/owner will 7 business days to make the necessary changes.

By signing this document, Bih-Chung Yang, Kao-Chang Yang, and Kao-Ping Yang, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Bih-Chung Yang, Kao-Chang Yang, and Kao-Ping Yang, Applicants



Planning Commission Staff Report

DATE: May 13, 2014

AGENDA ITEM NO: 1-C

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Public Hearing regarding a building containing a 148 room hotel and 98 apartment units located at 808 West Garvey Avenue. This project is designated as Precise Plan (PP-13-01) within the R-S, P-D (Regional Specialty, Planned Development) Zone.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Reopening the continued public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the attached Resolution approving Precise Plan (PP-13-01), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

M&A Gabee, LP seeks discretionary approvals from the City to construct a new building at 808 West Garvey Avenue that would include a hotel and apartments. If the project is approved, the hotel would include 148 rooms; there would be 98 apartment units.

Property Description

The address for the proposed project is 808 West Garvey Avenue which is located on the southwest corner of Garvey Avenue and Atlantic Boulevard. The General Plan land use designation for this address is "Mixed Use I"; it is currently zoned R-S, P-D (Regional Specialty, Planned Development). Overall, the property constitutes seven separate parcels totaling 85,531 square feet (1.96 acres). Four of the seven parcels are completely vacant; three have buildings (residential dwellings) that are uninhabited and in various states of disrepair. North of the property is West Garvey Avenue and a three-story commercial building; R-S (Regional Specialty) zoned lots; and R-1 (Single-Family Residential) zoned lots located in the City of Alhambra. South are R-2 zoned lots; west are R-3 (High Density Residential) zoned lots; and east are South Atlantic Boulevard and a Valero Service Station.

Project Description

If developed, the project will be 7 stories (75 feet high) and 192,385 square feet in area. The development will have two-levels of restaurant and commercial uses, five levels of hotel rooms and apartment units, and one level of subterranean parking and three levels of above grade parking. The project includes 148 hotel rooms, 98 residential apartment units and 444 parking spaces.

Parking

The total required number of parking spaces for the project is 412 and 444 spaces will be provided, which exceeds the required number of parking spaces and results in a surplus of 32 parking spaces.

Residential

According to MPMC § 21.14.090(E), for the residential portion of a mixed-use development, a minimum of 2 off-street parking spaces per unit must be provided, plus an additional 0.25 parking spaces per unit must be provided for guest parking. The proposed project will provide 196 parking spaces for the proposed 98 apartment units, plus 25 guest parking spaces, totaling 221 parking spaces, which meets the required number of off-street parking spaces. The residential parking spaces will be secured with fencing and a gate.

Commercial

The required number of parking spaces for hotel rooms without a kitchenette is 1 space per room, which equates to 148 spaces for the proposed project. The project also includes a 1,500 square foot retail store and 3,710 square foot restaurant with 1,790 square feet of the kitchen on the ground level, a second 1,884 square foot restaurant with a 914 square foot kitchen on the second level, and a 3,120 SF corner restaurant with 1,240 square foot kitchen on the third level. The total square footages of the commercial uses combined will be 14,158 square feet. According to MPMC § 21.21.14.090(E), a reduction in the total number of parking spaces may be permitted for mixed-use developments and commercial developments. However, the total parking requirement for retail, restaurants, entertainment and neighborhood service uses combined must not be less than 3 spaces per 1,000 square feet of gross floor area. Based on a parking ratio of 3 spaces per 1,000 square feet, 43 spaces will be required for the proposed commercial uses. In total, 191 parking spaces will be required for the hotel and commercial uses combined and 223 spaces will be provided.

Open Space

The project requires a minimum of 19,600 square feet of open space and will provide 28,000 square feet of open space, which exceeds the minimum requirement. The open space areas will be provided throughout the project. According to MPMC § 21.14.090(D), 200 square feet of open space is required per residential unit which will

be provided by the balcony areas. At the ground level, 5000 square feet of open space will be provided, fifty percent of which will be covered terrace at the hotel entry and planters. At the fourth level, 23,000 square feet of open space will be provided, which will include private residential patios and open courtyards.

Architecture

The building will be compatible with developments in the general area. The project is designed according to the standards required by the P-D Overlay Zone. The proposed building will be 75 feet tall, which is the maximum height permitted in the P-D Overlay Zone. According to MPMC § 21.14.090(B), the building height cannot exceed 40 feet within 20 feet of the pedestrian realm along Garvey Avenue and Atlantic Boulevard. The building mass will be articulated with architectural elements, such as awnings, wall off-sets, and recessed windows and entries. The proposed architectural style of the building will be modern. This project was presented to the Design Review Board for preliminary comments on January 21, 2014. The Board generally supported the proposed building design.

Precise Plan

The P-D Overlay District is intended to provide design flexibility in achieving the purpose and intent of other base zoning districts with which it is combined per MPMC § 21.14.020. Application of the P-D Overlay District is intended to assist in achieving consistency with the policy and intent of the General Plan by allowing flexibility in site design where superior quality attainment can be enhanced by such flexibility. According to MPMC § 21.14.150, a Precise Plan requires a public hearing before the Planning Commission can consider making the findings to approve it.

