

CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA

REGULAR MEETING

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

**TUESDAY
JULY 12, 2016
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 Ricky Choi

PLEDGE OF ALLEGIANCE

ROLL CALL – Commissioners Sullivan, Leung, Amador, and Robinson

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES – June 14, 2016

[1.] CONSENT CALENDAR – None

[2.] UNFINISHED BUSINESS

2-A RESPONSE TO LETTER SUBMITTED BY PUBLIC COUNSEL REGARDING AFFORDABLE AND SUPPORTIVE MULTI-FAMILY HOUSING DEVELOPMENTS IN THE CITY OF MONTEREY PARK

Per the Planning Commission's direction, staff have prepared a brief response to a letter presented by Public Counsel at the Commission's June 14, 2016 meeting. It is recommended that the Planning Commission receive and file the staff report but take no further action at this time.

2-B. DRAFT URBAN WATER MANAGEMENT PLAN 2015 GENERAL PLAN CONSISTENCY

The City of Monterey Park is a water supplier and is required by the California Urban Water Management Planning Act 1983 (UWMP Act) to prepare an Urban Water Management Plan. The primary objective of the UWMP Act is to direct urban water suppliers to evaluate their existing water conservation efforts and to the extent practicable, review and implement alternative and supplemental water conservation measures. According to the UWMP Act every urban water supplier is required to prepare and adopt an Urban Water Management Plan and review the Plan at least once every five years. Pursuant to Government Code § 65401, public projects must be reviewed by the city planning agency for conformity with the City's General Plan.

The proposed Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because the project is the preparation and adoption of a plan.

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 determining that the Draft Urban Water Management Plan 2015 is consistent with the General Plan; and
- (5) Take such additional, related, action that may be desirable.

[3.] NEW BUSINESS (PUBLIC HEARING)

3-A. CONDITIONAL USE PERMIT – 1920 SATURN STREET (CU-16-06)

The applicant, Maree Hoeger of Core Development, on behalf of Sprint Wireless, is requesting a Conditional Use Permit to allow for a temporary wireless telecommunication facility at 1920 Saturn Street (5256-001-810) in the O-P (Office Professional) Zone.

This project was determined to be a Class 3 (New Construction) Categorical Exemption pursuant to CEQA Guidelines § 15303.

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 Conditional Use Permit (CU-16-06) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

[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 July 26, 2016

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: July 12, 2016

AGENDA ITEM NO: 2-A

TO: The Planning Commission

FROM: City Attorney's Office

SUBJECT: Response to Letter Submitted by Public Counsel Regarding Affordable and Supportive Multi-Family Housing Development in Monterey Park

EXECUTIVE SUMMARY:

At the June 14, 2016, representatives from Public Counsel presented a letter to the Planning Commission relating to the City's Housing Element and Municipal Code ("MPMC"). In the letter, Public Counsel recommends certain changes to the MPMC, including amendments to certain definitions and land use tables. Public Counsel's letter also recommends that the City provide greater incentives for affordable housing, such as amending its Code to offer more incentives to developers.

The City's current Housing Element 2014-2021 represents the City's efforts to provide housing opportunities for all segments of the community and establishes policies to guide future housing development in the City. The Housing Element was certified by the state's Department of Housing and Community Development in 2014.

Staff disagree with some of Public Counsel's comments relating to the MPMC's compliance with state law, including Senate Bill 2. The MPMC was amended in May 2013 to specifically address Senate Bill 2, which amended housing element law regarding planning and approval for emergency shelters and transitional and supportive housing. In compliance with state law, transitional and supportive housing are permitted as a residential use in the R-3 zone and are treated the same as community care facilities, which are conditionally permitted. Further, as noted in the Housing Element, transitional and supportive housing that function as regular multi-family uses are permitted in the R-2, R-3 and P-D zones.

As part of the Housing Element, one of the objectives in implementing the element is to review the MPMC to ensure compliance with state law. The Planning Division will oversee this review and will consider Public Counsel's comments during that process. Because the Housing Element was adopted by the City Council, staff have forwarded Public Counsel's letter to the City Council for its consideration. At this time, staff recommend that the Planning Commission receive and file this report but take no further action at this time.

ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

No impact.

Respectfully submitted,



Karl H. Berger
Assistant City Attorney



Planning Commission Staff Report

DATE: July 12, 2016

AGENDA ITEM NO: 2-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to determine the consistency of the Draft Urban Water Management Plan 2015 with City of Monterey Park General Plan.

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 determining that the Draft Urban Water Management Plan 2015 is consistent with the General Plan; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

According to the California Urban Water Management Planning Act 1983 (UWMP Act) every urban water supplier is required to prepare and adopt an Urban Water Management Plan and review the Plan at least once every five years.

An urban water supplier as defined by the California Water Code (CWC) § 10617 is a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.

The City of Monterey Park ("City") is a water supplier and is required to prepare an Urban Water Management Plan ("Plan"). The primary objective of the UWMP Act is to direct urban water suppliers to evaluate their existing water conservation efforts and to the extent practicable, review and implement alternative and supplemental water conservation measures.

