

**CITY OF MONTEREY PARK  
PLANNING COMMISSION AGENDA**

**REGULAR MEETING**

**Monterey Park City Hall – Council Chambers  
320 West Newmark Avenue  
Monterey Park, CA 91754**

**TUESDAY  
NOVEMBER 24, 2015  
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 Rodrigo Garcia**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL – Commissioners Choi, Sullivan, Lee, and Leung**

**AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS**

**ORAL AND WRITTEN COMMUNICATIONS**

**MINUTES – September 8, 2015 and November 10, 2015**

**[1.] CONSENT CALENDAR - None**

**[2.] UNFINISHED BUSINESS - None**

**2-A. TENTATIVE MAP NO. 073571 – 404 EAST NEWMARK AVENUE (TM-15-07)**

The applicant, Bryant Bach Q. Nguyen, seeks a Tentative Map to subdivide air rights to develop a 2-unit condominium project at 404 East Newmark Avenue in the R-3 (High Density Residential) Zone.

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

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

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 073571 (TM-15-07) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

**[3.] NEW BUSINESS (PUBLIC HEARING)**

**[4.] COMMISSION COMMUNICATIONS**

**[5.] FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION**

**[6.] STAFF UPDATES**

**[7.] CLOSED SESSION**

**ADJOURN**

To the next regularly scheduled meeting on January 12, 2016

APPROVED BY:

|                       |                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------|
| MICHAEL A.<br>HUNTLEY |  |
|-----------------------|---------------------------------------------------------------------------------------|



# Planning Commission Staff Report

**DATE:** November 24, 2015

**AGENDA ITEM NO:** 2-A

**TO:** The Planning Commission  
**FROM:** Michael A. Huntley, Community and Economic Development Director  
**SUBJECT:** Public Hearing – Tentative Map No. 073571 (TM-15-07) to allow the subdivision of air-rights to establish and maintain a 2-unit residential development – 404 East Newmark Avenue.

## **EXECUTIVE SUMMARY:**

On October 27, 2015, the Planning Commission continued the item to a date uncertain to allow the applicant additional time to address several items of concern expressed by the public at the October 13, 2015 meeting. In the October 27, 2015 staff report, it was stated that as a result of the public comments received at the meeting the City's code enforcement officers would inspect the property. On October 14, 2015, the subject property was inspected and various violations were identified at that time. Since the matter was an open code enforcement case, the specifics of the matter could not be publicly shared and that once the violations were resolved, the application would be re-scheduled for Planning Commission consideration. On November 2, 2015, the City's code enforcement officers re-inspected the property and found that the violations have been resolved. Additionally, on November 1, 2015, the property owner served a tenancy termination notice to the occupants of the dwelling unit. Staff believes that the project is in compliance with R-3 development standards and subsequent to Planning Commission review, the project design will be reviewed by the Design Review Board.

## **OTHER ITEMS:**

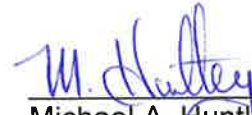
### **Legal Notification**

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **September 3, 2015** and **November 3, 2015** and published in the Wave on **September 17, 2015** and **November 12, 2015**, with affidavits of posting on file. The legal notice of this hearing was mailed to **104** property owners within a 300 foot radius and current tenants of the property concerned on **September 3, 2015** and **November 12, 2015**.

### **Environmental Assessment**

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

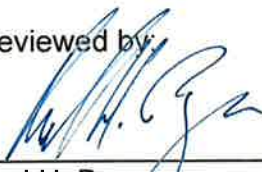
Respectfully submitted,

  
\_\_\_\_\_  
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, elevation plans and Tentative Map
- Exhibit C: Planning Commission staff report, dated October 13, 2015 and October 27, 2015

# EXHIBIT A

Draft Resolution

## RESOLUTION NO.

### **A RESOLUTION APPROVING TENTATIVE MAP NO. 073571 (TM-15-07) TO SUBDIVIDE AIR RIGHTS FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 404 EAST NEWMARK 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 August 18, 2015, Bryant Bach Q. Nguyen, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 073571 (TM-15-07) to subdivide air rights to establish and maintain a 2-unit condominium project at 404 East Newmark 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 November 24, 2015. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On November 24, 2015, 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 the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its November 24, 2015 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

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

- A. The Applicant seeks to construct two new residential dwelling units and subdivide the air rights for condominium purposes;
- B. 404 East Newmark Avenue is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan;
- C. The Project property is located on the southeast corner of East Newmark

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Avenue and South Alhambra Avenue. To the north, south, and east are R-3 zoned lots, and west are R-2 zoned lots; and

- D. The Project property is 11,800 square feet (0.27 acres) in area and is currently developed with older detached residential dwelling units.

