

**CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA**

REGULAR MEETING

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

**TUESDAY
NOVEMBER 22, 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

SWEAR-IN

ROLL CALL – Commissioners Sullivan, Amador, and Robinson

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES – September 27, 2016

[1.] CONSENT CALENDAR – None

[2.] UNFINISHED BUSINESS – None

2-A. RECONSIDERATION OF RECOMMENDATIONS TO THE CITY COUNCIL REGARDING AMENDMENTS TO THE MONTEREY PARK MUNICIPAL CODE CHAPTER 9.06 REGULATING AIRPLANE FLIGHTS

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

- (1) Reconsider Agenda Item No. 4 from the September 27, 2016 Planning Commission Agenda regarding a recommendation to the City Council to amend Monterey Park Municipal Code ("MPMC") Chapter 9.06 regulating airplane flights; and
- (2) Take such additional, related, action that may be desirable.

[3.] NEW BUSINESS (PUBLIC HEARING)

3-A. ZONE CHANGE (ZC-16-01) TO CREATE A SENIOR-CITIZEN-HOUSING (S-C-H) OVERLAY ZONE, CONDITIONAL USE PERMIT (CU-16-04) FOR AN AFFORDABLE SENIOR HOUSING DEVELOPMENT, AND TENTATIVE MAP NO. 073741 (TM-16-02) TO SUBDIVIDE AIR RIGHTS FOR THE CONSTRUCTION OF A 54-UNIT SENIOR CITIZEN HOUSING CONDOMINIUM PROJECT AT 130-206 SOUTH CHANDLER AVENUE

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 recommending that the City Council approve Zone Change (ZC-16-01), Conditional Use Permit (CU-16-04), and Tentative Map No. 074731 (TM-16-02) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

3-B. RECESS TO [WORKSHOP](#) AND TRAINING REGARDING BROWN ACT; ETHICS, INCLUDING AB 1234; LAND USE REGULATION; AND SCOPE OF AUTHORITY FOR PLANNING COMMISSION. NO ACTION WILL OCCUR. TRAINING AND WORKSHOP WILL BE HELD IN THE ADMINISTRATIVE CONFERENCE ROOM (ROOM NO. 266). THE MEETING WILL ADJOURN FROM THAT LOCATION.

[4.] COMMISSION COMMUNICATIONS

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

[6.] STAFF UPDATES

[7.] CLOSED SESSION. NONE

ADJOURN

To the next regularly scheduled meeting on December 13, 2016

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: November 22, 2016

AGENDA ITEM NO: 2-A

TO: The Planning Commission
FROM: Karl H. Berger, Assistant City Attorney
SUBJECT: Reconsideration of recommendations to the City Council regarding amendments to Monterey Park Municipal Code Chapter 9.06 regulating airplane flights

RECOMMENDATION:

It is recommended that the Planning Commission:

- (1) Reconsider Agenda Item No. 4 from the September 27, 2016 Planning Commission Agenda regarding a recommendation to the City Council to amend Monterey Park Municipal Code ("MPMC") Chapter 9.06 regulating airplane flights; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On September 27, 2016, the Planning Commission recommended that the City Council consider amending MPMC Chapter 9.06 regulating airplanes. Specifically, the Planning Commission expressed concern regarding how low flying aircraft interfered with residents' enjoyment of the community. After that Planning Commission meeting, social media postings were identified that appear to specifically address the airplane noise issue. Since it appeared that a majority of Planning Commissioners were members of such social media forums, the City Attorney's office recommends – in an abundance of caution – that the Planning Commission reconsider its actions. This will avoid even the appearance of an inadvertent violation of the Ralph M. Brown Act. Note that there is absolutely no evidence that an actual violation occurred; the recommended action is precautionary only and is intended to fulfill the City's interests in full public transparency.

BACKGROUND:

At its September 27th meeting, the Planning Commission voted to recommend that the City Council consider amending MPMC Chapter 9.06 which regulates airplanes within the City's jurisdiction. Copies of the draft minutes from that meeting are attached for review.

On September 29, 2016, the City Attorney's office was informed that members of the public were expressing concern regarding posts on Facebook. Specifically, it was alleged that a Facebook group captioned "Monterey Park Plane Noise" was being administered by former Commissioner Margaret Leung.

The City Attorney's office advises all elected and appointed public officials to exercise caution when employing communications technology (see, e.g., attached from the Municipal Law Guidebook provided to all Planning Commissioners). The use of communications technology, including social media such as Facebook, by public officials invites potential violations of the Brown Act. Specifically, when a quorum of officials participates in social media discussions, there is a greater likelihood of creating an inadvertent serial meeting.

The potential problem does not arise so much from the initial posting, but rather from engaging in a "discussion" via the comments section or otherwise. While a unilateral posting may be permissible (i.e., where there is no expectation or solicitation for a response) an electronic "conversation" is not. Thus, a posting on an *individual's* Facebook page encouraging public participation – by itself – is not necessarily something that could invalidate decisions made by the Planning Commission (or City Council).

A greater danger, however, occurs when a group is created for the specific purpose of inviting discussion of an issue within the subject-matter jurisdiction of a legislative body (here, the Planning Commission); that group is closed from public scrutiny; and a quorum of public officials are part of the group.

Upon examining Facebook, the City Attorney's office found the "Monterey Park Plane Noise" group. That group was a "closed group," meaning that only the administrator could allow membership within the group; it is not open to the public. Additionally, three Planning Commissioners were listed as members of the group at that time: former Commissioner Leung, Commissioner Sullivan, and Commissioner Theresa Amador. Information from that group, along with the member list, is attached for reference.

The City Attorney's office spoke with former Commissioner Leung, Commissioner Sullivan, and Commissioner Amador. Commissioners Sullivan and Amador were not even aware that they were members of the group (Commissioner Amador has deleted her Facebook account). Former Commissioner Leung offered to print out all discussion from the group for review by the City Attorney's office. In sum, based upon available information, the City Attorney's office does not have any evidence that an actual Brown Act violation occurred.

The City Attorney's office advises, however, that the most prudent means of protecting the City – and the actions of the Planning Commission – is for the issue regarding MPMC Chapter 9.06 be reconsidered by the Planning Commission. The law provides (Government Code § 54960.1) that the "cure" for any violation of the Brown Act is, in effect, a "redo" at a legally noticed meeting. That will (hopefully) avoid even the public perception of a Brown Act violation.

From: [Karl Berger](#)
To: [Karl Berger](#)
Date: Wednesday, September 28, 2016 7:35:49 AM

LAX Low Flying Airplane Noise

#1 THE PROBLEM IS PERVASIVE

City of Monterey Park has frequent low flying airplanes from the west following the extended downwind approach turn to land at LAX. . LAX is the 2nd largest airport Metroplex in the US.

Flights affect Monterey Park residential neighborhoods, schools, and parks - frequent, loud, low-flying airplanes disrupting productivity, sleep, and quality of life.

#2 MONTEREY PARK IS DISPROPORTIONATELY AFFECTED

Our community is under the Extended Downwind Approach turning route into LAX with traffic descending above Monterey Park from the majority of the West arrival flights. Few, if any other communities at these distances from LAX experience this level of traffic on a daily basis. As airplanes have been flying at lower altitudes and there are more flights, these approaches are more invasive. In addition, traffic congestion causes increased duration of noise when planes make turns to extend their routes over our neighborhoods as they line up for the final approach to LAX.

#3 ADDRESSING AVIATION NOISE POLLUTION OVER MONTEREY PARK IS AN URGENT ISSUE

The current levels of aircraft noise are not tolerable for a sustained period of time. Enduring flight route changes have been made over Monterey Park, which has historically tolerated noise impacts from far lighter air traffic, but not the hundreds of daily flights it is exposed to now. As a practical matter, the City of Monterey Park was never consulted on the changes to increase the capacity of LAX using these particular routes over our community.

#4 THE CONCENTRATION OF ROUTES TO IMPACT THE

SAME NEIGHBORHOODS REPEATEDLY IS UNFAIR

NextGen's precision routing technologies could in fact dramatically improve the situation to the benefit of both the flying and the residential public. When used unwisely, as they are now, they dramatically worsen it. It's misleading to call NextGen's "net noise reduction" policy noise reduction when it reduces the aviation noise for some by severely increasing it for others. This unfair distribution of the noise burden calls for alternate designs that consider the population on the ground.

#5 NOISE ABATEMENT MUST BE PROACTIVE AND PREVENTATIVE, NOT REACTIVE

The current system uses antiquated noise metrics, and policies that promote obfuscation. They exhaust and discourage impacted citizens from advocating for progress (it quiets the public, not the noise). The practice of excluding impacted communities on the ground has tilted the pendulum too far toward protecting commerce, but a sincere balancing of community interests has not been evident. Groundlings should be equal stakeholders with airlines, airports and industry in noise assessment and airspace design.

#6 THE CITY OF MONTEREY PARK HAS NOT HAD A VOICE IN NOISE ABATEMENT INITIATIVES

LAX has established a mechanism to 'prevent noise shifting between communities', as part of the Roundtable, but this policy has been explicitly limited to the County of LA. Monterey Park has never had such protections, and the results are evident. A body of regional oversight is necessary, which is inclusive of any community with a problem.

#7 THE SITUATION IS FIXABLE

Monterey Park presented a unique opportunity to avoid flight descents that cross the topographically challenged residential areas below 6,000 feet. Better design can be achieved with community input to assist the FAA in developing a more flexible

and thoughtful route system. Improvements for both the residential and the flying public are possible - better flight routing, more equitable sharing of noise impacts, and the continuation of the FAA's work on the modernization of other methods of noise abatement.

#8 MONTEREY PARK IS PREPARED TO HELP WITH SOLVING THE PROBLEM

An FAA administrator liaison specifically assigned to work with Monterey Park would be a good first step. Residents support professional study, and want to be as effective as possible in working with the FAA to ensure that EDA flights should be above 8,000 feet when they are over Monterey Park with use of the Continuous Descend Approach to LAX at the base leg of the turn. Routes should also allow for a curfew to eliminate low flying nightly cargo and passenger flights. Over Ocean Operation between the hours of 10:00 pm to 6:30 am should be mandatory with the exception of emergency conditions.





Margaret Leung



POSTS

**Margaret Leung**

September 6 at 23:17 · 🌐

As soon as FAA approved the Metroplex Project for implementation on 8/31/2016, China Southern Air announced their expansion on 9/3.

It's not a coincident - Airlines are the biggest lobbyist in DC. Both FAA & the Congress are in their back pockets.