In compliance with the UWMP Act, the City last updated its Urban Water Management Plan in 2010. The City's 2015 Plan is an update to the City's 2010 Plan. There have been new amendments added and some reorganization of the CWC sections since the City's last update. The City's 2015 Plan is consistent with the recommended organization provided in the Department of Water Resources's (DWR) "Guidebook for Urban Water Suppliers," dated March 2016. Pursuant to CWC requirements, the City's

2015 Plan incorporates DWR's standardized tables for the reporting and submittal of UWMP data.

Background

The UWMP Act is directed primarily at retail water purveyors where programs can be immediately affected upon the consumer. The UWMP Act supports long-term resource planning to ensure adequate water supplies are available to meet existing and future water demands. According to the CWC § 10621(a), "Each water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero." However, due to the recent changes in Urban Water Management Plan requirements, California State law has extended the deadline for the 2015 Plans to July 2016.

Additionally, Government Code § 65401 requires that cities prepare a coordinated program of proposed public works projects and that these projects be reviewed by the City planning agency for conformity with the City's General Plan. The planning agency in the City of Monterey Park is the Planning Commission.

Outreach

The City is a member of the San Gabriel Valley Municipal Water District (San Gabriel District), a wholesale water agency. San Gabriel District prepared a 2015 Plan which is incorporated in the City's 2015 Plan by reference. In addition, the City provided its Draft 2015 Plan to San Gabriel District, which includes water use projections in five-year increments for normal, single dry, and multiple dry year conditions over the next 20 years.

Additionally, the City is required to coordinate the preparation of the Plan with appropriate agencies in the area, including appropriate water suppliers that share a common source. Therefore, the City coordinated the preparation of the Urban Water Management Plan with the County of Los Angeles, the Main San Gabriel Basin Watermaster (Main Basin Watermaster), San Gabriel District, California Water Service Company, Golden State Water Company, San Gabriel Valley Water Company and the Cities of Alhambra and Monterey Park.

General Plan Consistency

Pursuant to Government Code § 65401, public projects must be reviewed by the city planning agency for conformity with the City's General Plan. The planning agency in the City of Monterey Park is the Planning Commission.

The Draft Urban Water Management Plan 2015 is consistent with the City's General Plan for the following reasons:

Water Resources Goal 4.0: "Conserve and protect groundwater supply and water resources." The Draft Urban Water Management Plan 2015 is consistent with Goal 4.0

Water Resources Goal 4.0: "Conserve and protect groundwater supply and water resources." The Draft Urban Water Management Plan 2015 is consistent with Goal 4.0 per Section 6.2.3, Groundwater Management. In this section, the UWMP addresses two Court Judgments - Long Beach Judgment and Main Basin Judgment - that the City must comply. The Judgment requires groundwater preservation and restoration of quality.

Policy 4.1: Encourage water conservation through education, use of drought-landscapes, and water-conserving technology. Section 8.4 Consumption Reduction Methods describes education and outreach to promote water conservation.

Policy 4.2: Promote the use of drought-tolerant trees and native plant material in landscapes, especially in City-owned landscapes. Section 9.3.7, Other Demand Management Measures, discusses the City's efforts to re-vegetate landscaped areas with more water-efficient species of plants.

Policy 4.3: Encourage use and production of reclaimed water. Section 6.5.5, Actions to Encourage and Optimize Future Recycled Water Use, describes how the City would convey recycled water supplies to the City's service area. Appendix L of the UWMP provides a map that provides the location of potential recycled water customers within the City's service area.

Policy 4.4: Install treatment facilities as necessary to ensure attainment of water quality standards. Section 7.1.1, Water Quality in Main San Gabriel Basin, discusses the installation of treatment facilities to meet all State Water Resources Control Board standards for drinking water.

Policy 4.5: Work with state and federal agencies to identify the source and causes of contamination plumes with the groundwater basin, and to ensure clean up consistent with state and federal laws. Sections 6.2.3 and 7.1.1 address groundwater contamination and cleanup efforts.

Policy 4.6: Continue enforcement of National Pollution Discharge Elimination System (NPDES) Permit to protect groundwater resources from further contamination. While the UWMP does not address NPDES directly, Sections 6.2.3 and 7.1.1 discuss in length the contamination that was caused by past practices of local industries and agricultural operations that had carelessly disposed of industrial solvents and nitrates which infiltrated into the groundwater.

Policy 4.7: Encourage and support the proper disposal of hazardous waste and waste oil. Monitor dry cleaners, film processors, auto service establishments, and other businesses generating hazardous waste materials to ensure compliance with approved disposal procedures. See comment to Policy 4.6 above.