Planned Development (P-D) Overlay Zone Consistency

The proposed project (including the Precise Plan) is appropriate for the location because the project is consistent with the General Plan and P-D Overlay Zone. To help ensure its compatibility with surrounding land use, the building will be articulated and setback so it will not overwhelm adjacent properties. Additionally, the project must provide several off-site improvements, including a 9 foot wide dedication on South Atlantic Boulevard, a new signal on West Garvey Avenue and the driveway on West Garvey Avenue will align with the existing driveway on the property located north of the subject property. The project will have a drop off area for commercial vehicles including, without limitation, buses and moving vans, along West Garvey Avenue. This will be located approximately 500 feet from the intersection of Atlantic Boulevard and Garvey Avenue. Furthermore, new striping will be provided on West Garvey Avenue.

General Plan Consistency

The proposed building and its use complies with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan. One of the goals of the General Plan (Goal 3.0) is to establish the North Atlantic area as a focal point for diverse retail,

entertainment, and hospitality development. The proposed project will be a hospitality development with diverse retail uses. The project is a mixed-use development, which includes 148 hotel rooms and 98 apartment units. There will be two-levels of commercial/restaurant space with five-levels of hotel and apartment units. The project as proposed is consistent with the General Plan's vision for the North Atlantic area anticipating development at the height and floor area ratio proposed for the project.

Traffic Study

Mitigation Measures

According MPMC § 21.22.370, a traffic impact study is required for a mixed-use development. The Traffic Study analyzed the intersections and on-site and off-site circulation. According to the Findings and Recommendations included in Chapter 6 of the Traffic Study, the project is not anticipated to have significant impacts at the intersections of Atlantic Boulevard and Garvey Avenue with the incorporation of the mitigation measures.

New Signal Light on West Garvey Avenue

Installing a signal light on West Garvey Avenue will reduce impacts at the driveway on West Garvey Avenue. The parking structure will provide adequate turning radii and clearance for emergency vehicle access.

Three Access Driveways

The project will provide three access driveways, including a driveway on West Garvey Avenue, South Atlantic Boulevard, and Mabel Avenue. The driveway on West Garvey Avenue will be signalized; the driveway on Mabel Avenue will be restricted to residential use only; and the driveway on South Atlantic Boulevard will be right-in and right-out only. A crosswalk will not be provided at the new signal area on West Garvey Avenue.

New Striping on West Garvey Avenue

West Garvey Avenue will receive new striping per the Traffic Study, which has been reviewed by the Public Works Department and Trans Tech, a consulting engineering company.

9-Foot Wide Dedication on South Atlantic Boulevard

The project will provide a 9-foot wide dedication on South Atlantic Boulevard in anticipation of a future street widening on South Atlantic Boulevard, which will result in a 20 feet wide public right-of-way.

Additional Mitigation Measures Provided at the 3 New Driveways

New Signal at West Garvey Driveway Entrance

Project Access 1 at Garvey Avenue would be the main access to the project. A signal is proposed at this location to serve both the proposed project and the existing retail development on the north side of Garvey Avenue. To ensure the signal does not interfere with the adjacent intersection of Atlantic Boulevard and Garvey Avenue, traffic queuing analyses have been performed. Based on the results of this analysis, an extended left turn pocket is recommended to adequately accommodate left turn traffic from eastbound Garvey Avenue to northbound Atlantic Boulevard. The proposed signal would be located approximately 285 feet from the intersection of Atlantic Boulevard and Garvey Avenue and therefore adequate space would be available for westbound traffic to stack without queuing back into the Atlantic/Garvey intersection.

4-Foot Wide Curb Cut on South Atlantic Boulevard

On South Atlantic Boulevard, the project access on Atlantic Boulevard will provide vehicular access to all uses within the site, and would be the access entrance for truck deliveries. This access will be restricted to right-in/right-out only. The Traffic Study analyzed the need for a dedicated southbound right turn deceleration lane and potential conflicts with the existing bus stop on Atlantic Boulevard adjacent to this project access driveway.

There is an existing Metropolitan Transit Authority (MTA) bus stop north of the proposed driveway location on Atlantic Boulevard. The access driveway proposed for the project is located approximately eight feet south of the bus stop. A 4-foot wide curb cut will be provided on Atlantic Boulevard to allow additional space for the bus to turnout. Sufficient space would then exist for vehicles traveling southbound on Atlantic Avenue in the number one lane to pass a stopped bus without weaving into the number 2 lane. The proposed additional curb cut would provide 10 feet for a bus turn out and 11 feet for a vehicle to pass in the number one lane. Vehicles entering the site from southbound Atlantic Boulevard would be able to maneuver around a stopped bus and enter the project driveway without conflict.

Restricted Access on West Mabel Avenue

On Mabel Avenue, the project access will be restricted to residential tenants only by an access gate operated by code. To prevent cut-through traffic in the established residential neighborhood adjacent to the site, this access will be restricted to right-in/left-out only. A raised channelizing median and signage would be recommended to restrict project traffic from entering/exiting to the west on Mabel Avenue. A conceptual driveway design has been provided on Exhibit 5-3 of the Traffic Study.

Responses to Commission's Concern

This application was brought before the Planning Commission on March 11, 2014. At that meeting, the Commission expressed concerns about several items and continued the application to a date uncertain to allow the applicant time to address the concerns. The items of concern include the tour bus pull-in area, the line-of-sight on South Atlantic Boulevard, a shared parking analysis, and public outreach.

