

PLANNING COMMISSION OF MONTEREY PARK AGENDA

**REGULAR MEETING
Monterey Park City Hall Council Chambers
320 West Newmark Avenue**

**Tuesday
July 25, 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 June 27, 2017; and
- (2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A TENTATIVE MAP NO. 76061 (TM-17-08) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH AND MAINTAIN A 4-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT IN THE R-3 (HIGH DENSITY RESIDENTIAL) ZONE – 345 SEFTON AVENUE

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 Tentative Map 76061 (TM-17-08), 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 (CEQA) guidelines, the project is Categorically Exempt under § 15315 as a Class 15 categorical exemption (Minor Land Divisions) in that the project consists of the subdivision of air-rights to establish and maintain a 4-unit residential condominium development.

3-B. TENTATIVE MAP NO. 76062 (TM-17-07) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH AND MAINTAIN A 2-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT IN THE R-2 (MEDIUM DENSITY RESIDENTIAL) ZONE – 426 RUSSELL AVENUE

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 Resolution approving Tentative Map No. 76062 (TM-17-07), subject to conditions of approval 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 (CEQA) guidelines, the project is Categorically Exempt under § 15315, Class 15 (Minor Land Divisions) in that the project consists of the subdivision of air-rights to establish and maintain a 2-unit residential condominium development.

[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 August 8, 2017.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: July 25, 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:

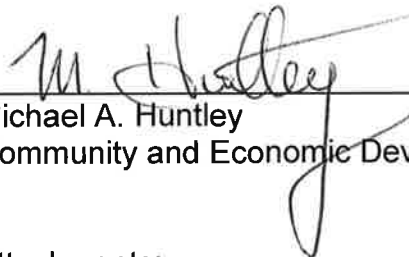
It is recommended that the Planning Commission consider:

- (1) Approve the minutes from the regular meeting of June 27, 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: June 27, 2017 Planning Commission regular meeting minutes

ATTACHMENT 1

June 27, 2017 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
JUNE 27, 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, June 27, 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, Michael A. Huntley, Director of Community and Economic Development, 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 Robinson and seconded by Commissioner Choi, motion carried by the following vote:

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

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

2-B. 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

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Planner Tewasart provided a brief summary of the staff report.

Chairperson Sullivan inquired if the project was processed in a timely manner and if the City reviewed the plans in a timely manner. Planner Tewasart replied yes.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing approved the request time extension at 120 W Hellman Avenue.

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

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

[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

Planner Tewasart provided a brief summary of the staff report.

Chairperson Sullivan opened the public hearing.

Commissioner Amador expressed concerns about the traffic on Emerson and inquired if the street will be widened. Representative Lee replied that there will be access on Atlantic Boulevard and Emerson Avenue. Atlantic Boulevard will be widened from two-lanes to three-lanes and Emerson Avenue will not be widened.

Commissioner Amador inquired if the project will have a banquet facility. Representative Lee replied that both restaurant spaces are not large spaces and would not provide for any type of banquet facility.

Chairperson Sullivan inquired about the bus parking spaces. Representative Lee replied that there will be a designated parking area. There would not be more than one bus at any one time. The current Best Western does not have any tour buses that come into the facility.

Commissioner De Dios asked to amend condition no. 58 to be provided from Atlantic Boulevard and Emerson Avenue, subject to the Fire Chief or designee.

Commissioner Amador expressed concerns about the queuing length on southbound Atlantic Boulevard. Chairperson Sullivan inquired about the city's traffic study on Atlantic Boulevard. Director Huntley replied that a traffic study was conducted and based on the

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existing conditions the City is working on improving the signalization. The plans and specifications are completely, waiting for concurrence from MTA as part of the grant funding for that project. Chairperson Sullivan inquired if there is a raised median on Atlantic Boulevard. Director Huntley replied yes. Chairperson Sullivan inquired about high speed buses. Director Huntley replied that the Public Works Department is working on that issue.

Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 03-17** approving 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 unit in the R-S, P-D (Regional Specialty, Planned Development) Zone at 420 North Atlantic Boulevard.

Resolution No. 03-17

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

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

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

3-B CONDITIONAL USE PERMIT (CU-17-05) TO ALLOW ON-SALE (TYPE 41 – BEER AND WINE) LICENSE FOR A BONA FIDE PUBLIC EATING PLACE AT 331 WEST GARVEY AVENUE #D

Planner Tawasart provided a brief summary of the staff report.

Commissioner Amador inquired about the business layout, storage and signage.

Chairperson Sullivan opened the public hearing

Representative Michelle Zhang replied that the business opens at 5:00 p.m. and that interior is typically a little cluttered while the business is setting up for opening and for preparation of food service.

Commissioner De Dios inquired about restroom requirements. Planner Tawasart replied that the business is currently in operation and the application is for the addition of beer and wine service. No new tenant improvements are proposed as part of the conditional use

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permit application. However, if the Department of Alcoholic Beverage Control were to require an additional restroom facility, the business will be required to go through the city's plan checking process.

Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 04-17** approving Conditional Use Permit (CU-17-05) to allow on-sale alcoholic beverages (beer and wine) in conjunction with a bona fide retail eating establishment in the C-B (Central Business) Zone at 331 West Garvey Avenue, Unit #D.

Resolution No. 04-17

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-17-05) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE RETAIL EATING ESTABLISHMENT AT 331 WEST GARVEY AVENUE #D

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: Amador
Absent: Commissioners: None
Abstain: Commissioners: None

3-C 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

Planner Tewasart provided a brief summary of the staff report.

Commissioner De Dios inquired about existing historic districts and car share vehicle located within one block of an accessory dwelling unit. Planner Tewasart replied that there are no historic districts. Attorney Berger replied that the City has adopted regulations allowing car share vehicles, but no applications have been made. If and when a car share company would make an application for a car share block that would be subject to the city's regulations and provide an exemption. The proposed regulations are more tailor fit for this jurisdiction.

Attorney Berger stated that there is currently a state senate bill going through the process of being adopted, which would further amend regulations with regards to accessory dwelling units. It was recently amended June 20th, 2017. It will clarify the law. Right now there is some ambiguity with regards to accessory dwelling units on residential properties and whether or not they can be separately conveyed to a different owner other than the primary owner on the property and that senate bill would clarify that that cannot happen.

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Commissioner De Dios inquired about on-street parking permits. Planner Tewasart replied that it is staffs understanding that on-street parking permits are issued by the city's Engineering Division within the Public Works Department. Those permits have been issued around the East Los Angeles College area as well as Hellman Avenue around Mark Keppel High. Attorney Berger stated that the vehicle code requires a particular procedure whereby a permit district is created by the City Council that can be done by petition of the neighbors within that particular area or the City Council can do that on its own authority and create a parking district where there is a need identified to have parking for those residents and under those circumstances the City would issue those parking permits for those particular areas. This is seen more frequently in beach cities where you see parking permit only on the public streets.

Commissioner De Dios inquired if there is a limitation on the number of bedrooms. Director Huntley replied only on size of the units.

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. 05-17** recommending that the City Council adopt an ordinance amending the Monterey Park Municipal Code regulations governing accessory dwelling units.

Resolution No. 05-17

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

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

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

[4.] OLD BUSINESS: None.

[5.] NEW BUSINESS: None.

[6.] COMMISSION COMMUNICATIONS AND MATTERS: None.

[7.] STAFF COMMUNICATIONS AND MATTERS: None

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 8:30 p.m.

MISSION STATEMENT

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Next regular scheduled meeting on July 11, 2017 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

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Planning Commission Staff Report

DATE: July 25, 2017

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 76061 (TM-17-08) to allow the subdivision of air-rights to establish and maintain a 4-unit residential condominium development – 345 Sefton Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 76061 (TM-17-08) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Jiandong Dai, is requesting approval of a Tentative Map to subdivide air rights to develop a 4-unit residential condominium project at 345 Sefton Avenue.