China Southern to expand fleet by 43% by 2020

(Xinhua)

Updated: 2016-09-03 14:00

[Comments](#) [Print](#) [Mail](#) [Large](#) [Medium](#) [Small](#)

A plane of China Southern Airlines is pictured at the Zhijiang Airport in Huaihua city, Central China's Hunan province, July 17, 2013. [Photo/IC]

GUANGZHOU - China Southern Airlines on Friday said it plans to increase its fleet size by



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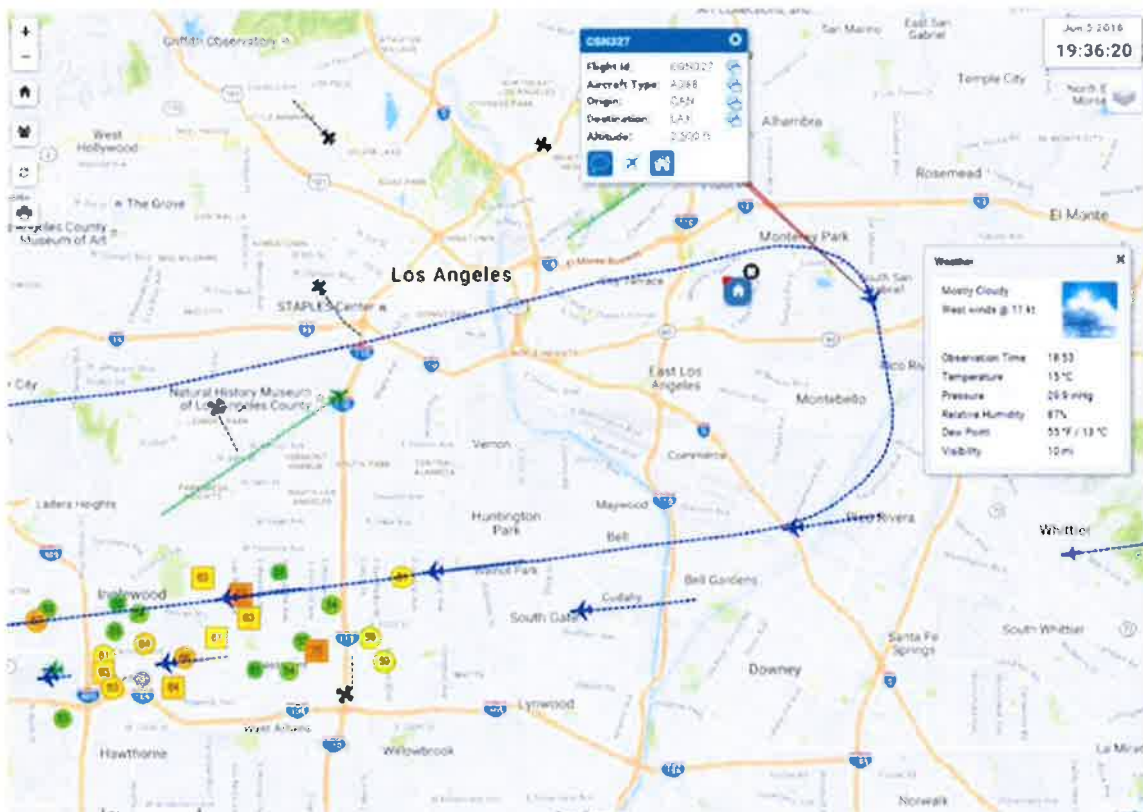
Margaret Leung



Margaret Leung

September 6 at 22:56 · 🌐

This was the flight path for CZ327 on WebTrak at 2500 feet altitude over MPK !! It was a beautiful day with 10 mile Visibility and minimum traffic - no reason to use the Extended Downwind Approach to fly over MPK !



9

2 Shares

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Margaret Leung

September 6 at 22:50 · 🌐



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Margaret Leung

**Margaret Leung**

September 6 at 22:50 · 🌐

This was posted by Mark R. on September 2 -
China Southern Airlines Airbus A380-841 B-6138
flying over my house as flight CZ327 approaches LAX
from Guangzhou. This is the largest double-deck
commercial passenger aircraft in the world.
(photographed on June 5, 2016 at 18:35)T



12

7 Comments 3 Shares

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Margaret Leung



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**Margaret Leung**

July 24 · 🌐

Monterey Park is the worst impacted community along the entire stretch of the "extended downwind approach" by design. Even though we are located 25 miles away from LAX, the city is being used as a 2,400 foot elevation landing strip rather than the 6,000 – 10,000 feet floor afforded to more vocal communities.



Have you heard low-flying planes over Monterey Park? The city petitions LAX to stop the noise

sgvtribune.com

5

1 Comment 2 Shares



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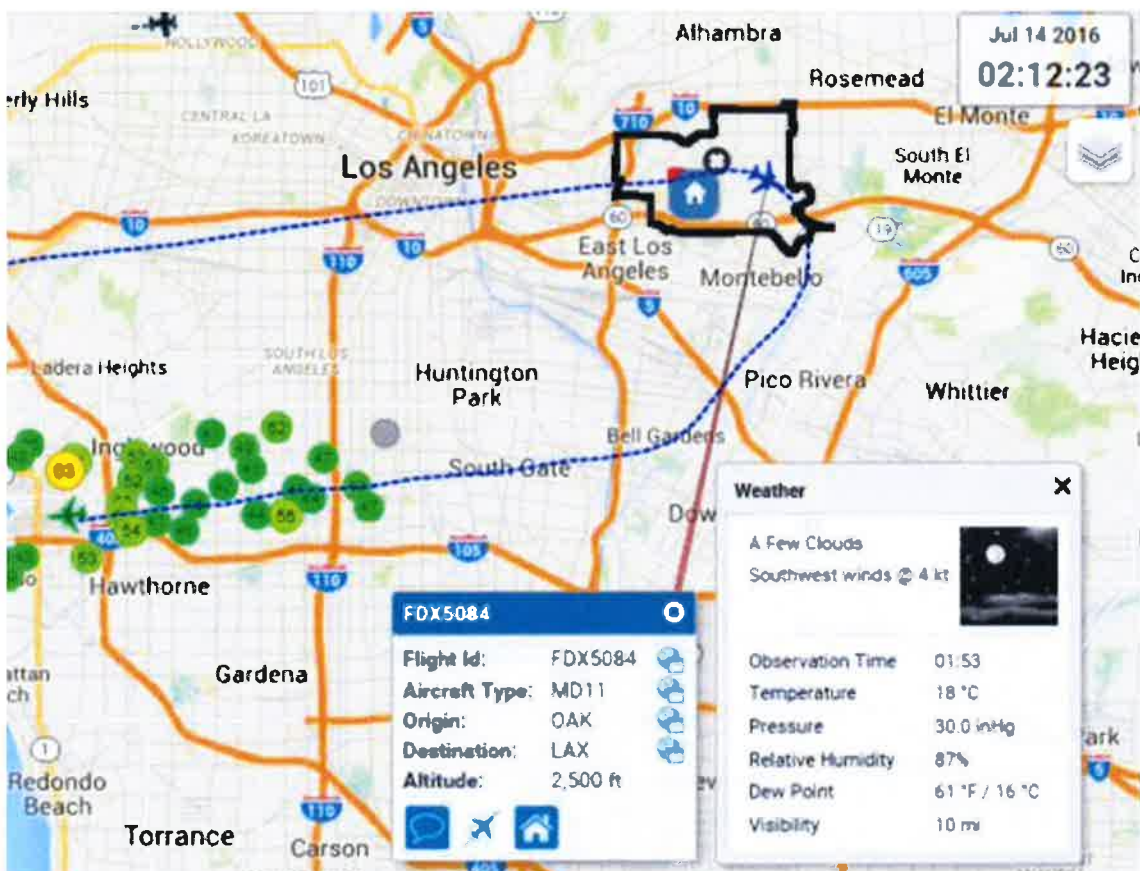


Margaret Leung

July 16 · 🌐

This is the plane that woke us up 2am Thurs morning. According to LAX - all west arrival flights between 12 midnight to 6am are required to use the Ocean Side Approach.

Why don't the LAX and FAA control center just follow their only procedures and let us sleep in peace !



12

2 Comments

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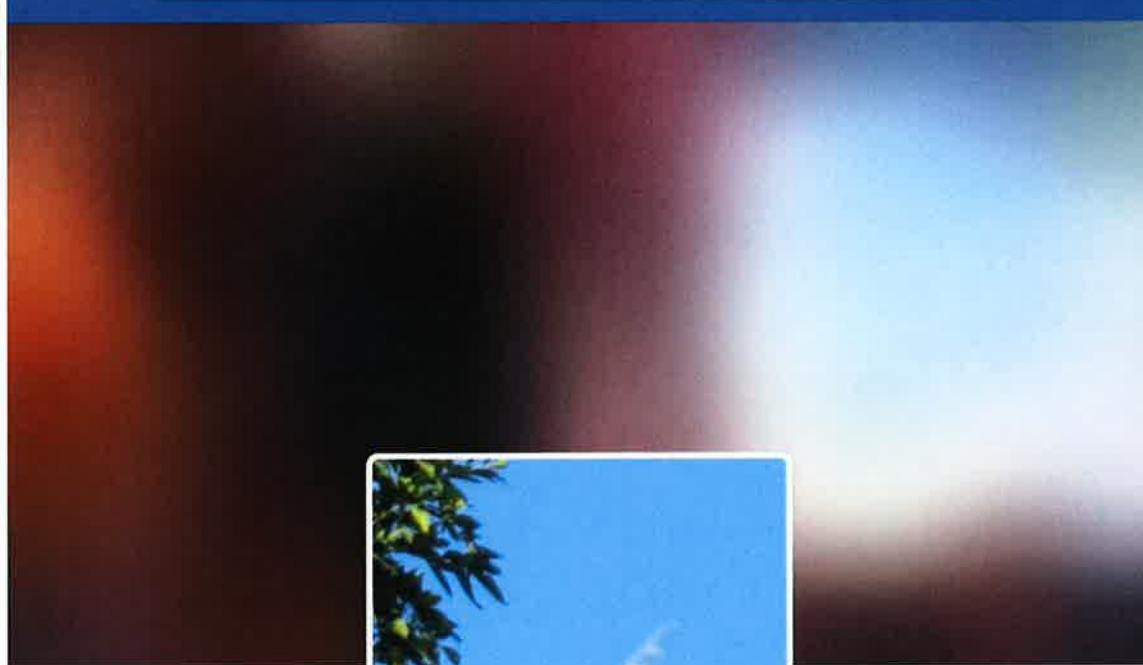
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Margaret Leung (Monterey Park Community Board)

- Add Friend
- Public
- Message
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All Postings relocated to "Monterey Park Plane Noise Community Board". Please redirect communication.