OTHER ITEMS:

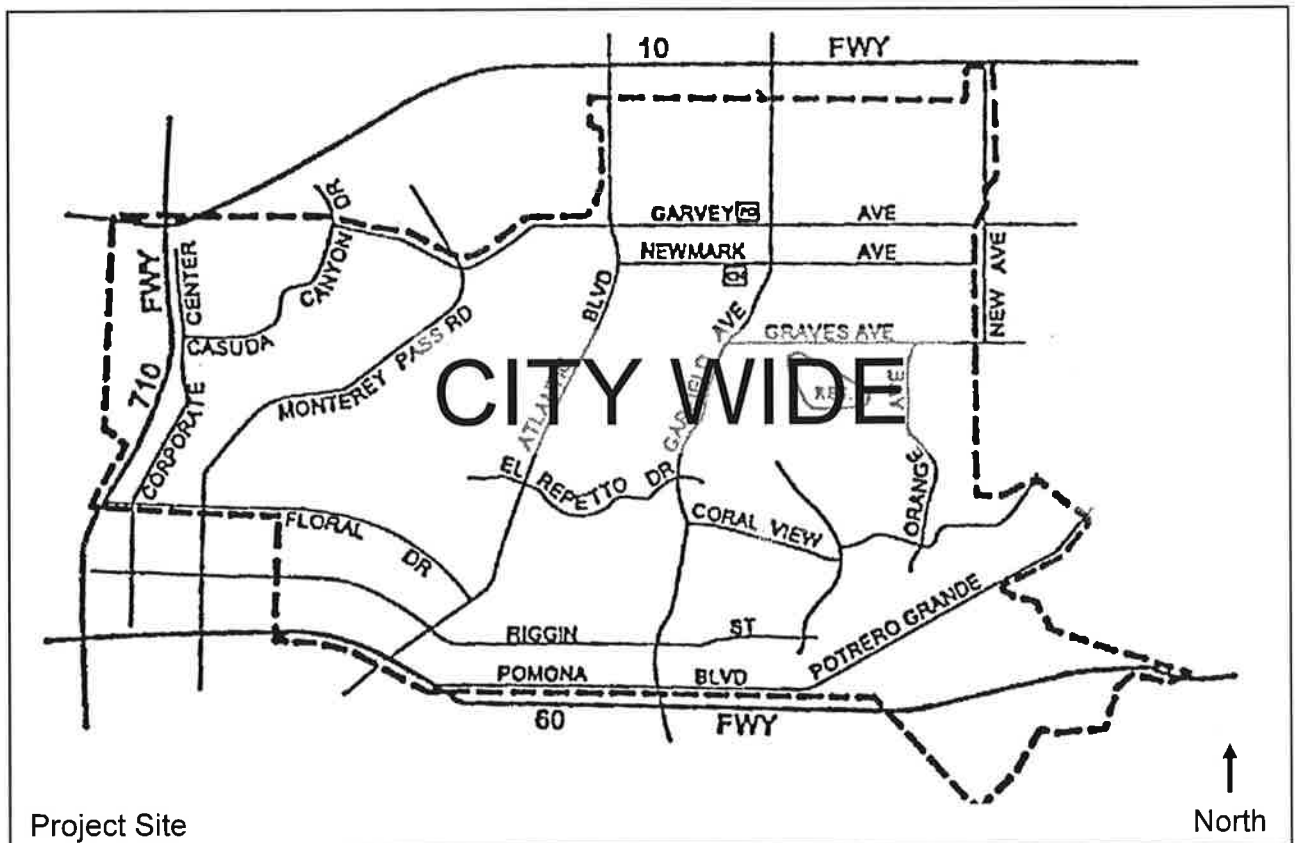
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **June 14, 2016**, with affidavits of posting on file.

Environmental Assessment

The proposed Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because the project is the preparation and adoption of a plan. The Urban Water Management Plan is required pursuant to the provisions of § 10652 of the Water Code and does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment and will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15282(v)).

Vicinity Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

The adoption of the Draft Urban Water Management Plan 2015 has no direct fiscal impact.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Volume I – Draft Urban Water Management Plan 2015 (UWMP)
- Exhibit C: Volume II – Appendices A-Q

EXHIBIT A

Draft Resolution

EXHIBIT B

Volume I – Draft Urban Water Management Plan 2015 (UWMP)

EXHIBIT B

Volume II – Appendices A-Q

RESOLUTION NO.

A RESOLUTION FINDING THAT THE DRAFT URBAN WATER MANAGEMENT PLAN 2015 CONFORMS WITH THE MONTEREY PARK GENERAL PLAN PURSUANT TO GOVERNMENT CODE § 65401.

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

SECTION 1: The Planning Commission finds and declares that:

- A. The Urban Water Management Planning Act ("Act") (Water Code § 10620, *et seq.*) requires every urban water supplier providing municipal water directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually to develop an urban water management plan ("Plan") that has as its primary objective the conservation and efficient use of water;
- B. The City of Monterey Park ("City") is a water supplier and is required to prepare an Urban Water Management Plan ("Plan");
- C. The Act requires that an urban water management plan be updated every five years;
- D. The Public Works Department prepared a Draft Urban Water Management Plan 2015 ("Plan");
- E. The Draft Urban Water Management Plan 2015 has been circulated for public review and comments;
- F. Government Code § 65401 requires the Planning Commission to review the City's Draft Urban Water Management Plan 2015 to determine whether the Plan is consistent with the Monterey Park General Plan;
- G. On July 12, 2016, the Planning Commission considered the Draft Urban Management Plan 2015 in light of the Monterey Park General Plan;
- H. This Resolution and its findings are based upon the entire record including information presented at the July 12, 2016 Planning Commission meeting.

SECTION 2: *Approval.* The Planning Commission finds that the Draft Urban Water Management Plan 2015, attached as Exhibit "A" and incorporated by this reference, is consistent with the Monterey Park General Plan.

SECTION 3: The Commission Secretary is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 4: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

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

SECTION 5: Except as provided in Section 4, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 12th day of July 2016.

