

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 26, 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 Choi

PLEDGE OF ALLEGIANCE

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

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES – June 28, 2016 Regular Planning Commission meeting.

It is recommended that the Planning Commission approve the minutes.

[1.] CONSENT CALENDAR – None

[2.] UNFINISHED BUSINESS – None

[3.] NEW BUSINESS (PUBLIC HEARING)

3-A. CONDITIONAL USE PERMIT – 421 NORTH ATLANTIC BOULEVARD #214-215 (CU-16-03)

The applicant, RSR Group LLC, is requesting a Conditional Use Permit to allow for an internet arcade at 421 North Atlantic Boulevard #214-215 in the R-S, P-D (Regional Specialty, Planned Development) Zone.

This project was determined to be a Class 1 (Existing Facility) Categorical Exemption pursuant to CEQA Guidelines § 15301.

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-16-03) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

3-B. CONDITIONAL USE PERMIT – 111 NORTH ATLANTIC BOULEVARD #120 (CU-16-07)

The applicant, Lok Wong, is requesting a Conditional Use Permit to allow for an internet arcade at 111 North Atlantic Boulevard #120 in the R-S (Regional Specialty) Zone.

This project was determined to be a Class 1 (Existing Facility) Categorical Exemption pursuant to CEQA Guidelines § 15301.

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-16-07) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

3-C. CODE AMENDMENT – TITLE 21 OF THE MONTEREY PARK MUNICIPAL CODE RELATIVE TO MINIMUM RESIDENTIAL PARKING STANDARDS (CA-16-04)

The City of Monterey Park is considering Code Amendments to Title 21 relative to minimum residential parking standards. The Planning Commission directed staff to conduct research and surveys to evaluate the current code, what other surrounding cities are doing and also include information from technical studies on the required number of parking spaces relative to the number of bathrooms and bring back the parking regulations

for further discussion and consideration.

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 Resolution Recommending Approval of proposed Code Amendments.
- (5) Providing further direction to staff; and
- (6) 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 26, 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-16-03) to allow an internet arcade – 421 North Atlantic Boulevard #214-215.

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 the requested Conditional Use Permit (CUP-16-03), subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, RSR Group LLC, is requesting approval of a Conditional Use Permit to allow an internet arcade at 421 North Atlantic Boulevard #214-215. The property is zoned R-S (Regional Specialty) and is designated C (Commercial) in the General Plan.

In 2004, the City Council approved Ordinance No. 2020 which established the internet arcade section of the Monterey Park Municipal Code (MPMC) when there was a demand to establish such entertainment venues. At that time, provisions were added to the code that were overly restrictive and reiterated other sections of the code. Over the years, the demand to establish internet arcades has decreased and the provisions were determined to be outdated.

Accordingly, on March 2, 2016, the City Council approved Ordinance No. 2131 amending the MPMC to allow internet arcades in the R-S zone subject to a conditional use permit. Further, on June 15, 2016, the City Council approved Ordinance No. 2135 establishing updated regulations for internet arcade use. In particular, MPMC § 21.10.240 was amended to make it more concise and to place the oversight of internet arcades in the hands of the Police Chief and/or his designee.

Staff believes that the proposed project complies MPMC § 21.10.240 and is recommending approval of the Conditional Use Permit (CUP-16-03) subject to the

conditions contained in the Resolution to address any concerns that are typically associated with an internet arcade use.

Property Description

The subject property is located on the northwest corner of North Atlantic Boulevard and West Emerson Avenue. The lot is 124,959 square feet (2.87 acres) in size and is currently developed with a 40,600 square feet, two-story, multi-tenant commercial building constructed in 1951. Mar Plaza is comprised of a mixture of service office, professional office, retail, restaurant uses and Shun Fat Supermarket. There are 169 at-grade parking spaces existing on the property.

The property to the north is zoned R-S (Marriott Development), east is North Atlantic Boulevard and R-S, P-D (Regional Specialty, Planned Development) zoned lots (Atlantic Times Square), west is the City of Alhambra (single-family dwellings) and south are West Emerson Avenue and Bank of the West. The property is accessible from West Emerson Avenue and North Atlantic Boulevard.

Project Description

Pursuant to MPMC § 21.10.240(B) (1), the applicant submitted a business operations plan, which was approved by the City's Police Department. According to the applicant, the proposed internet arcade business will provide high-speed internet access to the public primarily for group or individual gaming purposes as well as internet access to watch movies, chat, listen to music, and conduct on-line research. Customers will pay an hourly fee to use the computers and pre-packaged snacks and soda will be sold as well.

According to the floor plan, the subject units are existing tenant spaces on the second floor of an existing two-story multi-tenant commercial building (Mar Plaza). The two units total 1,402 square feet in area. The floor plan shows an open layout with minimal interior partition walls. There will be four linear tables with a total of 28 computer stations, a service counter, storage room, and two existing restrooms. In compliance with MPMC § 21.10.240(D) (9), the proposed operating hours will be from 11:00 a.m. to 1:00 a.m., Monday through Friday, and 11:00 a.m. through 2:00 a.m., Saturday and Sunday.

The Police Department included condition numbers 20 through 36 in the proposed Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation, and whether complaints are received. As conditioned, customers who are 17 years old or younger must be accompanied by a responsible adult and must not be allowed to remain at the location after 10:00 p.m. unless accompanied by a parent (Condition #35). Staff conducted a site visit and noted the existing conditions at the property and the neighboring properties. Based on staff's inspection of the property and review of the business operations plan provided by the applicant, staff believes that the proposed conditional use permit is appropriate for the subject site.

OTHER ITEMS:

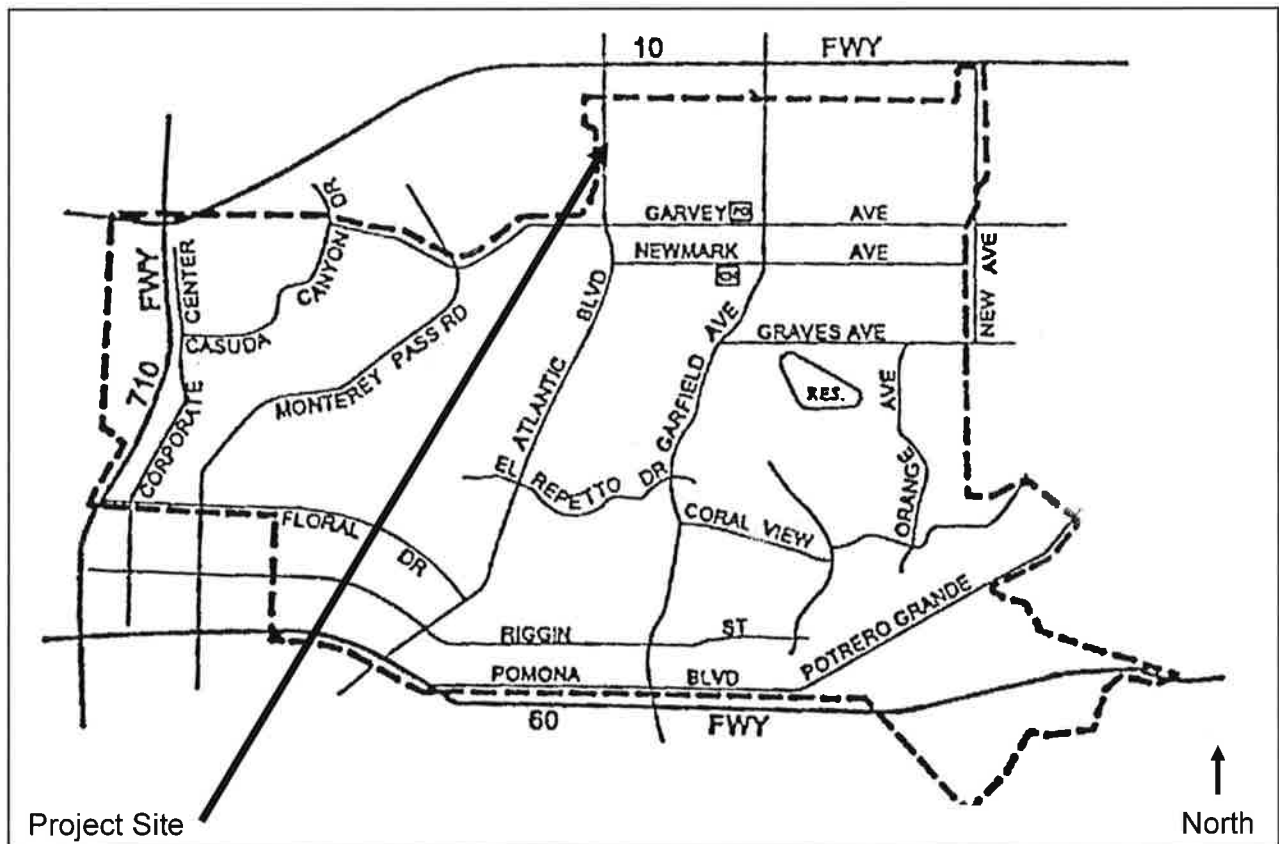
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **July 7, 2016**, with affidavits of posting on file. The legal notice of this hearing was mailed to **140** property owners within a 300 foot radius and current tenants of the property concerned on **July 7, 2016**.

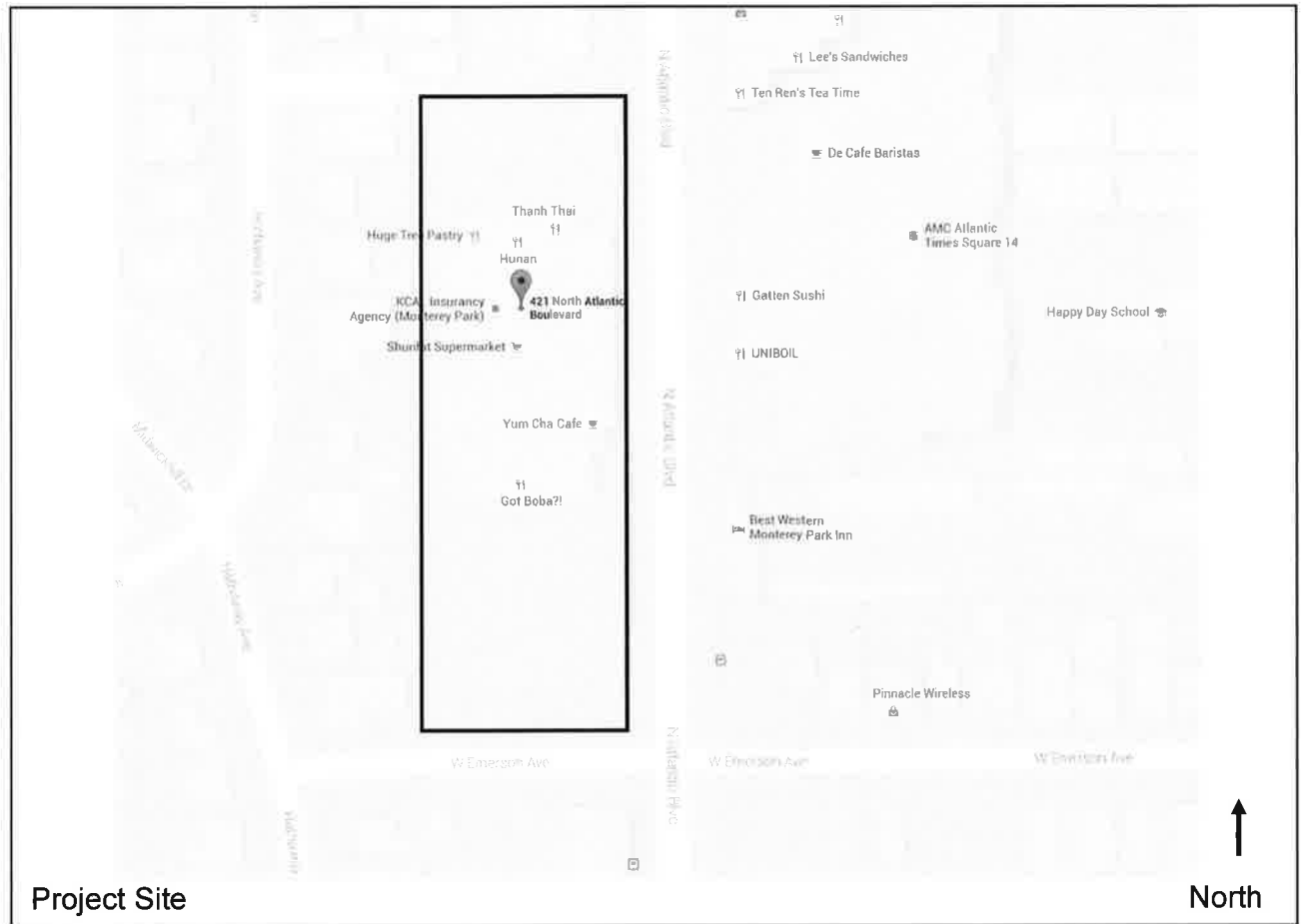
Environmental Assessment

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per State CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation and licensing of a new establishment that is replacing a former business in a commercial shopping center. Thus, the project will result in a negligible expansion of an existing use.

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

Because the new use represents a new business in the City, there will likely be a nominal increase in sales tax revenue and business license tax revenue associated with the business. 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:

 for
Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site and floor plans

EXHIBIT A

Draft Resolution

EXHIBIT B

Site and floor plans

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-16-03) TO PERMIT AN INTERNET ARCADE AT 421 NORTH ATLANTIC BOULEVARD #214-215.