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 § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

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

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would allow two condominium units to be constructed on the site. This is less than the maximum density of 25 dwelling units per acre for this site. Consequently, the project complies with the General Plan. The property is located on East Newmark 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.
- B. 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 2-unit condominium project, which is compatible with the high density housing either attached or detached allowed in the high density residential category. There is no specific plan adopted for this area.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 11,800 square feet (0.27 acres) and adequate in size to accommodate a 2-unit condominium project because in the R-3 Zone, one dwelling unit is allowed for every 3,000 square feet of lot area on lots of 7,000 square feet or more and having a front lot line of at least fifty feet.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.
- E. The design of the subdivision or the type of improvements is not likely to cause

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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.

- F. 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. 073571 (TM-15-07).

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

SECTION 10: Pursuant to Government Code § 66452.5, this Resolution may be appealed within ten 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 11: Except as provided in Section 10, this Resolution is the Planning Commission's final decision and will become effective on the tenth day after its adoption.

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**ADOPTED AND APPROVED** this 24<sup>th</sup> day of November 2015.

\_\_\_\_\_  
Chairperson Rodrigo Garcia

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 24<sup>th</sup> day of November 2015, 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**

#### **404 EAST NEWMARK AVENUE**

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Bryant Bach Q. Nguyen agrees that he will comply with the following conditions for approval of Tentative Map No. 073571 (TM-15-07) ("Project Conditions").

#### **PLANNING:**

1. Bryant Bach Q. Nguyen (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 TM-15-05 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 TM-15-07, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Division. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

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6. The real property subject to TM-15-07 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.

**BUILDING:**

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

**ENGINEERING:**

17. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition a 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

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applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.

18. The applicant must record the final map after the City approves the final map in accordance with the MPMC and 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 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.
19. 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.
20. Applicant agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Applicant takes notice pursuant to Government Code § 66020(d) that City is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
21. A homeowner's association must be established.
22. 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.
23. 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.
24. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer is responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
25. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of

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water meter and water services. All upgrading costs are the responsibility of the property owner.

26. 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.
27. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties cannot be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
28. 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 approving grading and drainage plans.
29. 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.
30. 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.
31. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
32. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit in accordance with MPMC Chapter 14.06.

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33. 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.
34. The grading and drainage plan must be submittal by the first plan check and must incorporate all pertinent site development comments from the City's geological and geotechnical consultants and must also include the approved geological report submitted by the developer's consultant.
35. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the City Recreation and Parks Department.
36. The City reserves the right to restrict driveway access to and from the project in the event that future traffic conditions warrant such restricted turn movements.
37. Automatic irrigation system controllers for landscaping must be weather- or soil moisture-based controllers that automatically adjust irrigation in response to conditions change.
38. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall must have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.
39. Each plumbing fixture and fitting must meet the 30 percent reduced flow rate specified. A calculation demonstrating a 30 percent reduction in the building "water use baseline" as established in Table A5.303.2.2 must be provided.

**FIRE:**

40. All conditions identified by the Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
41. All structures must be fully sprinklered per National Fire Protection Association (NFPA) 13D and local amendments.
42. Fire flow for the entire project is 1,500 gallons per minute (gpm) at 20 (pounds per square inch (psi) for two hour duration. Verification of water supply available must be provided by the water purveyor upon building plan submittal. A reduction in the required fire flow up to 50 percent is allowed by a written request to the Monterey Park Fire Department per California Fire Code (CFC) Appendix B/C.
43. A fire hydrant must be provided to ensure all points of all structures are within 600 feet of a hydrant. The hydrant must be in place and operational prior to construction commencing per CFC 507.5.1.