The R-3 (High Density Residential) zone allows for a density up to 5 units; the applicant is proposing to construct 4 units. The proposed project meets the zoning regulations and development standards. The High Density Residential land use allows for a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre.

Sefton Avenue is currently developed with a mixture of one and two-story detached and attached multi-family residential buildings and single-family dwelling units. Multi-unit residential developments are not uncommon within the vicinity of the subject property. The existing developments range in year of construction from the 1920s to early 2000s. The subject property is currently developed with two older detached residential dwelling units.

Property Description

The property is located on the west side of the Sefton Avenue, eight lots south of East Newmark Avenue. The property is zoned R-3 (High Density Residential) and designated

High Density Residential in the General Plan. The properties to the north, south, east and west are R-3 zoned lots. The subject site has a frontage of 57 feet and a depth of 300 feet, with a total lot area of 17,100 square feet in size.

Project Description

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

The four units will be approximately 1,592 square feet in size and will have 3-bedrooms. The proposed buildings on the site will meet the required front and rear setback of 25 feet, a 5-foot interior side setback for the first floor, and a 10-foot interior side setback for the second floor. Each unit will be two stories, with a maximum height of 25 feet 2 inches.

Pursuant to Monterey Park Municipal Code (MPMC) § 21.22.050, condominium units with three or fewer bedrooms require 2 enclosed garage spaces, plus 1 guest parking space per every two dwelling units. Overall, 8 enclosed garage spaces and 2 guest parking spaces are required and will be provided. The driveway has a width of 18 feet, and each parking space has a back-up space of 26 feet. Each enclosed parking space is required to have a minimum width of 9 feet, and a minimum depth of 20 feet.

Per the MPMC § 21.08.080, the project is required to provide a minimum of 400 square feet of common open space per unit, and a minimum of 250 square feet of private open space per unit. According to the site plan, the project will include 2,369 square feet of common open space throughout the property, and each unit will be provided with private open spaces with at least 250 square feet. The common open space area will be regulated by CC&Rs and maintained by a Homeowner's Association.

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

OTHER ITEMS:

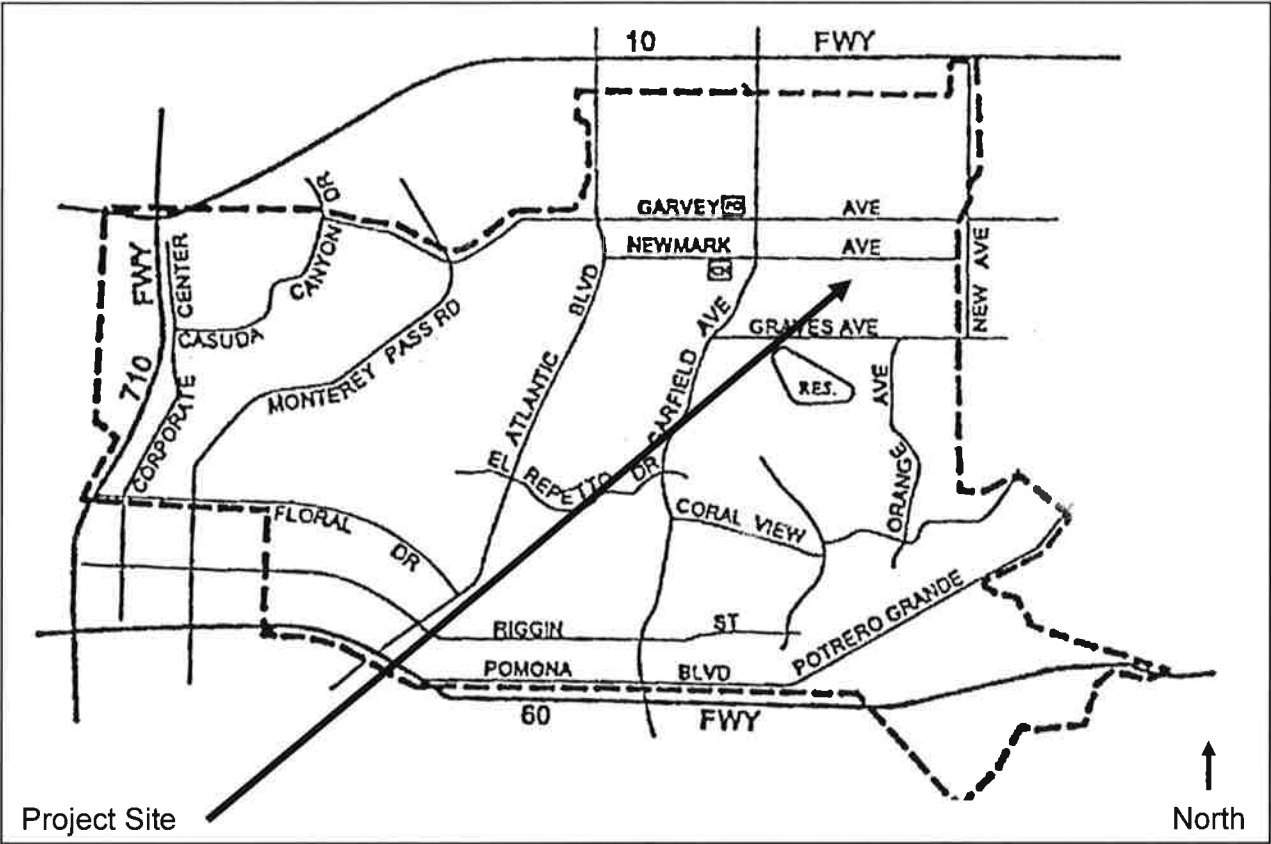
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **July 6, 2017** and published in the Wave on **July 13, 2017**, with affidavits of posting on file. The legal notice of this hearing was mailed to **152** property owners within a 300 foot radius and current tenants of the property concerned on **July 10, 2017**.