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 30, 2016, RSR Group LLC, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") § 21.10.230, requesting approval of Conditional Use Permit (CUP-16-03) to permit an internet arcade at 421 North Atlantic Boulevard #214-215 ("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 26, 2016. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On July 26, 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 RSR Group LLC; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its July 26, 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 operate an internet arcade business;
- B. 421 North Atlantic Boulevard #214-215 is zoned R-S, P-D (Regional Specialty, Planned Development) and designated C (Commercial) in the General Plan;
- C. The subject property is located on the northwest corner of North Atlantic Boulevard and West Emerson Avenue. The property to the north is an R-S, P-D zoned lot (Marriott Development), east is North Atlantic Boulevard and R-S, P-D (Regional Specialty, Planned Development) zoned lots (Atlantic Times Square), west is the City

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of Alhambra (single-family dwellings) and south are West Emerson Avenue and Bank of the West; and

- D. The lot is 124,959 square feet (2.87 acres) in size and is currently developed with a 40,600 square feet, two-story, multi-tenant commercial building constructed in 1951. Mar Plaza is comprised of a mixture of service office, professional office, retail, restaurant uses and Shun Fat Supermarket. There are 169 at-grade parking spaces existing on the property, accessible from West Emerson Avenue and North Atlantic Boulevard. The internet arcade will replace a former business; thus, there will be negligible expansion of use associated with the new business.

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 § 21.32.020, the Planning Commission finds as follows:

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

The site will be adequate in size, shape and topography for the proposed internet arcade business. The lot is 124,959 square feet (2.87 acres) in area, rectangular shaped, and relatively flat. The property is developed with an existing two-story multi-tenant commercial building and 169 at-grade parking spaces, accessible from West Emerson Avenue and North Atlantic Boulevard.

2. That 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 has sufficient access to streets and highways and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed internet arcade business. The site is accessible from both West Emerson Avenue, a minor arterial street, and North Atlantic Boulevard, a principal arterial street. The required number of parking spaces for an internet arcade use is 5 per 1,000 square feet according to MPMC § 21.10.030. Adequate parking is provided at-grade on the property and the project does not include new construction or additional square footage. No changes are proposed to the buildings or parking area.

3. That the proposed use is consistent with the General Plan and applicable specific plan.

MPMC § 21.10.030 allows an internet arcade subject to a conditional use permit in the R-S (Regional Specialty) Zone. The subject property is designated Commercial in the General Plan Land Use Element, and the Commercial land use category permits retail and service commercial, and professional uses. The proposed internet arcade

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business is consistent with the General Plan in that the Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of the Monterey Park residents and businesses. The property is located in the North Atlantic Focus Area and one of the goals (Goal 3.0) of the Focus Area is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed use is consistent with the uses encouraged by the Focus Area.

4. That 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 internet arcade will not have adverse affects on the enjoyment or valuation of neighboring properties. To the north of the property are R-S zoned lots (Marriott Development), west is the City of Alhambra (single-family dwellings), south are West Emerson Avenue and Bank of the West, and east are North Atlantic Boulevard and Atlantic Times Square. The properties to the north, south, and east are also zoned R-S, P-D (Regional Specialty, Planned Development) and permit the same land uses.

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

The proposed internet arcade will not have an adverse effect on the public health, safety and general welfare. The internet arcade business will occupy an existing tenant space in a multi-tenant commercial building. No new construction or addition of square footage is proposed. The Police Department has included conditions numbers 20 through 36 in the Resolution to address security and alarm requirements.

6. That the use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the Zoning Code.

MPMC § 21.10.030 allows an internet arcade subject to a conditional use permit in the R-S (Regional Specialty) Zone.

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-16-03).

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

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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 RSR Group LLC 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.

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 26th 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 26th day of July 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

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Michael A. Huntley, Secretary

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

By:  for
Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

421 NORTH ATLANTIC BOULEVARD #214-215

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), RSR Group LLC will comply with the following conditions of approval for Conditional Use Permit (CUP-16-03) ("Project Conditions").

PLANNING:

1. RSR Group LLC (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-16-03 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-16-03, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. 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.
3. The Applicant is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. The property must remain well maintained and free of graffiti. Failure of the Applicant 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.
5. A copy of the Conditions of Approval for Conditional Use Permit (CUP-16-03) must be kept on the premises of the establishment and presented to any authorized City official upon request.
6. 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.

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BUILDING:

7. The second sheet of the building plans is to list all City of Monterey Park conditions of approval.
8. All work must conform to the requirements of the 2013 California Building Code (CBC).
9. Plan checks are required for building, electrical, mechanical, and plumbing plans prior to the issuance of permits for work.

FIRE:

10. All conditions identified by the Fire Department are subject to review and approval by the Fire Chief for determination of applicability and extent to which any condition may be required.
11. Provide the fire suppression systems that are protecting the structure.
12. Provide the CBC occupancy classification(s) for all separate and distinct uses of the structure.
13. The Fire Sprinkler System requirements and/or modifications require a separate plan check submittal and approval. Work will not commence until a fire permit is obtained.
14. Fire extinguishers must be installed per California Fire Code (CFC) § 906. Start the placement of fire extinguisher near the exterior exit doors and mount in a visible and accessible location. Light Hazard Occupancy (offices, classrooms, assembly rooms) require a minimum 2A:10BC fire extinguisher. The maximum coverage area is 5,000 square feet per extinguisher with a maximum travel distance of 75 feet.
15. All doors designated as exits, except for the main entrance, must be equipped with common acknowledge single action lever or panic type hardware, per CFC 1008.1.9.
16. Additional exist signs may be required at the time of final inspection, per CFC 1011.1.
17. The suite address number must be readily visible and facing the street from which they are addressed, per CFC 505.1.
18. If emergency illumination exists and/or required, additional fixtures may be required to be installed, per CFC 1006.3.
19. Reproduce the 2013 CFC, Chapter 33 on the plans. The contractor must adhere to these regulations during demolition, alteration, and construction of the building.

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POLICE:

20. The business must be operated in accordance with the operations plan which was submitted to the City on March 30, 2016 and approved by the Police Department on April 1, 2016. The operations plan is incorporated into this permit by this reference as if fully set forth herein. In the event that any of these conditions in this Resolution conflict with the operations plan, the stricter requirement will apply.
21. Adequate lighting must be in full operation at all times.
22. All major common areas of the location 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.
23. All 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. 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.
24. The business will employ and provide a minimum of one uniformed private security guard during the hours of operation. The private security guard company will be properly licensed and meet all the criteria and legal obligations to operate a private security company. If the Chief of Police determines, through evaluation of incidents or call for service, that the performance of the guard(s) or Guard Company is inadequate to address the safety concerns of the community and the public, the Chief of Police shall have the authority to increase or decrease the number of security guards as the situation calls for.
25. No enclosed private booths or private computer rooms with doors are allowed. All areas of the tenant space must be able to be seen clearly by staff and security at all times.
26. The sale of alcoholic beverages for consumption must be prohibited.
27. The business 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 the Monterey Park Police of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The manager/owner will obtain an alarm permit from the Monterey Park Police Department.

