

PLANNING COMMISSION OF MONTEREY PARK AGENDA

**REGULAR MEETING
Monterey Park City Hall – Community Room
320 West Newmark Avenue**

**Tuesday
June 13, 2017
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.**

Documents related to an Agenda item are available to the public in the Community and Economic Development Department – Planning Division located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at www.montereypark.ca.gov.

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Board Chair and Board Members may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER

Chairperson

FLAG SALUTE

Chairperson

ROLL CALL

Larry Sullivan, Delario Robinson, Theresa Amador, Ricky Choi, and Eric Brossy De Dios

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

[1.] PRESENTATIONS - None

[2.] CONSENT CALENDAR

2-A. APPROVALS OF MINUTES

It is recommended that the Planning Commission:

- (1) Approve the minutes from the regular meetings of May 23, 2017; and
- (2) Take such additional, related, action that may be desirable.

2-B. TIME EXTENSION (EX-17-01) FOR CONDITIONAL USE PERMIT (CU15-07) TO ALLOW A 1.0 FLOOR AREA RATIO FOR A 12-UNIT MEDICAL OFFICE CONDOMINIUM DEVELOPMENT (CITIZEN'S MEDICAL PLAZA) – 120 WEST HELLMAN AVENUE

It is recommended that the Planning Commission:

- (1) Approve the requested Time Extension (EX-17-01) for Conditional Use Permit (CU-15-07); and
- (2) Taking such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A MODIFICATION OF CONDITIONAL USE PERMIT (CU-17-02) TO ALLOW A NEW 5-STORY MIXED-USE DEVELOPMENT AND GENERAL ON-SALE ALCOHOL USE AND TENTATIVE MAP NO. 074409 (TM-17-02) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH A HOTEL AND 84 RESIDENTIAL UNITS IN THE R-S, P-D (REGIONAL SPECIALTY, PLANNED DEVELOPMENT) ZONE – 420 NORTH ATLANTIC BOULEVARD

It is recommended that the Planning Commission:

- (1) Open the public hearing;
- (2) Receive documentary and testimonial evidence;
- (3) Close the public hearing;
- (4) Adopt the attached Resolution approving Conditional Use Permit (CUP-17-02) and Tentative Map (TM-17-02), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*), a lead agency may prepare a supplement to a previously adopted MND if some changes or additions are necessary to a previously analyzed project and the conditions described in CEQA Guidelines § 15162 are met. A Supplemental MND dated May 2017 was prepared and circulated for public review for a period of 20 days (May 15, 2017 to June 3, 2017) for the amended project. The SMND determined that there were no previously unidentified, or intensified, environmental impacts that would require additional analysis or mitigation. Consequently, the mitigation measures previously required by the MND dated October 2016 were sufficient to cause the amended project to remain a less than significant impact on the environment.

3-B CONSIDER ADOPTING A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND SPECIFIC SECTIONS OF TITLE 21 ZONING REGULATIONS OF THE MONTEREY PARK MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS

It is recommended that the Planning Commission:

- (1) Open the public hearing and, after considering the evidence presented during the public hearing, adopt a Resolution recommending that the City Council adopt a draft ordinance amending the Monterey Park Municipal Code regulating Accessory Dwelling Units;

- (2) In the alternative, direct staff to study potential areas of the City where Accessory Dwelling Units may be prohibited due to potential adverse impacts; and/or
- (3) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

This action is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*), because it involves the adoption of an ordinance regarding accessory dwelling units in a single-family or multifamily residential zone to implement the Government Code § 65852.2 as set forth in Public Resources Code § 21080.17, pursuant to CEQA Guidelines § 15282(h).

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

[6.] BOARD MEMBERS COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on June 27, 2017.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: June 13, 2017

AGENDA ITEM NO: 2-A

TO: Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
BY: Samantha Tewasart, Senior Planner
SUBJECT: Planning Commission Minutes

RECOMMENDATION:

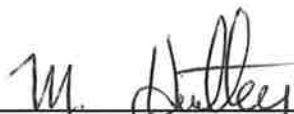
It is recommended that the Planning Commission consider:

- (1) Approve the minutes from the regular meeting of May 23, 2017; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

Respectfully submitted,



Michael A. Huntley
Community and Economic Development Director

Attachments:

Attachment 1: May 23, 2017 Planning Commission regular meeting minutes

ATTACHMENT 1

May 23, 2017 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
MAY 23, 2017**

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, May 23, 2017 at 7:00 p.m.

CALL TO ORDER:

Chairperson Larry Sullivan called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Larry Sullivan, Delario Robinson, Members, Theresa Amador, Ricky Choi and Eric Brossy De Dios

Board Members Absent: None

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS: None

[2.] CONSENT CALENDAR:

2-A. APPROVAL OF MINUTES

May 23, 2017 –

Action Taken: The Planning Commission approved the minutes of May 23, 2017 with amendments.

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

Ayes: Commissioners: Sullivan, Robinson, Choi, and De Dios

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

2-B. FOOD TRUCK OVERVIEW

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

Attorney Berger stated that per the Commission's direction this matter was placed onto the City Council's agenda for last week. It generated some discussion. Staff was left with some homework to come back to the City Council.

Chairperson Sullivan stated that there was mention at the prior meeting that food trucks are limited to streets under certain speed limits and inquired if that is an enforcement issue for the Police Department and what direction will they take on it. Attorney Berger replied that the City's Attorney's Office and the Police Department have been discussing that very item. There may be alternative ways for enforcement specifically under that oversized vehicle regulation under the municipal code, but it is something that is being examined. Police officers are able to exercise their discretion when issuing citations.

[3.] PUBLIC HEARING:

[4.] OLD BUSINESS:

CONDITIONAL USE PERMIT TO ALLOW A MESSAGE ESTABLISHMENT – 1480 MONTEREY PASS ROAD (CU-17-03)

Planner Tewasart provided a brief summary of the staff report.

Chairperson Sullivan inquired if the Commissions' concerns have been addressed. Commissioners replied yes.

Vice-Chair Robinson inquired if there are any liabilities if the Planning Commission had a prejudicial view on a use and did not want to pass an application. Attorney Berger replied that this a discretionary permit, so long as the Planning Commission feels that there is adequate evidence in the record to approve the application based upon the findings that have to be made for any application, the Planning Commission has the ability to deny or approve the permit. If the Planning Commission denies the permit the applicant still has the option of appealing that decision to the City Council. The City Council is the one to make the final decision on those items before the applicant could take any further actions like going to court. It is not really a liability issue. It is an issue of whether or not the applicant can convince the court that the City acted improperly in denying their application.

Chairperson Sullivan opened and closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 02-17** approving Conditional Use Permit (CU-17-03) to allow a massage establishment at 1480 Monterey Pass Road.

Resolution No. 02-17

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-17-03) TO ALLOW A MESSAGE ESTABLISHMENT AT 1480 MONTEREY PASS ROAD

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

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

[5.] NEW BUSINESS: None.

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

Commissioner De Dios inquired if there were plans to update the General Plan. Chairperson Sullivan stated that the Interim City Manager is looking into.

[7.] STAFF COMMUNICATIONS AND MATTERS: None

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 7:15 p.m.

Next regular scheduled meeting on June 13, 2017 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

MISSION STATEMENT

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Planning Commission Staff Report

DATE: June 13, 2017

AGENDA ITEM NO: 2-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Consent – Time Extension (EX-17-01) for Conditional Use Permit (CU-15-07) to allow a 1.0 floor area ratio for a 12-unit medical office condominium development (Citizen's Medical Plaza) – 120 West Hellman Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Approving the requested Time Extension (EX-17-01) for Conditional Use Permit (CU-15-07); and
- (2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In compliance with Monterey Park Municipal Code (MPMC) § 21.32.160(A), the applicant, Tony Zheng, is requesting a one-year time extension for Conditional Use Permit (CU-15-07) to allow a 1.0 floor area ratio for a 12-unit medical office condominium development (Citizen's Medical Plaza) at 120 West Hellman Avenue. The property is zoned C-P (Commercial Professional) and is designated Commercial in the General Plan.

On June 14, 2016, the Planning Commission adopted Resolution No. 12-16 approving Conditional Use Permit (CU-15-07). On May 25, 2017, the applicant submitted a request for a one-year time extension to allow for additional time to complete the building plan check process. According to the applicant, the construction drawings are currently on its second round of corrections. The mechanical, electrical, and plumbing plans have approval. Some revision items are outstanding with the Building and Safety and Planning Divisions as well as the soils report; however, the revision items are not significant. The applicant anticipates completing the plan process within the next few months.

Pursuant to MPMC § 21.32.160(A), the Planning Commission, upon good cause shown by the applicant, may extend the time limitation, once, for a period of not to exceed one year without a public hearing. Staff concurs with the request to allow additional time to work on the matter. If approved, Conditional Use Permit (CU-15-07) will expire on June 16, 2017.

Respectfully submitted,

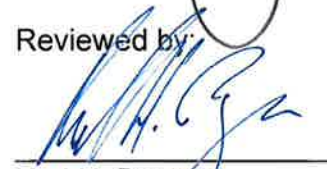


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Time extension letter, dated May 24, 2017
- Attachment 2: Planning Commission Staff Report, dated June 16, 2016
- Attachment 3: Planning Commission Resolution No. 12-16
- Attachment 4: Site, Floor, Elevation, Roof and Color Elevation Plans

ATTACHMENT 1

Time extension letter, dated May 24, 2017

CITIZEN GROUP LLC

City of Monterey Park
Planning Commission
320 West Newmark Avenue
Monterey Park, Ca. 91754-2896

May 24, 2017

Re: 120 West Hellman Avenue
Case No. TM-15-09/CU-15-07

Dear Commissioners,

I am writing in regard to the above new development case. After this project was approved by the commission on June 14, 2016, our company, along with all of our consultants, is working relentlessly to obtain all necessary approvals for building permit. However, the process took longer than we anticipated. The following is a brief update on the progress:

- Building plan check – we received the 2nd plan check correction on or about May 15, 2017. Architectural portion has almost been completed. We are waiting for our structural engineers to complete their corrections on wood and concrete portion.
- Our soil engineer is waiting for the city to approve the soil report before he signs off on the foundation plan.
- MEP (Mechanical, Electrical, Plumbing) has been approved.
- Public work - Our soil and structural engineers are working on the 2nd corrections and will update shoring plan accordingly. Public work will review the civil plans after the soil report has been approved.
- Planning - corrections were completed. Our architect's office will make appointment with senior planner, Samantha Tewarsart, for review before resubmitting.

As your commission can conclude base on the project update above, our company has invested a lot of resources on this development. We are eager to break ground. Thus, we would like to ask the commission to grant us the CUP (Conditional Use Permit) extension so that we can continue to pursue this project.

Sincerely,



Tony Zeng
Managing Member

ATTACHMENT 2

Planning Commission Staff Report, dated June 16, 2016



Planning Commission Staff Report

DATE: June 14, 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 Mitigated Negative Declaration, Conditional Use Permit (CUP-15-07) to allow a 1.0 floor area ratio and Tentative Map No. 073665 (TM-15-09) for a 12-unit medical office condominium development – 120 West Hellman Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving a Mitigated Negative Declaration, the requested Conditional Use Permit (CUP-15-07) and Tentative Map No. 073665 (TM-15-09) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Jin Zeng, is requesting a Conditional Use Permit (CU-15-07) to allow a 1.0 floor area ratio and Tentative Map No. 073665 (TM-15-09) to allow for the subdivision of air rights to establish and maintain a 12-unit medical office condominium development (Citizen's Medical Plaza) at 120 West Hellman Avenue.

A version of the proposed project was previously approved by the Planning Commission in June 2006. The approval was subject to the condition that construction permits were to be obtained within one-year of the approval date or the approval will become null and void. Per MPMC § 21.32.160(A), a one-year time extension was approved by the Planning Commission on July 2007. According to the property owner/developer at the time, the extension was necessary to allow for additional time to finish the engineering and construction plans. The one-year time extension expired on July 2008.

The current property owner is seeking approval for a similar project with a few adjustments to the proposed project scope, including an updated exterior building design and reductions in the number of units, square footages, and parking spaces.

Staff believes that the proposed project is appropriate for the subject property. The property is adequate in size, shape, and topography for the proposed development. As part of the proposal, the applicant submitted a shared parking analysis prepared by a

licensed traffic engineer. The shared parking analysis determined that the joint use parking facility proposed for the medical office building will not conflict with the principal operating hours of the medical uses for which the joint use parking facility is proposed. The proposed medical office building and related uses are consistent with the uses allowed in the C-P Zone. Land uses immediately adjacent to the site include Garfield Medical Hospital and other medical buildings.

Property Description

The property is located at the southeast corner of the West Hellman Avenue and Baltimore Avenue. The property is zoned C-P (Commercial Professional) Zone and is designated Commercial in the General Plan. To the north of the property are Hellman Avenue and one-story single-family dwelling units in the City of Alhambra, to the east and south is a 3-story hospital (Garfield Medical Center) and west are R-3, P-D (High Density Residential, Planned Development) zoned lots. The property is regular-shaped, relatively flat, 18,527 square feet (0.43 acres) in size, and currently vacant.

Project Description

The proposed medical office building will be 3-stories with a gross floor area of 27,583 square feet. There will be 11 medical office suites and 1 retail suite with 83 on-site parking spaces located at-grade and in a two-level subterranean parking garage. The gross floor area for the ground floor will be 6,114 square feet, the second 10,680 square feet, and the third floor will be 10,789 square feet.

The building will be situated towards Hellman Avenue with parking south of the building. According to the floor plan, the ground floor will have a general lobby area and four units that range in size from 1,044 square feet to 1,218 square feet. The proposed uses include a pharmacy and three medical offices. The second and third floors will have identical layouts with unit sizes ranging from 1,585 square feet to 1,910 square feet. The intended use will be medical offices.

Table 1: Square Footage Summary

	2006	2016	
Number of Tenant Space	16	12	-4
Gross Square Footage	29,778	27,583	-2,195
Net Square Footage	22,307	18,511	-3,796

The applicant is requesting to subdivide the units for condominium purposes. Staff has discussed the concerns that the City generally has with office condominium projects, including (1) the use and control of the units, (2) whether the business association will have a Board and (3) whether the units will be owner-occupied to avoid absentee ownership. In response to these concerns, the Covenants, Conditions, and Restrictions (CC&Rs) have been drafted to address the City's concerns. The CC&Rs set limitations on the size and number of units and will deal with ownership and maintenance matters. Staff has added a condition of approval that the ownership is required to hire a professional management company to oversee the long-term maintenance and operation of the property.

Subsequent to Planning Commission review, the project design must be formally reviewed and approved by the Design Review Board. On November 17, 2015, the project was brought before the Design Review Board for an informal review. Generally, the Board spoke favorably about the project design and provided some feedback to improve the overall design.

Floor Area Ratio (FAR)

The proposed Tentative Map defines the air space for separate ownership. The property will remain as one lot. Under California law, a tentative map is required to subdivide air space for separate ownership of each of the units. The common areas will be regulated by CC&Rs and maintained by a professional management company. According to the proposed floor plan, the common areas will be the lobby, elevators, stairwells, interior pedestrian walkways, and trash, maintenance, and mechanical rooms. As a result, the total net square footage of the air space will be 18,511 square feet.

Due to the City's above-referenced concerns regarding the creation of commercial condominiums and the creation of functional medical office space, the size of each commercial condominium/medical office unit should at least be a minimum of 1,200 square feet. Staff reviewed previous applications for medical office condominiums located on South Atlantic Boulevard and North Garfield Avenue and the minimum functional floor area for medical office uses is at least 1,200 square feet.

According to MPMC §21.10.070 and the development standards in Table 21.10(B) (as amended by Ordinance No. 2131, adopted March 2016), in the C-P Zone lots greater than 20,000 square feet in size are allowed a maximum FAR of 0.80 percent. The floor area can be increased to 1.0 subject to review and approval of a conditional use permit by the Planning Commission. As proposed, the gross floor area of the medical office building is 27,583 square feet; and the net floor area is 18,511 square feet. Since the proposed net floor area exceeds the 0.80 FAR but is below the 1.0 FAR, a conditional use permit is required for this project.

Parking and Traffic

Pursuant to MPMC § 21.22.130, in the case of mixed uses in a building or on a lot, the total requirement for off-street parking facilities is the sum of the requirements for the various uses computed separately. A shared parking analysis prepared by a traffic engineer may establish off-street parking requirements, including a shared use analysis, for development, with various commercial uses. Additionally, MPMC § 21.22.140 allows for joint use of parking facilities if the applicant can show that there is no substantial conflict in the principal operating hours of the uses for which the joint use of off-street facilities is proposed.