 Lives in Monterey Park, California

 From Monterey Park, California



Membership



Members

Admins

ADMINS



Margaret Leung

Joined 2 weeks ago



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Membership



Members

Admins

MEMBERS



Added by Margaret Leung 2 weeks ago



Vincent Chang

Added by [Redacted] 2 weeks ago

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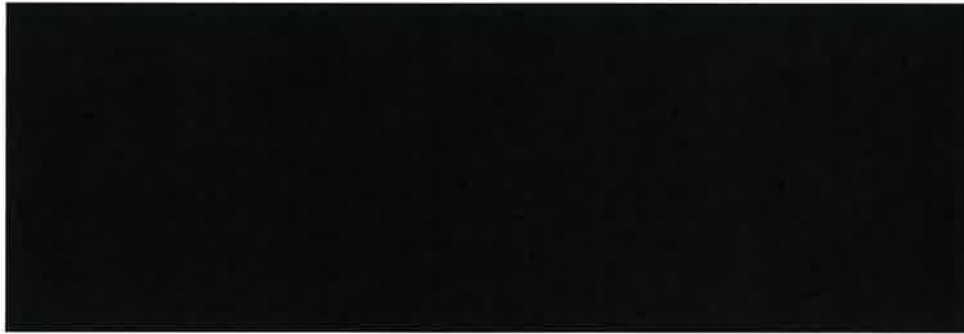
Membership



Members

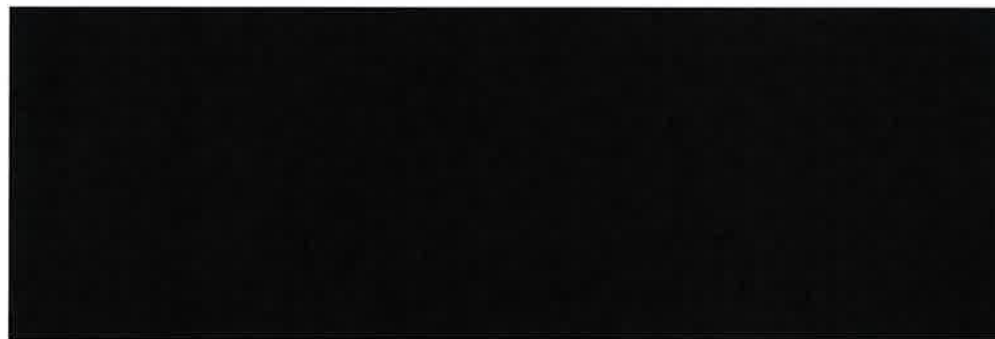
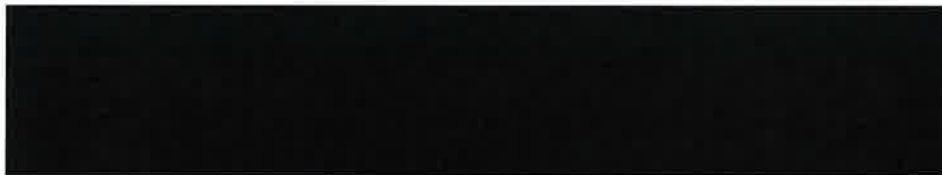
Admins

MEMBERS



Theresa Amador

Added by Margaret Leung 2 weeks ago



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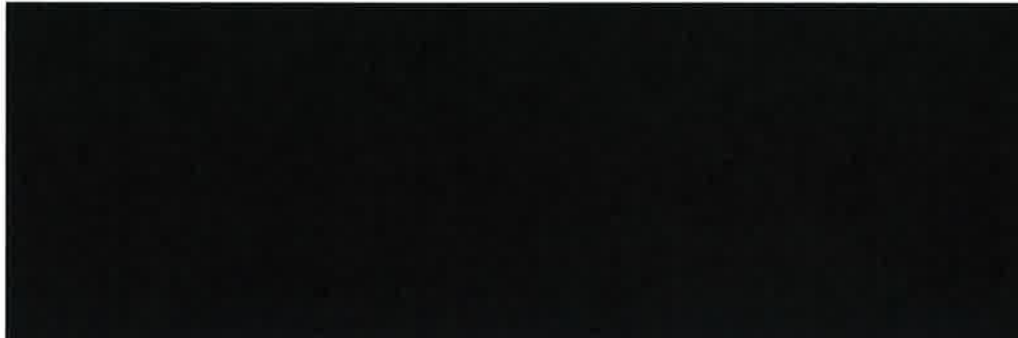
Members

Admins

MEMBERS



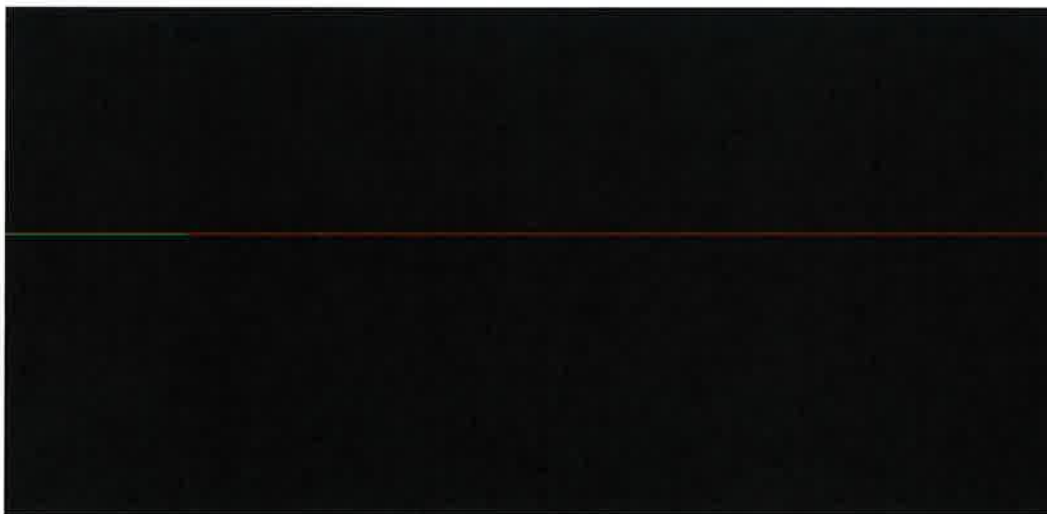
Added by [redacted] 1 week ago



Margaret Leung
Joined 2 weeks ago



Margaret Leung
Added by Margaret Leung 2 weeks ago



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Membership



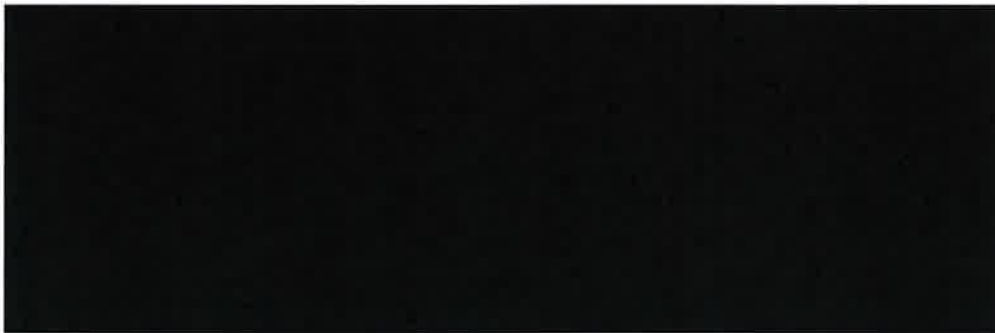
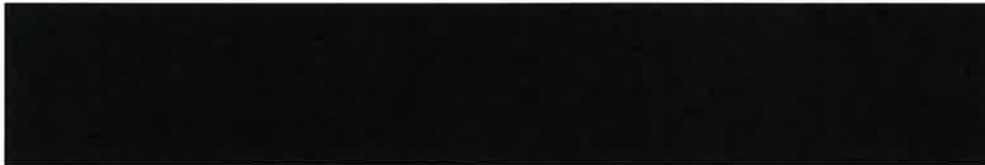
Members

Admins

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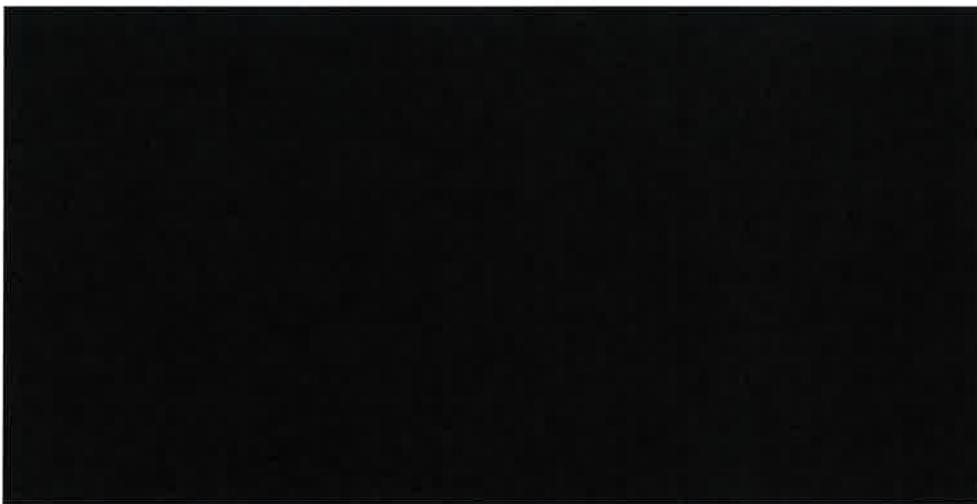


Added by [redacted] 2 weeks ago



Larry Sullivan

Added by [redacted] on Saturday



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➤ *What is a Meeting?*

A “meeting” is generally **any gathering** of a majority of the members of a legislative body to hear, discuss, or deliberate regarding any issue that is within its subject matter jurisdiction.⁶ This includes using direct communication, personal intermediaries, or technological devices to develop a collective concurrence on any matter by members of the legislative body.⁷

Exceptions to this general rule are limited to

- Individual conversations between an Official and any other person;
- A majority of Officials attending a gathering open to the public involving issues of general interest to the public, e.g., a conference, if the Officials do not discuss business;
- Attending an open and publicized meeting organized to address a topic of local community concern if the meeting is not sponsored by the City and Officials do not discuss business;
- Attending one of the City’s standing committee if Officials in attendance do not discuss business; or
- Attending a purely social event if the Officials do not discuss business.⁸

It is important to keep this rule in mind whenever a majority of Officials meet, e.g., after a regularly scheduled meeting is adjourned. While such gatherings are not impermissible, Officials must be aware that conversation topics are generally limited to matters other than business.

Remember that a *minority* of Officials may attend any event; such a gathering is not defined as a meeting under the Brown Act. As explained more fully below, however, an Official may be required to disclose his or her attendance at a particular event under some circumstances.

Also remember, however, that serial meetings are prohibited. A serial meeting occurs where less than a quorum of public officials meet in a series of different meetings, but eventually the majority of a legislative body is involved. There are two classic examples of serial meetings.

The first is where Official 1 contacts Official 2 who contacts Official 3 regarding a particular issue that is within the subject-matter jurisdiction of the legislative body. This process creates a quorum and can lead to a collective consensus with regard to action that should be taken.⁹

⁶ § 54952.2(a).