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28. A comprehensive security plan must be submitted to the Police Department for final review and approval before the project opening.
29. Access of the roof, if any, will be locked and secured. Access to the roof will be restricted to maintenance personnel, building management, or other authorized personnel.
30. The business must comply with federal, state, and local laws governing business licensing and noise levels. The business must obtain the appropriate license(s) from the regulating agency in order to conduct business in the City of Monterey Park.
31. The manager/owner is responsible for maintaining the property free of litter and graffiti.
32. 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.
33. Three or more violations of applicable law including, without limitation, these conditions within a one-year period (as calculated starting on July 26, 2016 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
34. The business operating hours will be Sunday through Thursday from 11:00 a.m. to 1:00 a.m., Monday through Friday, and 11:00 a.m. through 2:00 a.m., Saturday and Sunday. Any changes to the hours of operation must be approved by the Chief of Police.
35. Any customers who are 17 years old and under must be accompanied by a responsible adult at all times. The Applicant must not allow customers who are 17 years old and under to remain on the premises of the business after 10:00 p.m. unless accompanied by the minor's parent.
36. Computers at the location must not allow access to sexually oriented material.
37. No tinting of the windows of the business or any material to obscure the view into the business in any way will be allowed.

By signing this document, RSR Group LLC, certifies that they read, understood, and agree to the Project Conditions listed in this document.

Name:

Title:

On behalf of RSR Group LLC, Applicant



Planning Commission Staff Report

DATE: July 26, 2016

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-16-07) to allow an internet arcade – 111 North Atlantic Boulevard #120.

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 the requested Conditional Use Permit (CUP-16-07), subject to conditions of approval contained therein; and
- (5) Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Lok Wong of Internet Oasis, is requesting approval of a Conditional Use Permit to allow an internet arcade at 111 North Atlantic Boulevard #120. The property is zoned R-S (Regional Specialty) and is designated C (Commercial) in the General Plan.

In 2004, the City Council approved Ordinance No. 2020 which established the internet arcade section of the Monterey Park Municipal Code (MPMC) when there was a demand to establish such entertainment venues. At that time, provisions were added to the code that were overly restrictive and reiterated other sections of the code. Over the years, the demand to establish internet arcades has decreased and the provisions were determined to be outdated.

Accordingly, on March 2, 2016, the City Council approved Ordinance No. 2131 amending the MPMC to allow internet arcades in the R-S zone subject to a conditional use permit. Further, on June 15, 2016, the City Council approved Ordinance No. 2135 establishing updated regulations for internet arcade use. In particular, MPMC § 21.10.240 was amended to make it more concise and to place the oversight of internet arcades in the hands of the Police Chief and/or his designee.

Staff believes that the proposed project complies with MPMC § 21.10.240 and is recommending approval of the Conditional Use Permit (CUP-16-07) subject to the

conditions contained in the Resolution to address any concerns that are typically associated with an internet arcade use.

Property Description

The subject property is located on the northwest corner of North Atlantic Boulevard and West Garvey Avenue. The lot is 83,562 square feet (1.92 acres) in size and is currently developed with a 27,328 square feet, three-story, multi-tenant commercial building constructed in 1986. The Atlantic Shopping Center is comprised of a mixture of service office, professional office, retail, restaurant uses, and two-levels of subterranean parking. There are 396 at-grade and subterranean parking spaces existing on the property.

The property to the north is zoned R-S (Mar Center), south are Garvey Avenue and R-S, P-D (Regional Specialty, Planned Development) zoned lots (vacant), east are North Atlantic Boulevard and R-S, P-D (vacant gas station), and west is the City of Alhambra (vacant residential lot). The property is accessible from West Garvey Avenue and North Atlantic Boulevard.

Project Description

Pursuant to MPMC § 21.10.240(B) (1), the applicant submitted a business operations plan, which was approved by the City's Police Department. According to the applicant, the proposed internet arcade business will provide high-speed internet access to the public primarily for group or individual gaming purposes as well as internet access to watch movies, chat, listen to music, and conduct on-line research. Customers will pay an hourly fee to use the computers and tea and coffee can be purchased at the tea service area. The tea service will be an ancillary use to the proposed internet arcade business.

According to the floor plan, the subject unit is an existing 2,923 square-foot tenant space on the first floor of the shopping center. The tenant space is currently vacant. The proposed business will be a combined internet arcade and coffee/tea shop. The tea service area will occupy 317 square feet of the tenant space, which equates to 10 percent of the overall space. The floor plan shows an open layout with minimal interior partition walls. There will be 56 computer stations, a service counter, tea counter service area, office, and two restrooms. In compliance with MPMC § 21.10.240(D)(9), the proposed operating hours will be from 12:00 p.m. to 10:00 p.m., Sunday through Thursday, and 12:00 p.m. through 12:00 a.m., Friday and Saturday.

The Police Department included condition numbers 15 through 31 in the proposed Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation, and whether complaints are received. As conditioned, customers who are 17 years old or younger must be accompanied by a responsible adult and must not be allowed to remain at the location after 10:00 p.m. unless accompanied by a parent (Condition #30). Staff conducted a site visit and noted the existing conditions at the property and the

neighboring properties. Based on staff's inspection of the property and review of the business operations plan provided by the applicant, staff believes that the proposed conditional use permit is appropriate for the subject site.

OTHER ITEMS:

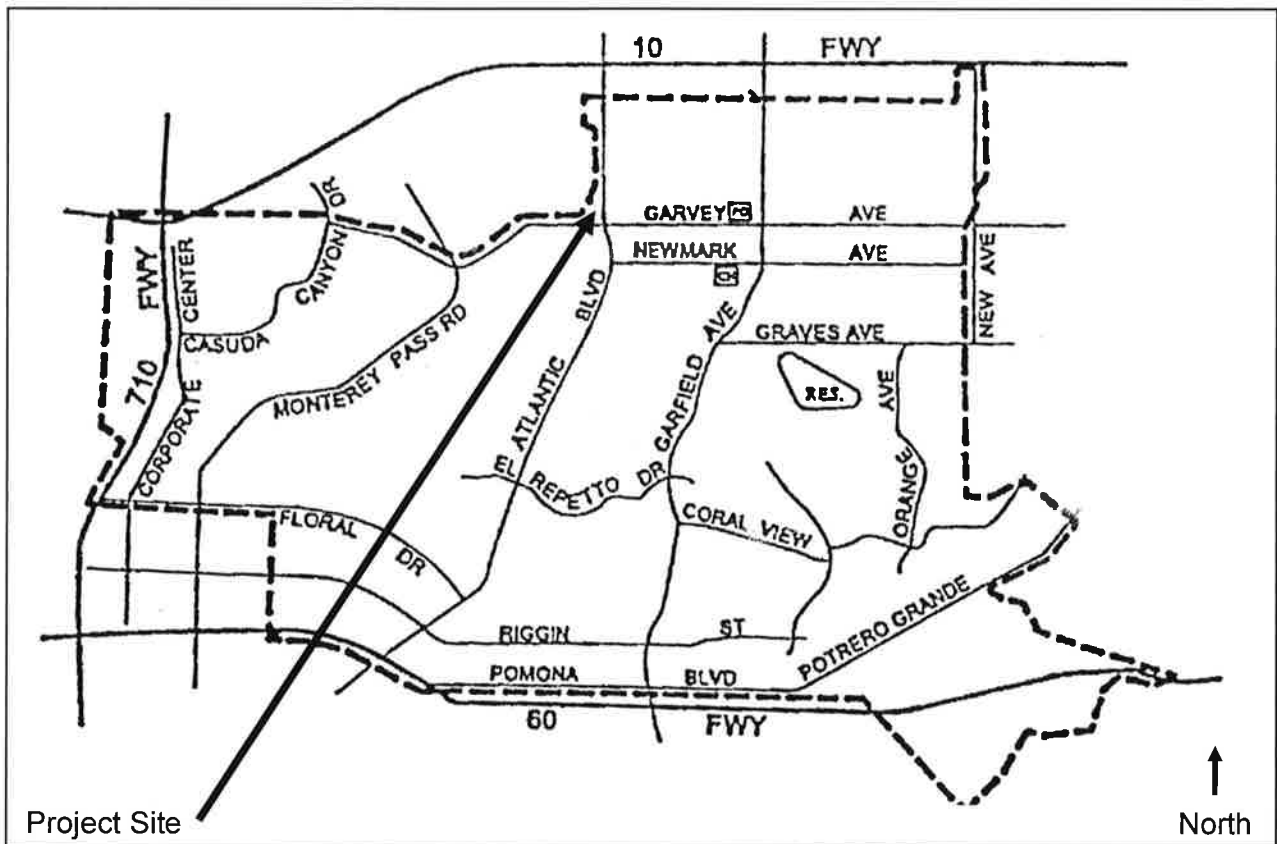
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **July 7, 2016**, with affidavits of posting on file. The legal notice of this hearing was mailed to **142** property owners within a 300 foot radius and current tenants of the property concerned on **July 7, 2016**.

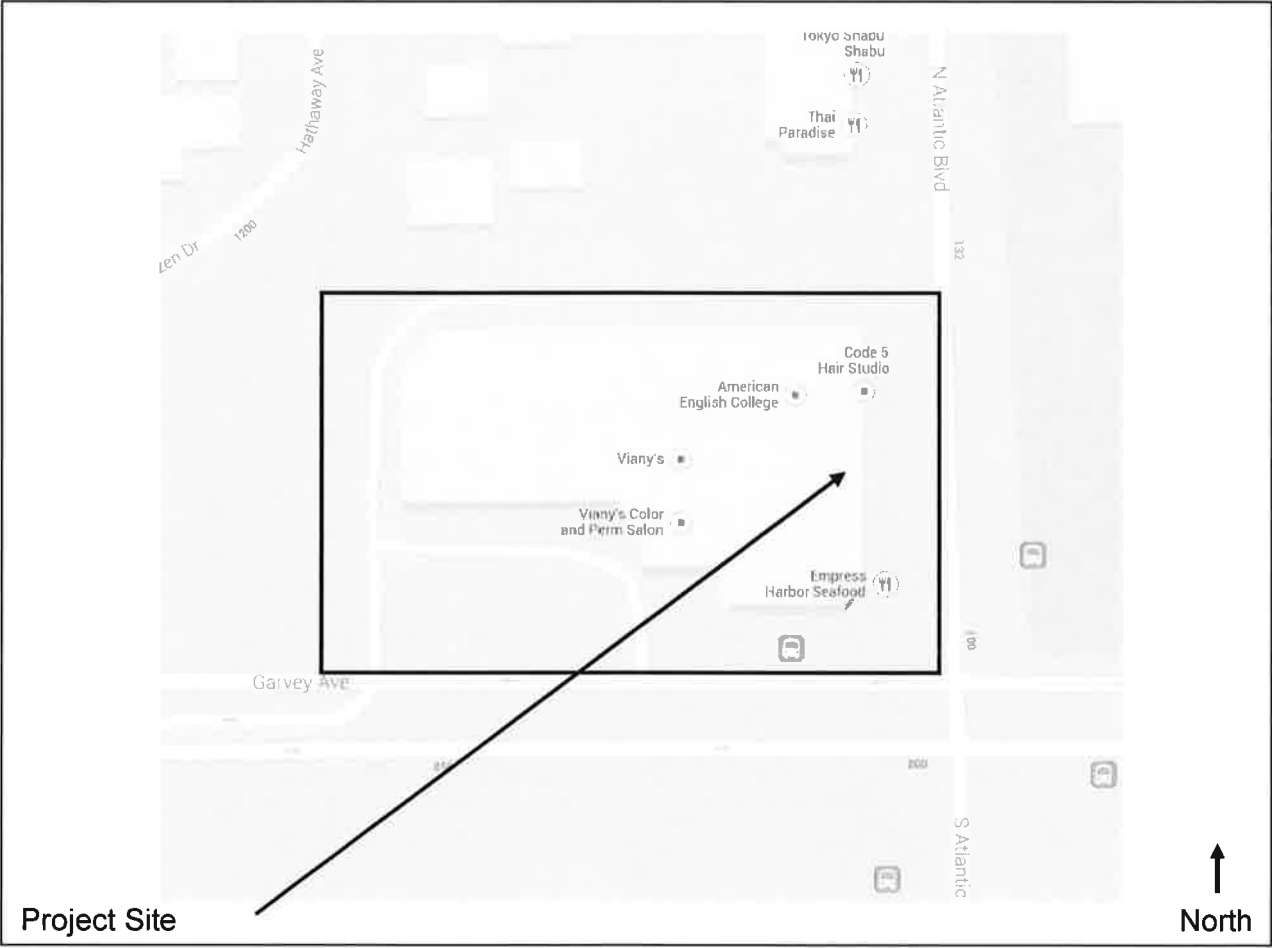
Environmental Assessment

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per State CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation and licensing of a new establishment that is replacing a former business in a commercial shopping center. Thus, the project will result in a negligible expansion of an existing use.