A Traffic and Parking Study was prepared by Katz, Okitsu and Associates. The Study analyzed the peak parking demand and shared parking utilization based on the Transportation Engineers (ITE) *Parking Generation* rate and Urban Land Institute (ULI) *Shared Parking* hourly demand breakdown. Based on the ITE parking demand rates, a total of 60 parking spaces would be necessary to meet the peak parking demand when

all the uses are fully occupied. The Project would provide a total of 83 parking spaces, which would result in a surplus of the 23 parking spaces.

The ULI *Shared Parking* methodology documents the daily variation in parking demand for various land uses. The time-of-day factor calculates the expected peak parking demand by hour for a certain use. This methodology provides a more enhanced overall parking demand calculation. The ULI *Shared Parking* analysis indicates that the peak demand would be 100 percent occupied between the hours of 2:00 p.m. to 4:00 p.m. This would result in a surplus of 23 parking spaces that would be available during the peak hours and more spaces will be available during other hours of the day. Based on this parking analysis, the 83 parking spaces provided on-site will be adequate to support the peak parking demand while providing a surplus parking per the shared parking analysis. Table 3 summarizes the parking breakdowns.

Table 3: Parking Ratios

<i>ITE Parking Generation</i>			
Land Use	Square Footage	Ratio	Parking Required
Pharmacy	1,044	4.1/1,000 SF	4
Medical Office	17,467	3.2/1,000 SF	56
Total	18,511	-	60
Parking Provided			83
Excess			+23
<i>City of Monterey Park Municipal Code</i>			
Pharmacy	1,044	4/1,000 SF	4
Medical Office	17,467	5.5/1,000 SF	96
Total	18,511	-	100
Parking Provided			83
Deficit			-17

The proposed project also provides a 16-feet by 18-feet loading area. Since the project does not have a significant amount of retail, deliveries will be minimal. The CC&R's will restrict the uses, so the site and building uses cannot be altered. Modifications to the proposed uses, number of off-street parking spaces and loading space will require Planning Commission review and approval.

The Traffic and Parking Study also analyzed traffic impacts by looking at level of service (LOS) at signalized intersections and trip generation estimates. For analysis of LOS at signalized intersections, the Intersection Capacity Utilization (ICU) methodology was utilized in the study. The concept of roadway level of service under the ICU methodology is calculated as the volume of vehicles that pass through a facility divided by the capacity of that facility. A facility is considered to be at maximum capacity (V/C of 1.00 or greater) when extreme congestion occurs. This volume/capacity ratio value is based upon volumes by lane, signal phasing, and approach lane configuration.

The project study area includes the intersections of Garfield Avenue and Hellman Avenue and Garfield Avenue and Emerson Avenue. The Project includes closing the driveway on Hellman Avenue and opening a new 26 feet wide driveway on Baltimore Avenue. The analysis shows that the intersection of Hellman Avenue and Baltimore

Avenue will continue to operate at acceptable levels of services even with the development of the project.

The Project trip generation estimates were based on trip rates defined by the ITE *Trip Generation Manual*. A retail use (pharmacy) is provided as part of the Project, and the medical offices are the primary uses of the Project site. According to the analysis, the proposed Project will not result in significant traffic impacts at the analyzed study intersections, under either the existing plus-Project or the future with-Project scenarios. Additionally, the proposed Project is not anticipated to cause significant traffic impacts on any Congestion Management Plan arterial monitoring intersections or mainline freeway-monitoring locations. Mitigation measures are therefore not recommended as part of the analysis.

The City's Engineering Department reviewed the project and traffic analysis and did not express any concerns or objections.

OTHER ITEMS:

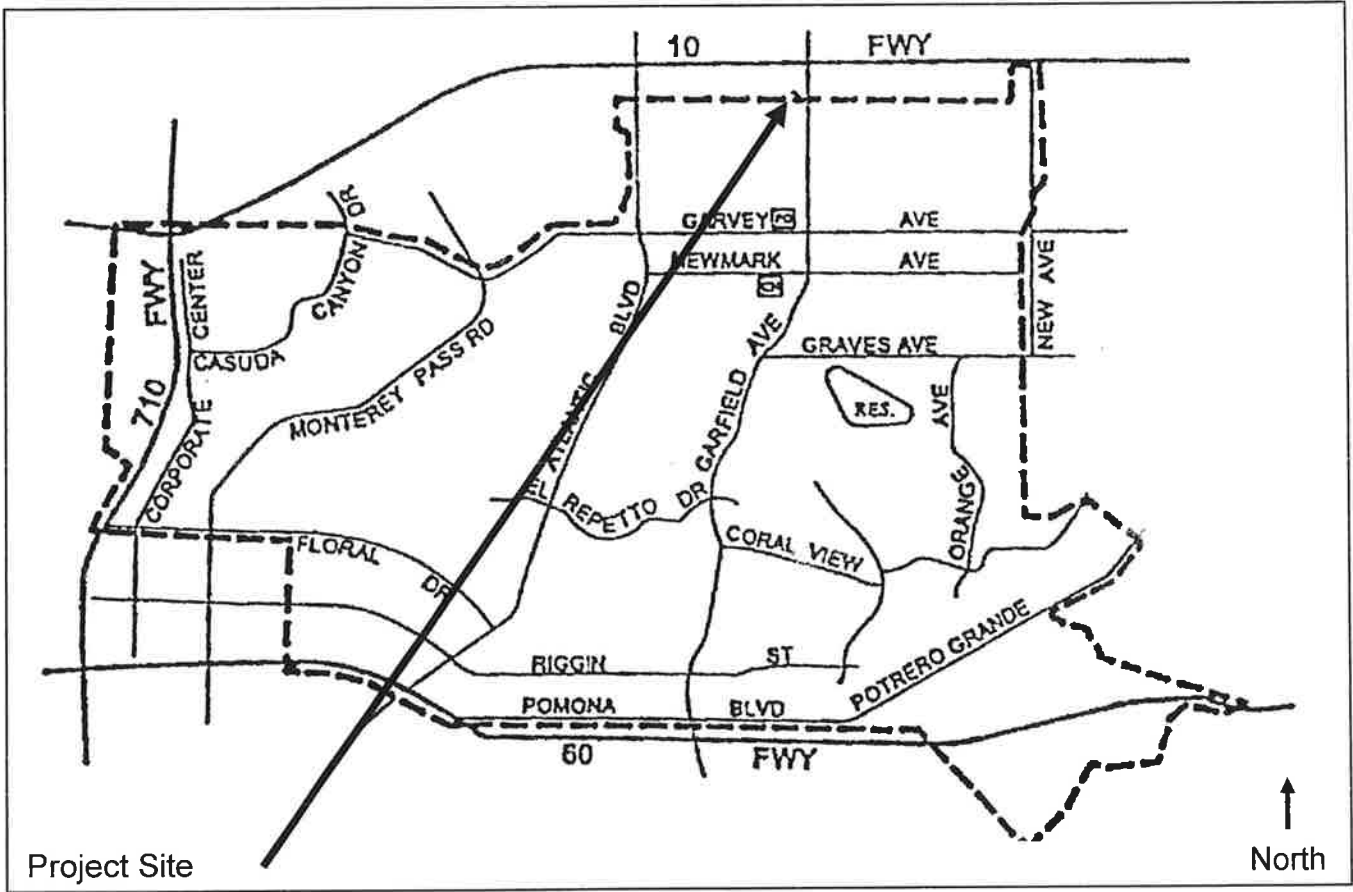
Legal Notification

A Notice of Intent to adopt a Mitigated Negative Declaration was published in the Monterey Park Progress and circulated for public review for a period of 20 days (December 1, 2015 through December 20, 2015) and posted on **December 1, 2015** and **May 20, 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 **24** property owners within a 300 feet radius on **December 1, 2015** and **May 23, 2016**.

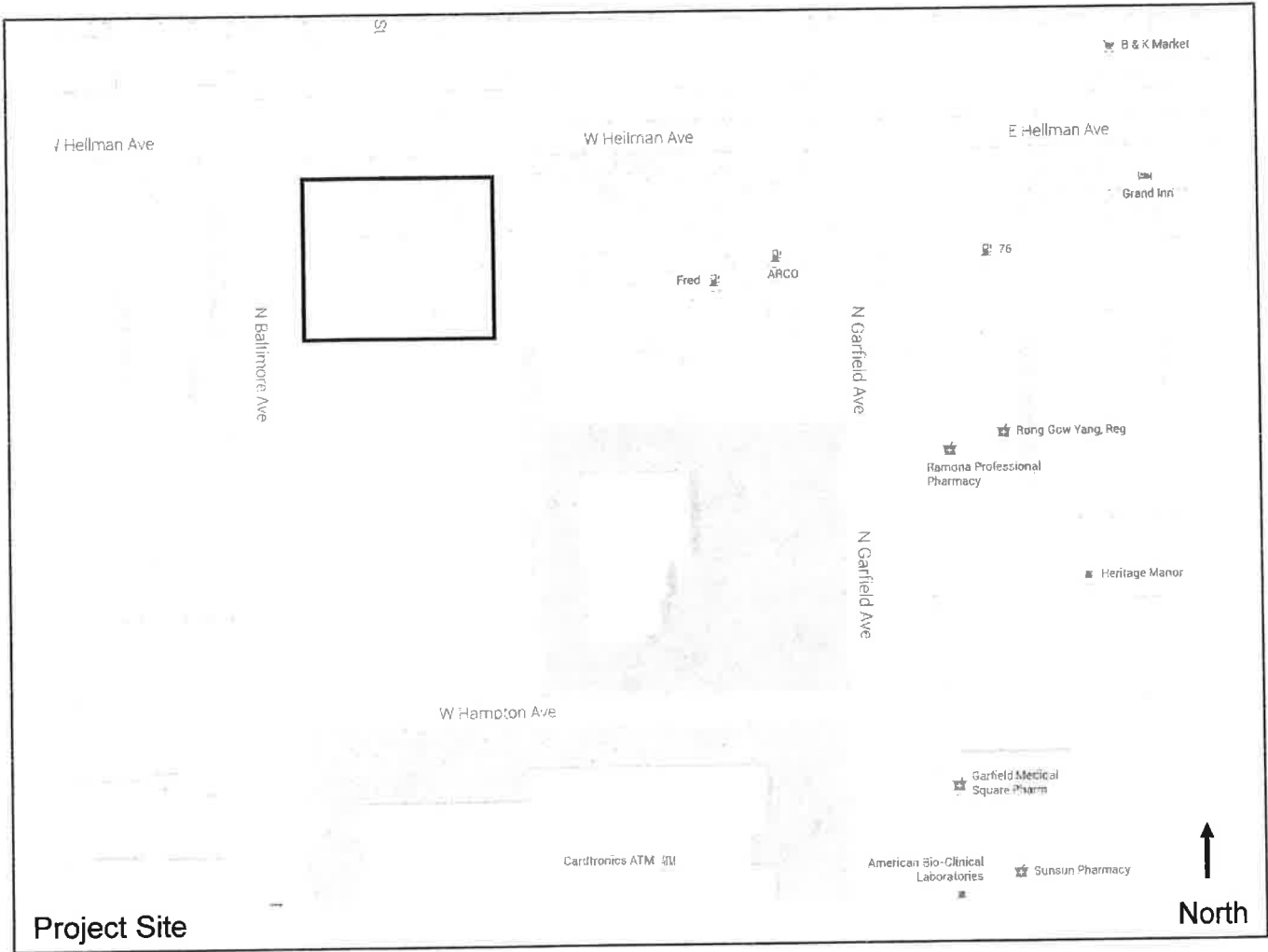
Environmental Assessment

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

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

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

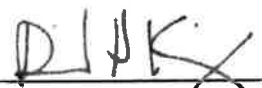
Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:

 for
Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site, floor, elevations plans and Tentative Map
- Exhibit C: Initial Study/ Mitigated Negative Declaration

ATTACHMENT 3

Planning Commission Resolution No. 12-16

RESOLUTION NO. 12-16

A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION, APPROVING CONDITIONAL USE PERMIT (CUP-15-07) TO ALLOW A 1.0 FLOOR AREA RATIO AND TENTATIVE MAP NO. 073665 (TM-15-09) FOR THE SUBDIVISION OF AIR RIGHTS FOR A 12-UNIT MEDICAL OFFICE CONDOMINIUM DEVELOPMENT AT 120 WEST HELLMAN 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 September 24, 2015, Jin Zeng, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.070 (Table 21.10(B)) and 21.32.020 requesting approval of Conditional Use Permit (CUP-15-09) to allow a 1.0 floor area ratio and Tentative Map No. 073571 (TM-15-07) to subdivide air rights for a 12-unit medical office condominium project at 120 West Hellman Avenue ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for June 14, 2016. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On June 14, 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 Jin Zeng; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its June 14, 2016 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

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

- A. The Applicant seeks approval to construct a new 3-story medical office condominium project with 83 on-site parking spaces located at-grade and in a two-level subterranean parking garage;
- B. 120 West Hellman Avenue is zoned C-P (Commercial Professional) and designated Commercial in the General Plan;

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- C. The subject property is located at southeast corner of the West Hellman Avenue and Baltimore Avenue. To the north of the property are Hellman Avenue and one-story single-family dwelling units in the City of Alhambra, to the east and south is a 3-story hospital (Garfield Medical Center) and west are R-3, P-D (High Density Residential, Planned Development) zoned lots; and
- D. The lot is regular-shaped, relatively flat, 18,527 square feet (0.43 acres) in size, and currently vacant. The property will be accessible from Baltimore Avenue.

SECTION 3: Environmental Assessment.

- A. The Project was analyzed for its environmental impacts and an Initial Study was prepared pursuant to CEQA Guidelines § 15063. The Initial Study demonstrated that the project would not have a significant effect on the environment with the implementation of mitigation measures. A Mitigated Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA Guidelines §15070 (the "MND"). The MND is attached as Exhibit "B," and incorporated by this reference. A Notice of Intent to Adopt a Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073, and was available for public comment from December 1, 2015 to December 20, 2015.
- B. In accordance with CEQA Guidelines § 15074, the record on which the Planning Commission's findings are based is located at the City of Monterey Park Community and Economic Development Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.
- C. When considering the whole record for the draft Initial Study and Negative Declaration, there is no evidence that the Project will have the potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, because the project is in a built-out urban environment.
- D. These findings are based on the various mitigation measures to be required in the implementation of the project as set forth in the MND as already having been incorporated into the Project. The Planning Commission finds that all the mitigation measures now incorporated into the project are desirable and feasible.
- E. Accordingly, based upon the evidence presented to the Planning Commission, the City need not prepare an environmental impact report for the proposed project.

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC § 21.10.070 (Table 21.10(B), as amended by Ordinance No. 2131) and §21.32.020, the Planning Commission finds as follows:

- A. The site is adequate in size, shape and topography for the proposed 3-story medical office building with a 1.0 net floor area including, without limitation, any required yards,

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walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards required by the MPMC. The site is large enough to accommodate proposed use. The proposed medical office building complies with all requirements for the issuance of the conditional use permit.

- B. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use with a 1.0 net floor area. The site will be accessible from Baltimore Avenue and is located less than half a mile from the Interstate 10 Freeway. The proposed use is a 3-story medical office building and is not expected to significantly increase traffic. A Traffic and Parking Study was prepared by Katz, Okitsu and Associates. The Study analyzed the peak parking demand and shared parking utilization based on the Transportation Engineers (ITE) *Parking Generation* rate and Urban Land Institute (ULI) *Shared Parking* hourly demand breakdown. Based on the ITE parking demand rates, a total of 60 parking spaces would be needed to meet the peak parking demand when all the uses are fully occupied. The Project would provide a total of 83 parking spaces, which would result in a surplus of the 23 parking spaces.

The Traffic and Parking Study also analyzed traffic impacts by looking at level of service (LOS) at signalized intersections and trip generation estimates. The Project trip generation estimates were based on trip rates defined by the ITE *Trip Generation Manual*. A retail use (pharmacy) is provided as part of the Project, and the medical offices are the primary uses of the Project site. According to the analysis, the proposed Project will not result in significant traffic impacts at the analyzed study intersections, under either the existing plus-Project or the future with-Project scenarios. Additionally, the proposed Project is not anticipated to cause significant traffic impacts on any Congestion Management Plan arterial monitoring intersections or mainline freeway-monitoring locations. Mitigation measures are therefore not recommended as part of the analysis. The City's Engineering Department has reviewed and project and traffic analysis and had no concerns or objections.

- C. The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the MPMC zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is a new 3-story medical office condominium project. A conditional use permit is required for the 1.0 net floor area (18,511 square feet/18,527 square feet) ratio. The 1.0 floor area will allow the project to provide the necessary square footage for the medical office use. The use is consistent with the uses allowed in the C-P Zone. Land uses immediately adjacent to the site include Garfield Medical Hospital and other medical buildings.