⁷ § 54952.2(b); see also *Wolfe v. City of Fremont* (2006) 50 Cal.Rptr.3d 524.

⁸ § 54952.2(c).

⁹ See *Sac. Newspaper Guild v. Sac. County Bd. of Suprs.* (1968) 263 Cal.App.2d 41.

As can be seen, the advances in technology can present a problem for Officials. In particular, the ease of using the “reply” or “forward” e-mail options can quickly lead to a serial meeting (example: Official 1 sends an e-mail to Official 2 who forwards it to Official 3 along with Official 2’s comments, etc.). While a unilateral e-mail may be permissible (i.e., where there is no expectation or solicitation for a response)¹⁰ an electronic “conversation” is not.¹¹

The other type of serial meeting is a “hub and spoke” meeting. This occurs where a staff member, for example the city manager, telephones individual Officials and reveals the respective views of the other members. As stated by the Attorney General,

“problems arise when systematic communications begin to occur which involve [Officials] acquiring substantive information for an upcoming meeting or engaging in debate, discussion, lobbying or any other aspect of the deliberative process either among themselves or with staff.”¹²

In both of these examples, the Brown Act is violated since the public is deprived of meaningful participation and the collective concurrence of a majority is reached without a public meeting. Accordingly, it is important to exercise caution when using the convenience of communication technology and social media; while advances in technology can facilitate communication, the very convenience provided by such technology can result in inadvertent violations of the Brown Act.

The mayor or chairperson or a majority of Officials on a particular legislative body may schedule special meetings at any time and location within the City’s jurisdiction (with certain exceptions).¹³ Note, however, that that a minimum of 24 hour notice must be given for special meetings.¹⁴

¹⁰ *Roberts v. City of Palmdale* (1993) 5 Cal. 4th 363, 376.

¹¹ *Ibid.*

¹² Civil Law Division, California Attorney General’s Office, The Brown Act: Open Meetings for Local Legislative Bodies 12 (Ted Prim, et al., ed. 2003).

¹³ § 54956.

¹⁴ *Ibid.*

ATTACHMENT 2

Unofficial Minutes dated September 27, 2016

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
September 27, 2016**

The Planning Commission of the City of Monterey Park held a Regular Meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, September 27, 2016 at 7:00 p.m.

CALL TO ORDER:

Chairperson Choi called the meeting to order at 7:00 p.m.

SWEAR IN:

ROLL CALL:

Planner Tewasart called the roll:

Commissioners Present: Ricky Choi, Larry Sullivan, Margaret Leung, Theresa Amador, and Delario Robinson

Commissioners Absent: None

ALSO PRESENT: David King, Deputy City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

ORAL AND WRITTEN COMMUNICATIONS:

None

AGENDA CHANGES AND ADOPTION:

None

APPROVAL OF MINUTES:

None

CONSENT CALENDAR:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS (PUBLIC HEARING):

2-A. TENTATIVE MAP NO. 074375 – 206 NORTH MOORE AVENUE (TM-16-03)

Planner Tewasart provided a brief summary of the staff report.

Commissioner Sullivan inquired about address numbers on the curb. Director Huntley replied that the Fire Department is now requiring that address numbers be visible for when they respond to a call. This is new direction from the Fire Chief for new developments.

Chairperson Choi inquired about the required number of parking since the code

Commissioner Leung inquired if the single sheet tentative map was a complete submittal packet. Director Huntley replied that the application is tentative map, so the Planning Commission is reviewing the subdivision itself and not the development of the building.

Chairperson Choi opened the public hearing.

Engineer Jack Lee of Cal Land Engineering, 576 Lambert Road, Brea, stated that they reviewed the resolution and will comply with the conditions.

Commissioner Leung inquired about the underground sewer, waste water system. Engineer Lee replied that the sewer plan will comply with the City and County design. If the sewer line at the back is lower than the sewer line at the street, then a sewer pump will be necessary. Commission Leung inquired if this is the responsibility of the property owner. Engineer Lee replied yes and the eventually the association.

Commission Leung inquired the building height and whether that is reflected on the civil drawing. Architect David Chun replied that the height was shown on the packet reviewed by the Design Review Board.

Commission Leung inquired if the utility will be undergrounded to the sidewalk. Director Huntley replied that that detail is typically not shown on a subdivision map.

Attorney King stated that the item is a tentative map for the project. It is not a comprehensive review of the project in total. The Commission's role is to review the map to ensure that is consistent with the General Plan and Subdivision Map Act.

Commission Amador inquired if they are reviewing the air space. Attorney King replied yes. Director Huntley replied that air right is not associated with the construction of the building, but the division of land or air space.

Commissioner Leung inquired if additional information can be added to the plans and stated that she does not have enough information to approve the project.

Chairperson Choi closed the public hearing.

Action: The Planning Commission after considering the evidence present during the public hearing adopted **Resolution No. 21-16** approving Tentative Map No. 074375 (TM-16-03) to subdivide air rights to develop a 5-unit condominium project at 206 North Moore Avenue in the R-3 (High Density Residential) Zone.

Motion: Moved by Commissioner Amador and seconded by Commission Robinson, motion carried by the following vote:

Ayes: Commissioners: Choi, Sullivan, Amador and Robinson
Noes: Commissioners: Leung
Absent: Commissioners: None
Abstain: Commissioners: None

COMMISSION COMMUNICATIONS:

Commissioner Leung is requesting that the Planning Commission recommend to the City Council to consider amending Chapter 9.06 Aircrafts to update the existing regulations.

Director Huntley stated that is a Commission Communication item. At the last Planning Commission meeting, Commission Leung brought in front of the Commission an interest in getting the Commission to recommend to the City Council to consider certain amendments. This is not a staff item.

Chairperson Choi requested that staff provide clarification as to the Commission's role with regards to this issue. This body is here to consider matters in land use issues such as zone changes, specific plans, subdivision maps, conditional use permits and the like and make recommendations to the City Council on policies dealing with the present and future growth of the City.

Director Huntley replied that the Planning Commission's job as appointees from the City Council is to review all land use within the City and all the issues of Title 21 which is the Zoning Code and all development projects. The Zoning Code does include performance standards, which includes noise, but typically land based. The Planning Commission does not have the purview over Chapter 9, which is why the Commissioner would like discuss tonight. That does not mean that the Commissioner cannot make a suggestion to the other Commissioners and as a body make a recommendation to the City Council on it.

Attorney King stated that the Planning Commission's role is defined to oversee land use and serve as an advisory body to the City Council and to strike a balance between private interest and public welfare and that is why there are public hearings and public comments. Chapter 9 is a Peace, Safety, and Morals Title of the Monterey Park Municipal Code a little out of the purview of the Planning Commission, but it doesn't stop the Planning Commission from making a recommendation to the City Council. If the City Council were to take this up, this Ordinance would not come before the Planning Commission again.

Chairperson Choi stated that although he understands that it is of great importance to the community that this might not be the correct forum for this discussion, but will defer to the other Commissioners.

Commissioner Leung stated that the purpose of the proposed revision to Chapter 9.06 Aircraft, which talks about flight altitudes in populated areas during takeoff and landing,

is due to recent events of commercial flights, in particular west arrival flights are using Monterey Park as a turnaround point and they call it an extended downwind approach and they are flying over Monterey Park at an altitude of 2,500 which is becoming a big nuisance to most residents in the area. This matter has been brought before the FAA and the City is currently represented at the LAX roundtable for a regional resolution. The municipal is antiquated; it talks about 1,000 feet above ground which came from a safety code in the CFRs. There is no rule in place right now that prevents Monterey Park from imposing a more restrictive number. The number being proposed tonight has been reviewed and they were taken from white papers. It was acknowledged by the LAX operations manager that some of the numbers are currently in use for the east arrival flights and the proposal is to implement the numbers for the west arrival flights also.

Commissioner Robinson stated that since Commissioner Leung has brought up the matter he has been viewing the aircrafts that would come from the airport. Once or twice a week they will come towards Monterey Park and on the other days the FAA has done a good job on trying to reroute aircrafts to other areas. He doubts that Monterey Park is a pinpoint location for the aircraft to come and be that close to the ground. If Commissioner Leung wants to go before the City Council to raise the issue that would be more appropriate.

Commissioner Amador inquired is the purpose is to review the proposal and recommend it to the City Council. Chairperson Choi replied that that is what Commissioner Leung is proposing, to review the changes to the Municipal Code regarding Chapter 9.06 and that the Commission recommend to the City Council to make these changes. Commissioner Amador stated that if the Commission is to review the proposal it should be a complete package and look at including drones, balloons, and airships such as the Good Year blimp, which the City may be concerned with the future. The decision making body of the proposal should come from the City Council. She supports Commissioner Robinson and this should be proposed at the City Council level and this should be their decision.

Commissioner Sullivan stated that in the Municipal Code nowhere does not mention fire and rescue helicopters and inquired who issues authority for that. He contacted the County and they said the District Flight Control Coordinator would take over all responsibility for water dropping on a City where it is mandated and they dictate the altitude and everything based on their graphics. He inquired if that should be incorporated into the proposed amendment.

Attorney King replied that the code is antiquated and the code is probably not enforced too often in the City. Matters dealing with water drops for fire are probably regulated in other areas. The federal government, Federal Aviation Administration would have perimeters as far as flight altitudes. Whether or not the code needs to be amended is not something that a city typically enforces on a daily basis.

Chairperson Choi stated that he reviewed other cities' codes. Alhambra is similar to Monterey Park at 1,000 feet in their congested areas. Any other areas are at 500 feet,

which is very lenient in terms of that. The cities of Rosemead and San Gabriel do not have any regulations. That may have to do with the fact that city ordinances do not trump federal regulations with regards to this matter, so putting this in the books is not really enforceable. He has worked in various levels of government and a better approach may be to go to the regulatory body that has jurisdiction and oversight on this matter. If that agency is the Federal Aviation Administration (FAA), then Congress has oversight on the FAA. The conversation should be had with the City's congressional representative. She may be able to request a direct meeting with the regional administrator of the FAA here or even the FAA administrator from Washington DC. That direction may be more effective than having the City take action and put something in the books that is not going to be enforceable. He also recommends that residents continue to report noisy low flights Los Angeles World Airports (LAWA); they have a noise complaint process and to continue to participate in the roundtable. It is important that the city's message gets conveyed to the right people.

Commissioner Leung stated that the Commission will only be making a recommendation to the City Council to take some action. The proposed wording may not be perfect, but it is only a recommendation for the City to make some changes or update this particular section of the code. The Metroplex Project has been approved and it is going to be implemented in November. This particular issue with Monterey Park started back in the 1990s. Monterey Park hired a consultant to provide a resolution and in mid-stream the funding stopped and even the FAA stated the fact that the only way to resolve Monterey Park's issue is to redesign their airspace. The proposed amendment is a temporary relief for the residents of Monterey Park.