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44. Address numbers must be provided on the street curb. Numerals must be 4 inches in height, two and one-half inches in width with a stroke width of approximately three-fourths inch. The house number must be centered on a six-inch by sixteen-inch rectangular background per MPMC 13.17.050.

**POLICE:**

45. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
46. 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.
47. 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.
48. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.
49. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street. Numbers must be at least 12 inches in height.
50. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
51. All common open areas must be well lit during the hours of darkness.
52. Signs must be posted at the guest parking areas and in the driveway leading into the complex.
53. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, Bryant Bach Q. Nguyen, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

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Bryant Bach Q. Nguyen, Applicant

## EXHIBIT B

Site, floor, elevation plans and Tentative Map

## EXHIBIT C

Planning Commission staff report, dated October 13, 2015 and October 27, 2015



## Planning Commission Staff Report

**DATE:** October 13, 2015

**AGENDA ITEM NO:** 2-B

**TO:** The Planning Commission  
**FROM:** Michael A. Huntley, Community and Economic Development Director  
**SUBJECT:** A Public Hearing to consider Tentative Map No. 073571 (TM-15-07) to allow the subdivision of air-rights to establish and maintain a 2-unit residential development – 404 East Newmark Avenue.

### **RECOMMENDATION:**

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 073571 (TM-15-07) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

### **EXECUTIVE SUMMARY:**

The applicant, Bryant Bach Q. Nguyen, seeks a Tentative Map to subdivide air rights to develop a 2-unit condominium project at 404 East Newmark Avenue.

The R-3 (High Density Residential) zone allows for a density up to 25 units; the applicant is proposing to construct 2 units. The proposed project meets the zoning regulations and development standards. The High Density Residential land use allows for 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.

East Newmark Avenue is currently developed with a mixture of older one-story detached apartment buildings and single-family dwelling units. Multi-unit residential developments are not uncommon within the vicinity of the subject property. The existing developments range in year of construction from the 1920s to the 1990s. The subject property is currently developed with older detached residential dwelling units.

### **Property Description**

The property is located on southeast corner of the East Newmark Avenue and South Alhambra Avenue. The property is zoned R-3 (High Density Residential) and

designated High Density Residential in the General Plan. To the north, south, and east are R-3 zoned lots and west are R-2 zoned lots. The subject site has a frontage of 100 feet and a depth of 118 feet, with a total lot area of 11,800 square feet in size.

### Project Description

The property will remain as one lot. Under California law, a tentative map is required to subdivide air space for separate ownership of each of the units.

The two units will have 5 bedrooms and will be 2,990 square feet. The proposed buildings on the site will meet the required front and rear setback of 25 feet, a 15-foot street side setback for the first floor, 25-foot street side setback for the second floor, a 5-foot interior side setback for the first floor, and a 10-foot interior side setback for the second floor. Each unit will be two stories, with a maximum height of 27 feet. A clearance of at least 12 feet will be provided between the buildings.

Pursuant 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 dwelling unit. Overall, 4 enclosed garage spaces and 2 guest parking spaces are required and will be provided. According to the site plan, each unit will be provided with a two-car garage and one guest parking space per unit. The driveway has a width of 20 feet, and each parking space has a back-up space of 26 feet. Each enclosed parking space is required to have a minimum width of 9 feet, and a minimum depth of 20 feet.

Per the MPMC, the project is required to provide a minimum of 400 square feet of common open space, and a minimum of 250 square feet of private open space per unit. According to the site plan, the project will include 440 square feet of common open space throughout the property, and each unit will be provided with private open spaces with at least 250 square feet. The common open space area will be regulated by CC&Rs and maintained by a Homeowner's Association.

The project is in compliance with R-3 development standards. Subsequent to Planning Commission review, the project design must be reviewed and approved by the Design Review Board.