Chairperson Ricky Choi

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 12th day of July, 2016, 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 Staff Report

DATE: July 12, 2016

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-16-06) to allow a temporary wireless telecommunications facility (Sprint) – 1920 Saturn Street (5256-001-810).

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 a Resolution approving the requested Conditional Use Permit (CUP-16-06) subject to conditions of approval; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Maree Hoeger of Core Development, on behalf of Sprint, is requesting a Conditional Use Permit to allow a temporary wireless telecommunication facility at 1920 Saturn Street (Assessor's Parcel Number (APN): 5256-001-810). The property is zoned O-P (Office Professional) and is designated Commercial in the General Plan. According to the applicant, the conditional use permit is necessary due to the decommissioning of an existing facility at the Mesa Substation location by September 30, 2016.

The conditional use permit application also includes a request to exceed the building height limit in the O-P Zone from 40 feet to 50 feet. According to the applicant, in order to meet coverage objectives, the antenna panels cannot be obstructed by buildings or structures. Due to the topography of the subject property and adjacent properties the additional height will be required for coverage purposes. Staff believes that the proposed project is designed to achieve maximum compatibility with structures within the vicinity to the maximum extent reasonably feasible and the facility is necessary to close a coverage gap. The facility complies with all of the requirements of state and federal laws, regulations, and orders.

Staff believes that the proposed project is consistent with the requirements and standards in the Monterey Park Municipal Code ("MPMC") and will not have significant

impacts to the surrounding community. A wireless telecommunication facility is an allowed use subject to a conditional use permit and the proposed project is consistent with the standards established in MPMC Chapter 21.34 for wireless telecommunication facilities.

Property Description

The project site is located on the northwest corner of Potrero Grande Drive and Saturn Street. North and west are properties owned by Southern California Edison (SCE), east is Saturn Street and SCE property, and south is Potrero Grande Drive and SCE property. The lot is 54,379 square feet (1.25 acres) in size and is currently a vacant lot. The property is accessible from Saturn Street.

Project Description

The project includes installing a new 50 foot tall temporary wooden utility pole on a concrete slab. At the topmost 6 feet of the wooden pole will be mounting brackets painted brown to match the pole color. The mounting brackets will support three 6 feet tall antenna panels, three 2 feet tall remote radio head (RRH) transceivers, and one 2 feet wide in diameter microwave dish. The ancillary mechanical equipment will be installed at the base of the wooden pole within a 15 feet 9 inches wide by 11 feet 9 inches deep area totaling 185 square feet. The wooden pole and mechanical equipment will be secured with a 6 feet tall chain link fence with vinyl slats in a brown color to match the existing surroundings.

Staff believes that the proposed fencing is appropriate for the subject property because the proposed facility will be located in area with relatively tall trees, shrubs and other plant materials. Also, the lot itself is secured with a 6 foot tall chain link fence. Additionally, staff believes that the proposed wooden pole is appropriately designed to simulate a utility pole, which is compatible with other utility equipment in the surrounding vicinity. The proposed wireless facility will be unmanned and will not generate any additional traffic to or from the property.

Conditional Use Permit

The intent of the proposed project is to provide wireless telecommunications services to the service area. Without a replacement tower within this vicinity, there will a total loss of voice, data services, and essential emergency services to Sprint customers in the area. According to the applicant, after an exhaustive search for a new site to re-locate the facility, this is the only location that both the City staff and SCE agreed upon. Sprint had initially proposed a facility on SCE property at the southeast corner of Potrero Grande Drive and Greenwood Avenue. However, during the preliminary review process City staff discussed concerns about the potential negative aesthetic impacts that the proposed location would have on the Market Place development. After further discussions between the applicant, City staff, and SCE, the subject property was determined to be more suitable for the proposed temporary facility. According to the applicant, the temporary facility will be installed for a maximum of three years during the

Mesa Substation and Market Place construction. After the three years, Sprint will assess its network needs and determine a more appropriate location and design for a permanent facility.

The proposed project is consistent with MPMC § 21.34.040(3) and has a design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipment are located, designed and screened to blend with the existing environment in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity. The project will be unmanned and will not generate any smoke, odor, noise, or other adverse impacts to the adjacent land uses.

Building Height

According to MPMC § 21.34.040(4), height requirements must be as specified within each respective zone or as approved by the Planning Commission. Sprint is requesting a height of 50 feet instead of the 40 feet height limit in the O-P Zone. According to the applicant, the proposed use has antennas that must have a "clear line of sight" to the intended coverage area. In this particular case, a centerline antenna height of 47 feet (above grade) is necessary to achieve coverage objectives. The subject property does not have an existing building or structure for antenna attachment that allows the antennas to achieve the required height. Accordingly, a new freestanding structure is necessary at this particular property to meet coverage objectives. Without the additional 10 feet in height Sprint will not meet the coverage objectives. Sprint must operate the proposed facility in full compliance with the regulations and licensing requirements of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and California Public Utilities Commission (CPUC), and other applicable laws.