Commissioner Sullivan stated that the word commercial is missing, which is the nuisance. Private flights would not want to be regulated.

Commissioner Amador stated that the current code does include private planes. Commissioner Sullivan replied that that is something that has to be looked at.

Commissioner Amador inquired if this is a PR vehicle, so that the City Council can act on it and say that the City of Monterey Park introduced this. Commissioner Leung replied yes.

Commissioner Robinson stated that stands behind Chairperson Choi.

Commissioner Amador inquired if the Deputy City Attorney can clarify what was recommended to the Planning Commission.

Attorney King replied that Commissioner Leung had inquired about the vehicle to bring the item before the Commission and ultimately to the City Council. Any Planning Commissioner can bring up any issue and ask the Planning Commission if they would like to recommend something to the City Council. It would take a majority of the Planning Commission, and it would require a vote. It would require a majority of the Planning Commission to speak on behalf of the Commission. If there was a majority that would approve this, the Commission would then direct staff to put the item on the next

City Council agenda or if the Commission would like to see something more formal the Commission can direct staff to prepare a resolution and adopt it at the next Planning Commission meeting. Typically, Planning Commissioners are focused on the land use issues and that is in the purview of the Planning Commission, but that does not mean that matters of general concern cannot be brought up. It would require legislation because what is before the Commission is Chapter 9.06, which is a part of the code and in order to make the proposed changes, those would have to be adopted in an ordinance at the City Council level. The Planning Commission does have purview over Chapter 9.06.

Attorney King further clarified that the regulations in Chapter 9.06 are enforceable to a point. The City is concerned about City jurisdiction and typically local issues. The FAA has oversight on interstate commerce and interstate travel which would include commercial aircrafts that are flying at a much high altitude. This chapter seems to be concerned with lower flying aircraft and the definition of aircraft is much broader, including balloons or other conveyances, which would typically fly at a much lower level. This chapter is enforceable to a certain extent as long as it does not conflict with federal law. As Commissioner Sullivan brought up there are other issues as well. Other regulations such as water drops during fires which would be regulated more at the county level. There are different layers. Cities are usually more concerned with local smaller flying aircrafts over certain structures within the city. The FAA is concerned with much bigger aircraft flying at much higher altitudes. The drafters of the code may not have been thinking about commercial airlines. They may have been thinking about balloons that may be damaged and hurt someone on the ground.

Chairperson Choi opened the public hearing.

Speaker Tom Lu, 30-year resident of Monterey Park, stated that he is one of the residents that file daily complaints to LAX about the lower flying aircraft noise. Every 90 seconds a plane flies over his house at around 2,500 to 3,000 feet. He is disappointed to hear that some of the commissioners do not understand or know what is happening. The planes are turning earlier now because of the City's complaints. This effort might be meaningless, but it is moral support for the residents of Monterey Park.

Speaker Virginia Kiehl, 18-year resident on Coral View Street, stated that this is a problem for certain people in the City, but it is a huge problem. It is affecting her land use. When the planes are passing by every minute you cannot use your yard. Anything that we can do to help the residents get out from underneath the noise, environmental health issues, and safety issues of the planes would be appreciated.

Speaker Nancy Arcuri, 1971 resident, lives on the east side of town inquired about the definition of air space.

Chairperson Choi closed the public hearing.

Action: The Planning Commission after considering the evidence presented during the public hearing **recommended** to the City Council to consider an amendment to Monterey Park Municipal Code Chapter 9.06.

Motion: Moved by Commissioner Leung and seconded by Commission Amador, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Amador, Leung, and Robinson
Noes: Commissioners: Choi
Absent: Commissioners: None
Abstain: Commissioners: None

FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION:

None

STAFF UPDATES:

None

CLOSED SESSION:

None

ADJOURNMENT:

There being no further business for consideration, the meeting was adjourned on September 27, 2016 at 8:29 p.m. to the next regular meeting on October 11, 2016 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

Approved on at the regular Planning Commission meeting.



Planning Commission Staff Report

DATE: November 22, 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 Zone Change (ZC-16-01) to create a senior-citizen-housing (S-C-H) Overlay Zone, Conditional Use Permit (CU-16-04) for an affordable senior housing development, and Tentative Map No. 073741 (TM-16-02) to subdivide air rights for the construction of a 54-unit senior citizen housing condominium project at 130-206 South Chandler Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution recommending that the City Council approve Zone Change (ZC-16-01), Conditional Use Permit (CU-16-04), and Tentative Map No. 074731 (TM-16-02) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The proposed project is a 54-unit mixed-affordable senior housing development located six lots south of the intersection of West Garvey Avenue and South Chandler Avenue. Neighboring properties include a multi-unit two-story commercial building, a financial institution, and other older multi-unit residential buildings constructed in the 1920s and 1950s.

Per Monterey Park Municipal Code (MPMC) Chapter 21.16, the proposed use is an allowed use subject to a conditional use permit and zone change. Additionally, the applicant is requesting approval of a tentative map to subdivide the air-rights for condominium purposes. The senior citizen housing overlay allows for a three-stories, 40 feet tall building. According to the architectural plans, the proposed project will be setback 25 feet from the front property line and will be planted with a variety of Crape Myrtles, Date Palms, and Redbud Trees, groundcover, and decorative pavers. At the north and south sides of the property the building will be setback 7 feet, which will be two feet more than the minimum 5 feet side yard setback requirement and the second and third floors will have a 10 feet side yard setback. The proposed lot coverage will be

29 percent of the lot and the project will provide the required number of parking spaces base on the affordability levels.

The proposed project is designed according to the MPMC and is consistent with the density allowed in the General Plan; it provides senior housing units per the City's Housing Element 2014-2021.

ANALYSIS:

Property Description

The applicant, Latigo Canyon Development LLC, is requesting approval for a Zone Change, Conditional Use Permit, and Tentative Map No. 074731 for the subdivision of air rights to construct a 54-unit mixed-affordable senior housing condominium project at 130-206 South Chandler Avenue. The subject property is zoned R-3 (High Density Residential) and the General Plan designation is High Density Residential.

The subject property is comprised of three parcels, which will be consolidated as part of the proposed project. The three parcels will total 35,520 square feet (0.82 acre) in size. The lot width will be 185 feet and the depth is 192 feet. Two parcels are currently vacant and the third parcel is developed with three detached residential units and two detached garages constructed in 1921.

Project Description

According to R-3 zoning standards, a maximum building density of 1 unit per 3,000 square feet of lot area would apply to this property, which permits up to 11 units. However, the proposed project is a mixed-affordable senior housing development, which according to MPMC Chapter 21.16, permits a higher density for senior housing units.

According to MPMC Chapter 21.16, a maximum density of 50 units per acre is allowed in the Senior Citizen Housing Overlay Zone. Per the lot size, 40 units are allowed. Additionally, pursuant to MPMC Chapter 21.18 Affordable Housing Incentives – Density Bonus, the project will be comprised of a mixture of income groups, in order to receive a density bonus. The project will include 2.5 percent very-low income units for a 10 percent density bonus and 15 percent low income units for a 23 percent density, which equates to 1 very-low income units and 5 low income unit, respectively. In other words, 48 of the 54 units will be market rate. The remaining six units will be below market rate, with five units reserved for low income residents, and one reserved for very low income residents.

The project will be 3-stories and 40 feet in height and will meet the required setbacks of 25 feet for the front and rear yards and 7 feet for the first floor side yard setback and 10 feet for the second floor side yard setback. There will be 51 two-bedroom units ranging in size from 776 square feet to 1071 square feet and 3 one-bedroom units that will be 752 square feet in size. The project also includes a 1,715 square feet community room, and 881 square feet manager's office.

Parking

Parking required for the site is based on the income group. For the market rate units 1.0. parking space is required per unit. For the low income units, 0.8 spaces is required per unit. Additionally, one guest parking space is required for every four units. The required number of parking spaces is 42 spaces plus 14 guest parking spaces, totaling 66 spaces and 66 spaces will be provided. All the parking spaces will be provided in one level of subterranean parking. The required driveway width for an R-3 zoned lot is 18 feet. The driveway width at the entrance and throughout the subterranean parking level will be 26 feet wide. The property will be accessible from South Chandler Avenue.

Open Space

The minimum required usable open space area is 200 square feet per unit or 10,800 square feet and 15,443 square feet will be provided. The minimum required private open space is 100 square feet and 104 square feet of private open space will be provided for each unit. The minimum required common open space is 40 percent of the total usable open space area, which is 4,320 square feet and the provided common open space is 4,625 square feet. The private and usable open space total provided meets the minimum requirements.

Covenant to Continue as Senior Housing, Affordable Units, and Agreement for Density Bonus

As a condition of approval for any senior housing development pursuant Chapter 21.16, the property owner must enter into a covenant, running with the land that the development is for senior citizen housing use only for a minimum period of fifty-five (55) years. The covenant must specify the periodic period that the property owner or homeowners association, as applicable, submit a semi-annual report to the City confirming requirements of MPMC § 21.16.040. The covenant must be submitted to the City for review and approved by the City Attorney and be recorded in the office of the County Recorder before the City issues building permits for the development.

Zone Change

According to MPMC Chapter 21.16, the Senior Citizens Housing (S-C-H) Overlay Zone can be created in the same manner as property is reclassified from one zone to another within the City, as set forth in Chapter 21.34. According to MPMC Section 21.34.020, amendments may be initiated by the owner of any real property located within the City. A Zone Change application must be filed; the Planning Commission conducts a public hearing; and following the public hearing, the Planning Commission makes a recommendation to the City Council regarding the proposed zone change.

Tentative Map No. 073741

The project includes a tentative map to subdivide air rights for condominium purposes. In accordance with MPMC Title 20 and the Subdivision Map Act (Government Code §§ 66410, *et seq.*), the project complies with map requirements.

Conditional Use Permit

According to MPMC 21.16.030, all affordable senior housing developments must be approved with a conditional use permit. According to MPMC Section 21.32.020, before any conditional use permit is granted, the applicant must show, to the satisfaction of the Planning Commission, all of the following facts as discussed in the resolution.

OTHER ITEMS:

Legal Notification

A Notice of Intent to adopt a Mitigated Negative Declaration was published on **October 13, 2016** in the Monterey Park Progress and circulated for public review for a period of 20 days (**October 6, 2016 to October 25, 2016**) and posted on **October 6, 2016**, in the Monterey Park Bruggemeyer Library, Langley Center and the City Hall with affidavits of publishing and posting on file. The legal notice of this hearing was mailed to **97** property owners within a 300 feet radius and current tenants of the property concerned on **October 6, 2016**.