Tour Buses

In response to the Commission's comments, the applicant's traffic engineer provided further analysis relative to the items of concern in a Response to Comments Letter (Exhibit E). First, the large vehicle pull-in area along the Garvey Avenue frontage has been extended from 40 feet to 50 feet to allow for more tapering space to improve accessibility into and out of the pull-in area. There is a lack of street frontage to accommodate two buses in the pull-in area. Additionally, a condition of approval was added to require tour bus businesses to pre-schedule pick-up and drop-off times with the hotel operator to ensure not more than one large bus will stop at one time. Lastly, the applicant contacted two tour bus operators in the City, including USAsia Casino Tours located at 141 North Atlantic Boulevard, Suite 100A and American Asia Travel Center located at 117 East Garvey Avenue. According to the two companies, the largest vehicle size utilized is a commercial coach bus (which is 45 feet in length and seats 56 passengers). Drop off and pick up are approximately 15 minutes and are prearranged with the business operators where the loading and unloading occurs.

South Atlantic Boulevard Line-of-Sight

The Response Letter provides a line-of-sight diagram to show that within the 9 feet of dedication area, the existing curb will be cut back 4 feet to create additional space for the outer left-turn lane on Garvey Avenue to turn southbound onto South Atlantic Boulevard. The curb cut will improve the line-of-sight for vehicles turning right onto South Atlantic Boulevard. Left turns onto South Atlantic Boulevard will be restricted.

Shared Parking

A Shared Parking Analysis was prepared to analyze the parking demand based on the mixed use nature of the project. According to the Analysis, the Urban Land Institute (ULI) developed a shared parking model that accounts for seasonal and hourly variation in parking demand among land uses that share parking. According to the shared parking model, the proposed project is not expected to exceed the parking capacity during peak operations. The Analysis shows that the peak parking demand will be 428 spaces and 444 spaces are provided, which results in a surplus of 16 spaces.

Public Outreach

The applicant mailed out letters to the three speakers that spoke at the meeting on March 13, 2014, to the eight properties adjoining the subject property on Mabel Avenue on March 28, 2014, and to 47 of the senior housing units west of the project site. There have only been two residents that have contacted the City since the last Planning Commission meeting. The first is a property owner to the west of the project who is interested in selling his property and the second concerned resident met with the Community and Economic Development Director and voiced concerns related to views, noise, light, dust, traffic, and the inconvenience that would be caused by the development of the site.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was published in the Monterey Park Progress on **January 30, 2014** and **April 24, 2014** and posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 23, 2013** and **April 21, 2014**, with affidavits on file. The legal notice of this hearing was mailed to **164** property owners within a 300 feet radius **January 23, 2013** and **April 21, 2014**.

Environmental Assessment

As required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Following the Initial Study, it was determined that although the proposed project could have a significant effect on the environment, there will not be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent and a Mitigated Negative Declaration was prepared. Less than significant impacts with mitigations incorporated were identified in the areas of Air Quality, Cultural Resources, Hazardous Materials, Noise, and Transportation and Traffic. The mitigation measures relative to air quality, cultural resources, hazardous materials, and noise addresses actions that must be taken prior and during the construction process. Staff recommends that after consideration of the Initial Study and comments received during the public review period, that the Planning Commission adopt the Mitigated Negative Declaration.

ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

No fiscal impacts.

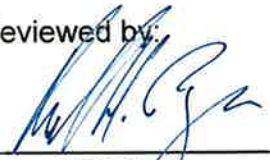
Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site, floor, and elevation plans
- Exhibit C: Precise Plan
- Exhibit D: Initial Study and Mitigated Negative Declaration
- Exhibit E: Traffic Response Letter, dated March 24, 2014

RESOLUTION NO.

A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING PRECISE PLAN (PP-13-01) FOR THE CONSTRUCTION A NEW MIXED-USE DEVELOPMENT AT 808 WEST GARVEY 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 March 18, 2013, M&A Gabee, LP, submitted an application pursuant to Title 21 of the Monterey Park Municipal Code ("MPMC"), requesting approval of a Precise Plan (PP-13-01) to construct a new mixed-use development at 808 West Garvey 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 February 11, 2014. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On February 11, 2014, the applicant requested to continue the application to the meeting of February 25, 2014. On February 25, 2014, the application was continued to the meeting of May 13, 2014 to allow City staff additional time to gather all the materials necessary to present to the Planning Commission.
- F. On May 13, 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 the applicant's representatives; and
- G. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its May 13, 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 approval to construct a new 7 stories, 75 feet tall and 192,385 square feet mixed-use development. The project will have two-levels of

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RESOLUTION NO.
PAGE 2 OF 6**

restaurant and commercial uses; five levels of hotel rooms and apartment units; one level of subterranean parking; and three levels of above grade parking. The Project includes 148 hotel rooms, 98 residential apartment units and 444 parking spaces;

- B. 808 West Garvey Avenue is zoned R-S, P-D (Regional Specialty, Planned Development) and the General Plan designation is Mixed-Use I;
- C. The Project property is located on the southwest corner of Garvey Avenue and Atlantic Boulevard. To the north of the property are West Garvey Avenue, R-S (Regional Specialty) zoned lots, and R-1 (Single-Family Residential) zoned lots located in the City of Alhambra, south are R-2 zoned lots, west are R-3 (High Density Residential) zoned lots, and east are South Atlantic Boulevard and a Valero Service Station; and
- D. The Project property is comprised of seven separate parcels totaling 85,531 square feet (1.96 acres) in size. Four of the seven properties are currently vacant and three are developed with vacant dilapidated residential dwellings.