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- D. The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood because the use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City.
- E. The proposed use will not have an adverse effect on the public health, safety, and general welfare because the use is a new 3-story medical office building with a 1.0 net floor area. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC. The proposed use is authorized by MPMC §§ 21.10.070 (Table 21.10(B)) and 21.32.020. The use is consistent with the C-P Zone and will not generate a significant amount of the noise, traffic or visual impacts.

SECTION 5: Tentative Map Findings. The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project will allow for the subdivision of air rights for a 3-story medical office condominium project to be constructed on site. Goal 6.0 in the General Plan is to create a diverse medical district within the North Garfield Avenue corridor. Policy 6.1 encourages expanding opportunities for the development of new medical offices and facilities surrounding the Garfield Medical Center. The property is located at the southeast corner of West Hellman Avenue, a minor arterial street with an 80-foot right-of-way, and North Baltimore Avenue, a local street with a 50-foot right-of-way. Both streets are adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan. According to the General Plan North Garfield Focus Area, the Garfield Medical Center on North Garfield Avenue represents the focal point of a successful medical district extending south toward Downtown. Despite the many medical facilities surrounding the hospital, demand continues to exist for additional medical offices, diagnostic centers, laboratories, and related uses. To accommodate demand, the Land Use Element provides for an extended professional office/medical district from Hellman Avenue south of Garcelon Avenue, and for entire blocks between Atlantic Boulevard and Baltimore Avenue north of Hilliard Avenue. There is no specific plan adopted for this area.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is adequate in size to accommodate

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the property project. The proposed medical office building complies with the development standards as allowed in the C-P Zone.

- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.
- E. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all City, State, and Federal regulations and specifications.
- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed development.

SECTION 6: *Actions.* The Planning Commission takes the following actions:

- A. Approves the MND set forth in Exhibit B and directs the Director of Community and Economic Development, or designee, to file any appropriate notifications in accordance with applicable law;
- B. Pursuant to Public Resources Code §§ 21081(a) and 21081.6, the Planning Commission adopts the Mitigation Monitoring and Reporting Program (MMRP) set forth in the attached Exhibit B, which is incorporated into this Resolution by reference. The Planning Commission adopts each of the mitigation measures as conditions of approval for the Project. Other Project conditions of approval and compliance with applicable codes, policies and regulations will further ensure that the environmental impacts of the Project will not be greater than set forth in the MND and these findings.
- C. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-15-07) and Tentative Map No. 073665 (TM-15-09).

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.

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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.

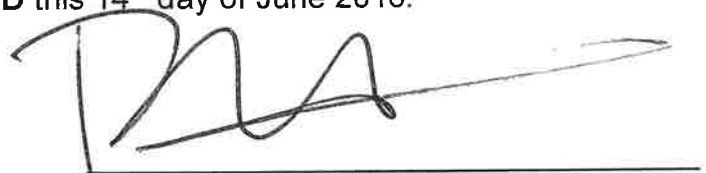
SECTION 9: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

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

SECTION 11: Pursuant to Government Code § 66452.5, this Resolution may be appealed within ten days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective on the tenth day after its adoption.

ADOPTED AND APPROVED this 14th day of June 2016.


Chairperson Ricky Choi

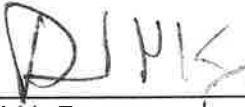
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 14th day of June 2016, by the following vote of the Planning Commission:

AYES:	Commissioners Choi, Sullivan, Leung, and Amador
NOES:	None
ABSTAIN:	None
ABSENT:	None


Michael A. Huntley, Secretary

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

By:  For
Karl H. Berger,
Assistant City Attorney

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Exhibit A

CONDITIONS OF APPROVAL

120 WEST HELLMAN AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Jin Zeng will comply with the following conditions of approval for Conditional Use Permit (CUP-15-07) and Tentative Map No. 073665 (TM-15-09) ("Project Conditions").

PLANNING:

1. Jin Zeng (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-15-07 and TM-15-09 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-15-07 and TM-15-09, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Divisions. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires 12 months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of one-year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee (the "Director").
4. A copy of the Conditions of Approval for Conditional Use Permit (CUP-15-07) and Tentative Map (TM-15-09) must be kept on the premises of the establishment and presented to any authorized City official upon request.

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5. The ownership must retain the services of a professional property management company to oversee the maintenance and operation of the property.
6. Modifications to the proposed uses, number of off-street parking spaces and loading space will require Planning Commission review and approval.
7. A Joint Use Parking Agreement must be recorded against the property and all air parcels identified on the tentative map, subject to the review and approval of the City Attorney.
8. No on-site parking can be leased to any adjacent properties.
9. All on-site parking must be used strictly for vehicle parking and not storage.
10. Restrooms are to be provided in the common areas, subject to building permit plan check review and approval.
11. The Covenant, Conditions, and Restrictions must include language to require all staff personnel to park on-site, subject to the review and approval of the City Attorney's Office.
10. The developer's traffic engineer must work with the City's Engineering Division to evaluate if the warrants exist for 3-way stop signs at the intersection of Baltimore Avenue and Hellman Avenue.

BUILDING:

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

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17. The conditioned space of the building must conform to the Energy Efficiency Standards by the California Energy Commission.
18. Accessibility requirements must conform to the current California Building Code.
19. On the east elevation, provide a four-hour exterior wall with no openings if the distance to the property line is less than 5 feet.

ENGINEERING:

20. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. Upon approval of the NPDES document by the City, the 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.
21. The applicant must record the final map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$87 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with the City Engineer within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$87 cash deposit.
22. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
23. Applicant agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Applicant takes notice pursuant to Government Code § 66020(d) that City is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
24. Covenants Conditions & Restrictions (CC&Rs) must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. The Applicant is responsible for securing the CC&Rs guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final

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inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.

25. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
26. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer is responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
27. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the applicant/property owner.
28. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
29. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties cannot be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
30. All storm drainage facilities serving the development must accommodate a 50-year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also the satisfaction of the City Engineer before approving grading and drainage plans.
31. Any damage done to existing street improvements and utilities during construction must be repaired before the City issues certificates of occupancy. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter,

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driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer.

32. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.
33. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
34. Remove the existing 18-inch diameter Palm tree in the parkway adjacent to the proposed North Baltimore Avenue driveway.
35. Remove the existing 30-inch diameter Palm tree in the parkway east of the Baltimore/Hellman intersection.
36. Dedicate street right-of-way to provide a 15 feet corner property radius.
37. Install a new fluted steel street light pole and fixture on the east side of Baltimore Avenue, 35 feet south of the centerline of Hellman Avenue. The overhead feed must match the existing lighting on Baltimore Avenue of 100 watt equivalent L.E.D. At time of plan check, show the location of the light fixture on the site plan.
38. Install a new commercial Jones 6-inch fire hydrant assembly and valve on Hellman Avenue. Cap and abandon the obsolete fire hydrant at the corner of Hellman Avenue. Show the location of the fire hydrant on the site plan and provide the details on the Plumbing Plan.
39. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit in accordance with MPMC Chapter 14.06.
40. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer.
41. A Grading and Drainage 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 report submitted by the applicant's/developer's consultant.

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42. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the City Recreation and Parks Department. Parkway improvements may include full width concrete and tree wells per City approval.
43. The City reserves the right to restrict driveway access to and from the project in the event that future traffic conditions warrant such restricted turn movements.
44. Automatic irrigation system controllers for landscaping must be weather- or soil moisture-based controllers that automatically adjust irrigation in response to conditions change.
45. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall must have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.
46. Each plumbing fixture and fitting must meet the 30 percent reduced flow rate specified. A calculation demonstrating a 30 percent reduction in the building "water use baseline" as established in Table A5.303.2.2 must be provided.

FIRE:

47. All conditions identified by the Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
48. All structures must be fully sprinklered per National Fire Protection Association (NFPA) 13D and local amendments.
49. Fire flow for the entire project is 3,000 gallons per minute (gpm) at 20 (pounds per square inch (psi) for two-hour duration. Verification of water supply available must be provided by the water purveyor upon building plan submittal. A reduction in the required fire flow up to 50 percent is allowed by a written request to the Monterey Park Fire Department per California Fire Code (CFC) Appendix B/C.
50. A minimum of three fire hydrants must be provided within 225 feet of the structure and spaced at an average of 400 feet per CFC Appendix C.
51. An emergency responder radio coverage system must be provided per CFC 510.1.
52. A dedicated ladder truck access road is required on at least one entire side of the structure, if the building height exceeds 30 feet. The access road must be a minimum unobstructed 26 feet wide, and at least 15 feet, but no further than 30 feet from the west side of the building. Any proposed vegetation must not exceed

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13 feet 6 inches in height or encroach into the access road per CFC Appendix D105.1.

- 53. Knox boxes must be provided adjacent to stairwell exterior doors at approved locations. A Knox box must also be provided adjacent to the main entrance at an approved location per CFC 506.1.
- 54. Class I standpipes must be provided in all stairwells on all levels per CFC 905.3.1.
- 55. All areas must be provided with full fire alarm notification per CFC 907.2.2.
- 56. The fire alarm system annunciator must be located in the main lobby at an approved location per NFPA 72 10.16.3.
- 57. 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 1022.9.
- 58. A minimum of one elevator providing general stretcher dimensions must be provided extending to the top floor unless verification is provided that the stairwells are capable of accommodating the carrying of a gurney per CBC 3002.4a.
- 59. Address numbers must be provided on the building frontage in such a position as to be plainly visible and legible from the street or road fronting the property. Numerals must be 6-inch in height by ½-inches stroke and be a contrasting background per CFC 505.1.

POLICE:

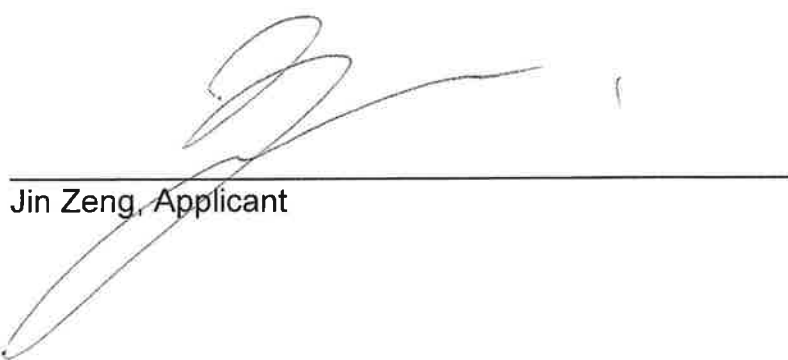
- 60. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
- 61. Private security must be provided for the entire property. The private security company must be properly licensed and meet all the criteria and legal obligations to operate a private security company. The Police Chief must have the authority to increase or decrease the number of security guards as the circumstances calls for.
- 62. All major common areas of the locations, including all parking areas, must be covered by security video cameras. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. All recordings must be made readily available for any law enforcement official who requests the recording(s) for official purposes. If the Chief of Police determines

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that there is a necessity to have additional security cameras installed, the management must comply with the request within 7 days. The Chief of Police can also require a change in the position of the video cameras if it is determined that the position of the camera does not meet security needs. The management must comply with the request within 7 days.

63. The shrubbery on the property must be installed and maintained in such condition to permit good visibility of the units from the streets. Any shrubbery surrounding the complex and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.
64. The driveway leading into the property must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
65. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.
66. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
67. All common open areas must be well lit during the hours of darkness.

By signing this document, Jin Zeng, certifies that he/she has read, understood, and agrees to the Project Conditions listed in this document.



Jin Zeng, Applicant

ATTACHMENT 4

Site, Floor, Elevation, Roof and Color Elevation Plans



Planning Commission Staff Report

DATE: June 13, 2017

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Public Hearing: Modification of Conditional Use Permit (CUP-17-02) to allow a new 5-story mixed-use development and general on-sale alcohol use and Tentative Map No. 074409 (TM-17-02) to allow for the subdivision of air-rights to establish a hotel and 84 residential units in the R-S, P-D (Regional Specialty, Planned Development) Zone – 420 North Atlantic Boulevard (Best Western).

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting a resolution approving Conditional Use Permit (CUP-17-02) and Tentative Map (TM-17-02), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

On December 13, 2016, the Planning Commission approved a Conditional Use Permit and Tentative Map and certified a Mitigated Negative Declaration (MND) for a proposed mixed-use development. The mixed-use development was comprised of a 102-room hotel, 4,061 square feet restaurant, and 84 residential condominium units with 365 parking spaces provided in two subterranean parking levels, one at-grade level, and one above-grade level. An application to modify the original project was filed on March 28, 2017.

As required by the California Environmental Quality Act (CEQA), modifications to the project must be examined in light of the adopted 2016 MND to determine whether an additional environmental document must be prepared. CEQA authorizes a lead agency to prepare a supplement to a previously adopted MND if some changes or additions are necessary to a previously analyzed project and the conditions described in CEQA Guidelines § 15162 are met. In the 2016 MND, less than significant impacts with mitigations incorporated were identified in the areas of air quality, cultural resources, tribal cultural resources, noise, and transportation and traffic. As it relates to traffic and circulation, less than significant impacts were identified even with the inclusion of the three additional hotels along the Atlantic Boulevard corridor. The Supplemental MND

identifies the same mitigation measures for the proposed modified project that were included in the 2016 MND with one supplemental mitigation measure required for tribal cultural resources.

EXECUTIVE SUMMARY:

The applicant, James Chou, is requesting modification of an approved Conditional Use Permit and Tentative Map to construct a new mixed-use development at 420 North Atlantic Boulevard. The subject property is located on the east side of North Atlantic Boulevard. The property is zoned R-S, P-D (Regional Specialty, Planned Development) and the General Plan designation is Mixed-Use I. The request is to modify several items in the Conditional Use Permit, including 1) increasing the project site area; 2) increasing the number of hotel rooms and adding a second restaurant use; and 3) increasing the number of parking spaces for the expanded square footage.

Staff believes the proposed modification are reasonable since additional land has been acquired, which has allowed the developer to make several improvements to the project design, including providing the required 13 feet dedication for street widening to Emerson Avenue, extending the building to the corner of North Atlantic Boulevard and West Emerson Avenue, increasing the number of provided parking spaces, and providing an additional driveway on West Emerson Avenue.

Conditional Use Permit

The P-D Overlay District is intended to provide design flexibility in achieving the purpose and intent of other base zoning districts with which it is combined per Monterey Park Municipal Code ("MPMC") § 21.14.020. Application of the P-D Overlay District is intended to assist in achieving consistency with the policy and intent of the General Plan by allowing flexibility in site design where superior quality attainment can be enhanced by such flexibility. According to MPMC § 21.14.150, a Conditional Use Permit requires a public hearing before the Planning Commission can consider making the findings to approve it. The Best Western Conditional Use Permit was approved by the Planning Commission on December 13, 2016.

According to the approved Conditional Use Permit, modifications pertaining to the project may be granted by the Planning Commission for special circumstances and/or unique architectural features. Requests for the Conditional Use Permit modification of conditions on the project approval may include, without limitation: building height, setbacks, parking, landscapes, signs, lighting, and/or any other design standards that apply to the project. Such requests may be considered administratively by the Director of Community Development providing they do not vary from the standard in excess of 10 percent. In this case, the modifications are significant enough that the Planning Commission should review the changes.

The Planning Commission may approve the request for the Conditional Use Permit modification in whole or in part upon making the following findings regarding the project:

- **Improvements** – Promotes better design, environmental and land planning techniques.
- **Safety** – Development of the project cannot be detrimental to the general health, welfare, safety and convenience of the community.
- **Consistency** – Development must be consistent with the goals and policies of the General Plan, and comply with applicable law, as well as be consistent with objectives of achieving a project that is compatible with the surrounding environment.

The revised Conditional Use Permit is attached with the proposed modifications as discussed above.

Modification #1 – Increased Size of Project Site

In 2017, the Applicant, James Chou, acquired the adjacent property located at 400 North Atlantic Boulevard, on the northeast corner of North Atlantic Boulevard and West Emerson Avenue. The added parcel is 12,470 square feet in size and is currently developed with a one-story 1,186 square feet commercial building constructed in 1959. The building was previously occupied by a used car dealership business with car rental services. It is the Applicant's intent to incorporate this property into the hotel component of the project.

The project site was comprised of three parcels totaling 75,600 square feet (1.74 acres). One parcel has frontage on Atlantic Boulevard and is currently developed with a two-story motel (Best Western Monterey Park Inn), comprised of three detached buildings totaling 56-rooms. The existing motel is 16,226 square feet and was constructed in 1978. There are approximately 49 existing parking spaces. The second and third parcels have frontage on Chandler Avenue. The second parcel is currently developed with a 15-unit two-story apartment building constructed in 1961. The third parcel is vacant. The addition of the fourth parcel will increase the project area from 75,600 square feet (1.74 acres) to 88,070 square feet (2 acres).