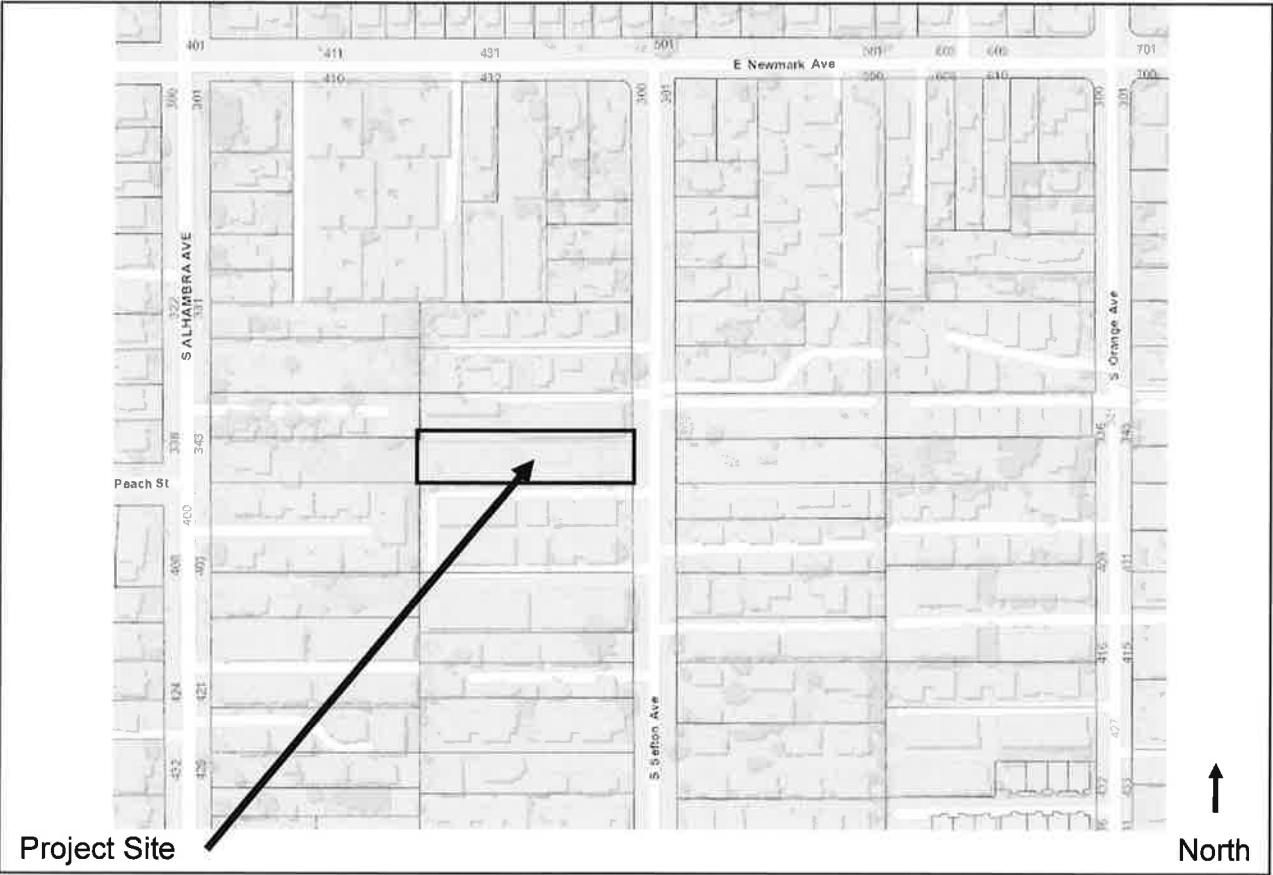
Environmental Assessment

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions) in that the project consists of the subdivision of air-rights to establish and maintain a 4-unit residential condominium development.