SECTION 3: *Environmental Assessment.*

- A. The Project was analyzed for its environmental impacts and an Initial Study was prepared pursuant to CEQA Guidelines § 15063. The Initial Study demonstrated that the project would not have a significant effect on the environment with the implementation of mitigation measures. A Mitigated Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA Guidelines §15070 (the "MND"). The MND is attached as Exhibit "A," and incorporated by this reference. A Notice of Intent to Adopt a Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073, and was available for public comment from January 23, 2014 to February 11, 2014.
- B. In accordance with CEQA Guidelines § 15074, the record on which the Planning Commission's findings are based is located at the City of Monterey Park Community and Economic Development Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.
- C. When considering the whole record for the draft Initial Study and Negative Declaration, there is no evidence that the Project will have the potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, because the project is in a built-out urban environment.
- D. These findings are based on the various mitigation measures to be required in the implementation of the project as set forth in the MND as already having been incorporated into the Project. The Planning Commission finds that all the

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mitigation measures now incorporated into the project are desirable and feasible.

- E. Accordingly, based upon the evidence presented to the Planning Commission, the City need not prepare an environmental impact report for the proposed project.

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

- A. The plan for the proposed project consists of buildings and structures that are of good design and in general contributes to the image of Monterey Park as a place of creativity and individuality.

The architectural style of the proposed project will be modern and the finishes will be high quality. The building finishes include smooth white stucco with tan accents, stone veneer, frameless glass, reflective spandrel glass, wood Brazilian cheery slats, champagne gold mullions, and fabric awnings. The proposed building design provides a more vibrant and modern feel to the project area. The existing commercial buildings to the south and north were constructed in the 1980s and are reflective of the architectural style of that time period. The intent of the proposed architectural style is to create a timeless looking building.

- B. The proposed buildings or structures are not of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

As stated above, the proposed project will include high quality materials. Also, the project will provide new street trees along West Garvey Avenue and South Atlantic Boulevard as well as throughout the project in raised planters. According to MPMC 21.14.090(C), a 12 feet wide pedestrian realm is required on Atlantic Boulevard and Garvey Avenue. The project will provide a 9 feet dedication and a 14 feet 6 inches wide pedestrian realm on the South Atlantic Boulevard and a 12 feet wide pedestrian realm on West Garvey Avenue. The project will provide generous landscaping, which includes special pavements, screen walls, planters, and site furniture, which will be consistent with the requirements of the Planned Development Overlay Zone.

- C. The proposed buildings or structures and use thereof are compatible with developments of land in the general area. Consideration of scale, height, bulk, materials cohesiveness, community, traffic, the desirability of preserving a sense of open space, and the need for privacy are deemed to be important considerations of compatibility.

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The building will be compatible with developments in the general area. The project is designed according to the standards required by the P-D Overlay Zone. The proposed building will be 75 feet tall, which is the maximum height permitted in the P-D Overlay Zone. According to MPMC § 21.14.090(B), the building height must vary to provide a human scale adjacent to the pedestrian realm. To create a human scale, the building height must not exceed 40 feet within 20 feet of the pedestrian realm along Garvey Avenue and Atlantic Boulevard. The building mass will be articulated with architectural elements, such as awnings, wall off-sets, and recessed windows and entries. According to MPMC § 21.14.090(D), 200 square feet of open space is required per residential unit. The project requires a minimum of 19,600 square feet of open space and will provide 28,000 square feet of open space, which exceeds the minimum requirement. The open space areas will be provided through out the project. At the ground level, 5000 square feet of open space will be provided, fifty percent of which will be covered terrace at the hotel entry and planters. At the forth level, 23,000 square feet of open space will be provided, which will include private residential patios and open court yards.

- D. The proposed development is in conformity with the standards of this chapter and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

The proposed development is in conformity with the standards of the P-D Overlay Zone chapter and other ordinances. As stated above, the proposed project is designed according to the standards included in the P-D Overlay Zone chapter.

- E. The proposed buildings or structures and its use would not unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof of lawful purposes, and would not adversely affect the public peace, health, safety or general welfare.

The proposed building and its use will not unreasonably interfere with the use or enjoyment of properties in the vicinity. First, the proposed project is designed according to the regulations in the P-D Overlay Zone chapter. Second, both the P-D Overlay Zone and proposed project considers the properties abutting the subject property. The project abuts R-2 (Medium Density Residential) and R-3, S-C-H (High Density Residential, Senior Citizen Housing) zoned properties to the west. Within 14 feet of the western property line, the building will only be 14 feet tall, which is around the height of a single-family dwelling. Also, all the commercial uses will be located towards the corner of Atlantic Boulevard and Garvey Avenue. Only one level of the parking structure and meeting rooms will be located at the western portion of the building.

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- F. The proposed buildings or structures and its use are in compliance with the General Plan.

The proposed building and its use are in compliance with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan. One of the goals of the General Plan (Goal 3.0) is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed project will be a hospitality development with diverse retail uses. The project is a mixed-use development, which includes 148 hotel rooms and 98 apartment units. There will be two-levels of commercial/restaurant space with five-levels of hotel and apartment units.