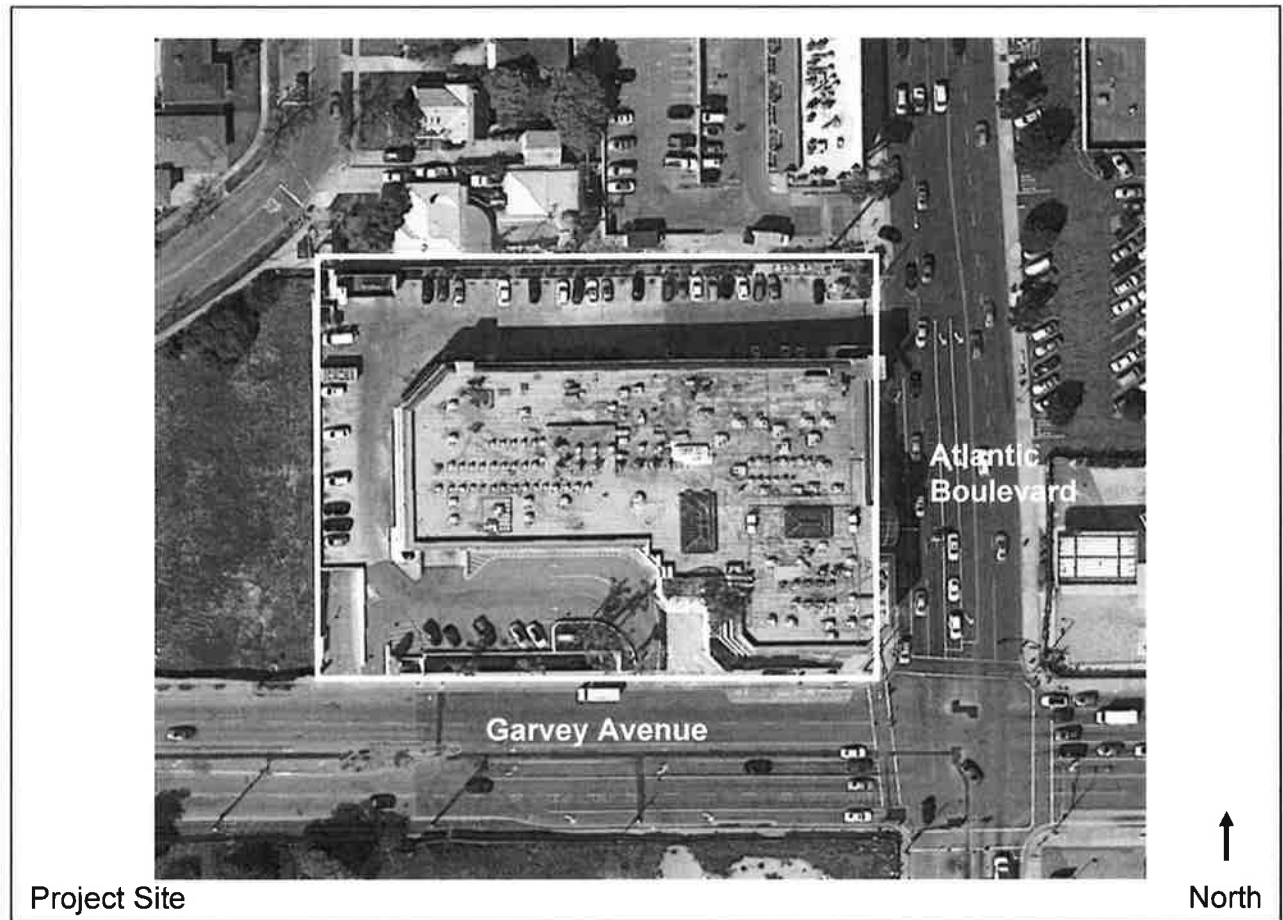
Vicinity Map



Street Map



Aerial Map



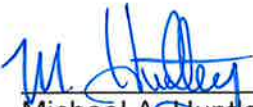
ALTERNATIVE COMMISSION CONSIDERATIONS:

None

FISCAL IMPACT:

Because the new use represents a new business in the City, there will likely be a nominal increase in sales tax revenue and business license tax revenue associated with the business. 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 for
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site and floor plans

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-16-07) TO PERMIT AN INTERNET ARCADE AT 111 NORTH ATLANTIC BOULEVARD #120.

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 26, 2016, Lok Wong of Internet Oasis, submitted an application pursuant to Monterey Park Municipal Code ("MPMC") § 21.10.240, requesting approval of Conditional Use Permit (CUP-16-07) to permit an internet arcade at 111 North Atlantic Boulevard #120 ("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 26, 2016. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On July 26, 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 Lok Wong; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its July 26, 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 operate a combined internet arcade and coffee/tea shop;
- B. 111 North Atlantic Boulevard #120 is zoned R-S (Regional Specialty) and designated C (Commercial) in the General Plan;
- C. The subject property is located on the northwest corner of North Atlantic Boulevard and West Garvey Avenue. To the north of the property is Mar Center, south are Garvey Avenue and a vacant lot, east are North Atlantic Boulevard and a vacant gas station, and west is a vacant lot. The property is accessible from West Garvey Avenue and North Atlantic Boulevard; and

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

- D. The lot is 83,562 square feet (1.92 acres) in size and is currently developed with a 27,328 square feet, three-story, multi-tenant commercial building constructed in 1986. The Atlantic Shopping Center is comprised of a mixture of service office, professional office, retail, restaurant uses, and two-levels of subterranean parking. There are 396 at-grade and two-levels of subterranean parking spaces existing on the property, accessible from West Garvey Avenue and North Atlantic Boulevard. The combined internet arcade and coffee / tea shop will replace a former business; thus, there will be negligible expansion of use associated with the new business.

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 § 21.32.020, the Planning Commission finds as follows:

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

The site will be adequate in size, shape and topography for the proposed internet arcade business. The lot is 83,562 square feet (1.92 acres) in area, rectangular shaped, and relatively flat. The property is developed with an existing three-story multi-tenant commercial building and 396 at-grade parking spaces, accessible from West Garvey Avenue and North Atlantic Boulevard. The proposed internet cafe will occupy an existing 2,923 square feet tenant space within the building.

2. That 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 has sufficient access to streets and highways and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed internet arcade business. The site is accessible from both West Garvey Avenue, a minor arterial street, and North Atlantic Boulevard, a principal arterial street. The required number of parking spaces for an internet arcade use is 5 per 1,000 square feet according to MPMC § 21.10.030. Adequate parking is provided on the property and the project does not include new construction or additional square footage. No changes are proposed to the building or parking area.

3. That the proposed use is consistent with the General Plan and any applicable specific plan.

MPMC § 21.10.030 allows an internet arcade subject to a conditional use permit in the R-S (Regional Specialty) Zone. The subject property is designated Commercial in the General Plan Land Use Element, and the Commercial land use category permits retail and service commercial, and professional uses. The proposed internet arcade

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business is consistent with the General Plan in that the Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of the Monterey Park residents and businesses. The property is located in the North Atlantic Focus Area and one of the goals (Goal 3.0) of the Focus Area is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed use is consistent with the uses encouraged by the Focus Area.

4. That 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 internet arcade will not have adverse affects on the enjoyment or valuation of neighboring properties. To the north of the property are R-S zoned lots (Marriott Development), west is the City of Alhambra (single-family dwellings), south are West Garvey Avenue and a vacant lot, and east are North Atlantic Boulevard and a vacant lot. The properties to the north, south, and east are also zoned R-S (Regional Specialty) and permit the same land uses.

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

The proposed internet arcade will not have an adverse effect on the public health, safety and general welfare. The internet arcade business will occupy an existing tenant space in a multi-tenant commercial building. No new construction or addition of square footage is proposed. The Police Department has included conditions numbers 15 through 31 in the Resolution to address security and alarm requirements.

6. That the use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the Zoning Code.

MPMC § 21.10.030 allows an internet arcade subject to a conditional use permit in the R-S (Regional Specialty) Zone.