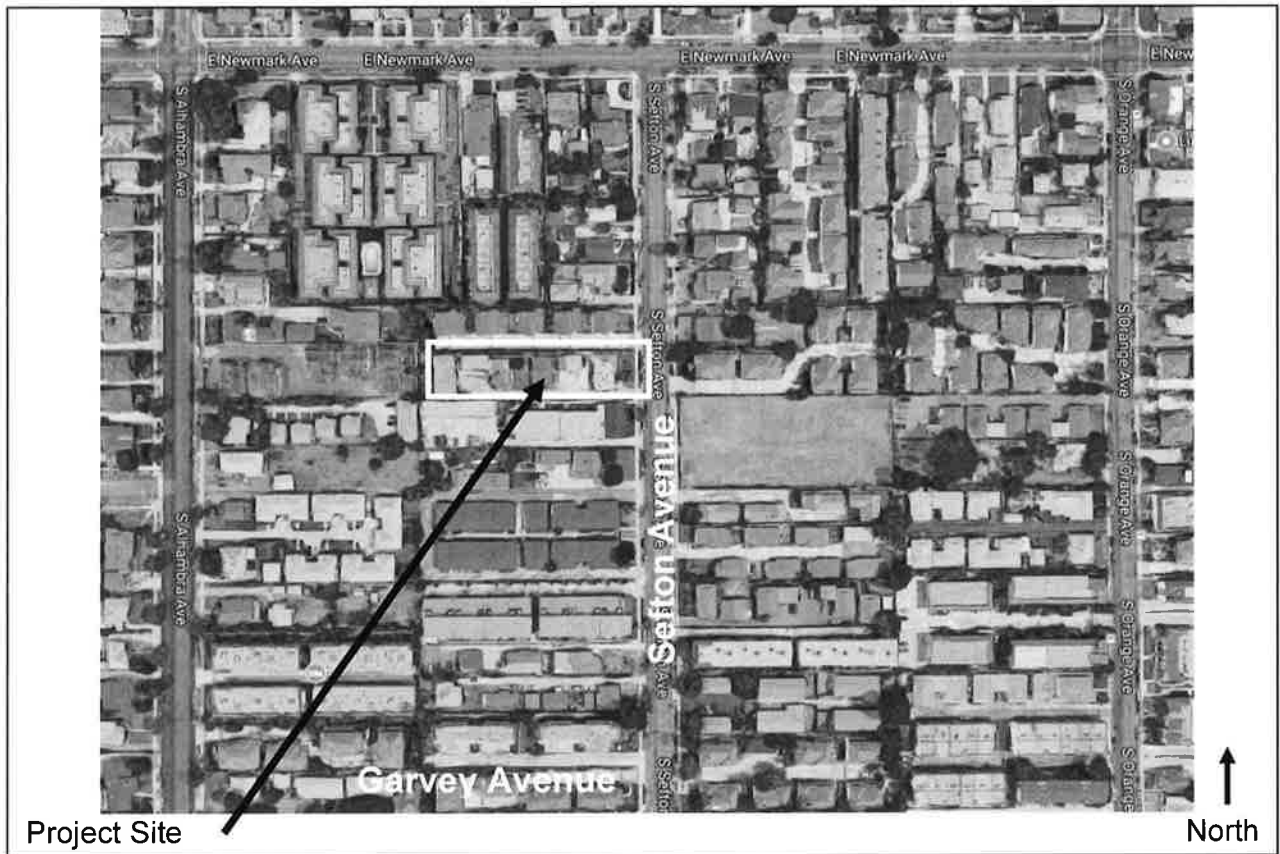
Vicinity Map



Street Map



Aerial Map



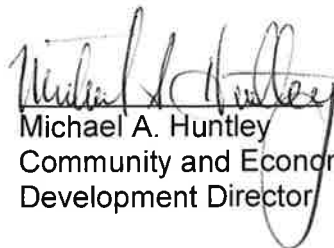
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

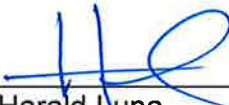
FISCAL IMPACT:

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

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger for
Assistant City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Tentative Map 76061

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 76061 (TM-17-08) TO SUBDIVIDE AIR RIGHTS FOR A FOUR-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 345 SEFTON 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 June 2, 2017, Jiandong Dai, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 76061 (TM-17-08) to subdivide air rights to establish and maintain a 4-unit residential condominium project at 345 Sefton Avenue ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for July 25, 2017. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On July 25, 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 representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its July 25, 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:

- A. The Applicant seeks to construct four new residential dwelling units and subdivide the air rights for condominium purposes;
- B. 345 Sefton Avenue is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan;

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- C. The Project property is located on the west side of Sefton Avenue. The properties to the north, south, east, and west are zoned R-3; and
- D. The Project property is 17,100 square feet (0.39 acres) in area and is currently developed with older detached residential dwelling units.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures).

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

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would allow four residential condominium units to be constructed on the site. This is less than the maximum density of 25 dwelling units per acre for this site. Consequently, the project complies with the General Plan. The property is located on Sefton Avenue, a local street with a 60-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a 4-unit residential condominium project, which is compatible with the high density housing either attached or detached allowed in the high density residential category. There is no specific plan adopted for this area.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 17,100 square feet (0.39 acres) and adequate in size to accommodate a 4-unit residential condominium project because in the R-3 Zone, one dwelling unit is allowed for every 3,000 square feet of lot area on lots of 7,000 square feet or more and having a front lot line of at least fifty feet.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.

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- 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 the proposed subdivision. There are no public easements for access within the proposed development.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 76061 (TM-17-08).

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

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

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

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

SECTION 10: A copy of this Resolution will be mailed to the applicant, Jiandong Dai and to any other person requesting a copy.