SECTION 5: *Actions.* The Planning Commission takes the following actions:

- A. Approves the MND set forth in Exhibit A and directs the Director of Community and Economic Development to file any appropriate notifications in accordance with applicable law;
- B. Pursuant to Public Resources Code §§21081(a) and 21081.6, the Planning Commission adopts the Mitigation Monitoring and Reporting Program (MMRP) set forth in the attached Exhibit "B," which is incorporated into this Resolution by reference. The Planning Commission adopts each of the mitigation measures as conditions of approval for the Project. Other Project conditions of approval and compliance with applicable codes, policies, and regulations will further ensure that the environmental impacts of the Project will not be greater than set forth in the MND and these findings;
- C. Adopts Precise Plan (PP-13-01) attached as Exhibit C in its entirety including, without limitation, the conditions of approval set forth in the attached Exhibit "D," which is incorporated by reference; and
- D. Authorize the City Manager, or designee, to make non-substantive changes to the Precise Plan, as determined by the City Attorney.

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

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of

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

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

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

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

ADOPTED AND APPROVED this 13th day of May 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 13th day of May 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

808 WEST GARVEY AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), M&A Gabee, LP agrees that it will comply with the following provisions as conditions for the City of Monterey Park's approval of Precise Plan (PP-13-01) ("Project Conditions").

PLANNING:

1. M&A Gabee, LP (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 PP-13-01 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out the City approval of PP-13-01, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification must be referred to the Director of the Community and Economic Development Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
4. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
5. The real property, subject to PP-13-01 must remain well-maintained and free of graffiti; any graffiti must be removed within 24 hours after discovery.
6. Landscaping/irrigation must be maintained in good condition at all times.

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7. In addition to all applicable provisions of the MPMC, the Applicant must comply with the Mitigation Monitoring and Reporting Program (MMRP) that were prepared as a part of the environmental review for this project and all of the mitigation measures identified therein. The MMRP is incorporated into these conditions by reference.
8. Tour bus businesses must pre-schedule pick-up and drop-off times with the hotel operator to ensure not more than one large bus will be stop at one time.

ENGINEERING:

9. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee, this project involves the disturbance of soils by grading, clearing and/or excavation. Developer/owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park shall 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 Developer/Owner must submit an electronic copy of the approved NPDES file, including site drawings, prior to the issuance of a Building or Grading Permit. (The electronic copy requirement pertains to projects greater than an acre.)
10. The 98 residential units are rental only. If the owner decides to sell these residential units in the future, a tentative map must be prepared and all related procedures must be followed. The map must be recorded after approval of the map by the City Engineer and acceptance of required bonds and agreements by the City Council.
11. The developer/owner is responsible for ascertaining and paying all City development fees such as, without limitation, sewer deficiency fees, water meter fees and metered water service impact fees as required by the MPMC.
12. All improvement plans, including grading and public improvement plans must be prepared in accordance with City approved information. Benchmark references to be obtained from the Engineering Division.
13. 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 will be responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
14. Water Division requirements must be determined upon completion and submittal

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of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner and must be completed before the City approves grading and drainage plans.

15. Provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps will not be permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines 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.
16. A site drainage plan must be prepared 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. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
17. 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 to the satisfaction of the City Engineer before the City approves grading and drainage plans.
18. Any damage done to existing street improvements and utilities during construction must be repaired before acceptance of the project. Pre-existing damaged, deteriorated, substandard or off-curb curb, gutter, driveways and sidewalk must also be repaired or replaced to the satisfaction of the City Engineer. All existing driveways, if not to be used, must be removed and replaced with curb and sidewalk. Sidewalk must be full parkway width.
19. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer.
20. All electric, telephone and cable TV utility services must be fully installed underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted before the City approves grading and drainage plans, showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
21. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit pursuant to MPMC Chapter 14.06. Provide an

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irrevocable offer of dedication for 9 feet of real property along Atlantic Boulevard frontage for street and public utility purposes per City Ordinance No. 1946 and MPMC Chapter 14.16. Additional dedication/easement may be required to construct a bus turnout along Atlantic Boulevard, as determined by the City-approved Traffic Impact Study.

22. Construct a 25 feet radius curb return and relocate all existing interfering street improvements and structures (traffic signs, fire hydrants, catch basin, etc.)
23. Construct a wheelchair ramp in the curb return at the street intersection.
24. 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 before the City approves drainage plans.
25. The geological and technical report must be submitted by the developer's consultant with the submittal of the grading and drainage plan. A review deposit of \$2,674 is to be submitted for the said report.
26. The grading and drainage plan must be submitted by the first plan check and incorporate all pertinent site development comments from the City's geological and geotechnical consultants and also must include the approved geological and geotechnical report submitted by the developer's consultant.
27. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer before the first plan check. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the Parks Division.
28. Submit a complete detailed striping plan. Final conditions and comments cannot be determined until a plan is submitted that is sufficiently complete per MPMC § 21.22.150.
29. The off-site driveway approach shall align true and square with the on-site driveway.
30. One-way traffic must have a minimum of 12 feet in width; two-way traffic must have a minimum of 26 feet in width per MPMC Table 21.22(D).
31. Show existing curb markings and street signage fronting the project on plans. MPMC § 21.22.180(B).
32. Provide scaled turning templates for larger vehicles, e.g., sport utility vehicles per MPMC § 21.22.320(A).
33. Each parking stall must have a minimum of 18 feet perpendicular to the stall and

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12 feet parallel to the stall, directly adjacent to the rear of the stall, to allow for vehicle maneuverability clearance.