Modification #2 – 13 Feet Dedication for Street Widening

A Traffic Study was prepared as part of the 2016 MND. The Traffic Study studied the intersections and on-site and off-site circulation. The trip generation and parking demand of the project was calculated using the nationally accepted rates defined by the Institute of Transportation Engineers (ITE). Additionally, the City has established specific thresholds for project-related increases in the Intersection Capacity Utilization (ICU) values of signalized study intersections. As part of the traffic analysis, the cumulative impacts were evaluated which included all three of the hotel projects along Atlantic Boulevard. According to the Traffic Study, based on the ITE rates and City's traffic criteria, the proposed project will not create significant traffic impacts at the study intersections. Moreover, the proposed project is not anticipated to generate a demand

on tour buses. The 2016 Traffic Study was re-analyzed and amended as part of the Supplemental MND.

According to the 2016 Traffic Study, the project incorporated several design features into the project to reduce any potential traffic impacts. The property will be accessible from North Atlantic Boulevard and North Chandler Avenue. With regard to the on-site and off-site improvements proposed as part of the development, at the western portion of the property adjacent to North Atlantic Boulevard, 13-feet of the depth will be dedicated to the City for street widening purposes. The existing driveway located at the northern portion of the lot will be relocated to the southern portion of the lot. The project access on Atlantic Boulevard will be restricted to right-turns in and out and left-turns in only. Left-turns out will be restricted. Additionally, an exclusive southbound left-turn lane will be provided on Atlantic Boulevard to provide a shelter location for drivers to wait to access the property.

According to the Supplemental MND, the required 13-foot wide dedication on Atlantic Boulevard will extend from the subject property to Emerson Avenue, which will accomplish the street widening objectives for that portion North Atlantic Boulevard. The driveway will remain at the previously approved location on Atlantic Boulevard and an additional driveway will be provided on West Emerson Avenue. The turn restrictions on Atlantic Boulevard and the exclusive southbound left-turn lane will remain in place. No additional on-site or off-site improvement or mitigation measures are required in the Supplemental MND.

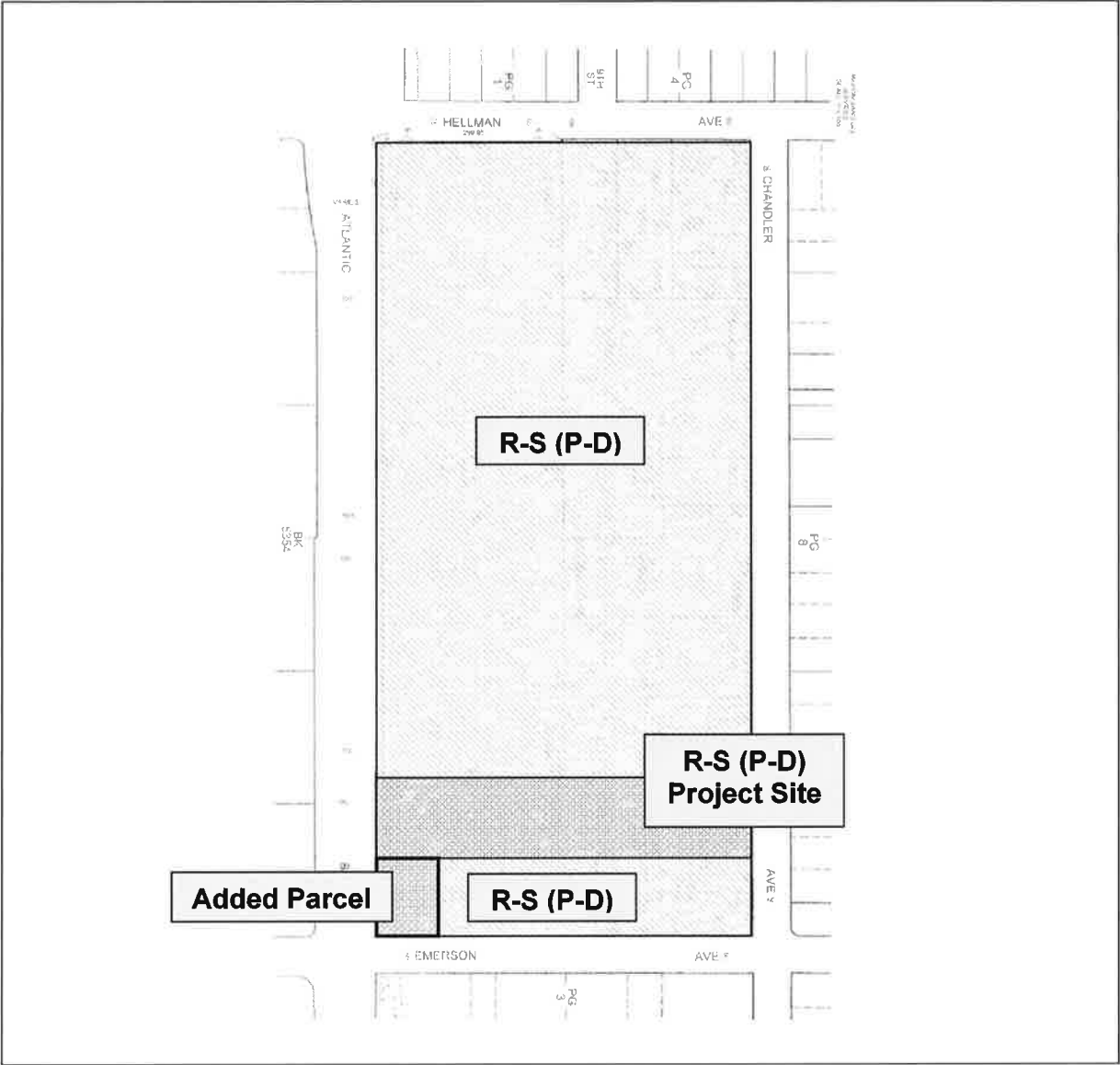
Modification #3 – Additional Parking Spaces

The additional parcel will allow the project to increase the number of hotel rooms from 102 to 136 and provide a second restaurant tenant space that will be 3,472 square feet. The originally proposed 84 residential condominium units will not change. The number of at-grade and subterranean parking spaces will be increased to accommodate the additional hotel rooms and restaurant use.

According to MPMC § 21.14.090(E), for the residential portion of a mixed-use development, a minimum of 2 off-street parking spaces per unit must be provided, plus an additional 0.25 parking spaces per unit must be provided for guest parking. The required number of parking spaces for the residential units will be 168, plus 21 guest parking spaces. According to MPMC Table 21.22(C), 1 parking space will be required per hotel room. For the proposed 136 hotel rooms, 136 spaces will be required and will be provided. The required number of parking spaces for the two restaurant uses will be 10 parking spaces per 1,000 square feet of gross building area, which equates to 71 parking spaces. The total required number of parking spaces would be 396 and the number of provided parking spaces will be 440. Parking will be provided in two-levels of subterranean parking, one level at-grade, and one level above-grade. The parking for the hotel and restaurant use will be accessible from North Atlantic Boulevard and West Emerson Avenue and the parking for the residential units will be accessible from North Chandler Avenue.

OTHER ITEMS:

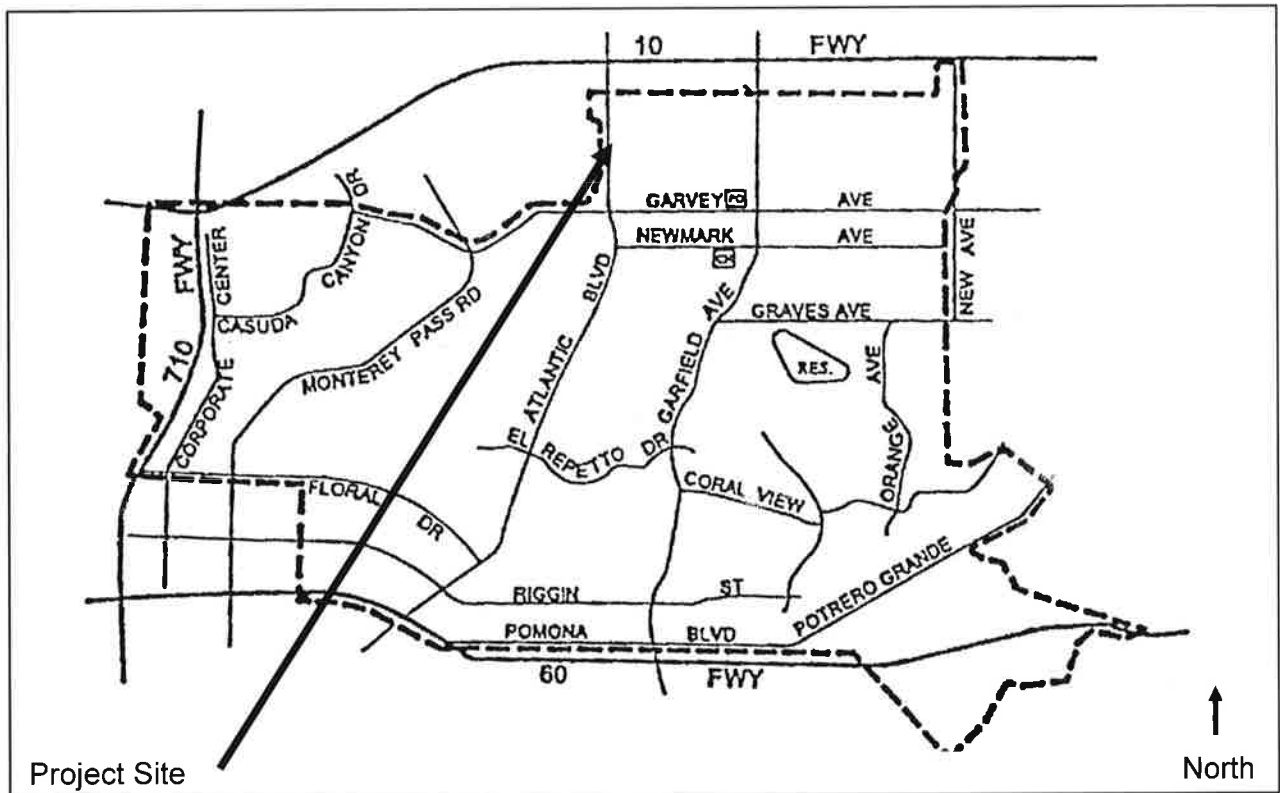
Surrounding Properties



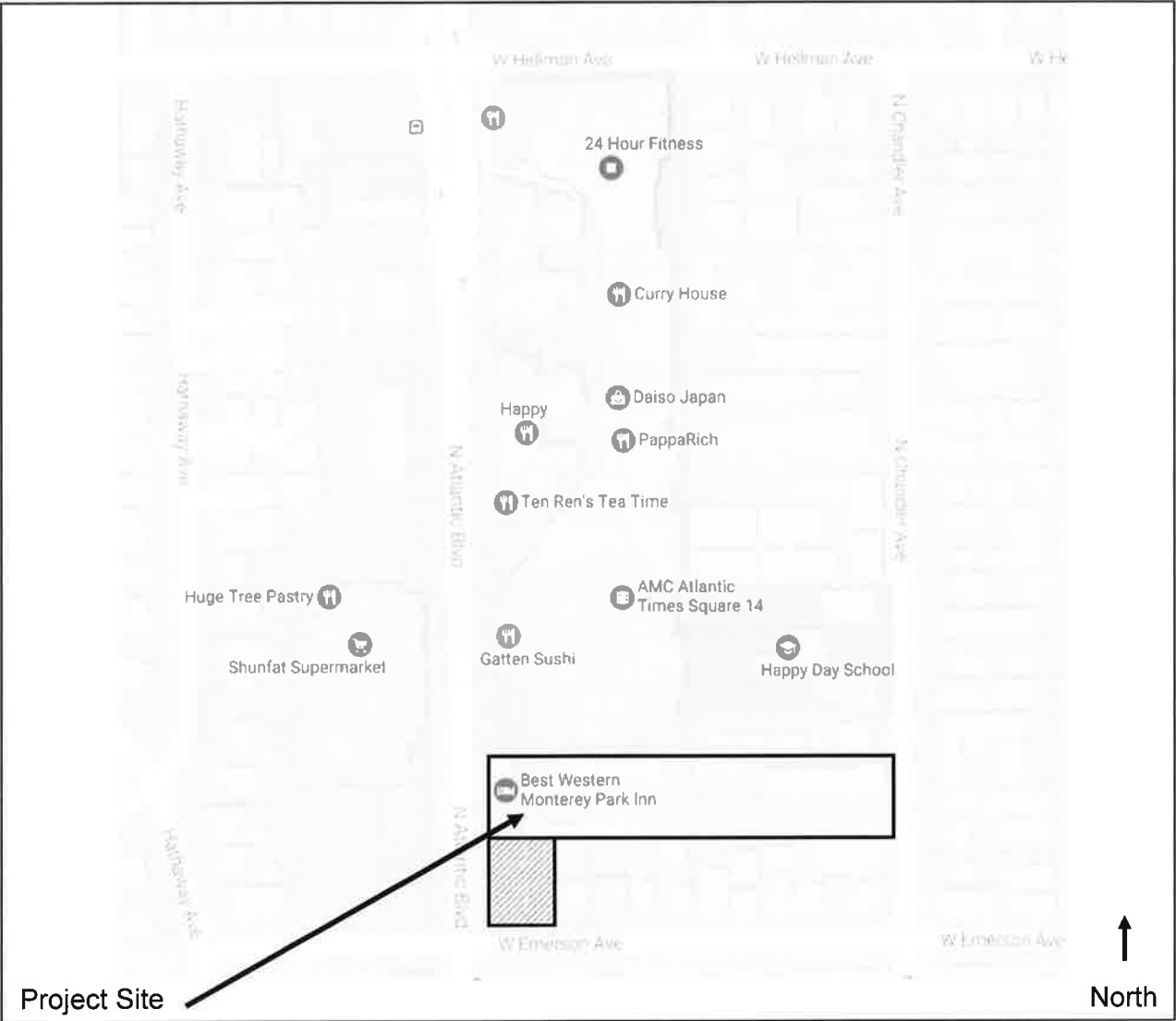
Legal Notification

A Notice of Intent to adopt a Mitigated Negative Declaration was published on **May 12, 2017** in the Monterey Park Progress and circulated for public review for a period of 20 days (**May 15, 2017 to June 3, 2017**) and posted on **May 12, 2017**, 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 **164** property owners within a 300 feet radius **May 12, 2017**.

Vicinity Map



Street Map



Aerial Map



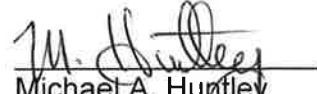
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

The transit occupancy tax that will be generated by the hotel is 12 percent of the taxable rent. The business licensing fees that will be generated from the restaurant are based on the number of seats and whether on-sale alcoholic beverages will be provided. The business licensing fee for a restaurant that has over 20 seats is \$5 per seat, plus a \$75 base fee and a \$1 state fee. The business licensing fee for a restaurant that has over 20 seats and provides on-sale alcoholic beverages is \$7 per seat, plus a \$75 base fee and a \$1 state fee. Sales tax will also be assessed for sales originating at the project site.

Respectfully submitted,



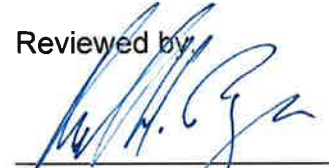
Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Attachments 1: Draft Resolution
- Attachments 2: Site, floor, and elevation plans
- Attachments 3: Best Western Conditional Use Permit
- Attachments 4: Supplemental Mitigated Negative Declaration

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION ADOPTING A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING A MODIFICATION OF A CONDITIONAL USE PERMIT (CUP-17-02) AND A TENTATIVE MAP NO. 074409 (TM-17-02) FOR THE CONSTRUCTION OF A NEW MIXED-USE DEVELOPMENT AT 420 NORTH ATLANTIC BOULEVARD.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On March 7, 2017, Pacific Plaza LLC, submitted an application pursuant to Titles 20 and 21 of the Monterey Park Municipal Code ("MPMC") requesting approval for a modification to a previously approved Conditional Use Permit (CUP-17-02) and Tentative Map No. 074409 (TM-17-02) to construct a new mixed-use development at 420 North Atlantic Boulevard ("Project");
- B. The project was originally approved by the Planning Commission on December 13, 2016;
- C. The Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- D. 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");
- E. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for June 13, 2017. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- F. On June 13, 2017, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and the applicant's representatives; and
- G. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its June 13, 2017 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

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

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- A. The Applicant seeks approval to construct a new 5-story, 60-feet tall and 176,349 square feet mixed-use development. The Project includes 136 hotel rooms, 7,125 square feet restaurant, 84 residential units and 440 parking spaces;
- B. 420 North Atlantic Boulevard is zoned R-S, P-D (Regional Specialty, Planned Development) and the General Plan designation is Mixed-Use I;
- C. The Project property is located on the east side of North Atlantic Boulevard, between West Hellman and West Emerson Avenue. Properties located to the north of the subject property include Atlantic Times Square, south is a one-story auto sale building, west is Atlantic Boulevard and Shun Fat Supermarket, and east is Chandler Avenue and R-3 zoned lots; and
- D. The Project site is comprised of four parcels totaling 88,070 square feet (2 acres) in size. One parcel has frontage on Atlantic Boulevard and is currently developed with a two-story motel, comprised of three detached buildings totaling 56-rooms. The existing motel is 16,226 square feet in size and constructed in 1978. There are approximately 49 existing parking spaces. The second and third parcels have frontage on Chandler Avenue. The second parcel is currently developed with a 15-unit, 11,519 square feet two-story apartment building constructed in 1961. The third parcel is vacant. The fourth parcel has frontage on North Atlantic Boulevard and West Emerson Avenue. The lot is 12,470 square feet in size and is currently developed with a one-story 1,186 square feet commercial building constructed in 1959. The building was previously occupied by a used car dealership business with car rental services.