### **OTHER ITEMS:**

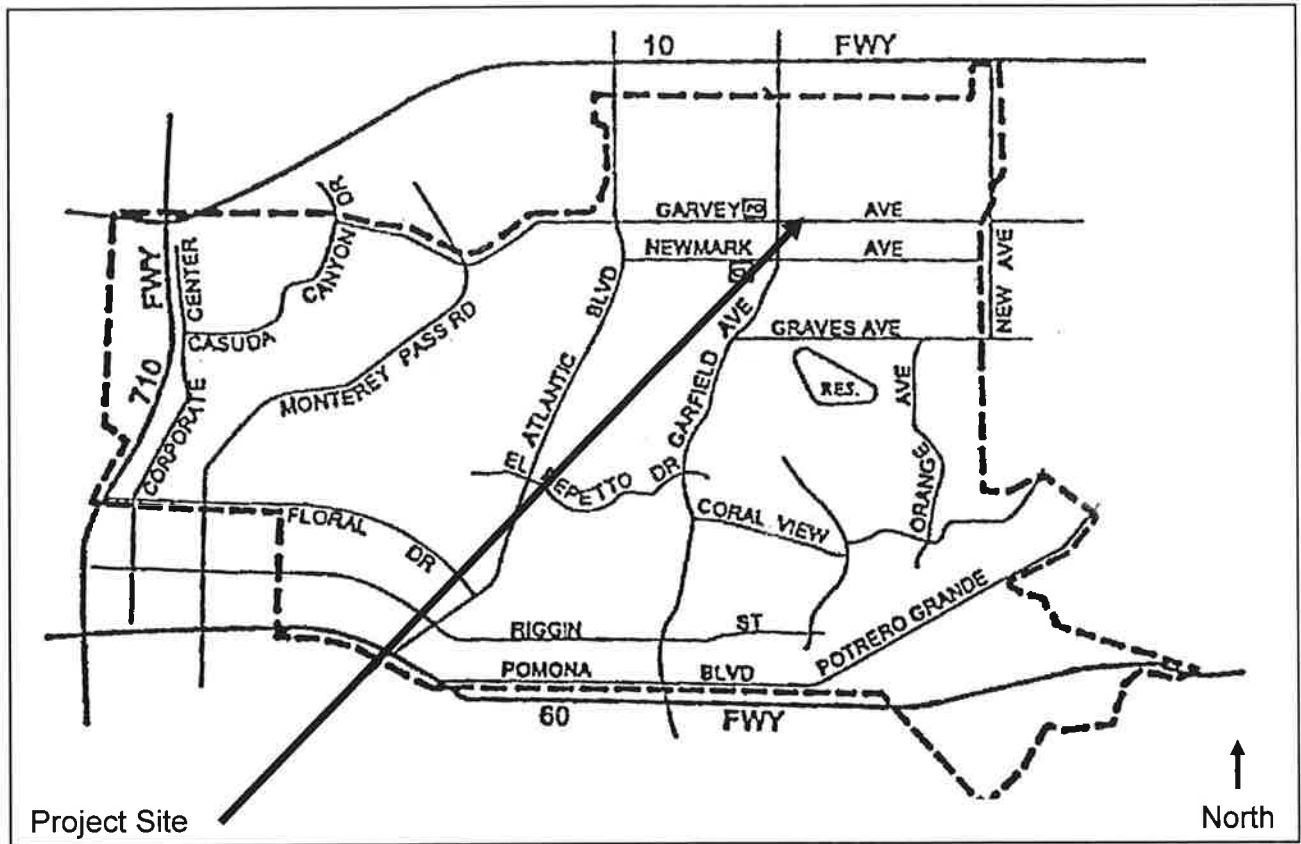
#### **Legal Notification**

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **September 3, 2015** and published in the Wave on **September 17, 2015**, with affidavits of posting on file. The legal notice of this hearing was mailed to **104** property owners within a 300 foot radius and current tenants of the property concerned on **September 3, 2015**.