34. The sidewalk, curbs, gutters, and accessible ramps must be per California Building Code requirements, as adopted by the MPMC.
35. A site and landscape plan must be submitted for the public right-of-way. Utilities, street lights, fire hydrants, etc. must be shown. On South Atlantic Boulevard, the designated street tree is alternating Gold Medallion and Pink Crape Myrtle. On West Garvey Avenue, the designated street tree is Queen Palm.
36. The telephone vault on the sidewalk on Garvey Avenue must be at the same grade level as the sidewalk.

FIRE:

37. The applicant must provide a minimum unobstructed width of 26 feet, except for approved security gates in accordance with California Fire Code ("CFC") § 503.6, as adopted by the MPMC, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior building walls pursuant to CFC § 503.2.1, as adopted by the MPMC. Crosshatch the Fire Department vehicle access on the site plan, and label the width. Provide a note that states, "An unobstructed vertical clearance."
38. Dead-end fire apparatus access roads exceeding 150 feet in length must be provided with an approved Fire Department turnaround per CFC § 503.2.5, as adopted by the MPMC. Crosshatch the Fire Department turnaround on the site plan and label the dimensions of the turnaround.
39. Fire Department vehicular access roads must be hardscape all weather access in accordance with the Department's All Weather Access requirements per CFC § 503.2.3. Provide note on site plan and label the surface type for the access road on the site plan. 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.
40. A minimum of 5 foot wide approved firefighter access walkway leading from the fire apparatus access road to the building's exterior openings must be provided for fire fighting and rescue purposes per CFC § 504.1, as adopted by the MPMC. Show the firefighter walkway access routes on the site plan and label the required width.
41. Fire apparatus access roads 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 approved size, weather

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resistant and be maintained until replaced by permanent signs per CFC § 505.2. Provide note on site plan.

42. 2013 Fire Code Table B105 must determine the required fire flow from fire hydrants at this location based on type of construction and occupancy classification. Plan submittal must include fire flow test data 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. Provide flow test form upon re-submittal of plan.
43. Show all existing public fire hydrants within 250 feet of the lot frontage on both sides of the street. Specify size of fire hydrants(s) and dimensions(s) to property lines. Additional fire hydrant requirements may be necessary after this information is provided per CFC § 507.1, as adopted by the MPMC. Show the size and locations of all existing fire hydrants on site plan.
44. All fire hydrants must measure 6" x 4" x 2-1/2", brass or bronze, conforming to American Water Works Association Standard C503, or approved equal; and must be installed in compliance with CFC § 507, as adopted by the MPMC. Provide note on site plan.
45. All required public fire hydrants must be installed, tested, and accepted prior to beginning construction per CFC § 501.4. All on-site fire hydrants must be installed, tested, and approved prior to building occupancy per CFC § 905.5.1.
46. Provide CBC occupancy classification(s) for all separate and distinct uses of the structure(s) in accordance with CBC § 302.1.
47. Provide CBC type of construction in accordance with CBC § 602.1 and Table 601.
48. The height and area of buildings of different construction types must be governed by the intended use of the building and must not exceed the limits in Table 503 except for area modifications in § 506.
49. The fire-resistance rating of exterior walls with a fire separation distance must comply with CBC Table 602 and Table 705.8 and § 705.
50. Fire resistive assemblies for the protection of openings, when required by the Building Code must comply with CBC § 715 and Table 715.4.
51. Where elevators are provided in buildings four or more stories above grade plane or four or more stories below grade plane, at least one elevator must be provided with the stretcher requirements of CBC § 302.4.

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52. Provide an approved automatic fire sprinkler system as set forth by CBC § 903 and CFC § 903. Plans must be submitted for review and approval before installation.
53. Provide an approved Class I standpipe system as set forth by CBC and CFC § 905. Submit plans to the Sprinkler Plan Check Unit for review and approval before installation.
54. Provide occupant load calculation and exit width analysis for all portions of the building in accordance with CBC § 1004, 1005, Table 1004.1.1 and Table 1005.1.
55. If the occupied floors located more than 75 feet above the lowest level of fire department vehicular access must comply with requirements of high rise building 2013 CBC § 403.
56. All new buildings must comply with the requirements of the CFC § 510 for approved emergency responder radio coverage.

POLICE:

57. Exterior lighting must be in full operation at all times.
58. The shopping/residential complex must hire and provide private security for the entire complex. The private security company will be properly license and meet all the criteria and legal obligations to operate a private security company. There must be a minimum of two security guards on the premises at all times. The Chief of Police must have the authority to increase or decrease the number of security guards as the situation calls for.
59. All major common areas of the locations, including all parking areas, must be covered by security video cameras. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. Security video cameras must be installed at all the entrance/exits and must be positioned to capture the faces of people entering and exiting. All recordings must be maintained for a minimum of 30 days. All recordings must be made readily available for any law enforcement official who requests the recordings(s) for official purposes. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the management must comply with the request within 7 days. Also, access to all security video cameras must be made available to the Police Department, via the internet, by providing the IP address for all cameras. The Chief of Police can also require a change in the position of the video cameras if it is determined that the position of the camera

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does not meet security needs. The management must comply with the request within 7 days.