SECTION 3: Environmental Assessment.

- A. The Project was previously 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 and a Mitigated Negative Declaration (MND) was prepared and certified by the City in December 13, 2016.
- B. The subsequent modifications to the project were re-analyzed in light of the adopted 2016 MND to determine whether an additional environmental document needed to be prepared. CEQA authorizes a lead agency to prepare supplement to a previously adopted MND if some changes or additions are necessary to a previously analyzed project and the conditions described in CEQA Guidelines § 15162 are met.
- C. A Supplemental MND was prepared for this project pursuant to CEQA Guidelines § 15162. Based on the findings of the Supplemental MND, the City has determined that the modified project would not result in significantly greater impacts that were previously analyzed in the approved 2016 MND. Measures to reduce impacts involving air quality, cultural resources, noise, and traffic will be incorporated into the final project design. The Supplemental MND is attached as Exhibit "A," and incorporated by this

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reference. A Notice of Intent to Adopt a Supplemental MND was prepared pursuant to CEQA Guidelines §§ 15072 and 15073, and was available for public comment from May 15, 2017 to June 3, 2017.

- D. In accordance with CEQA Guidelines § 15074, the record on which the Planning Commission's findings are based is located at the City of Monterey Park Community and Economic Development Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.
- E. When considering the whole record for the draft Initial Study and Supplemental MND, 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.
- F. These findings are based on the various mitigation measures to be required in the implementation of the project as set forth in the Supplemental MND 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.

SECTION 4: Conditional Use Permit for P-D Overlay Zone – Planner Findings. Pursuant to MPMC § 21.14.150, before submitting this application to the Planning Commission, the City Planner determined that the project complies with the following findings:

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

The architectural style of the proposed project will be contemporary and the finishes will be high quality. The building finishes include smooth stucco in various earth tones, stone and wood veneer, aluminum panels, and metal awnings. The proposed building design will be consistent with the architectural styles that the Planning Commission has been approving along Atlantic Boulevard. Prior to the construction of Atlantic Times Square, the existing commercial buildings along Atlantic Boulevard, between West Hellman Avenue and West Garvey Avenue were constructed in the 1980s and the architectural styles were reflective of that time period. Within the past five years, the Planning Commission has approved the Courtyard by Marriott, Hilton Doubletree, and the AG Hotel, which all have contemporary/modern styles.

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

As stated above, the proposed project will include high quality materials. Also, the project will provide new street trees along Atlantic Boulevard as well as throughout the project in raised planters. According to MPMC § 21.14.090(C), a 12 feet wide pedestrian realm is required on Atlantic Boulevard and a 13 feet wide pedestrian realm

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will be provided. The project will provide generous landscaping, which includes special pavements, screen walls, planters, and site furniture, which will be consistent with the requirements of the Planned Development Overlay Zone.

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

The building will be compatible with developments in the general area. The project is designed according to the standards required by the P-D Overlay Zone. The proposed building will be 60 feet tall, which is less than the 75 feet maximum height allowed in the P-D Overlay Zone. According to MPMC § 21.14.090(B), the building height must vary to provide a human scale adjacent to the pedestrian realm. To create a human scale, the building height must not exceed 40 feet within 20 feet of the pedestrian realm along Atlantic Boulevard. The proposed building height within 20 feet of the pedestrian realm will not exceed 20 feet in height. The building mass will be articulated with architectural elements, such as metal awnings, wall off-sets, recessed windows and entries, and a variety of exterior finishes. According to MPMC § 21.14.090(D), 200 square feet of open space is required per residential unit. The project requires a minimum of 16,800 square feet of open space and will provide 17,786 square feet of open space, which exceeds the minimum requirement. The open space areas will be provided throughout the project. At the second level, approximately 9,000 square feet of open space will be provided, which will include a pool and open court yards.

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

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

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

The proposed building and its use will not unreasonably interfere with the use or enjoyment of properties in the vicinity. First, the proposed project is designed according to the regulations in the P-D Overlay Zone chapter. Second, both the P-D Overlay Zone and proposed project considers the properties abutting the subject property. The project abuts R-S, P-D (Regional Specialty, Planned Development) zoned properties to the north, south, and west, and R-3, P-D (High Density Residential, Planned

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Development) zoned properties to the east. The commercial components of the project will be located towards Atlantic Boulevard and the residential components will be located towards Chandler Avenue.

- F. The proposed buildings or structures and its use comply with the General Plan.

The proposed building and its use comply with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan. One of the goals of the General Plan (Goal 3.0) is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed project will be a hospitality development with a restaurant use. The project is a mixed-use development, which includes 136 hotel rooms and 84 residential units.

SECTION 5: Conditional Use Permit for P-D Overlay Zone – Planning Commission Findings.
Pursuant to MPMC § 21.32.020, the Planning Commission finds as follows:

- A. That the site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards prescribed in this code.

The project site is adequate in size, shape and topography for the proposed mixed-use project. The project is 88,070 square feet (2 acres) in size, regular shape, and relatively flat. The proposed project is designed according to the development standards allowed in MPMC § 21.14.090.

- B. That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

The project site has sufficient access to streets and highways. The project site will be accessible from 26 feet wide driveway on North Atlantic Boulevard, West Emerson Avenue, and North Chandler Avenue and is located less than a mile from the Interstate 10 Freeway. North Atlantic Boulevard is a principal arterial street that serves as a regional travel route, accommodating through trips and linking the local street system to through routes. Emerson Avenue is a minor arterial route that allows for either a four lane undivided or divided street. Chandler Avenue is a two lane undivided local street to designed to serve the local circulation.

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

The proposed use is consistent with the General Plan and any applicable specific plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan. One of the goals of the General Plan (Goal 3.0) is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed

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project will be a hospitality development with a restaurant use. The project is a mixed-use development, which includes 136 hotel rooms and 84 residential units.

- D. That the proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City.

The proposed project is a mixed-use development comprised of 136 hotel rooms and 84 residential units. The project is designed according to the development standards allowed in the P-D Overlay Zone District and in such a way that that will not create unusual noise, traffic, or other conditions.

- E. That the proposed use will not have an adverse effect on the public health, safety and general welfare.

The proposed use will not have an adverse effect on the public health, safety and general welfare. The proposed project is designed according to the standards allowed by MPMC Chapter 21.14.

- F. That the use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC.

The proposed mixed-use project applied for at the subject property is properly one authorized by a conditional use permit pursuant to the MPMC. According to MPMC § 21.14.010, a conditional use permit must be prepared for a project proposed in the P-D Overlay Zone District.

SECTION 6: Conditional Use Permit for On-Sale and Off-Sale Alcohol Findings. Pursuant to MPMC § 21.10.230, the Planning Commission finds as follows:

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

The proposed use complies with all requirements for a conditional use permit. First, the site is adequate in size, shape and topography for the proposed use because the proposed use is the addition of general alcohol sales for on-site consumption to an existing restaurant. No physical changes are proposed to the site. Second, the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The proposed use is not expected to significantly increase traffic. Third, the proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category

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provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is the addition of general on-sale alcohol use. On-sale alcoholic beverage sales are permitted in the R-S, P-D (Regional Specialty, Planned Development) Zone with Conditional Use Permit approval. Fourth, the proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

- B. That the proposed use will not present adverse secondary impacts, including, without limitation, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime, interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed use is general on-sale alcohol use. On-sale alcoholic beverage use is permitted with a conditional use permit.

- C. That the proposed use is consistent with any nearby commercially-zoned properties for commercial use.

The subject property is zoned R-S, P-D (Regional Specialty, Planned Development). There are no distance requirements, no schools or playgrounds exist within the immediate vicinity of the subject property. The suitability of any nearby commercial-zoned properties for commercial use will remain the same.

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

The applicant's request to for on-site consumption in conjunction with the existing eating establishment will enhance the business and will not adversely affect the welfare of area residents and will be incidental to the primary use. According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for

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patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. The Police Department has included conditions in the Resolution to address security and alarm requirements.

SECTION 7: *Tentative Map Findings.* The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

- A. The proposed map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The proposed Tentative Map is consistent with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan, which provides opportunities for complementary service and retail commercial businesses, professional offices, and residential uses to locate within the City's core business districts. A board range of commercial and residential uses can be established within areas designated MU-I.

Allowable residential uses include those identified in the High Density Residential category. Residential projects must be combined with a commercial use; no stand-alone residential development is allowed. Also, no residential use is allowed on the ground floor at the street frontage. According to MPMC § 21.14.110, the maximum residential density permitted in the General Plan is 30 dwelling units per acre for projects that contain commercial and residential uses. The density may be increased up to 50 units per acre by providing three or more substantial amenities needed in areas designated as MU-I. Substantial amenities mean amenities that are significantly great enough to provide benefit, not only to the project itself, but to the greater community. In this case, the project will provide a public gathering space, a major portion of the required parking on-site will be located underground, and a community room will be provided.

- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan. The project is a mixed-use development comprised of 136 hotel rooms and 84 residential units, which is consistent with the uses allowed in the Mixed-Use I land use category.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 88,070 square feet (2 acres) and adequate in size to accommodate the proposed mixed-use project.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.

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1. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all City, State, and Federal regulations and specifications.
2. 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 8: Actions. The Planning Commission takes the following actions:

- A. Adopts the Supplemental MND set forth in Exhibit A and directs the Director of Community and Economic Development to file any appropriate notifications in accordance with applicable law;
- B. Pursuant to Public Resources Code §§21081(a) and 21081.6, the Planning Commission adopts the Mitigation Monitoring and Reporting Program (MMRP) set forth in the attached Exhibit "B," which is incorporated into this Resolution by reference. The Planning Commission adopts each of the mitigation measures as conditions of approval for the Project. Other Project conditions of approval and compliance with applicable codes, policies, and regulations will further ensure that the environmental impacts of the Project will not be greater than set forth in the MND and these findings; and
- C. Approves Conditional Use Permit (CUP-17-02) and Tentative Map No. 074409 (TM-17-02) attached as Exhibit C in its entirety including, without limitation, the conditions of approval set forth in the attached Exhibit "D," which is incorporated by reference.

SECTION 9: 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 10: 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 11: *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 12: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

SECTION 13: A copy of this Resolution will be mailed to the applicant and to any other person requesting a copy.

SECTION 14: 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.

ADOPTED AND APPROVED this 13th day of June 2017.

Chairperson Larry Sullivan

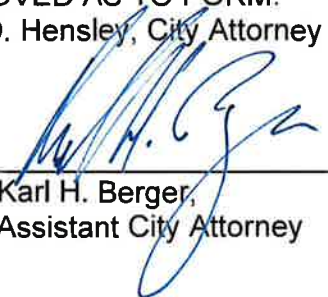
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of June 2017, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

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

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

420 NORTH ATLANTIC BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Pacific Plaza LLC agrees that it will comply with the following provisions as conditions for the City of Monterey Park's approval of Conditional Use Permit (CUP-17-02) and Tentative Map No. 074409 (TM-17-02) ("Project Conditions").

PLANNING:

1. Pacific Plaza 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 CU-17-02 and TM-17-02 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 the City approval of CU-17-02 and TM-17-02, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or nay sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Department. Any subsequent modification must be referred to the Director of the Community and Economic Development Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
4. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
5. The real property, subject to CU-17-02 and TM-17-02 must remain well-maintained and free of graffiti; any graffiti must be removed within 24 hours after discovery.

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6. Landscaping/irrigation must be maintained in good condition at all times.
7. In addition to all applicable provisions of the MPMC, the Applicant must comply with the Mitigation Monitoring and Reporting Program (MMRP) that was prepared as a part of the environmental review for this project and all of the mitigation measures identified therein. The MMRP is incorporated into these conditions by reference.
8. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways.
9. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.
10. A copy of the Conditions of Approval for Conditional Use Permit (CUP-17-02) and Tentative Map (TM-17-02) must be kept on the premises of the establishment and presented to any authorized City official upon request.
11. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
12. The sale of alcoholic beverages for consumption outside or off the premises is prohibited. Signs must be posted at all entrances and exits of the premises indicating that the sale of alcoholic beverages for consumption outside or off the premises is prohibited.
13. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*).
14. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise at the restaurant. Said contact's name and phone number must also be available through restaurant staff at all times.
15. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") within the dining room lobby at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non*-drinking driver.
16. There cannot be exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of

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alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to public view from the exterior constitute a violation of this condition.

17. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.
18. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:
 - a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Monrovia District Office administered *Leadership and Education in Alcohol and Drugs* (LEAD) Program in the form of an ABC-issued certificate; or
 - b. Completed an accepted equivalent by the ABC, Monrovia District Office to ensure proper distribution of beer, and wine to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then the ABC-licensed proprietors must have confirmed with the Community and Economic Development Department within fifteen (15) days of the Director's decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.
 - c. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.
19. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the restaurant, the city may, in its discretion, take action to review the Conditional Use Permit, including without limitation, adding conditions or revoking the permit.

BUILDING:

20. Demolition permits are required to remove existing structures. The building permit will not be issued until the demolition and sewer cap are signed off, and a compaction report is submitted to the Building Official, or designee, showing adequate compaction of fills, if any. All underground utility lines must be capped within 5 feet of the property line and clearly marked.
21. Grading permit is required by the Public Works Director, or designee. The grading permit will not be issued until the rough grading is completed and approved by the Public Works Director, or designee.

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22. A building permit does not allow the Applicant to excavate, construct or store building materials encroaching into adjacent properties. Requirements for protection of adjacent property during construction must comply with Civil Code § 832.
23. Temporary shoring must be provided to the satisfaction of the Public Works Director, or designee, to prevent movement or settlement of the public right-of-way during excavation.
24. The site plan must include the location and invert elevation of the sewer laterals at the property line.
25. A soils report is required at time of plan check submittal.
26. A permit from CAL-OSHA must be obtained before the City issues building permits.
27. At time of plan check submittal, identify the project construction type in order to determine the allowable area and allowable building height for the project.
28. Due to the nature of the clay soil and its long retention of water, waterproofing (instead of damp proofing) is required regardless of the groundwater table.
29. The garage must be separated from the commercial facilities with proper occupancy separation per California Building Code Chapter 3, as adopted by the MPMC.
30. The project must comply with California Building Code Chapters 11A and 11B accessibility requirements, as adopted by the MPMC.
31. The project must comply with Energy Efficiency Standards set forth in the California Energy Code, California Green Building Standards Codes, as adopted by the MPMC.

ENGINEERING:

32. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee, this project involves the disturbance of soils by grading, clearing and/or excavation. Developer/owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition the grading permits on evidence of compliance with this permit and its requirements. Compliance information is available from the City Engineer. Upon approval of the NPDES document by the City, the Developer/Owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues

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a building or grading permit (the electronic copy requirement pertains to projects greater than an acre.)