Environmental Assessment

As required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Staff recommends that after consideration of the Initial Study and comments received during the public review period, that the Planning Commission exercise its independent judgment and recommend to the City Council that with the implementation of certain mitigation measures, the proposed Project would not have a significant impact on the environment and therefore a Mitigated Negative Declaration with Mitigation Measures and Mitigation Monitoring and Reporting Plan is recommended.

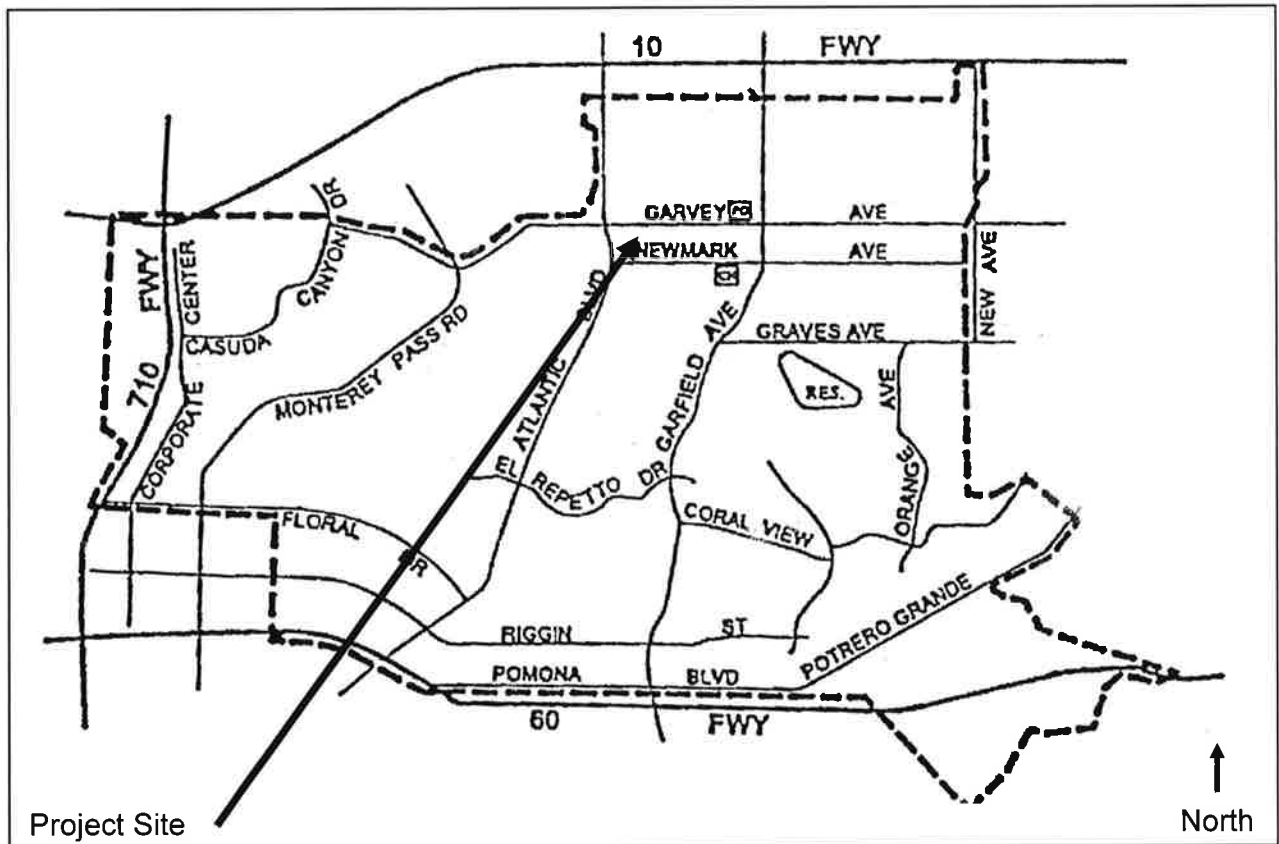
General Plan Consistency

The proposed project is consistent with the City's General Plan because the High Density Residential land use category allows for a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The average population density is 84 persons per acre. The General Plan Land Use Element contains a goal (Goal 11.0) which is to continue to provide opportunities for persons of all incomes to find suitable housing. The proposed project is a 54-unit affordable senior housing development, which will provide affordable housing options to senior citizens.

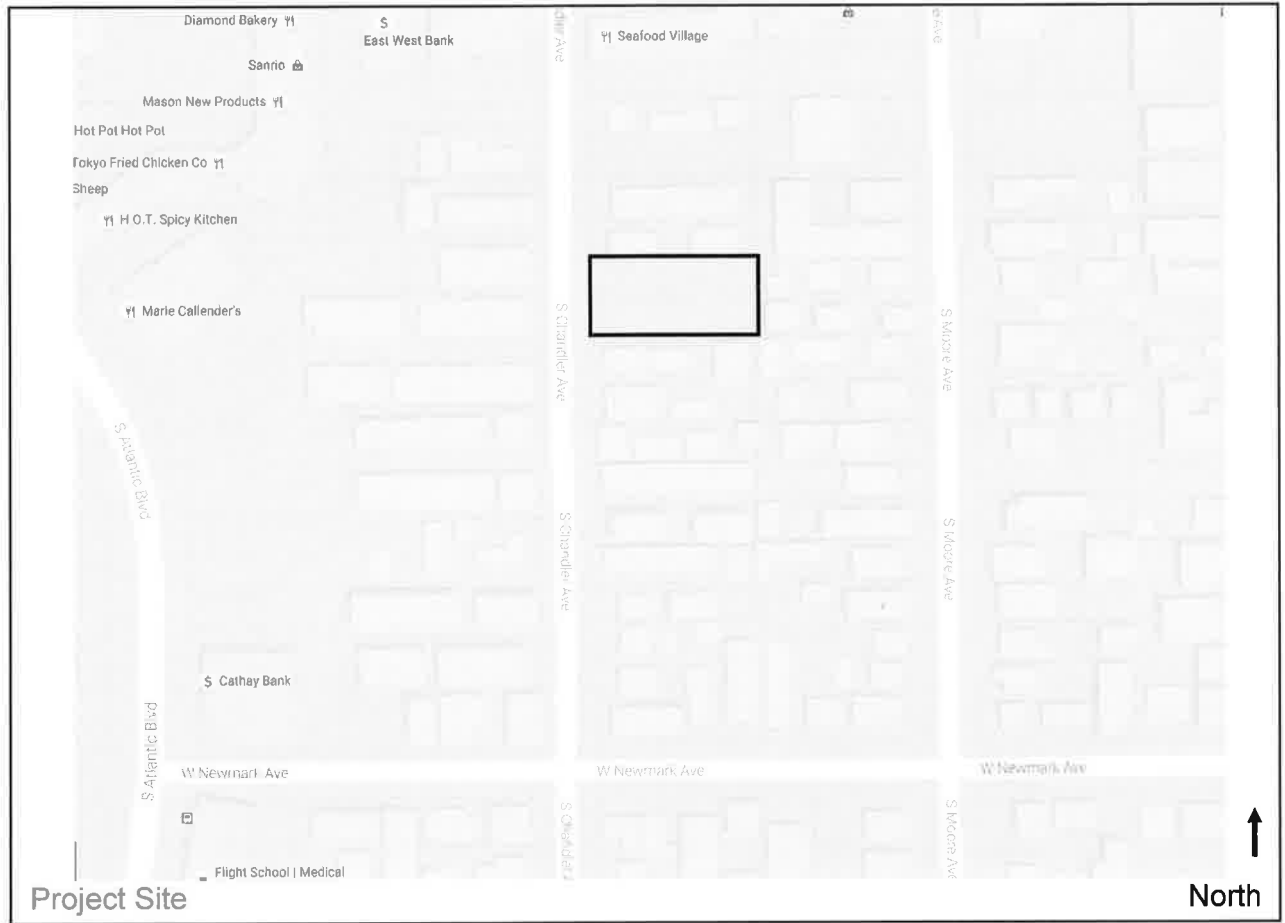
A goal (Goal 2) contained in the 2014-2021 Housing Element is to remove or reduce governmental constraints on affordable housing development. One of the policies (Policy 2.2) in the Housing Element is to encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing development. The proposed project conforms to the density permitted by Monterey Park Municipal Code (MPMC) Section 21.36.090 for mixed affordable senior housing developments and

meets the State density law. Also, the project helps to attain Goal 4 which is to assist in the provision of housing that meets the needs of all economic segments of the community. The project will provide affordable housing to senior citizens.

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None

FISCAL IMPACT:

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

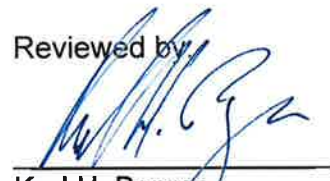
Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Site, floor, elevation plans and Tentative Map

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

130-206 SOUTH CHANDLER AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Latigo Canyon Development, LLC agrees that it will comply with the following conditions for the City of Monterey Park's approval of Tentative Map No. 073741 (TM-16-02), Conditional Use Permit (CU-16-04), and Zone Change (ZC-16-01) ("Project Conditions").

PLANNING:

1. Latigo Canyon Development 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 TM-16-02 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-16-02, CU-16-04, and ZC-16-01, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Divisions. Any subsequent modification must be referred to the Director of the Community and Economic Development Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. Three one-year extensions may be granted by the Planning Commission upon finding of good cause.
4. 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 single one-year extension may be granted by the Planning Commission upon finding of good cause.

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5. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
6. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
7. The real property subject to TM-16-02, CU-16-04, and ZC-16-01 must remain well-maintained and free of graffiti.
8. Building permits are required for any interior tenant improvements.
9. Landscaping/irrigation must be maintained in good condition at all times.
10. A final map must be approved and recorded before the City issues a certificate of occupancy.
11. The Homeowner's Association (HOA) must retain the services of a professional property management company to oversee the maintenance and operation of the property. The management company must provide an Annual Verification Report to the Community and Economic Development Department to confirm that all the occupants of the property comply with the age and income restrictions.
12. The developer is to submit a complete master landscape and irrigation plan to the Planning Division of the Community and Economic Development Department with the required fee for review.
13. The developer must enter into a covenant, running with the land that the development is for senior citizen housing use only for a minimum period of fifty-five (55) years. The covenant must specify the periodic period that the property owner or homeowners association, as applicable, submit a semi-annual report to the City confirming requirements of § 21.16.040. The covenant must be submitted to the City for review and approved by the City Attorney and be recorded in the office of the County Recorder before the City issues building permits for the development.
14. Construction or demolition work must be conducted between the hours of seven a.m. and seven p.m. on weekdays and the hours of nine a.m. and six p.m. on Saturdays, Sundays and holidays per MPMC § 9.53.070(6).
15. The operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool or similar tool between the hours of seven a.m. and seven p.m. on weekdays and the hours of nine a.m. and six p.m. on Saturdays, Sundays and holidays per MPMC § 9.53.070(5).
16. All construction equipment, fixed or mobile, must be equipped with properly operating and maintained mufflers.