60. A comprehensive security plan must be submitted to the Police Department for final review and approval before the project opening.
61. Property management will work with the Police Department to identify a designated area on the property where emergency vehicles may park within close proximity of the businesses and residential complex when responding for calls for service at the location. This area can be designated at a later time but must be subject to the approval of the Chief of Police.
62. The access to the residential portion of the complex must be secured to only allow access to residents or invited guests for the residential complex, Access to the residential portion of the complex must be secured by a gate or similar barrier. Residents will have a key or similar device which allows passage through the gate or barrier. The gate code/key must be provided to the Police Department so that access can be made in case of emergencies.
63. Access to the roof of the hotel/residential building must be located and secured. Access to the roof must be restricted to maintenance personnel, building management, or other authorized personnel.
64. All businesses in the complex are encouraged to join and participate in the Monterey Park Police Department's Business Watch Program; a free service designed to educate businesses about minimizing criminal activity. The Community Relations Bureau can be contacted at (626) 307-1215.
65. The shrubbery on the property must be installed and maintained in such a condition as to not restrict visibility from the street or easily conceal persons.
66. All business locations must comply with federal, state, and local laws governing business licensing, noise levels, alcohol sales and consumption. All business locations must obtain the appropriate license(s) from the regulating agency in order to conduct business in the City of Monterey Park.
67. The Chief of Police reserves the right to revoke any or all permits issued to an establishment for violations of federal, state, or local law, deemed to be a nuisance to the community due to continued negative contact with law enforcement or failure to comply with these and/or subsequent provisions.

By signing this document, M&A Gabee, LP, certifies that the he has read, understood, and agrees to the Project Conditions listed in this document.

M&A Gabee, LP, Applicant

EXHIBIT B
MONTEREY PARK HOTEL
MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	AGENCY RESPONSIBLE FOR IMPLEMENTATION	TIMING OF IMPLEMENTATION	COMPLIANCE MONITOR	DOCUMENTATION OF COMPLIANCE	
				SOURCE	SIGNATURE
AESTHETICS					
AQ-1: Before the City issues building permits, the permittee must submit, to the satisfaction of the Director of Community and Economic Development, or designee, a Coating Restriction Plan (CRP), consistent with South Coast Air Quality Management District (SCAQMD) guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the CRP. The CRP measures must be implemented to the satisfaction of the Director of Community and Economic Development, or designee. These may include the following: • The volatile organic compounds (VOC) of proposed architectural coatings cannot exceed zero g/l for interior applications. • The volatile organic compounds (VOC) of proposed architectural coatings cannot exceed 50 g/l for exterior applications. The CRP must conform to the performance standard that emissions of volatile organic compounds from application of interior or exterior coatings must not exceed the daily emissions thresholds established by the South Coast Air Quality Management District.	City of Monterey Park	Before building permits are issued	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director, or designee, signature/Date of Compliance)
CULTURAL RESOURCES					
C-1: Before grading occurs, the prime construction contractor(s) must be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles and other cultural materials from the project site. A	City of Monterey Park	Before grading occurs	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director, or

EXHIBIT B
MONTEREY PARK HOTEL
MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	AGENCY RESPONSIBLE FOR IMPLEMENTATION	TIMING OF IMPLEMENTATION	COMPLIANCE MONITOR	DOCUMENTATION OF COMPLIANCE	
				SOURCE	SIGNATURE
signed statement of understanding must be provided to the Community and Economic Development Director before the City issues grading permits. The applicant bears the cost of implementing this mitigation.					designee, signature/Date of Compliance)
C-2: If potential archaeological materials are uncovered during grading or other earth moving activities, the contractor must be required to halt work in the immediate area of the find and to retain a professional archaeologist to examine the materials to determine whether it is a <i>unique archaeological resource</i> as defined in § 21083.2(g) of the state CEQA Statutes. If this determination is positive, the resource must be left in place, if determined feasible by the project archaeologist. Otherwise, the scientifically consequential information must be fully recovered by the archaeologist. Work may continue outside of the area of the find; however, no further work must occur in the immediate location of the find until all information recovery has been completed and a report concerning it filed with the Community and Economic Development Director. The applicant must bear the cost of implementing this mitigation.	City of Monterey Park	Before the completion of grading	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director, or designee, signature/Date of Compliance) (City Attorney signature/Date of Compliance)
C-3: If paleontological materials are uncovered during grading or other earth moving activities, the contractor must be required to halt work in the immediate area of the find, and to retain a professional paleontologist to examine the materials to determine whether it is a significant paleontological resource. If this determination is positive, resource must be left in place, if determined feasible by the project paleontologist. Otherwise, the scientifically consequential information must be fully	City of Monterey Park	Before the completion of grading	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director, or designee, signature/Date of Compliance)

EXHIBIT B
MONTEREY PARK HOTEL
MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	AGENCY RESPONSIBLE FOR IMPLEMENTATION	TIMING OF IMPLEMENTATION	COMPLIANCE MONITOR	DOCUMENTATION OF COMPLIANCE	
				SOURCE	SIGNATURE
recovered by the paleontologist. Work may continue outside of the area of the find; however, no further work must occur in the immediate location of the find until all information recovery has been completed and a report concerning it filed with the Community and Economic Development Director. The applicant bears the cost of implementing this mitigation.					
HAZARDS & HAZARDOUS MATERIALS					
HM-1: Before the City issues demolition permits, the existing on-site structures must be surveyed for the presence of asbestos containing materials (ACM) by a contractor registered with Asbestos Contractors' Registration Unit, as required by applicable law. Appropriate abatement measures pursuant to South Coast Air Quality Management District Rule 1403 must commence by a registered contractor at the expense of the project proponent should ACM be detected. Documentation certifying that ACM was removed to satisfactory levels as required by state law must be delivered to the Director of Community and Economic Development or designee, before the City issues demolition permits. The applicant bears the cost of implementing this mitigation.	City of Monterey Park	Before demolition permits are issued	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director, or designee, signature/Date of Compliance)
HM-2: Before the City issues demolition permits, the existing on-site structures must be surveyed for the presence of lead. If lead exists in levels determined to be hazardous, such materials must be removed by an abatement contractor before the City issues demolition permits for the buildings. Demolition debris and waste categorized as hazardous waste must be handled, transported, and disposed of in	City of Monterey Park	Before demolition permits are issued	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director, or designee, signature/Date of Compliance)