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

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SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 25th day of July 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 25th day of July 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:  for
Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

345 SEFTON AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Jiandong Dai agrees that it will comply with the following conditions for approval of Tentative Map No. 76061 (TM-17-08) ("Project Conditions").

PLANNING:

1. Jiandong Dai (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-17-08 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-17-08, 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 Tentative Map No. 76061 (TM-17-08) expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department before the expiration date.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

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6. The real property subject to TM-17-08 must remain well-maintained and free of graffiti. Any graffiti must be removed within 24 hours after discovery.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.
11. The ownership must retain the services of a professional property management company to oversee the maintenance of the property.

BUILDING:

12. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
13. 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.
14. 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.
15. A soils and geology report is required as part of plan check submittal.
16. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
17. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.

ENGINEERING:

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

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requirements. Compliance information is available in the office of the City Engineer. The project will require the preparation of a Low Impact Development (LID) Plan. The LID Plan must be reviewed and approved by the City's storm water consultant prior to issuance of permits. 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.

19. 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 \$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 City's AutoCAD and GIS systems; and two copies of the recorded final map which must be filed with the City Engineer within three months of recordation. If a recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$187 cash deposit.
20. 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.
21. 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.
22. Covenants Conditions & Restrictions must 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 CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.
23. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
24. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. A water system analysis must be provided by the developer to demonstrate that the new development does not negatively impact the existing system. If the existing system does not have adequate

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pressure and fire flow to serve the development, the developer will be responsible for upgrading the water main as necessary in the public right-of-way.

25. A domestic water demand must be provided to the city in the form of (Average Hourly Demand) and (Peak Hourly Demand). If it is determined that the surrounding infrastructure is inadequate to meet the additional demand of the project, the developer must provide recommendations to improve the system to a level needed to meet the additional demand. This must include hydraulic modeling and calculations supporting the recommendation. The proposed system improvements will be reviewed and validated by the City's Water Division and the City Engineer.
26. 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 property owner and must be completed prior to approval of the grading and drainage plans.
27. 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. 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.
28. 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 must not 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.
29. 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.
30. Any damage done to existing street improvements and utilities during construction must be repaired before the City issues certificates of occupancy. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer.

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31. 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.
32. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities prior to approval of the Grading and Drainage Plans. The utilities may be shown on either a separate plan or on the proposed site plan.
33. A sewer study must be provided to demonstrate that the new development does not negatively impact the existing sewer system. If existing sewer does not have adequate capacity to serve the development, the developer will be responsible for upgrading the sewer main as necessary in the public right-of-way. A sewer connection reconstruction fee will be assessed at the time the building permit is issued, in accordance with Chapter 14.06 of the Monterey Park Municipal Code.
34. The Grading and Drainage plan must be submitted by the first plan check and include the removal and reconstruction of sidewalk, driveway approach, and curb and gutter along the entire property frontage on Sefton Avenue.
35. The tentative map must be in accordance with the adopted conditions of approval for the tentative map and the specific criteria noted by the City Engineer. Verify and submit the correct drainage pattern of adjacent properties.
36. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer, prior to approval of the Grading and Drainage Plans. 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.

FIRE:

37. 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.
38. All structures must be fully sprinklered per National Fire Protection Association (NFPA) 13D and local amendments.
39. Fire flow for the entire project is 1,000 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

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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.

- 40. A fire hydrant must be provided to ensure all points of all structures are within 600 feet of a hydrant. The hydrant must be in place and operational before construction commencing per CFC 507.5.1.
- 41. Front gate must be provided with a knox switch per CFC 506.
- 42. The driveway must be capable of supporting a 80,000 lb load up to a point where all points of all structures are within 150 feet distance per CFC 503.1.1.
- 43. Address numbers must be provided on the street curb. Numerals must be 4 inches in height, two and one-half inches in width with a stroke width of approximately three-fourths inch. The house number must be centered on a six-inch by sixteen-inch rectangular background per MPMC 13.17.050.