OTHER ITEMS:

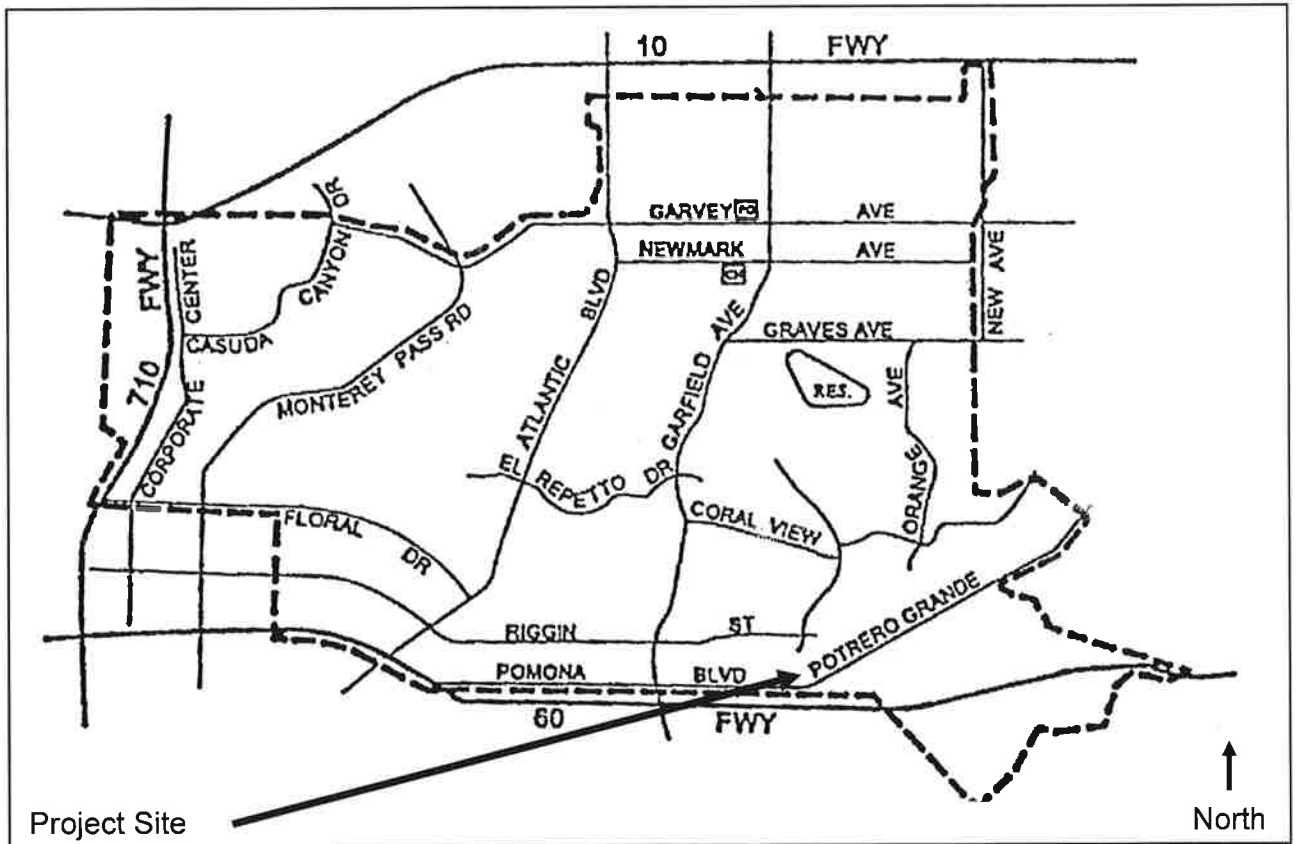
Legal Notification

In compliance with MPMC § 21.34.020(H) (2), the legal notice of this hearing was mailed to **17** property owners of the property concerned within a 500 feet radius on **June 6, 2016**, at least 30-days before the hearing, with an affidavit of mailing on file. A notification, three feet in height and four feet in width was posted by the applicant for 30-days at the site where the wireless telecommunications facility is proposed for installation. The legal notice of this hearing was also posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **June 6, 2016**, with affidavits of posting on file.