EXHIBIT B
MONTEREY PARK HOTEL
MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	AGENCY RESPONSIBLE FOR IMPLEMENTATION	TIMING OF IMPLEMENTATION	COMPLIANCE MONITOR	DOCUMENTATION OF COMPLIANCE	
				SOURCE	SIGNATURE
accordance with applicable federal, state, and local laws and rules to ensure that potential impacts to health and the environment are minimized. Specifically, employees who perform trigger tasks, such as manual demolition, are required to receive employer provided training, air monitoring, protective clothing, respirators, and hand washing facilities. Standard work practices required by Title 17 to the California Code of Regulations (Division 1, Chapter 8) also include the use of wet methods and HEPA vacuums. Documentation verifying appropriate disposal of hazardous wastes must be provided to the Director of Community and Economic Development, or designee before the City issues building permits. The applicant bears the cost of implementing this mitigation.					
NOISE					
N-1: All windows facing Garvey Avenue and Atlantic Boulevard must be sealed and incapable of opening. The Director of Community and Economic Development, or designee, must verify incorporation of this design feature before the City issues building permits.	City of Monterey Park	Before building permits are issued	Community and Economic Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director or designee Signature/Date of Compliance)
N-2: Stationary construction noise sources such as generators or pumps must be located at least 100 feet from sensitive land uses, as feasible, or at maximum distance when necessary to complete work near sensitive land uses. This mitigation measure must be implemented throughout construction and may be periodically monitored by the Director of Community and Economic Development, or designee during routine inspections.	City of Monterey Park	Throughout construction	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director or designee Signature/Date of Compliance)

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MONTEREY PARK HOTEL
MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	AGENCY RESPONSIBLE FOR IMPLEMENTATION	TIMING OF IMPLEMENTATION	COMPLIANCE MONITOR	DOCUMENTATION OF COMPLIANCE	
				SOURCE	SIGNATURE
N-3: Construction staging areas must be located as far from noise sensitive land uses as feasible. This mitigation measure must be implemented throughout construction and may be periodically monitored by the Director of Community and Economic Development, or designee during routine inspections.	City of Monterey Park	Throughout construction	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director or designee Signature/Date of Compliance)
N-4: Throughout construction, the contractor must ensure all construction equipment is equipped with included noise attenuating devices and are properly maintained. This mitigation measure must be periodically monitored by the Director of Community and Economic Development, or designee during routine inspections.	City of Monterey Park	Throughout construction	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director or designee Signature/Date of Compliance)
N-5: Idling equipment must be turned off when not in use. This mitigation measure may be periodically monitored by the Director of Community and Economic Development, or designee during routine inspections.	City of Monterey Park	Throughout construction	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director or designee Signature/Date of Compliance)
N-6: Equipment must be maintained so that vehicles and their loads are secured from rattling and banging. This mitigation measure may be periodically monitored by the Director of Community and Economic Development, or designee during routine inspections	City of Monterey Park	Throughout construction	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director or designee Signature/Date of Compliance)

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MONTEREY PARK HOTEL
MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	AGENCY RESPONSIBLE FOR IMPLEMENTATION	TIMING OF IMPLEMENTATION	COMPLIANCE MONITOR	DOCUMENTATION OF COMPLIANCE	
				SOURCE	SIGNATURE
TRANSPORTATION / TRAFFIC					
T-1: Before issuance of occupancy permits, the Project Proponent must install traffic signal at the intersection of Project Access 1 at Garvey Avenue to the satisfaction of the City Engineer. This mitigation measure must be implemented at the expense of the Project Proponent. The traffic signal must be constructed as follows: • All left turn movements must be allowed using permission phasing only • Crosswalks are not permitted for north/south movements across Garvey Avenue • A separate signal controller must be installed to allow for additional phasing options and increased functionality • The traffic signal must be interconnected to the existing traffic signal at Atlantic Boulevard and Garvey Avenue • Striping must be implemented per the conceptual design shown on Exhibit 5-1 of the project Traffic Impact Study	City of Monterey Park	Before certificates of occupancy are issued	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director or designee Signature/Date of Compliance)
				(PC Minutes/Final Action Letter)	(Community and Economic Development Director or designee Signature/Date of Compliance)
T-2: Before issuance of occupancy permits, the Project Proponent must include stop-controlled, right-in/left-out only ingress/egress at the Project Access 2 at Mabel Avenue driveway that is restricted to residents only. The Project Proponent must include stop controlled, right-in/right-out only ingress/egress at the Project Access 3 at Atlantic Boulevard driveway. This mitigation measure must be implemented at the expense of the Project Proponent to the satisfaction of the City Engineer.	City of Monterey Park	Before certificates of occupancy are issued	Community and Economic Development Director, or designee	(PC Minutes/Final Action Letter)	(Community and Economic Development Director or designee Signature/Date of Compliance)