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17. Stationary equipment must be placed such that emitted noise is directed away from neighboring residential receivers.
18. Block walls must be constructed with decorative materials, including slump stone, split face block, river rock, brick, stucco covered precision, combination of block pilaster with wrought iron, or similar material, subject to the review and approval of the Planner.

19. Mitigation Measures:

- C-1 Before excavating and constructing of the project site, the prime construction contractor(s) must be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources and removing artifacts, human remains, bottles and other cultural materials from the project site. A signed statement of understanding must be provided to the Community and Economic Development Director before the City issues grading permits. The applicant must bear the cost of implementing this mitigation.
- C-2 If potential archaeological materials are uncovered during grading or other earth moving activities, the contractor is required to halt work in the immediate area of the find and to retain a professional archaeologist to examine the materials to determine whether it is a unique archaeological resource as defined in Public Resources Code § 21083.2(g). If this determination is positive, the resource must be left in place, if determined feasible by the project archaeologist. Otherwise, the scientifically consequential information must be fully recovered by the archaeologist. Work may continue outside of the area of the find; however, no further work must occur in the immediate location of the find until all information recovery has been completed and a report concerning it filed with the Community and Economic Development Director. The applicant must bear the cost of implementing this mitigation.
- C-3 If paleontological materials are uncovered during grading or other earth moving activities, the contractor must be required to halt work in the immediate area of the find, and to retain a professional paleontologist to examine the materials to determine whether it is a significant paleontological resource. If this determination is positive, resource must be left in place, if determined feasible by the project paleontologist. Otherwise, the scientifically consequential information must be fully recovered by the paleontologist. Work may continue outside of the area of the find; however, no further work must occur in the immediate location of the find until all information recovery has been completed and a report concerning it filed with the Community and Economic Development Director. The applicant must bear the cost of implementing this mitigation.

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- HM-1 Before commencing demolition activities, the existing on-site structures must be surveyed for the presence of asbestos containing materials (ACM) by a contractor registered with Asbestos Contractors' Registration Unit, as required by California law. Should ACM be detected, appropriate abatement measures pursuant to South Coast Air Quality Management District Rule 1403 must commence by a registered contractor at the expense of the developer. Documentation certifying that ACM was removed to satisfactory levels as required by California law must be delivered to the Community and Economic Development Director, or designee, before existing structures can be demolished on-site. The applicant must bear the cost of implementing this mitigation.
- HW-1 Before demolition activities can commence, , the existing on-site structures must be surveyed for the presence of lead. If lead existing in levels determined to be hazardous is identified, such materials must be removed by an abatement contractor before buildings can be demolished. Demolition debris and waste categorized as hazardous waste must be handled, transported, and disposed of in accordance with applicable federal, state, and local laws and rules to ensure that potential impacts to health and the environment are minimized. Specifically, employees who perform tasks such as manual demolition, are required to receive employer provided training, air monitoring, protective clothing, respirators, and hand washing facilities. Standard work practices required by 17 Code of California Regulations § 35001, *et seq.*, also include the use of wet methods and HEPA vacuums. Documentation verifying appropriate disposal of hazardous wastes must be provided to the Community and Economic Development Director, or designee, before the City issues building permits. The developer must bear the cost of implementing this mitigation.
- N-1 During excavation and grading activities, construction contractors must equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer's standards.
- N-2 Construction contractors must place all stationary construction equipment in a central site location, where possible, to maximize the distance from nearby receptors.
- N-3 Construction contractors must locate equipment and materials staging in areas that will create the greatest distance between equipment and materials staging and nearby receptors.

BUILDING:

20. The second sheet of the building plans must list all City of Monterey Park conditions of approval.

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21. A validly issued building permit does not allow excavations to encroach into adjacent property. Requirements for protection of adjacent property are defined in Civil Code § 832.
22. The site plan must be approved before the City issues building permits. Among other things, it must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
23. A soils and geology report prepared by a civil engineer is required as part of plan check submittal.
24. The applicant must submit a valid permit obtained from CAL-OSHA to the City before the City issues a building permit.
25. A compaction report for demolition of previous buildings must be submitted to the City of Monterey Park before the City issues grading permits for excavating new foundations.
26. The building must conform to the 2008 Edition of the Energy Efficiency Standards by the California Energy Commission.
27. Access and accessibility requirements, per the California Building Code, apply to this newly constructed, privately funded, multi-family dwelling units building.
28. The applicant must provide mechanically operated exhaust ventilation for S-2 garage.

ENGINEERING:

29. Pursuant to the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," under which the City of Monterey Park is a permittee, this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. This project will require the preparation of a Low Impact Development (LID). Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.
30. Applicant must deposit a refundable \$187 cash deposit to guarantee that developer will provide the City with the (1) transparent 4 mil thick mylar tracing; one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems; and two (2) blueprints of the recorded final map which must be filed with the Public Works Department within three (3) months of recordation. If recorded copy is not submitted by the end of the three month time period, developer will forfeit the \$187 cash deposit.

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31. Before submitting a final map for City approval, the applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments; submit L.A. County tax bill, tax payment receipt, and copy of cancelled check.
32. The developer/owner is responsible for ascertaining and paying all City development fees such as, without limitation, sewer deficiency fees, water meter fees and metered water service impact fees as required by MPMC.
33. The applicant must record covenants, conditions and restrictions ("CC&Rs") and establish a homeowner's association to address common maintenance and utilities. CC&Rs must be reviewed and approved by the City Attorney and the City Engineer at the applicant's sole cost. Applicant is responsible for securing the CC&R requirements from the Public Works Department. A copy of the recorded CC&Rs must be submitted to the Public Works Department before the City performs final inspection and issues a certificate of occupancy.
34. All improvement plans, including grading and public improvement plans, must be based upon City approved datum. Benchmark references to be obtained from the Engineering Division.
35. A water plan must be submitted for review and approval by the Public Works Director, or designee. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer will be responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City. The substantiation of adequate water services must be confirmed by the Public Works Director, or designee, before the City issues building permits.
36. The applicant must submit water meter sizing sheet to the Public Works Department. The Public Works Department will then determine what water requirements must be met. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner and must be completed before final inspection approval.
37. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the Public Works Director, or designee, before the approval of the final map. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the Public Works Director, or designee. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the Public Works Director, or designee.
38. A site drainage plan must be prepared for review and approval by the Public Works Director, or designee before the City issues building permits. The property drainage

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must be designed so that the property drains to the public street or in a manner otherwise acceptable to the Public Works Director, or designee. Drainage from contiguous properties cannot be blocked and must be accommodated to the satisfaction of the Public Works Director, or designee. A hydrology and hydraulic study of the site may be required for submittal to the Public Works Director, or designee for review and approval.

39. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also to the satisfaction of the Public Works Director, or designee before the issuance of building permits.
40. Any damage done to existing street improvements and utilities during construction must be repaired before acceptance of the project. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must also be repaired or replaced to the satisfaction of the Public Works Director, or designee. All existing driveways, if not to be used, must be removed and replaced with curb and sidewalk.
41. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the Public Works Director, or designee. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.
42. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted before the City issues building permits, showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
43. A sewer connection reconstruction fee will be assessed at the time that the City issues a building permit in accordance with MPMC Chapter 14.06.
44. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the Public Works Director, or designee, before the City issues building permits.
45. The grading and drainage plan and a separate street improvement plan must be submitted by the first plan check. The street improvement plan must include the removal and reconstruction of the sidewalk, driveway approach, and curb and gutter along the entire property frontage. It must also include asphalt pavement removal and replacement to the centerline of the street.

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46. The shoring design plan must be submitted by the first plan check and must incorporate all pertinent site development comments from the City's geological and geotechnical consultants and must also include the approved geological and geotechnical report submitted by the developer's consultant.
47. Parkways must be irrigated and landscaped per plans submitted for review and approval by the Public Works Director, or designee, before final inspection approval. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the Recreation and Parks Director, or designee.
48. The City reserves the right to restrict driveway access to and from the project in the event future traffic conditions warrant such restricted turn movements.

FIRE:

49. All conditional identified by the Monterey Park Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
50. The minimum required fire flow is 6,000 gallons per minute (gpm) for 4-hour duration. Plans must include fire flow test data obtained with one-year of the submittal date. The fire flow may be reduced by 50 percent by written request to the Fire Chief, or designee, per California Fire Code (CFC) Appendix B as adopted by the MPMC.
51. A minimum of 6 fire hydrants must be provided within 150 feet of the structure with an average spacing of 250 feet. Show all existing and proposed fire hydrants on the site plan, per CFC Appendix C.
52. The building height and area will be determined by the CBC Table 503, per CBC §§ 504.2 and 506.3, installation of an automatic fire sprinkler system in the R-1 occupancy will allow either an increase in stories/height or allowable floor area, but not both.
53. Provide an approved Class I standpipe system in all stairwells on all levels including the roof as set forth by the CBC and CFC § 905.
54. Provide an approved automatic fire sprinkler system and fire alarm as set forth by the CFC §§ 903 and 907.
55. Provide smoke alarms in each room for sleeping purposes and at a point centrally located in the corridor or area giving access to each separate sleeping area.
56. Smoke alarms must be installed in accordance with the manufacturers' instructions. Indicate the smoke alarm locations on the plans, per CFC § 907.2.11.1

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57. Carbon monoxide alarms must be provided either within all the sleeping units or else the building must be provided with a carbon monoxide alarm system that protects all common areas, per CBC § 420.6.
58. Dwelling units and common areas must be provided with alarm notification appliances, per CFC § 907.2.9.
59. All dwelling units assigned as accessible must be provided with visual notification appliances, per CFC § 907.5.2.3.4.
60. Provide approved stairway identification signs located approximately 5 feet above the floor landing, at each floor level, and in all enclosed stairways in buildings three or more stories in height. Provide stairway identification signs for review and approval by the Fire Department, per CFC § 1022.8.
61. A minimum of one elevator providing general stretcher dimensions and extending to the top floor must be provided, per CBC § 3002.8.
62. An approved number or address must be provided on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers must be a minimum of 6-inch high by ½ stroke and be a contrasting background, per CFC § 505.1.
63. A Knox box must be provided adjacent to the main entrance at an approved location, per CFC § 506.1.
64. Portable fire extinguishers must be installed on all floors per the CFC § 510.0.
65. Provide a minimum of one standpipe system for use during construction. Such standpipe must be installed when the progress of construction is not more than 40 feet in height above the lowest level of fire department access, per CFC § 3313.
66. An on-site Fire Inspector may be required for this project at no expense to the jurisdiction for the duration of the project construction as determined by the Fire Chief. The on-site inspector must be approved by the Fire Chief.
67. A building code and egress analysis report of the applicable portions of the 2013 California Fire and Building code must be prepared by a qualified and licensed professional. The report will bear the stamp of a registered design professional to analyze the fire safety properties of the design, operation, or use of the building or premise and the facilities and appurtenances for review by the fire code official without charge to the jurisdiction, CFC § 104.7.2.
68. If “as-built” plans are required, additional fees will be due for the review of the drawings.