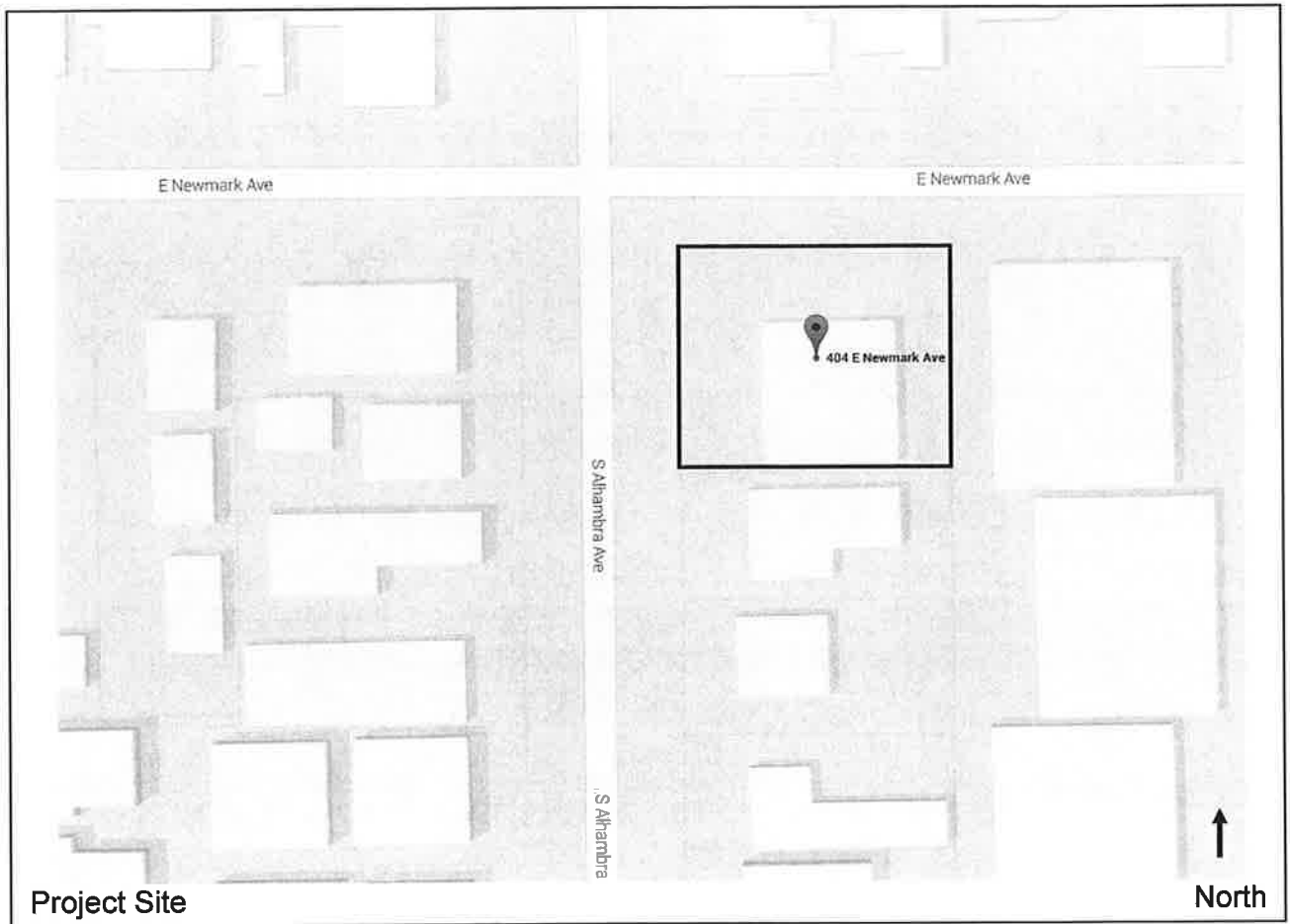
#### **Environmental Assessment**

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

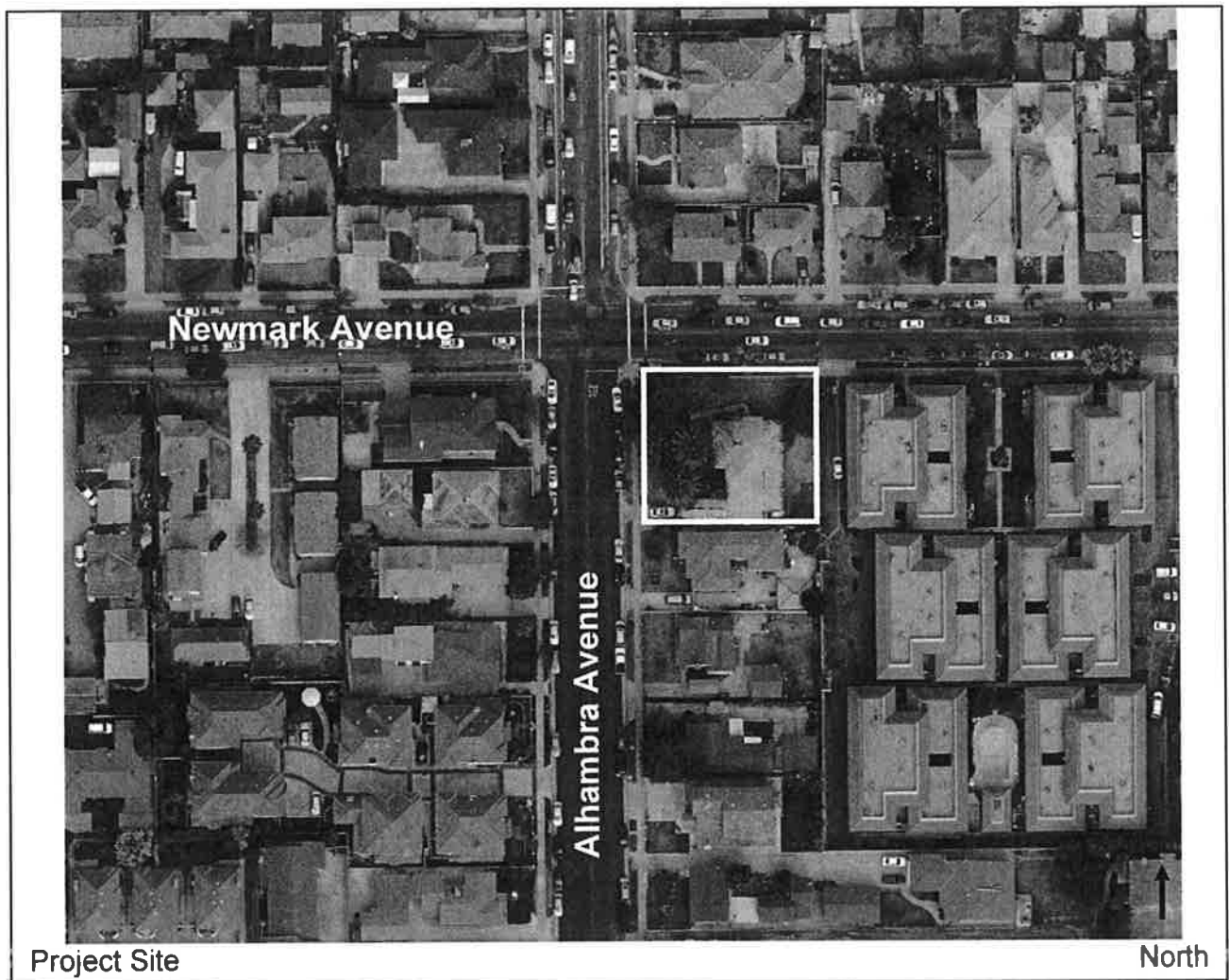
Vicinity Map



**Street Map**



**Aerial Map**



**ALTERNATIVE COMMISSION CONSIDERATIONS:**

None.

**FISCAL IMPACT:**

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

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, elevation plans and Tentative Map



## Planning Commission Staff Report

**DATE:** October 27, 2015

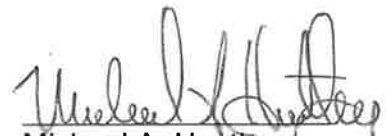
**AGENDA ITEM NO:** 1-A

**TO:** The Planning Commission  
**FROM:** Michael A. Huntley, Community and Economic Development Director  
**SUBJECT:** Consent Calendar – Tentative Map No. 073571 (TM-15-07) to allow the subdivision of air-rights to establish and maintain a 2-unit residential development – 404 East Newmark Avenue.

### EXECUTIVE SUMMARY:

Based upon the comments made by several public speakers during the Planning Commission meeting on October 13, 2015, the City's code enforcement officers inspected the subject property on October 14th. Various violations were identified at that time. The matter is currently an open code enforcement case and, therefore, the specifics of the matter cannot be publicly shared at this time. Once the violations are resolved, however, staff will reschedule this matter for Planning Commission consideration including, without limitation, a recommendation regarding the proposed tentative map.

Respectfully submitted,

  
Michael A. Huntley  
Community and Economic  
Development Director

Prepared by:

  
Samantha Tewasart  
Senior Planner

Reviewed by:

  
Karl H. Berger  
Assistant City Attorney