33. Record the final map after approval of the map by the City Council. A refundable \$187 cash deposit must be submitted to guarantee that developer will provide the City with one transparent 4 mil thick mylar tracing, one electronic file of approved final map tracings transferable to the City's AutoCAD and GIS systems and two blueprints of the recorded map which must be filed with the City Engineer within three 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.
34. Before submitting a final map with the City, the developer/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments; and submit L.A. County tax bill, tax payment receipt, and copy of cancelled check.
35. The developer/property owner is responsible for ascertaining and paying all City fees such as, without limitation, sewer deficiency fees, water meter fees and metered water service impact fees as required by the MPMC.
36. The Applicant must record Covenants, Conditions, & Restrictions that, among other things, establish a homeowner's association to address common maintenance and utilities, and must be prepared to the satisfaction of the City Attorney and the City Engineer. Developer/owner is responsible for securing the C.C. & R. guidelines from the Public Works Director, or designee. The Applicant must pay all legal costs incurred by the City for the City Attorney's review of the CC&Rs.
37. All improvement plans, including grading and public improvement plans, must be prepared in accordance with City approved information. Benchmark references to be obtained from the Public Works Director, or designee.
38. 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 Public Works Director, or designee.
39. Provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the Public Works Director, or designee. All maps must be prepared from a field survey. Compiled maps will not be 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

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slopes. Any deviation from this requirement must be approved by the Public Works Director, or designee.

40. A site drainage plan must be prepared for review and approval by the Public Works Director, or designee. The property drainage 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 must not 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.
41. All drainage facilities serving the development must accommodate a 25 year storm. If existing storm drain facilities are inadequate they must be enlarged as determined by the Public Works Director, or designee. All storm drain facilities must be designed and constructed to the satisfaction of the Public Works Director, or designee.
42. Any damage done to existing street improvements and utilities during construction must be repaired before acceptance of the project. Pre-existing damaged, deteriorated, substandard or off-curb curb, gutter, driveways and sidewalk must also be repaired or replaced to the satisfaction of the Public Works Director, or designee.
43. 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 improvement guarantee and agreement must be posted prior to approval of the final map by the City Council.
44. All electric, telephone and cable TV utility services must be fully installed underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, wastewater and gas, must be made to City standards. A utility plan must be prepared and submitted to the Public Works Director, or designee, showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
45. A sewer connection reconstruction fee will be assessed at the time the Building Official issues a building permit pursuant to MPMC Chapter 14.06.
46. The Applicant must dedicate a 13 feet strip of land along the Atlantic Boulevard frontage for street and public utility purposes per Ordinance No. 1946, adopted November 4, 1998. Provide a separate Street Improvement Plan by the first plan check. The Street Improvement Plan must include the removal and reconstruction of sidewalk, driveway approach, and curb and gutter along the

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entire property frontage of Atlantic Boulevard, Chandler Avenue, and Emerson Avenue.

47. The Applicant must construct a 2 inch cold mill and asphalt overlay to the full width of Chandler Avenue, from Emerson Avenue to the north property line of the project to join existing improvements. The overlay must be rubberized asphalt mix design, restore all traffic striping and markings.
48. The Applicant must provide a 15-foot corner radius property line dedication to the City of Monterey Park along the Atlantic Boulevard and Emerson intersection for street and public utility purposes.
49. The Applicant must construct a 25-foot radius curb return at the northwest corner of the Atlantic Boulevard and Emerson Avenue intersection. Relocate the existing storm drain inlets, street lights, traffic signals and utilities as necessary to construct the improvements. Show the details on the street construction plan.
50. The Applicant must construct two new ADA curb ramps in the corner curb returns at the intersection of Chandler and Emerson Avenues.
51. Provide new street lighting on the east side of Atlantic Boulevard, from Emerson Avenue to the north property line of the project site; on the north side of Emerson Avenue, from Atlantic Boulevard to the east property line of the project site; and along Chandler Avenue adjacent to the property site. All street lighting must be underground fed to the new concrete standards with LED fixtures per City standards. Provide separate street lighting and underground conduit plans for approval by the Public Works Director, or designee.
52. A grading and drainage plan and separate street improvement plan for Chandler Avenue must be submitted by the first plan check. The grading and drainage plan, excavation and temporary shoring plan must incorporate all pertinent site development comments from the City's geotechnical consultant, and must also include the approved geotechnical report submitted by the developer's consultant.
53. Parkways must be irrigated and landscaped in accordance with plans approved by the Public Works Director, or designee.
54. 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.
55. Show existing curb markings and street signage fronting the project on the plans.
56. The Applicant must provide a vehicular access and circulation plan for commercial and service trucks through the site. A turning template overlay must be provided on a scaled plan.

FIRE:

57. All conditions identified by the Fire Department are subject to review and approval by the Fire Chief for determination of applicability and extent to which any condition may be required.
58. Building height exceeds 30 feet in height. A dedicated ladder truck access road is required. Access road must be provided from Atlantic Boulevard to Hellman Avenue. The minimum unobstructed width must be 26 feet and be at least 15 feet, but not further than 30 feet, from the west side of the building. Except for approved security gates in accordance with California Fire Code (CFC) § 503.6, as adopted by the MPMC, a minimum unobstructed vertical clearance of 13 feet 6 inches must be provided for the access road, per the CFC Appendix D105.1, as adopted by the MPMC.
59. When security gates are provided, maintain a minimum access width of 20 feet. The security gate must be provided with an approved means of emergency operation, and must be maintained operational at all times. Electric gate operators, where provided, must be listed in accordance with Underwriters Laboratories (UL) 325. Gates intended for automatic operation must be designed, constructed and installed to comply with the requirements of ASTM F220 per CFC § 503.6, as adopted by the MPMC.
60. Fire Department vehicular access roads must be provided with a 32-foot centerline turning radius, per CFC § 503.2.4, as adopted by the MPMC.
61. Fire Department vehicular access roads must be hardscape all weather access in accordance with the Fire Department's All Weather Access Requirements per CFC § 503.2.3, as adopted by the MPMC.
62. Fire apparatus access roads must be identified with approved signs. Temporary signs must be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs must be of an approved size, weather resistant and be maintained until replaced by permanent signs per CFC § 505.2, as adopted by the MPMC.
63. The minimum required fire flow for the entire structure must be 8,000 gallons per minute for 4-hour duration, per the 2013 CFC. At the time plan check submittal, the fire flow test data obtained must be within one-year of the submittal date.
64. A minimum of eight fire hydrants must be provided within 120 feet of the structure. Show all the existing and proposed fire hydrants on both sides of the property, per CFC § C105.2.2.
65. Building height and area must be determined by the California Building Code (CBC) Table 503, as adopted by the MPMC. Per the CBC §§ 504.2 and 506.3,

installation of an automatic fire sprinkler system in an R-1 occupancy will allow either an increase in stories/height or allowable floor area but not both.

66. Provide an approved Class I standpipe system in all stairwells on all levels including the roof as set forth by CBC and CFC § 905.
67. Provide an approved automatic fire sprinkler system and fire alarm as set forth by the CFC §§ 903 and 907.
68. An approved grease interceptor is required for all new restaurants in the City of Monterey Park. The grease interceptor must be designed and constructed in accordance to the County of Los Angeles, Department of Public Works Standard Plan No. 2046-0 or other design specifically approved by the Public Works Director, or designee. Indicate the type of grease interceptor and the installation location. The property owner is responsible for maintaining the grease interceptor and submitting quarterly manifest reports to the fire department for review.
69. 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. Smoke alarms must be installed in accordance with the manufacturers' instructions. Indicate the smoke alarms locations on plans per CFC § 907.2.11.1, as adopted by the MPMC.
70. Carbon monoxide alarms must be provided either within all sleeping units or else the building must be provided with a carbon monoxide alarm system that protects all common areas per CBC § 420.6, as adopted by the MPMC.
71. Guest rooms designated as accessible by the Building Department must be provided with visible alarm notification appliances per CFC § 907.5.2.3.3, as adopted by the MPMC.
72. Smoke dampers must be provided whenever ducts penetrate smoke barriers and elevator lobbies as set forth by the CBC. Fire dampers must be provided whenever ducts penetrate the ceiling of fire-resistive floor-ceiling or roof-ceiling assemblies, an atrium enclosure element, or areas of refuge. In addition, the building exterior must have protected opening as set forth by CBC Chapter 7. Identify smoke/fire dampers per CBC § 716.4, as adopted by the MPMC.
73. A minimum of one rated stairwell must extend to the roof per CFC § 504.3, as adopted by the MPMC.
74. 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 and 1022.8.1, as adopted by the MPMC.

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75. Every guest room must have clearly visible emergency procedures information printed on a floor plan representative of the floor level and posted on the interior of each entrance door per CFC § 404.7.2, as adopted by the MPMC.
76. A minimum of one elevator providing general stretcher dimensions and extending to the top floor must be provided per CBC § 3002.4a, as adopted by the MPMC.
77. Fire protection, including fire apparatus access roads and water supplies for fire hydrant must be installed and made serviceable before and during the time of construction per the CFC § 501.4, as adopted by the MPMC.
78. Marking of fire apparatus access roads and approved signs must be provided to identify such roads and prohibits the obstruction thereof or both that include the words NO PARKING – FIRE LANE per CFC § 503.3, as adopted by the MPMC.
79. 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-inch stroke and be a contrasting background per CFC § 505.1, as adopted by the MPMC.
80. The suite address designation must be installed on or near all exterior doors of the suite in 3-inch high numbers or letters on a contrasting background per CFC § 505.1, as adopted by the MPMC.
81. All rated exit stairwells must have keyed exterior doors on the ground level. Knox boxes must be provided adjacent to all exit stairwell exterior doors at approved locations. A Knox box must also be provided adjacent to the main entrance at an approved location per CFC § 506.1, as adopted by the MPMC.
82. Fire/Smoke dampers, when required, must be interconnected to the Fire Alarm (if the building is equipped with a fire alarm system). A separate plan submittal and permit is required for the alarm work as per CFC § 901.2.1, as adopted by the MPMC.
83. Any fire sprinkler system installation or modification requires a separate plan check submittal and approval. Work cannot commence until a fire permit is obtained. Inspection of the rough piping must be performed before being concealed. Ceiling tiles and/or dry wall must not be installed unless approved by the Fire Inspector per CFC § 901.2, as adopted by the MPMC.
84. Any fire alarm and/or fire sprinkler system monitoring installation or modification requires a separate plan check submittal and approval by the Fire Chief, or designee. Work cannot commence until a fire permit is obtained. Inspection of the system must be performed and subject to acceptance tests before operation per CFC § 907.1.1, as adopted by the MPMC.

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85. Other fire protection systems and appurtenances (e.g., commercial cooking operations for hood fire suppression, underground fire line, standby power systems, FM-200) installation or modification requires a separate plan check submittal and approval. Inspection of the system must be performed and subject to acceptance tests before operation per CFC § 904.1, as adopted by the MPMC.
86. A two-way approved Fire Department communication system must be provided for Fire Department use. It must operate between the main control room and elevators, elevator lobbies, emergency and standby power rooms and at entries into enclosed stairways per CFC §§ 907.2.13.2 and 914.3.4, as adopted by the MPMC.
87. Emergency responder radio coverage must be provided per CFC § 510.1 and MPMC § 17.02.110.
88. 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 § 1413, as adopted by the MPMC.
89. Provide a parking space clearly labeled and reserved for “Fire and Police Vehicles” on the ground floor. This parking space must be located within close proximity of the business. The location of the parking space is subject to the approval of the Fire Chief and Police Chief, or designees.
90. The owner of the protected premises will be responsible for all annual inspection, testing, and maintenance for all fire protection systems and their appurtenances within the protected premises in accordance to their referenced national standards and submit said reports annually to the Fire Chief, or designee, one year after commissioning of each system. The Fire Chief, or designee, will review the annual reports that will be subject to a fee for review and inspections as deemed required by the Fire Chief per CFC § 901.1.1, as adopted by the MPMC.
91. An on-site Fire Inspector may be required for this project at no expense to the City for the duration of the project construction as determined by the Fire Chief, or designee. The on-site inspector must be approved by the Fire Chief, or designee.
92. A CBC and egress analysis report of the applicable portions of the 2016 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 City per CFC § 104.7.2, as adopted by the MPMC.

POLICE:

93. Exterior lighting must be in full operation at all times.
94. The property owner must hire and private security for the entire complex. The private security company must be properly licensed and meet all the criteria and legal obligations to operate a private security company. There must be a minimum of two security guards on the premises at all times. The Police Chief, or designee, has the authority to increase or decrease the number of security guards as the situation calls for.
95. All major common areas of the locations, including all parking areas, must be covered by security video cameras. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. Security video cameras must be installed at all the entrance/exits and must be positioned to capture the faces of people entering and exiting. All recordings must be maintained for a minimum of 30 days. All recordings must be made readily available for any law enforcement official who requests the recording(s) for official purposes. If the Police Chief, or designee, determines that additional security cameras are required, the management must comply with the direction within 7 days. Also, access to all security video cameras must be made available to the Police Chief, or designee, via the internet, by providing the IP address for all cameras. The Police Chief, or designee, can also require a change in the position of the video cameras if it is determined that the position of the camera does not meet security needs. The management must comply with the request within 7 days. A comprehensive security plan must be submitted to the Police Chief, or designee, for final review and approval before the project opening.
96. The applicant/property owner must install an adequate alarm system in the hotel office, hotel front desk area, and any fixed money handling areas. The alarm system will be a deterrent to criminal activity, and allow notification of the Police Department in the event of any such attempt. The type of alarm system installed must be connected with the alarm company, and the system must have the capability to distinguish if the need for the police service is for a robbery or burglary. The hotel must obtain an alarm permit from the Police Department.
97. At no time can any hotel room be rented at any rate other than a daily rate, or any length of time that is in conflict with applicable law.
98. The permittee must keep a record of all people renting rooms from the hotel. At a minimum the following information must be obtained, name, driver's license, identification number, and make, year, and license plan of vehicle (if applicable). This information must be made available to any police officer, upon demand.

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99. The permittee will work with the Police Department to identify a designated area on the property where emergency vehicles may park within close proximity of the business complex when responding for calls for service at the location. This area can be designated at a later time but must be subject to the approval of the Chief of Police.
100. Any gate code/key must be provided to the Police Department so that access can be made in case of emergencies.
101. Access to the roof of the hotel building will be locked and secured. Access to the roof will be restricted to maintenance personnel, building management, or other authorized personnel.
102. All businesses in the complex are encouraged to join and participate in the Monterey Park Police Department's Business Watch Program; a fee service designed to educate businesses about minimizing criminal activity. The Community Relations Bureau can be contacted at (626) 307-1215
103. The shrubbery on the property must be installed and maintained in such a condition as to not restrict visibility from the street or easily conceal persons.
104. The sale of alcoholic beverages for consumption off the premise is prohibited.
105. Food service for the restaurant is required at all hours that the establishment is open for business.
106. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
107. The manager/owner is responsible for maintaining the property free of litter and graffiti.

By signing this document, the authorized representative of Pacific Plaza LLC, certifies that the he or she has read, understood, and agrees to the Project Conditions listed in this document.

Name:

Title:

On behalf of Pacific Plaza LLC, Applicant

ATTACHMENT 2

Site, floor, and elevation plans

ATTACHMENT 3

Best Western Conditional Use Permit

ATTACHMENT 4
Supplemental Mitigated Negative Declaration



Planning Commission Staff Report

DATE: June 13, 2017

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Director of Community and Economic Development
SUBJECT: Consider adopting a Resolution recommending that the City Council amend specific sections of Title 21 (zoning regulations) of the Monterey Park Municipal Code relating to Accessory Dwelling Units.

RECOMMENDATION:

It is recommended that the Planning Commission:

- (1) Open the public hearing and, after considering the evidence presented during the public hearing, adopt a Resolution recommending that the City Council adopt a draft ordinance amending the Monterey Park Municipal Code regulating Accessory Dwelling Units;
- (2) In the alternative, direct staff to study potential areas of the City where Accessory Dwelling Units may be prohibited due to potential adverse impacts; and/or
- (3) Take such additional, related, action that may be desirable.

ENVIRONMENTAL:

This action is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*), because it involves the adoption of an ordinance regarding accessory dwelling units in a single-family or multifamily residential zone to implement the Government Code § 65852.2 as set forth in Public Resources Code § 21080.17, pursuant to CEQA Guidelines § 15282(h).

EXECUTIVE SUMMARY:

The Legislature and Governor have both identified a housing shortage in California. As a result, Assembly Bill No. 2299 ("AB 2299") and Senate Bill No. 1069 ("SB 1069") were signed into law on September 27, 2016. Combined, these Bills amend various sections of the Government Code regulating accessory dwelling units which took effect January 1, 2017. For clarity, the Monterey Park Municipal Code ("MPMC") currently refers to this type of unit as a "second dwelling unit." The new laws regulate type and size of units, parking, approval process and timelines, and water and sewer utility requirements applicable to second dwelling units.