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-16-07).

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.

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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 Lok Wong 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.

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 26th 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 26th day of July 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

**PLANNING COMMISSION
RESOLUTION NO.
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Michael A. Huntley, Secretary

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

By:  for
Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

111 NORTH ATLANTIC BOULEVARD #120

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Lok Wong will comply with the following conditions of approval for Conditional Use Permit (CUP-16-07) ("Project Conditions").

PLANNING:

1. Lok Wong of Internet Oasis (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-16-07 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-16-07, 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. 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.
3. The Applicant is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. The property must remain well maintained and free of graffiti. Failure of the Applicant 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.
5. A copy of the Conditions of Approval for Conditional Use Permit (CUP-16-07) must be kept on the premises of the establishment and presented to any authorized City official upon request.
6. 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.

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BUILDING:

7. The second sheet of the building plans is to list all City of Monterey Park conditions of approval.
8. All work must conform to the requirements of the 2013 California Building Code (CBC).
9. Plan checks are required for building, electrical, mechanical, and plumbing plans prior to the issuance of permits for work.
10. At the time of plan check, submit an exit plan that labels and clearly shows compliance with all required egress features such as common path of travel, required number of exits, occupant load, required width, continuity, travel distance, etc.
11. At the time of plan check, submit accessibility details to the commercial building per Chapter 11B of the 2013 CBC.

FIRE:

12. All conditions identified by the Fire Department are subject to review and approval by the Fire Chief for determination of applicability and extent to which any condition may be required.
13. Emergency lighting must be provided along paths of egress in public areas per California Fire Code § 1006.3.
14. If "as-built" plans are required, additional fees will be due for the review of the drawings.

POLICE:

15. The business must be operated in accordance with the operations plan which was submitted to the City on May 26, 2016 and approved by the Police Department on June 28, 2016. The operations plan is incorporated into this permit by this reference as if fully set forth herein. In the event that any of the conditions in this Resolution conflict with the operations plan, the stricter requirement will apply.
16. Adequate lighting must be in full operation at all times.
17. All major common areas of the location 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.

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18. All 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. 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.
19. The business will employ and provide a minimum of one uniformed private security guard during the hours of operation. The private security guard company will be properly licensed and meet all the criteria and legal obligations to operate a private security company. If the Chief of Police determines, through evaluation of incidents or call for service, that the performance of the guard(s) or Guard Company is inadequate to address the safety concerns of the community and the public, the Chief of Police shall have the authority to increase or decrease the number of security guards as the situation calls for.
20. No enclosed private booths or private computer rooms with doors are allowed. All areas of the building must be able to be seen clearly by staff and security at all times.
21. The sale of alcoholic beverages for consumption must be prohibited.
22. The business 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 the Monterey Park Police of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The manager/owner will obtain an alarm permit from the Monterey Park Police Department.
23. A comprehensive security plan must be submitted to the Police Department for final review and approval before the project opening.
24. Access of the roof, if any, will be locked and secured. Access to the roof will be restricted to maintenance personnel, building management, or other authorized personnel.
25. The business must comply with federal, state, and local laws governing business licensing and noise levels. The business must obtain the appropriate license(s) from the regulating agency in order to conduct business in the City of Monterey Park.
26. The manager/owner is responsible for maintaining the property free of litter and graffiti.

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27. 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.
28. Three or more violations of applicable law including, without limitation, these conditions within a one-year period (as calculated starting on July 26, 2016 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
29. The business operating hours will be Sunday through Thursday from 12:00 p.m. to 10:00 p.m. and Friday and Saturday from 12:00 p.m. to 12:00 a.m. Any changes to the hours of operation must be approved by the Chief of Police.
30. Any customers who are 17 years old and under must be accompanied by a responsible adult at all times. The Applicant must not allow customers who are 17 years old and under to remain on the premises of the business after 10:00 p.m. unless accompanied by the minor's parent.
31. Computers at the location must not allow access to sexually oriented material.
32. No tinting of the windows of the business or any material to obscure the view into the business in any way will be allowed.

By signing this document, Lok Wong of Internet Oasis, certifies that he/she has read, understood, and agrees to the Project Conditions listed in this document.

Lok Wong, Applicant

EXHIBIT B

Site and floor plans



Planning Commission Staff Report

DATE: July 26, 2016

AGENDA ITEM NO: 3-C

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Consider a proposed code amendment to the Monterey Park Municipal Code (MPMC) Chapter 21.22 regulations affecting off-street parking regulations in the residential districts.

RECOMMENDATION:

It is recommended that the Planning Commission:

- (1) Open the public hearing and, after considering the evidence presented during the public hearing, adopt the Resolution recommending that the City Council adopt an ordinance amending the Monterey Park Municipal Code Chapter 21.22 regulations affecting off-street parking regulations in the residential districts; and
- (2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

There have been concerns raised by members of the City Council and the Planning Commission regarding (1) the potential lack of adequate off-street parking for new single-family dwellings, and (2) the expansion of existing single-family dwellings and multi-family residential development. Comments have been made about the substantial amount of on-street parking in the northern portion of the City in the evenings and on weekends raising the question as to the adequacy of off-street parking. Staff has visited these areas and has confirmed that on-street parking in this area of the City is well utilized with a limited amount of on-street parking during the period of peak parking demand. It appears that the main concerns were related to the size of the dwelling units and/or the excessive number of bedrooms being proposed for new in-fill residential development projects. Such projects would compound the existing on-street parking problems.

On June 28, 2016, the Planning Commission conducted a study session to specifically discuss the adequacy of the City's off-street parking regulations related to residential uses. Based on a lengthy discussion on this matter, the Commission concluded that amendments should be made to the existing off-street parking regulations to address parking concerns in both the single and multi-family residential districts. As such, the Commission directed staff to schedule a public hearing and prepare a resolution and

ordinance incorporating their proposed amendments. The proposed amendments are identified in the analysis below.

ANALYSIS:

On June 28, 2016, the Planning Division conducted a study session with the Planning Commission to discuss the potential inadequacies of the City's residential off-street parking regulations. As part of the study session, staff shared the City Council and Planning Commission concerns related to the City's residential off-street parking regulations from 2008, many of which were the same concerns raised recently. Staff also provided information on the City's existing residential off-street parking regulations and the regulations from surrounding communities to provide a comparison.

Subsequent to a discussion on this matter, the Planning Commission came to a consensus on the amendments that should be made to both the single and multi-family residential off-street parking regulations. The following details the Planning Commission's recommendations:

Single-Family Residential (R-1).

Existing Residential Parking Standards

The table below identifies the existing single-family residential off-street parking regulations.

Dwelling Uses	Min. Required No. of Spaces
Single Family Dwelling	
3,000 sq. ft. or greater	3 enclosed garage spaces
Less than 3,000 sq. ft.	2 enclosed garage spaces
Addition which will result in 5 or more bedrooms*	3 enclosed garage spaces

*A den, library, study or similar habitable room which in the opinion of the City Planner could be used as a bedroom shall be considered a bedroom for purposes of determining required parking.