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69. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
70. If security gates are installed on the property it is recommended that an access control system such as a keypad, card reader, or electric latch retraction devices are installed at ingress and egress gates and doors in order to control and deter unwanted access onto the property. A key card or key code must be provided to the police department to access the property in case of an emergency.
71. The shrubbery on the property must be installed and maintained in such condition to permit visibility of the units from the streets. Any shrubbery surrounding the complex and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.
72. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
73. All common open areas must be well lit during the hours of darkness.
74. Signs identifying guest parking spaces must be posted at the guest parking areas and in the driveway leading into the complex preventing illegal or overnight parking of unwanted guests.
75. A proper thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

RECREATION:

76. On the site plan, show the existing trees in the parkway. One street tree may be removed for the new driveway. If an existing street tree is closer than 10 feet from the new driveway, the tree must be removed and a new tree must be planted per planting requirements. The new street tree must be a *Pyrus Calleryana* "Bradford Pear."

By signing this document, Latigo Canyon Development LLC, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Latigo Canyon Development LLC, Applicant

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE (ZC-16-01); CONDITIONAL USE PERMIT (CU-16-04); AND TENTATIVE MAP NO. 073741 (TM-16-02) TO SUBDIVIDE AIR RIGHTS TO CONSTRUCT A 54-UNIT MIXED-AFFORDABLE SENIOR CITIZENS HOUSING DEVELOPMENT AND CERTIFY A MITIGATED NEGATIVE DECLARATION AT 130-206 SOUTH CHANDLER AVENUE.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On April 5, 2016, Latigo Canyon Development LLC, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC"), requesting approval of a Tentative Map No. 073741 (TM-16-02) to subdivide air rights to construct a 54-unit mixed-affordable senior citizens housing development and Title 21 of MPMC for a Zone Change to add Senior Citizens Housing (S-C-H) Overlay Zone and Conditional Use Permit to permit an affordable senior citizens housing development in the R-3 (High Density Residential) Zone at 130-206 South Chandler Avenue (collectively, the "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 proposed Project before the Planning Commission for November 22, 2016;
- E. On November 22, 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 Latigo Canyon Development LLC; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its November 22, 2016 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

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SECTION 2: *Environmental Assessment.*

- A. The Project was analyzed for its environmental impacts and an Initial Study was prepared pursuant to CEQA Guidelines §15063. The Initial Study demonstrated that the project would not have a significant effect on the environment with the implementation of mitigation measures. A Mitigated Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA Guidelines §15070. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073, and was available for public comment from October 6, 2016 to October 25, 2016.
- B. In accordance with § 15074 of the CEQA Guidelines, the record on which the Planning Commission's findings are based is located at the City of Monterey Park Community and Economic Development Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.
- C. When considering the whole record for the draft Initial Study and Mitigated Negative Declaration, there is no evidence that the Project will have the potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, because the project is in a built-out urban environment.
- D. These findings are based on the various mitigation measures to be required in the implementation of the project as adopted in the Mitigated Negative Declaration as already having been incorporated into the Project. The Planning Commission finds that all the mitigation measures now incorporated into the project are desirable and feasible.
- E. Accordingly, based upon the evidence presented to the Planning Commission, the City need not prepare an environmental impact report for the proposed project. Consequently, the Planning Commission recommends that the City Council adopt the draft mitigated negative declaration.

SECTION 3: *Conditional Use Permit Findings.* After considering the factual findings of this Resolution and the accompanying staff report, the Commission finds as follows pursuant to MPMC § 21.32.020:

- 1. The site is adequate in size, shape and topography for the proposed senior housing development. The subject property is zoned R-3 (High Density Residential). The minimum required lot size in the R-3 Zone is 7,000 square feet, the minimum required lot width is 60 feet, and the minimum required lot depth is 100 feet. The subject property is 35,520 square feet (0.82 acre) in size. The lot width is 185 feet and the depth is 192 feet. The lot is regular shaped and relatively flat. Two parcels are currently vacant and the third parcel is developed with three detached residential units and two detached garages constructed in 1921.

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The proposed use is a 54-unit mixed-affordability senior housing development comprised of a mixture of income groups. According to MPMC Chapter 21.16, a maximum density of 50 units per acre is allowed in the Senior Citizen Housing Overlay Zone. Per the lot size, 40 units are allowed. Additionally, pursuant to MPMC Chapter 21.18 Affordable Housing Incentives – Density Bonus, the project will be comprised of a mixture of income groups, in order to receive a density bonus. The project will include 2.5 percent very-low income units for a 10 percent density bonus and 15 percent low income units for a 23 percent density, which equates to 1 very-low income units and 5 low income unit, respectively. The project will be 3-stories and 40 feet in height and will meet the required setbacks of 25 feet for the front and rear yards and 10 feet for the side yard setbacks. All the units will be attached in a rectangular formation with a courtyard at the center of the property.

2. The site has sufficient access to streets and highways and is adequate in width and pavement type. The site is accessible from South Chandler Avenue, an 60 feet wide right-of-way local street. The driveway will be 26 feet wide at the entrance, which exceeds the required 18 feet width for an R-3 zoned property and will be 26 feet wide in the subterranean parking level. The site is located within a mile south of the Interstate 10 Freeway.
3. The proposed senior housing development is consistent with the City's General Plan because the High Density Residential land use category allows for a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes. The average population density is 84 persons per acre. General Plan Land Use Element Goal 11.0 states to continue to provide opportunities for persons of all incomes to find suitable housing. The proposed project is a 54-unit mixed-affordability senior housing development, which provides affordable housing options to senior citizens.

According to the 2014-2021 Housing Element Goal 2 states to remove or reduce governmental constraints on affordable housing development. Policy 2.2 states to encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing development. The proposed project provides the density permitted by MPMC Section 21.16.090 for mixed affordable senior housing developments and complies with California law. Goal 4 states to assist in the provision of housing that meets the needs of all economic segments of the community. The project will provide affordable housing units to senior citizens.

4. The proposed 54-unit affordable senior housing development will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood. According to MPMC Section 21.16.020, a senior housing

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development may only be created in the R-2, R-3 zones in the City, and any commercial zone within an area designated by the general plan as mixed use. The subject property is zoned R-3 and is permitted to construct a senior housing development with a conditional use permit. The subject property is currently developed with a multi-unit apartment complex and the proposed senior housing development will also be a multi-unit residential development. Properties located to the south, east and west of the subject property are R-3 zoned lots and are developed with multi-unit residential developments. North of the subject property are R-2 zoned lots that are developed with multi-unit residential developments. The proposed senior housing development is consistent with the type of the uses that are currently developed in that neighborhood.

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

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

1. The proposed map is consistent with applicable general and specific plans as specified in Government Code § 66473.5. The proposed Tentative Map is consistent with the City's General Plan in that the High Density Residential land use category allows for a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes. The average population density is 84 persons per acre. Goal 10.0 in the General Plan Land Use Element is to maintain the quality and character of Monterey Park's residential neighborhoods. In order to achieve Goal 10.0, Policy 10.1 states to ensure that the City's zoning regulations, subdivision regulations, and design guidelines are crafted to achieve compatibility between established residential dwellings and new residential developments within the same neighborhood. Properties to the north, south, east, and west of the subject property are developed with apartment, condominium, and multi-unit buildings. Approval of the Tentative Map will not adversely affect the zoning regulations because the proposed project will be in compliance with the zoning development standards. There is no specific plan adopted for this area.
2. The design and improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the City's General Plan in that the project is a 54-unit affordable senior housing condominium project, which is compatible with the high density housing either attached or detached allowed in the high density residential category. There is no specific plan adopted for this area.

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3. The site is physically suitable for the type of development and proposed density of the development. The size of the property is 35,520 square feet (0.82 acre) and adequate in size to accommodate a 54-unit condominium project. The proposed project is a mixed-affordability senior housing development, which according to MPMC Chapter 21.16 permits a higher density for affordable senior housing units. Pursuant to MPMC Chapter 21.16, the project is comprised of a mixture of income groups. According to MPMC Chapter 21.16, a maximum density of 50 units per acre is allowed in the Senior Citizen Housing Overlay Zone. Per the lot size, 40 units are allowed. Additionally, pursuant to MPMC Chapter 21.18 Affordable Housing Incentives – Density Bonus, the project will be comprised of a mixture of income groups, in order to receive a density bonus. The project will include 2.5 percent very-low income units for a 10 percent density bonus and 15 percent low income units for a 23 percent density, which equates to 1 very-low income units and 5 low income unit, respectively.
4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is surrounded by residentially developed lots to the north, south, east and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.
5. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all applicable law.
6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed development.

SECTION 5: *Zone Change Findings.* The Commission finds as follows pursuant to MPMC § 21.38.050:

- A. The proposed amendment is consistent with the goals, policies, and objectives of the General Plan. The proposed amendment is to add an S-C-H (Senior Citizen Housing) Overlay Zone to the existing R-3 (High Density Residential) Zone. The proposed amendment is consistent with the General Plan because according to the 2014-2021 Housing Element, several policies were created to encourage affordable housing developments. Policy 2.2, states to encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing development. Program 6: Density Bonuses, states to continue to provide regulatory incentives to developers of senior citizen housing

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through the Senior Citizen Housing Overlay zoning. Policy 3.2, states to assist private developers in identifying and preparing vacant land suitable for lower-income and senior citizen housing developments.

- B. The proposed amendment will not adversely affect surrounding properties. The properties to the north, south, east and west are zoned R-3 and designated high density residential. A MND has been prepared for the proposed amendment and the MND shows that impacts will be less significant with the implementation of mitigation measures.
- C. The proposed amendment promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC. The propose amendment will allow for the development of affordable senior housing units. According to MPMC 21.26.010, the purpose of the Senior Citizen Housing Overlay Zone is to provide for the unique needs of special housing for senior citizens in a manner compatible with existing and future developments in surrounding areas and in compliance with the General Plan.

SECTION 6: Recommendations. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration ("MND"); approve Tentative Map No. 073741 (TM-16-02); approve Conditional Use Permit (CU-16-04); and adopt an ordinance implementing the proposed Zone Change (ZC-16-01).

SECTION 7: 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 8: 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.

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SECTION 9: *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 10: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 11: A copy of this Resolution will be mailed to Curt Wang and to any other person requesting a copy.

SECTION 12: 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 13: 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 22nd day of November 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 22nd day of November 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael Huntley, Secretary

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

By:



Karl H. Berger
Assistant City Attorney

ATTACHMENT 2

Site, floor, elevation plans and Tentative Map No. 073741