ANALYSIS:

In 2003, the City Council adopted regulations for second dwelling units based on California law. In 2013, as part of the comprehensive Zoning Code Amendment, the City Council amended those regulations to reconcile them with California law. The proposed ordinance would amend the MPMC to comply with amendments implemented by AB 2299 and SB 1069. Some specific changes include:

- Existing local second dwelling unit regulations will be superseded to the extent such regulations are inconsistent with the requirements of California law. While local agencies are not required to adopt an ordinance, if they choose to do so, they must reconcile it with the requirements of AB 2299 and SB 1069.
- Replaces the term “Second Unit” with “Accessory Dwelling Unit.”
- Only one off-street parking space (does not have to be a covered space) can be required for an accessory dwelling unit.
- No parking can be required if an accessory dwelling unit meets certain criteria, such as proximity to a public transit stop, type of accessory dwelling unit, location within historic district, unavailability of a required on-street parking permit, and proximity to a shared car service.
- An accessory dwelling unit can either be attached to the existing dwelling, located within the living area of the existing dwelling; or detached and located on the same property as the existing dwelling.
- Notwithstanding other applicable restrictions and standards, cities must approve applications to convert existing space within a primary dwelling or an existing accessory structure into an accessory dwelling unit without any other restrictions if the unit is located in a single-family zoning district, is contained within an existing space of an existing residence or accessory structure, has independent exterior access, and side or rear yard setbacks area sufficient for fire safety; the term “existing accessory structure” is not defined in the state law, but a follow-up bill that is currently being considered in the California Legislature (AB 494) describes such accessory structures as pool houses, studios and similar structures; currently, garages are not defined as an “accessory structure” and are not subject to the required ministerial process for such structures.
- An accessory dwelling unit cannot be considered as a new residential use for the purpose of calculating utility charges, and cities cannot require a new or separate utility for certain types of units.

As shown in the draft ordinance, the proposed amendments to the City’s existing second dwelling unit regulations are mostly minor (i.e., definitions and slight square

footage changes) with the exception of the provisions relating to parking requirements, as discussed above. As depicted in Exhibit B, there are three public transit lines that traverse throughout the City, including the Metro, the Montebello Bus line, and the Spirit Bus. The existing bus stops are spread throughout the City. This means that future accessory dwelling units potentially can be proposed without providing off-street parking.

Note that the City can “designate areas [of the City] where accessory dwelling units may be permitted.” Government Code § 65852.2(a) states:

“A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.”

By implication, this means that the City also has the ability to prohibit accessory dwelling units based on findings, such as potential adverse impacts of ADUs to utilities, traffic flow and public safety. If the Planning Commission is concerned about potential impacts presented by ADUs in certain areas of the City – especially in light of the “no additional parking requirement” discussed above – the Commission could direct staff to study the issue and return to the Planning Commission with further options.

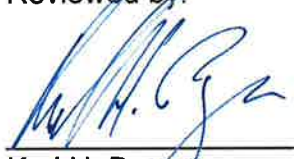
Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

- A. Proposed Zoning Code Amendments
- B. Map of Public Transit Stops in the City
- C. Resolution recommending adoption of the ordinance
- D. Government Code §65852.2, as amended by AB 2299

ATTACHMENT 1

Proposed Zoning Code Amendments

EXHIBIT A

CHAPTER 21.04 DEFINITIONS

21.04.775019 Second Unit Housing Accessory Dwelling Unit.

For purposes of this chapter, the following definitions shall apply:

(A) ~~“Efficiency unit” means a dwelling unit, with a minimum square footage of two hundred fifty (250) square feet, consisting of not more than one habitable room together with a kitchen or kitchenette and bathroom facilities.~~

(B) ~~“Second unit housing”~~ “Accessory dwelling unit” means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It ~~shall~~ includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel a single-family dwelling is situated. ~~Such second unit housing shall be subject to restrictions and limitations as set forth in Chapter 21.08. (Ord. 2097 § 3, 2013)~~ An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Health and Safety Code Section 17958.1 (such a unit has a minimum square footage of one hundred fifty (150) square feet, consisting of not more than one habitable room together with a kitchen or kitchenette and bathroom facilities).

(B) A manufactured home, as defined in Health and Safety Code Section 18007.

CHAPTER 21.08 RESIDENTIAL ZONES

21.08.030 Permitted Uses.

The land uses listed in Table 21.08(A) and Table 21.08(B) are permitted as indicated in the columns corresponding to each residential district. Where indicated with a “P” the use is permitted. Where indicated with an “X” the use is prohibited. A letter “C” indicates the use is conditionally permitted subject to the approval of a conditional use permit. Letter “L” indicates the use is permitted subject to limitations described in Section 21.08.050 ~~040~~. Uses not shown as permitted, conditionally permitted, or permitted subject to limitations are prohibited in the zoning district, unless the City Planner makes a determination that a proposed use, while not listed in the following table, closely corresponds to a listed use which is permitted by right or which is permitted subject to the granting of a conditional use permit or subject to limitations.

Table 21.08(A)

Permitted Uses in Residential Zones

Legend:

- P Permitted
- L Permitted subject to limitations or special standards (see Section 21.08.050 ~~040~~)
- C Permitted subject to approval of a conditional use permit (see Chapter 21.32)
- X Prohibited

* See Chapter 21.04, Definitions, for uses listed below

Land Uses	R-1	R-2	R-3
Single-family dwelling unit	P	P	P

Multiple-dwelling units	X	P	P
Assembly hall	C	C	C
Boarding house	X	C	C
Child care center	X	C	C
Child day care, licensed for 14 or less children (see Chapter 21.04, Definitions)	L	L	L
Community center	X	C	C
Community care facility, licensed for 6 or fewer persons	P	P	P
Community care facility, licensed for 7 or more persons	X	C	C
Condominiums	X	P	P
Congregate care facility (multiple units on one property)	X	C	C
Educational institution:			
Public	P	P	P
Parochial	C	C	C
Private (excludes tutoring)	C	C	C
Accessory use to church	C	C	C
Fraternity/sorority house	X	C	C
Golf course	C	C	C
Government facility	P	P	P
Medical marijuana dispensaries	X	X	X
Mixed-use development	X	L	L
Mobile home	L	C	C
Fraternity/sorority house	X	C	C
Nursing and convalescent hospital	X	C	C
Open space	P	P	P
Parking for off-site uses	X	C	C
Plant nursery	C	C	C
Public park	C	C	C
Public utility facility	C	C	C
Rehabilitation facility licensed for 6 or fewer persons	X	L	L
Rehabilitation facility licensed for 7 or more persons	X	X	X
Renting	L	L	L
Senior housing (see Chapter 21.16, Senior Citizens Housing Zone)	X	C	C
Sober living facility for 6 or less persons	P	P	P
Sober living facility for 7 or more persons	X	X	X
Supportive housing, licensed for 7 or more persons	X	X	C
Transitional housing, licensed for 7 or more persons	X	X	C

Table 21.08(B)

Permitted Accessory Uses in Residential Zones

Accessory Uses	R-1	R-2	R-3
Accessory building or structure	P	P	P
<u>Accessory dwelling unit</u>	<u>L</u>	<u>L</u>	<u>L</u>
Auto dismantling, repairing, assembling	L	L	L
Child day care, licensed for up to 7 children	P	P	P
Child day care, licensed for 8 to 14 children	L	L	L
Garage (not more than 3 cars)	P	P	P
Garage conversion	L	L	L
Home occupation	L	L	L
Household pets	L	L	L
Medical marijuana dispensaries	X	X	X
Portable canopy	L	L	L
Recreational vehicle parking (see Chapter 21.22, Off-Street Parking Regulations)	L	L	L
Second dwelling unit	L	L	L
Storage of construction materials	L	L	L
Swimming pool	P	P	P
Temporary uses (see Chapter 21.28)	C	C	C
Walls, fences, and hedges	L	L	L
Wireless communication facility	C	C	C
Yard sales	L	L	L

21.08.040 Limitations and Special Standards.

The land uses listed in Table 21.08(A) and Table 21.08(B) designated with the letter “L” are explained below.

(A) ~~Second Dwelling Unit~~ Accessory Dwelling Unit. In all residential zones developed as single-family dwelling unit, a maximum of one ~~second~~ accessory dwelling unit is permitted, subject to the following limitations:

(1) The design and incorporation of an accessory dwelling ~~second~~ unit on a single-family residential property must meet the following requirements ~~be such that the second unit~~:

(a) The accessory dwelling unit must comply ~~Complies~~ with all development standards of the R-1 Zone, including front, rear, and side yard setbacks, except as modified in this section;

(b) No setback is required for an existing garage that is converted to an accessory dwelling unit or an existing space within a primary dwelling;

(c) ~~b~~ The ~~second~~ accessory dwelling unit may be ~~is~~ either attached or detached from the existing primary dwelling and must be located on the same lot as the existing primary dwelling;

(d e) The increased floor area of the attached ~~second~~ accessory dwelling unit cannot exceed ~~thirty~~ (30) fifty (50) percent of the existing dwelling gross floor area, with a maximum increase in floor area of one thousand two hundred 1,200 square feet;

(e d) The total gross floor area for a detached ~~second~~ accessory dwelling unit cannot exceed one thousand two hundred (1,200) square feet.

(f e) Does not cause the floor area ratio or lot coverage limitations of the property to exceed the limits prescribed by the zone;

(g f) Is limited to one story and an overall height of fifteen (15) feet if detached from the primary dwelling;

(h g) Must be constructed such that the finished floor elevation of the ~~second~~ accessory dwelling unit is not more than two feet above or below the finish floor elevation of the primary unit at the front of the lot;

(i) Must have an independent exterior access from the existing residence.

(j h) Must maintain architectural compatibility with the primary dwelling unit, including, without limitation, architectural style, roof type, paint color, finish, details, and other qualities subject to the approval of the City Planner;

(k i) Must contain complete independent facilities for living, eating, sleeping, cooking, and sanitation;

(l j) Must ~~require~~ provide one off-street parking space per bedroom, ~~in a garage for second unit less than or equal to six hundred (600) square feet of gross floor area, and two parking spaces for those greater than six hundred (600) square feet~~ These spaces may be provided as tandem parking on an existing driveway, subject to the following: (i) Parking designated for the ~~second~~ accessory dwelling unit must be provided in addition to the minimum parking required for the primary unit,;

~~(ii) Designated second unit parking must be independent of parking provided for the primary unit and must be directly accessible to the second unit by a door or a paved pathway;~~

~~(iii) Second unit parking may not encroach into setbacks applicable to the zone and property.~~

(m) Notwithstanding the foregoing, parking is not required in the following instances:

(i) The accessory dwelling unit is located within one-half mile of public transit.

(ii) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(iii) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(2) An ~~second~~ accessory dwelling unit cannot be sold or transferred separately from the primary dwelling.

(3) The applicant for a ~~second~~ accessory dwelling unit must be the owner/occupant of the primary unit, but may reside in the ~~second~~ accessory dwelling unit once completed. ~~A covenant~~ An affidavit, in a form ~~to be provided by the Planning Division approved by the City Attorney~~, must be signed by the property owner, and must be submitted to the ~~Planning Division City Planner~~ on a yearly basis. Said ~~covenant affidavit~~ must verify that either the primary residence or ~~second~~ accessory dwelling unit is currently and will be occupied by the property owner.

(4) ~~A The covenant, approved as to form by the City Attorney,~~ must be recorded with the County Recorder's Office and a certified copy of said recorded covenant must be filed with the ~~Community Development Department City Planner~~ before the City issues a building permit to build a ~~second~~ accessory dwelling unit. The covenant will require owner occupancy of either the primary unit or

accessory dwelling unit, prohibit the separate sale of the accessory dwelling unit, and prohibit rentals for less than 30 days. Said covenant cannot be altered, revoked or canceled without the written consent of the City Planner.

(5) In the event a covenant was previously recorded for a permitted accessory structure restricting the structure as non-habitable pursuant to this Code, before the city issues a building permit for an accessory dwelling unit, the property owner must record a release of such covenant with the county recorder, in a form approved by the City Planner and the City Attorney.

(6 5) The application must be accompanied by a filing and processing fee in the amount set by city council resolution of the council.

(7) The applicant must pay all required fees, including without limitation, development impact fees pursuant to Chapter 3.110 of this Code.

(B A) Auto Dismantling, Repairing, Assembling. In all residential zones, subject to the following limitations:

(1) Work cannot be performed within public view.

(2) Work must be performed within an enclosed building or in an area which is completely enclosed by view-obscuring walls, not less than six feet in height, or by the exterior walls of a building or buildings.

(3) Work cannot be performed for commercial purposes.

(4) The vehicle must be owned by a resident of the lot on which the work is being done.

(5) The resident must complete work on one vehicle before beginning on another so that no more than one vehicle for each family living on the lot is in a state of disassembly or dismantlement or is being repaired at one time.

(6) Work must be performed in a manner that will not interfere with the quiet and comfortable enjoyment of adjacent properties by their occupants.

(C B) Child Day Care, Licensed for Eight to Fourteen (14) Children. In all residential zones, child day care for eight to fourteen (14) children is subject to State and City regulations, including a home occupation business license and the following requirements:

(1) The residence must comply with all property development standards.

(2) The child day care facility cannot be located within three hundred (300) feet of another child day care facility, except when:

(a) The applicant can demonstrate that an existing child day care located within three hundred (300) feet is at capacity; or

(b) The need exists for a particular or unique service not provided by an existing child day care location within three hundred (300) feet.

(3) The outdoor play area of not less than seventy-five (75) square feet per child, but in no case less than four hundred fifty (450) square feet in area, and which includes play equipment, must be provided and secured with proper fencing. The outdoor play area must be located in the rear area. Stationary play equipment cannot be located in required side and front yards.

(4) A six-foot high solid decorative fence or wall must be constructed on all side and rear property lines except in the front yard. Materials, textures, colors and design of the fence or wall must be compatible with on-site development and adjacent properties. All fences or walls ~~shall~~ must provide for safety with controlled points of entry.

(5) The garage cannot be used as an extension of the family day care facility and cannot be used as part of the outdoor play area.

(6) The facility may operate up to fourteen (14) hours per day. Outdoor activities are restricted to the hours of 8:00 a.m. to 8:00 p.m. per day.

(7) The facility requires an initial on-site inspection and annual inspection thereafter by ~~City officials~~ the City Planner.

(8) On-site landscaping must be consistent with that prevailing in the neighborhood and be installed and maintained.

(9) All on-site parking must be provided pursuant to the provisions of ~~the Zoning~~ this Code. On-site vehicle turnaround or separate entrance and exit points, and adequate passenger loading spaces must be provided.

(10) All on-site lighting must be stationary, directed away from adjacent properties and public rights-of-way, and of intensity appropriate to the use it is serving.

(11) All on-site signage must comply with this code.

(12) The facility must contain a fire extinguisher and smoke detector devices and meet all standards set forth in the California Fire Code, as adopted by this code.

~~(D)~~ **(E) Garage Conversion.** All garage conversions ~~shall~~ must comply with all ~~pertinent City codes, ordinances and regulations~~ applicable law in addition to the following conditions:

(1) A garage serving and attached to an existing single-family dwelling ~~detached residence~~ may be converted to expand the living area of such residences provided that:

(a) ~~2~~ The garage must ~~shall~~ be replaced by an enclosed two-car garage onsite in a manner consistent with the character of the neighborhood.

~~(b) The conversion is accomplished in full accordance with all pertinent codes and ordinances as verified by obtaining permits and inspections from all appropriate agencies.~~

(3) A garage serving and attached to or detached from an existing single-family dwelling may be converted to an accessory dwelling unit provided that:

(4) The conversion must comply with this section:

(b) One parking space must be provided per bedroom for the accessory dwelling unit, unless the accessory dwelling unit is located within one-half mile of a public transit. These spaces may be provided as tandem parking on an existing driveway.

~~(3)~~ ~~(2)~~ **Illegal Garage Conversion.** Conversion of a garage to expand the living area of a residence or otherwise render the garage unusable for its original purpose without obtaining appropriate permits and inspections ~~shall be deemed~~ constitutes an illegal garage conversion. When a property owner is informed that such an illegal garage conversion exists on the property, the property owner ~~shall~~ must comply with the following requirements:

(a) Within thirty (30) days of becoming so informed, the property owner must obtain permits and inspections.

(b) The property owner ~~shall~~ may then exercise one of the following options:

(i) If the property owner desires to retain the garage conversion, the conversion must comply with paragraph (1) of this subsection (C); or

(ii) If the property owner does not desire to correct the conversion, the conversion must be removed and restored to function as a garage in accordance with the applicable building codes.

(E) Home Occupation Permits.

(1) **Purpose.** The purpose of this section is to allow for home occupations which are compatible with the residential character of the neighborhood in which they are located.

(2) **Procedure.** Home occupations ~~shall be~~ are permitted in the R-1, R-2, and R-3 Zones subject to obtaining a home occupation permit as follows:

(a) Application. Application for a home occupation permit ~~shall~~ must be made on an application form provided by the ~~Community Development Department~~ City Planner and ~~shall~~ be accompanied by a filing fee ~~which amount shall be set by resolution adopted by the~~ established by City Council resolution.