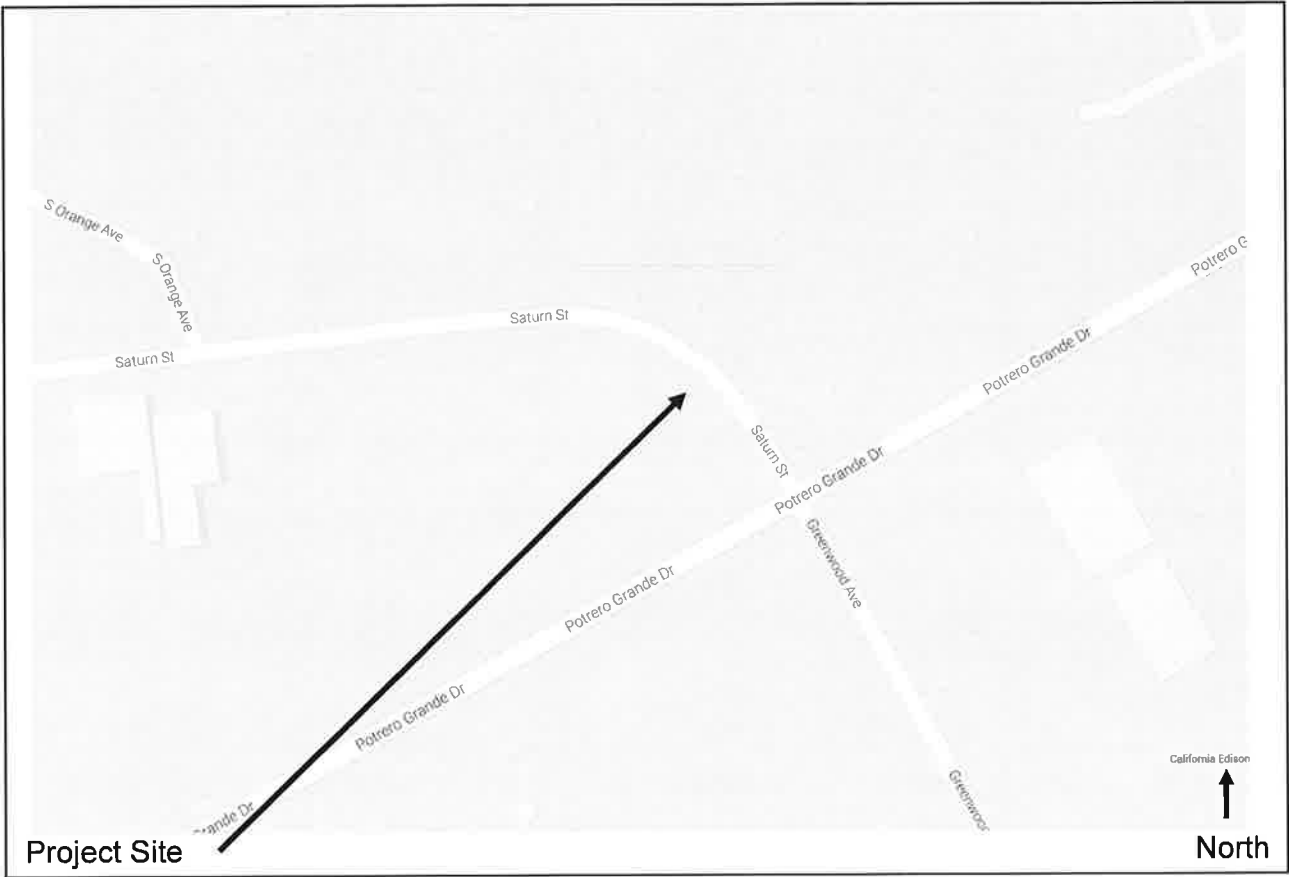
Environmental Assessment

This project was determined to be a Class 3 (New Construction) Categorical Exemption pursuant to CEQA Guidelines § 15303.