Proposed Residential Parking Standards

The Planning Commission recommended two amendments to the single-family regulations including:

1. That the 3,000 square foot standard be eliminated and that number of bedrooms be the basis for requiring off-street parking. Specifically, four or fewer bedrooms would require two enclosed garage spaces, and five or more bedrooms would require three enclosed garage spaces.
2. That staff recommend a standard for requiring additional off-street parking for six or more bedrooms.

Staff would recommend that one open parking space be required for each additional bedroom at six or more bedrooms.

The table below identifies the proposed single-family residential off-street parking regulations.

Dwelling Uses	Min. Required No. of Spaces
Single Family Dwelling	
4 or fewer bedrooms*	2 enclosed garage spaces
5 or more bedrooms*	3 enclosed garage spaces plus one additional open parking space per bedroom above five.

*A den, library, study or similar habitable room which in the opinion of the City Planner could be used as a bedroom shall be considered a bedroom for purposes of determining required parking.

Potential Consequences of the Amendments. Staff has reviewed the recommended amendments to the single-family residential parking requirements and concurs that this would be an appropriate method for determining the off-street parking requirements. However, the only concerns that should be raised is the parking configuration/layout for a three car garage. On wider residential lots, it is possible to design three side by side parking spaces. However, on residential lots of 50 feet or less, such a configuration may not be functional especially in the hillside areas of the City. As such, the Planning Commission may want to consider allowing a tandem parking configuration/layout as an option when the topography or minimal lot width would deprive a resident the fair and reasonable use of their property.

Multi-Family Residential (R-2 and R-3).

Existing Residential Parking Standards

The table below identifies the existing multi-family residential off-street parking regulations.

Dwelling Uses	Min. Required No. of Spaces
Multi-Family Dwelling: per unit*	
<i>Multiple Family</i>	
3 or fewer bedrooms	2 enclosed spaces; plus 1 guest space per 2 dwelling units.
4 or more bedrooms	2 enclosed spaces; plus 1 guest space per 1 dwelling unit.

Proposed Residential Parking Standards

The Planning Commission recommended one amendment to the multi-family regulations:

1. That the number of off-street parking spaces should be based on the number of bedrooms. Specifically, one bedroom would require one off-street parking space. The Commission did not designate if the parking space should be enclosed or open, just that it must be provided on-site. As it relates to the guest parking regulation, the Commission recommended that it stay the same.

Staff would recommend that the required spaces be enclosed and not open.

The table below identifies the proposed multi-family residential off-street parking regulations.

Dwelling Uses	Min. Required No. of Spaces
Multi-Family Dwelling: per unit*	
<i>Multiple Family</i>	1 enclosed space per bedroom; plus 1 guest space per 2 dwelling units.

Potential Consequences of the Amendments. Staff has reviewed the recommended amendment to the multi-family residential parking regulations and is concerned as to the consequences of such an amendment. Such an amendment would:

1. Increase the construction cost for multi-family residential development projects. The approximate cost for the development of an off-street parking space ranges from \$10,000 to \$15,000 depending if it is an open or enclosed parking space;
2. Make new residential units less affordable due to the increase in construction cost. Housing Advocates would look at this as creating barriers for the development of affordable housing; and
3. Take away other on-site amenities, such as open and garden space, by requiring additional on-site parking.

Alternatives. The other question that should be posed is will this amendment address the perceived inadequacy of on-site parking and the spill-over parking onto City streets, or are there other underlying issues that should be addressed to resolve the problem.

Currently, the MPMC prohibits the use of required parking areas from being used for the storage of goods, the parking of inoperable vehicles, or "living areas for domestic, social or recreational activities." (MPMC §§ 21.22.020, 21.22.030). Such violations of the MPMC are punishable as a misdemeanor or as a public nuisance (MPMC §§ 4.10.010, 21.02.170). Consistent with the MPMC, when a multi-family project requires CC&Rs, the City reviews the CC&Rs and requires language be included that prohibits the use of enclosed parking areas from being used for non-parking uses.

In addition to what the City is already doing, staff recommend that the Planning Commission consider the following suggestions/solutions:

1. The City could adopt overnight parking restrictions for City streets between 2 a.m. and 6 a.m. encouraging residents to use their on-site parking. In many cases, residents unlawfully utilize their garages for other activities such as storage, recreation, hobbies, etc. Such activities result in residents using City streets for parking.
2. Require that the Covenant, Conditions and Restriction (CC&R's) for new condominium projects clearly identify the responsibility of the Homeowner's Association (HOAs) to manage on-site parking.
3. Require that the HOAs retain the services of a professional management company to manage the property and enforce the CC&R's.

The above suggestions may be a more global way to address both the on- and off-site parking concerns in the residential areas of the community.

Respectfully submitted,



Michael A. Huntley
Director of Community and Economic Development

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

Draft Planning Commission Resolution
Exhibit A - Draft Code Amendment Language

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE SECTION 21.22.050 RELATING TO OFF-STREET PARKING REGULATIONS IN RESIDENTIAL DISTRICTS

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

SECTION 1: The Planning Commission finds and declares that:

- A. A review of the Monterey Park Municipal Code ("MPMC") suggests that amendments are needed to improve the City's regulations governing off-street parking in the residential zoning districts;
- B. On June 28, 2016, the Community and Economic Development Department conducted a study session with the Planning Commission. The Planning Commission provided direction for improving the regulations. Thereafter, the regulations were reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines;
- D. The Community and Economic Development Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for July 26, 2016;
- E. On July 26, 2016, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the draft code amendments attached as Exhibit "A," and incorporated by reference, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and
- F. This Resolution and its findings are made based upon the evidence presented to the Commission at its July 26, 2016, hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Environmental Assessment.* Because of the facts set forth in Section 2, the proposed code amendment is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*,

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“CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because the proposed code amendment constitutes only minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. The code amendment, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

SECTION 3: General Plan Findings. As required under Government Code § 65860 the proposed MPMC amendments are consistent with the Monterey Park General Plan. It is a goal of the Land Use Element of the General Plan to maintain the quality and character of Monterey Park’s residential neighborhoods. The proposed code amendments are minor changes intended to ensure that the residential character is maintained to the highest standards.

SECTION 4: Recommendation. The Planning Commission recommends that the City Council adopt an Ordinance with the proposed amendments to MPMC Section 21.22.050, and specifically Table 21.22(A) of such section, as set forth in attached Exhibit “A,” which is incorporated into this resolution by reference.

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

SECTION 6: 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 7: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 8: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.

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SECTION 9: 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.

PASSED AND ADOPTED this 26th day of July 2016.

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 26th day of July 2016, by the following vote of the Planning Commission:

AYES:	Commissioners
NOES:	None
ABSTAIN:	None
ABSENT:	None

Ricky Choi, Chairperson
City of Monterey Park Planning Commission

ATTEST:

Michael Huntley, Secretary

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

By:  for
Karl H. Berger, Assistant City Attorney