(b) Conditions of Approval. In approving a home occupation, the City Planner may include decision reasonable conditions deemed necessary to protect the health, safety and welfare of the community and to ensure the intent of this section.

(c) Review and Inspection. Home occupations may be periodically reviewed and an inspection made of the property by the ~~Community Development Department~~ City Planner to verify continued compliance with the necessary criteria and conditions of approval.

(d) Revocation of Permits. The ~~Planning Division~~ City Planner may revoke any home occupation permit for noncompliance with the conditions set forth in approving the permit or inconsistency with this section.

(e) Appeal Procedure. Appeals may be taken to the Planning Commission by the applicant or any other person aggrieved by the City Planner's decision pursuant to Chapter 1.10.

(3) **Permitted Home Occupations.** The following businesses are permitted ~~upon issuance~~ with a valid home occupation permit:

- (a) Office use;
- (b) Mail ordering;
- (c) Home crafts such as model making, basket weaving.

(4) **Home Occupations Prohibited.** Permitted home occupations ~~shall~~ cannot in any event be deemed to include the following:

- (a) Auto repair;
- (b) Barber shop or beauty salon;
- (c) Carpentry work;
- (d) Dance instructions;
- (e) Funeral chapel or funeral home;
- (f) Gift shop;
- (g) Medical or dental offices, labs, clinics, or hospitals;
- (h) Auto, boat and trailer painting;
- (i) Photo studio;
- (j) Private schools;
- (k) Renting of equipment and/or trailers;
- (l) Appliance repairs;
- (m) Eating establishment;

- (n) Kennel;
- (o) Tailors, dressmakers, upholstery;
- (p) Service uses, personal and professional;

(q) Such other uses that may generate excessive pedestrian or vehicle traffic and that may be obnoxious or a nuisance to adjacent residents such as noise, odor, or appearance as determined by the City Planner, or that violate the use limitations provided in subsection (E) of this section.

(5) **Use Limitations.** In addition to the limitations applicable in the zone in which the use is located, all home occupations ~~shall be~~ are subject to the following use limitations:

- (a) One home occupation per address.
- (b) In the primary residence of the applicant proposing to conduct the business.
- (c) A home occupation ~~shall be~~ is limited to paperwork only, conducted entirely within the designated room of the home, and ~~shall cannot~~ have ~~no a~~ need for any type of vehicle to transport materials or equipment used in conjunction with the business other than a private automobile.
- (d) No employment of help other than members of the resident family.
- (e) The home occupation use ~~shall~~ must be incidental to the primary use of the structure as a residential use and ~~shall cannot~~ detract from the residential character of the neighborhood. Not more than two hundred (200) square feet or ten (10) percent of the floor area, whichever is less, may be used in connection with a home occupation or for storage purposes in connection with a home occupation.
- (f) No direct sales of product or merchandise from the home.
- (g) No traffic ~~shall can~~ be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation ~~shall must~~ be met off the street. Visitor, customers, or deliveries ~~shall cannot~~ exceed that normally and reasonably occurring for a residence as determined by the City Planner and this Code.
- (h) No home occupation can be conducted in any accessory building or space outside of the main building such as the garage or storage building.
- (i) There ~~shall cannot~~ be ~~no any~~ on-site storage of materials other than samples.
- (j) The home occupation ~~shall cannot~~ involve use of advertising signs on the premises or any other external on-site advertising media which calls attention to the fact that the house is being used for a business purpose.
- (k) There ~~shall cannot~~ be ~~no any~~ alteration of utilities or installment of special equipment for the purpose of accommodating the proposed home occupation.
- (l) A maximum of one three-quarter ton vehicle may be kept in conjunction with an approved home occupation use if approved by the City Planner.
- (m) Under no circumstances ~~shall can~~ the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character wither by the use of colors, materials, construction, lighting, signs, or the emission of sound, noise, or vibration.
- (n) The street address of the residence ~~shall cannot~~ be used for advertisements.
- (o) All respects of the home occupation ~~shall must~~ be conducted entirely within an enclosed structure. Supplies, tools, equipment, goods, samples and other items relating to a home occupation cannot be

stored or displayed outside or at any location within a structure where they will be visible to passing pedestrian or vehicular traffic.

(p) There ~~shall~~ cannot be ~~no~~ any use of any equipment which may cause radio or television interference or fluctuation in line voltage off the property.

(q) There ~~shall~~ cannot be any process, procedure, substance, or chemical used which is hazardous to public health, safety, morals or welfare.

(F E) Household Pets.

(1) In the R-1 Zone, not in excess of three household pets, which includes, without limitation, dogs, cats, pigs, canaries, parrots, and other similar animals and birds usually and ordinarily kept as household pets.

(2) In the R-2 and R-3 Zones, not in excess of two household pets for each dwelling unit.

(G F) Mixed Use Development. In the R-2 and R-3 Zones, mixed-use projects are limited to the Mixed-Use Overlay Zone and are subject to the restrictions and development standards of that Overlay Zone. See Chapter 21.14.

(H G) Mobile Home. In all residential zones developed as single-family dwelling unit, subject to the following limitations:

(1) One mobile home on a permanent foundation.

(2) Such unit was issued an insignia of approval from the California Department of Housing and Community Development or the U.S. Department of Housing and Urban Development pursuant to Health and Safety Code Section 18550(b).

(3) Such unit has a roof with a pitch of not less than two-inch vertical rise for each twelve (12) inches of horizontal run and consisting of roofing material customarily used for conventional single-family residences and is consistent with the primary unit on the lot and compatible with other dwelling units in the area as approved by the City Planner.

(4) Such unit must have porches and eaves, or roof with eaves when, in the opinion of the City Planner, they are necessary to make the unit compatible with other dwellings in the area.

(5) Such unit is covered with an exterior siding material customarily used on conventional dwellings and approved by the City Planner. The exterior material must extend to the ground except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

(I H) Portable Canopy. In all residential zones, subject to the following limitations:

(1) There is no limit on the number of portable canopies permitted on a residential zoned property, except that any and all canopies must comply with the maximum square footage specified below.

(2) A portable canopy is allowed only adjacent to the side or at the rear of a residential unit.

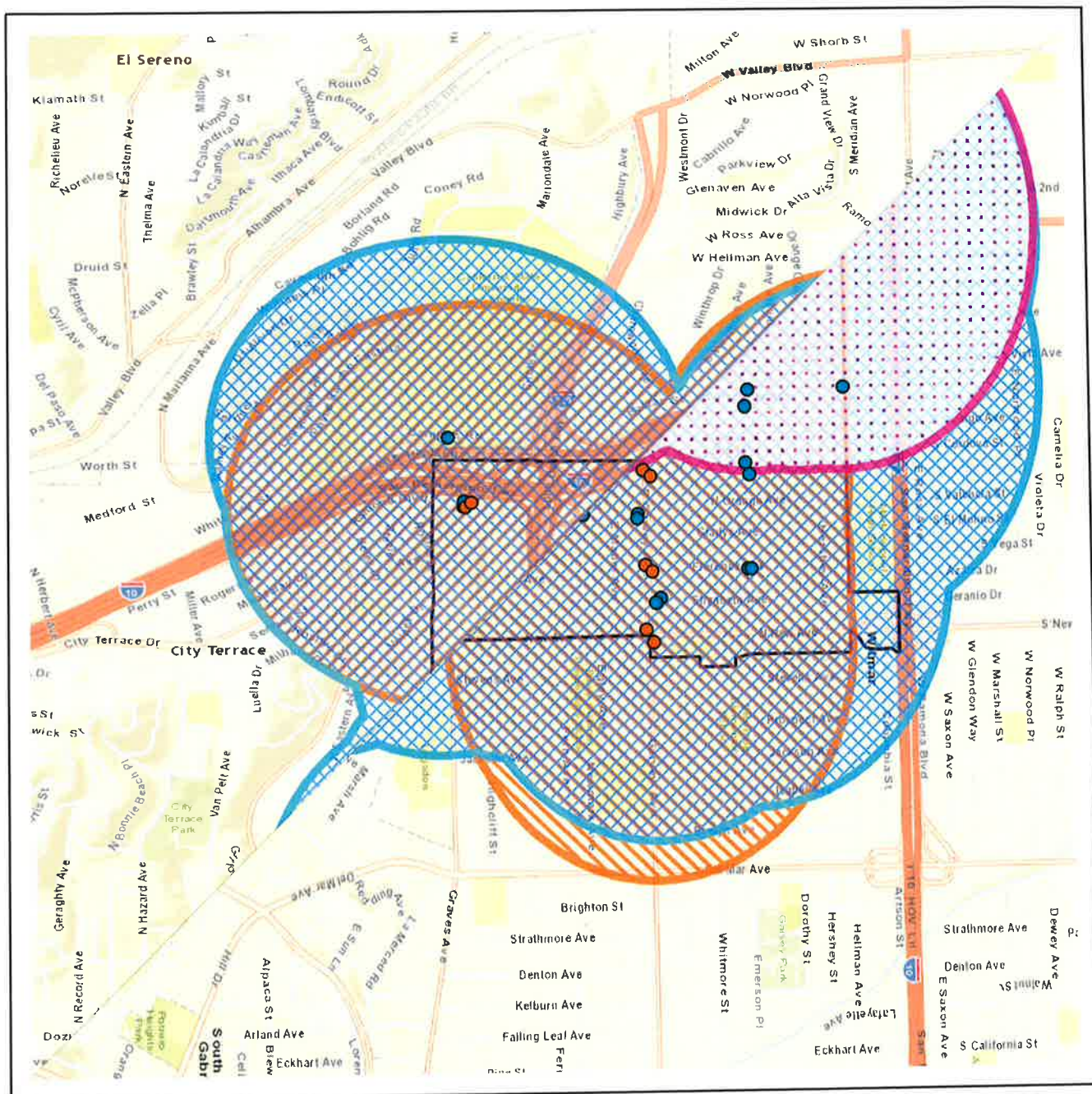
(3) A portable canopy must be constructed with a durable material, such as, without limitation, a canvas or vinyl material, which is securely anchored in place and properly maintained to present a neat and orderly appearance. The canopy is required to be replaced if they become torn, tattered or in disrepair.

(4) A portable canopy cannot exceed a height of fifteen (15) feet at the highest point and is limited to a maximum square footage of two hundred forty (240) square feet total for all portable canopies.

(J I) Recreational Vehicle Parking. See Chapter 21.22, Off-Street Parking Regulations.

ATTACHMENT 2

Map of Public Transit Stops in the City



ATTACHMENT 3

Resolution recommending adoption of the ordinance

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE ("MPMC") REGULATIONS GOVERNING ACCESSORY DWELLING UNITS.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On August 20, 2003, the City Council adopted Ordinance No. 2014 to modify Title 21 of the Monterey Park Municipal Code ("MPMC") and establish regulations relative to second units on residential lots developed with single family houses;
- B. Government Code § 65852.2 was amended by Senate Bill No. 1069 and Assembly Bill No. 2299, which took effect January 1, 2017;
- C. California law, as amended, provides that if a city adopts an ordinance regulating accessory dwelling units, the ordinance must establish standards to allow for ministerial accessory dwelling units so as to provide additional housing stock as accessory dwelling units as an essential component of the housing supply in California;
- D. The purpose of the proposed Ordinance is to bring the MPMC into compliance with the new state law while also making specific findings that are unique to the City;
- E. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines;
- F. The Community and Economic Development Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for June 13, 2017;
- G. On June 13, 2017, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendments attached as Exhibit "A," and incorporated by reference, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and

PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 3

- H. This Resolution and its findings are made based upon the evidence presented to the Commission at its June 13, 2017, hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: Environmental Assessment. Because of the facts set forth in Section 1, the proposed Ordinance is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) § 15282(h) because it is an ordinance regarding accessory dwelling units in a single-family or multi-family residential zone to implement the provisions of Government Code § 65852.2 as set forth in Public Resources Code § 21080.17, pursuant to CEQA Guidelines § 15282(h).

SECTION 3: General Plan Findings. As required under Government Code § 65860, the MPMC amendments proposed by the Ordinance are consistent with the Monterey Park General Plan. It is a goal of the Land Use Element of the General Plan to maintain the quality and character of Monterey Park’s residential neighborhoods districts. The proposed residential code amendments are minor changes intended to ensure that the residential character is maintained to the highest standards. Also, some goals of the Housing Element in the General Plan include conserving and improving the existing affordable housing, reducing governmental constraints on affordable housing development, providing adequate housing by location, type of unit, and price to meeting existing and future needs of City residents, assisting in the provision of housing that meets the needs of all economic segments of the community, and promoting equal housing opportunities for all residents.

SECTION 4: Recommendation. The Planning Commission recommends that the City Council adopt the Ordinance set forth in the attached Exhibit “A,” which is incorporated into this resolution by reference.

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

SECTION 6: Limitations. The Planning Commission’s analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission’s lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city’s ability to solve what are in effect regional, state, and national

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

problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

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

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

SECTION 9: 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.

PASSED AND ADOPTED this 13th day of June 2017.

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of June 2017, by the following vote of the Planning Commission:

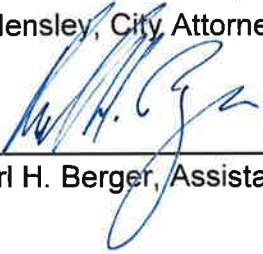
AYES:
NOES:
ABSTAIN:
ABSENT:

Larry Sullivan, Chairperson
City of Monterey Park Planning Commission

ATTEST:

Michael Huntley, Secretary

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

By: 
Karl H. Berger, Assistant City Attorney

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE TO REGULATE ACCESSORY DWELLING UNITS IN ACCORDANCE WITH GOVERNMENT CODE §§ 65582.1, 65583.1, 65589.4, 65852.2, 65852.150, 65852.2, AND 66412.2 (AS ADDED BY AB 2299 AND SB 1069) TO REGULATE ACCESSORY DWELLING UNITS.

The City Council for the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and declares that:

- A. In xxx 2017, the City of Monterey Park filed an application to amend the Monterey Park Municipal Code ("MPMC") in compliance with California law to regulate accessory dwelling units.
- B. The proposed amendments to the MPMC are attached as Exhibit "A," and incorporated by reference (the "Project");
- C. 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. A public hearing was held before the Planning Commission on June XX, 2017. At that time, the Planning Commission adopted Resolution No. XXX which recommended that the City Council adopt this Ordinance;
- E. On XXX, 2017, the City Council held a public hearing regarding the Project. At that time, the City Council carefully considered all pertinent testimony including, without limitation, the staff report; and
- F. This Ordinance and its findings are made based upon the entire administrative record including, without limitation, the public hearing held by the City Council on XXX, 2017.

SECTION 2: The City Council finds and determines that the Project was processed in accordance with California law and the MPMC. Amending the MPMC as proposed is in the public interest and consistent with the Monterey Park General Plan pursuant to Government Code § 65588. The findings and analysis set forth in Planning Commission Resolution No. XXX as adopted xxx, 2017, is incorporated into this Ordinance as if fully set forth.

SECTION 3: *Environmental Assessment.* This Ordinance is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) § 15282(h) because it is an ordinance regarding

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accessory dwelling units in a single-family or multifamily residential zone to implement the provisions of Section 65852.2 of the Government Code § 65852.2 as set forth in Section 21080.17 of the Public Resources Code § 21080.17, pursuant to CEQA Guidelines § 15282(h).

SECTION 4: *Notice of Exemption.* The Director of Community and Economic Development, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062, and any other applicable law.

SECTION 5: *Approvals.* The MPMC is amended as set forth in Exhibit A, which is incorporated by reference. The City Manager, or designee, is authorized to make non-substantial changes to Exhibit A, as determined by the City Attorney.

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance 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 City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The City Council'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 City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

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

SECTION 9: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

ORDINANCE NO.
PAGE 3 of 3

SECTION 11: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED, APPROVED, AND ADOPTED this XXX, 2017.

Teresa Real Sebastian, Mayor

ATTEST:

Vincent D. Chang, City Clerk

I HEREBY CERTIFY that the above and foregoing ordinance was duly passed and adopted by the Monterey Park City Council at its regular meeting held on XXX, 2017 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: _____
Karl H. Berger, Assistant City Attorney

ATTACHMENT 4

Government Code §65852.2, as amended by AB 2299

NEW STATE LAW REGARDING ACCESSORY DWELLING UNITS

Source: leginfo.legislature.ca.gov

Government Code ARTICLE 2. Adoption of Regulations [65850 - 65863.13]

Section 65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not

exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or

special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards,

other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and

detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-

family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2016, Ch. 735, Sec. 1.5. Effective January 1, 2017.)