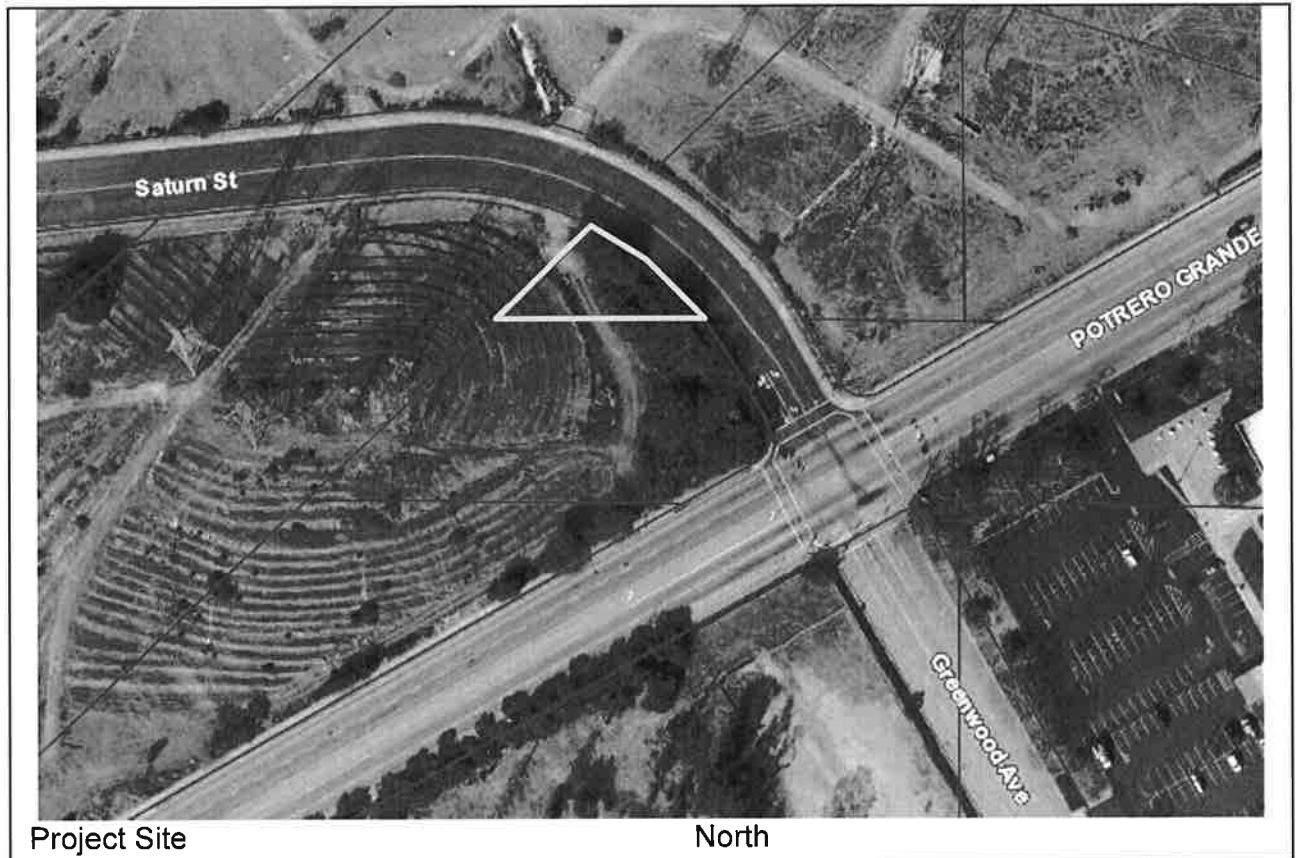
Vicinity Map



Street Map



Aerial Map



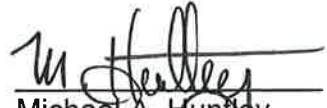
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

None.

Respectfully submitted,



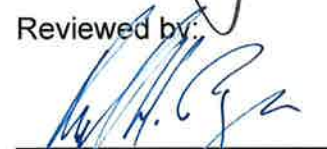
Michael A. Huntley
Community and Economic
Development Director

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: Photo simulations

EXHIBIT A

Draft Resolution

EXHIBIT B

Site, floor, and elevation plans

EXHIBIT C

Photo simulations

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-16-06) FOR A WIRELESS TELECOMMUNICATION FACILITY AT 1920 SATURN STREET (APN: 5256-001-810).

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

SECTION 1: The Planning Commission finds and declares that:

- A. On May 17, 2016, Core Development, on behalf of Sprint, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030, 21.32.020, and Chapter 21.34 requesting approval of Conditional Use Permit (CUP-16-06) to allow a temporary wireless telecommunication facility at 1920 Saturn Street (APN: 5256-001-810) ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for July 12, 2016. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On July 12, 2016, 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 Core Development; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its July 12, 2016 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 install a new 50-foot-tall temporary wooden utility pole on a concrete slab. At the topmost 6 feet of the wooden pole will be mounting brackets painted brown to match the pole color. The mounting brackets will support three 6-foot-tall antenna panels; three 2-foot-tall remote radio head (RRH) transceivers; and one 2-foot-wide in diameter microwave dish. The ancillary mechanical equipment will be installed at the base of the wooden pole within 15 feet 9 inches wide by 11 feet 9 inches deep, totaling 185 square foot area. The wooden pole and mechanical

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 6**

equipment will be secured with a 6-foot-tall chain link fence with vinyl slats in a brown color to match the existing surroundings.

- B. 1920 Saturn Street (APN: 5256-001-810) is zoned O-P (Office Professional) and designated Commercial in the General Plan;
- C. The subject property is located on the northwest corner of Potrero Grande Drive and Saturn Street. North and west are properties owned by Southern California Edison (SCE), east is Saturn Street and SCE property, and south is Potrero Grande Drive and SCE property; and
- D. The lot is 54,379 square feet (1.25 acres) in size and is currently a vacant lot. The property is accessible from Saturn Street.

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 § 15303 (New Construction) as a small facility or structure.

SECTION 4: *Conditional Use Permit Findings.* Based upon the findings in Section 2 and pursuant to MPMC §§ 21.10.030 (B), 21.32.020, and 21.34.020 the Planning Commission finds as follows:

- A. The site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards required by the MPMC. The project site is situated on 1.25 acres which is currently a vacant lot. The maximum floor area ratio allowed in the O-P Zone is 80 percent of the lot. The floor area ratio with the proposed utility pole will be substantially less than maximum floor area allowed. The wooden pole with support brackets design will be architecturally compatible with the existing surrounding environment. No other alterations are proposed to the property. The proposed wireless facility will be unmanned and will not generate any additional traffic to and from the property. The proposed wireless telecommunication facility complies with all requirements for a conditional use permit.
- B. 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 Saturn Street and is located less than half a mile from the Pomona 60 Freeway. The site is an existing undeveloped vacant Southern California Edison property. The proposed use is an unmanned wireless telecommunication facility and is not expected to significantly increase traffic. Aside from the monthly maintenance of the facility, there will be no other pedestrian or vehicular traffic generated by the proposed use.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 6**

- C. The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the MPMC zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category provide opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is an unmanned wireless telecommunication facility, which is allowed in the O-P (Office Professional) Zone with a Conditional Use Permit approval. Without a replacement tower within this vicinity, Sprint wireless services to its customers will be seriously impacted with the possibility of a total loss of voice, data services, and essential emergency services to Sprint customers in the area. MPMC Chapter 21.34 establishes the standards for wireless telecommunication facilities and these standards are intended to protect the public health, safety, and general welfare, and to protect residents from any potential adverse impacts. The proposed use is consistent with the standards established by MPMC Chapter 21.34.
- D. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City. The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood because the use is a wireless telecommunication facility and will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City. The propose use has a design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipments are located, designed and screened to blend with the existing facilities on site in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity.
- E. The proposed use will not have an adverse effect on the public health, safety, and general welfare. The proposed use is unmanned and will not generate any smoke, odor, noise, or other adverse impacts to the adjacent land uses. The proposed project will also have no impact on parking, traffic, circulation or density in the area and will not adversely affect existing scenic and natural vistas. The project is designed to be architecturally compatible with the church. The antennas will be hidden within an antenna support structure designed to be compatible with existing development on the property.
- F. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC. The proposed use is authorized by MPMC §§ 21.10.030, 21.32.020, and Chapter 21.34. The use is consistent with the O-P Zone and will not generate a significant amount of the noise, traffic or visual impacts.
- G. To the maximum extent reasonably feasible, the proposed wireless telecommunications facility was designed to achieve compatibility with the community. According to MPMC § 21.04.074, the proposed use is a Class 3 wireless telecommunication facility, which is a facility intended to provide coverage on an interim basis until a permanent facility to provide coverage for the same general area. The

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 6**

structure will be compatible with the surrounding environment and will be built solely for the purpose of supporting the wireless telecommunications facility.

- H. According to MPMC § 21.34.020, heights exceeding the height limitation of the requested zoned must be presented to the Planning Commission. According to MPMC 21.10.070, the maximum height allowed in the O-P Zone is 40 feet. Due to the topography of the subject property and adjacent properties, the additional height will be required for coverage purposes. If the proposed use were to be constructed within the height limitation, the proposed use will be obstructed by the existing natural environment including hills and landscaping.
- I. Alternative configurations will not increase community compatibility or are not feasible. The proposed use is consistent with MPMC § 21.34.040(3) and has a design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipments are located, designed and screened to blend with the existing environment on the subject property in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity. The project is designed to be aesthetically compatible with utility equipment that is currently found in the vicinity.
- J. Alternative locations on the site will not increase community compatibility or are not feasible. The proposed use is designed at a location that is most reasonable on the property since it is proposed closer to the base of the hill and near existing trees, shrubs, and other vegetation, instead of at the top of the hill with no vegetation.
- K. The location of the wireless telecommunications facility on alternative sites will not increase community compatibility or is not reasonably feasible. According to the applicant, after an exhaustive search for a new site to re-locate the facility, this is the only location that both the City and SCE identified as meeting Sprint's telecommunication service needs. According to the applicant, the facility will be installed for a maximum of three years during the Mesa Substation and Market Place construction. After the three years, Sprint will assess its network needs and determine a more appropriate location and design for a permanent facility.
- L. The facility is necessary to close a significant gap in coverage. The project site does not have an existing building or structure for antenna attachment that allows the antennas to achieve the required height. Accordingly, a new freestanding structure is necessary on the subject property to meet coverage objectives and close the coverage gap. The coverage area is a requirement of all wireless telecommunication companies, not just the applicant. A lower antenna height in this area would prevent the antennas from functioning properly.
- M. The applicant submitted a statement of its willingness to allow other carriers to co-locate on the proposed wireless telecommunications facility wherever technically and economically feasible and where co-location would not harm community compatibility.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 5 OF 6**

- N. Noise generated by the facility must comply with MPMC Chapter 9.53. The proposed use is an unmanned wireless telecommunication facility, which will not generate noise that will exceed the levels identified in MPMC Chapter 9.53.
- O. The facility complies with all of the requirements of California and federal laws, regulations and orders. Sprint must operate the proposed facility in full compliance with the regulations and licensing requirements of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and California Public Utilities Commission (CPUC), and other applicable laws.

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 (CUP-16-06).

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

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

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

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

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

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 6 OF 6**

SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 12th day of July 2016.

Chairperson Ricky Choi

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 12th day of July 2016, 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

1920 SATURN STREET (APN: 5256-001-810)

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Core Development on behalf of Sprint, agrees that Sprint will comply with the following conditions of approval for Conditional Use Permit (CUP-16-06) ("Project Conditions").

PLANNING:

1. Sprint (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 CUP-16-06 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-16-06, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building 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 Director, or designee (the "Director").
4. This approval allows Sprint or its successor in interest to operate a temporary wireless telecommunication facility for up to three years from the date of building permit final. Any time extension request is subject to the review and approval of the Planning Commission.

**PLANNING COMMISSION
RESOLUTION NO.**

5. Should use of the facility be discontinued for more than 180 days, all facilities must be removed from the site.

BUILDING:

6. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
7. All work must conform to the requirements of the 2013 California Building, Electrical, Fire, and other uniform Codes, as adopted by the MPMC.
8. Before the City issues building or electrical permits, the Director must approve all building and electrical plans.

POLICE:

9. The equipment/facility cannot interfere with any Police or Fire Department radio or digital communications or exchange.
10. If it is determined that the equipment/facility is interfering with any Police or Fire Department radio communications, the applicant must shut down the facility immediately upon being notified of such problems. The facility cannot become operational until the applicant has proven to the Police Department that the problem has been fixed and will not interfere with any Police or Fire Department radio communications or digital equipment.

By signing this document, Core Development, certifies on behalf of Sprint that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Core Development, signing on behalf of Sprint, Applicant