POLICE:

- 44. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
- 45. Provide an access control system such as a keypad, card reader, or electric latch retraction device for ingress and egress gates and doors in order to control and deter unwanted access onto the property. A key card or key code must be provided to the police department to access the property in case of an emergency.
- 46. A camera surveillance/security system must be installed in the common areas of the property such as the common walkways, exterior storage areas, building perimeters, and stairwells. The camera security system must operate 24 hours a day, seven days a week. All cameras should record onto a recording medium and all recording should be maintained in a secure and locked enclosure. It is recommended that the recordings be maintained for a minimum of 30 days and made readily available for any law enforcement official who requests the recordings for official purposes.
- 47. 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.
- 48. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
- 49. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.

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- 50. Address numbers must be illuminated during hours of darkness and positioned as to be readily readable from the street.
- 51. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
- 52. All common open areas must be well lit during the hours of darkness.
- 53. Signs must be posted at the guest parking areas and in the driveway leading into the complex to prevent illegal or overnight parking of unwanted guests..
- 54. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, Jiangdong Dai, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Jiandong Dai, Applicant

ATTACHMENT 2

Tentative Map No. 76061



Planning Commission Staff Report

DATE: July 25, 2017

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 76062 (TM-17-07) to allow the subdivision of air-rights to establish and maintain a 2-unit residential condominium development – 426 Russell Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 76062 (TM-17-07) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Nicole Wang, is requesting approval of a Tentative Map to subdivide air rights to develop a 2-unit residential condominium project at 426 Russell Avenue.

The R-2 (Medium Density Residential) zone allows for a density up to 2 units; the applicant is proposing to construct 2 units. The proposed project meets the zoning regulations and development standards. The Medium Density Residential land use provides for moderate density housing either as attached or detached units at a density range of zero to 16 units per acre. Such housing can include private and common open space.

Russell Avenue is currently developed with a mixture of one and two-story detached and attached multi-family residential buildings and single-family dwelling units. Multi-unit residential developments are not uncommon within the vicinity of the subject property. The existing developments range in year of construction from the 1960s to early 1990s. The subject property is currently developed with a single-family dwelling with a detached garage constructed in 1913.

Property Description

The property is located on the east side of Russell Avenue, north of East Graves Avenue. The property is zoned R-2 (Medium Density Residential) and designated

Medium Density Residential in the General Plan. The properties to the north, south, east and west are R-2 zoned lots. The subject site has a frontage of 66 feet and a depth of 192.08 feet, with a total lot area of 12,677 square feet in size.

Project Description

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

The front unit will be 3,503 square feet in size and will have 4-bedrooms and the rear unit will be 3,650 square feet and will have 4-bedrooms. The proposed buildings on the site will meet the required front and rear setback of 25 feet, a 5-foot interior side setback for the first floor, and a 10-foot interior side setback for the second floor. Each unit will be two stories, with a maximum height of 28 feet 9 inches.

Pursuant to Monterey Park Municipal Code (MPMC) § 21.22.050, condominium units with four bedrooms require 2 enclosed garage spaces, plus 1 guest parking space per dwelling unit. Overall, 4 enclosed garage spaces and 2 guest parking spaces are required and will be provided. The driveway has a width of 18 feet, and each parking space has a back-up space of 26 feet. Each enclosed parking space is required to have a minimum width of 9 feet, and a minimum depth of 20 feet.

Per the MPMC § 21.08.080, the project is required to provide a minimum of 200 square feet of common open space per unit, and a minimum of 250 square feet of private open space per unit. According to the site plan, the project will include 408 square feet of common open space between the front and rear units, and each unit will be provided with private open spaces with at least 250 square feet. The common open space area will be regulated by CC&Rs and maintained by a Homeowner's Association.

The project is in compliance with R-2 development standards. Subsequent to Planning Commission review, the project design must be reviewed and approved by the Design Review Board.

OTHER ITEMS:

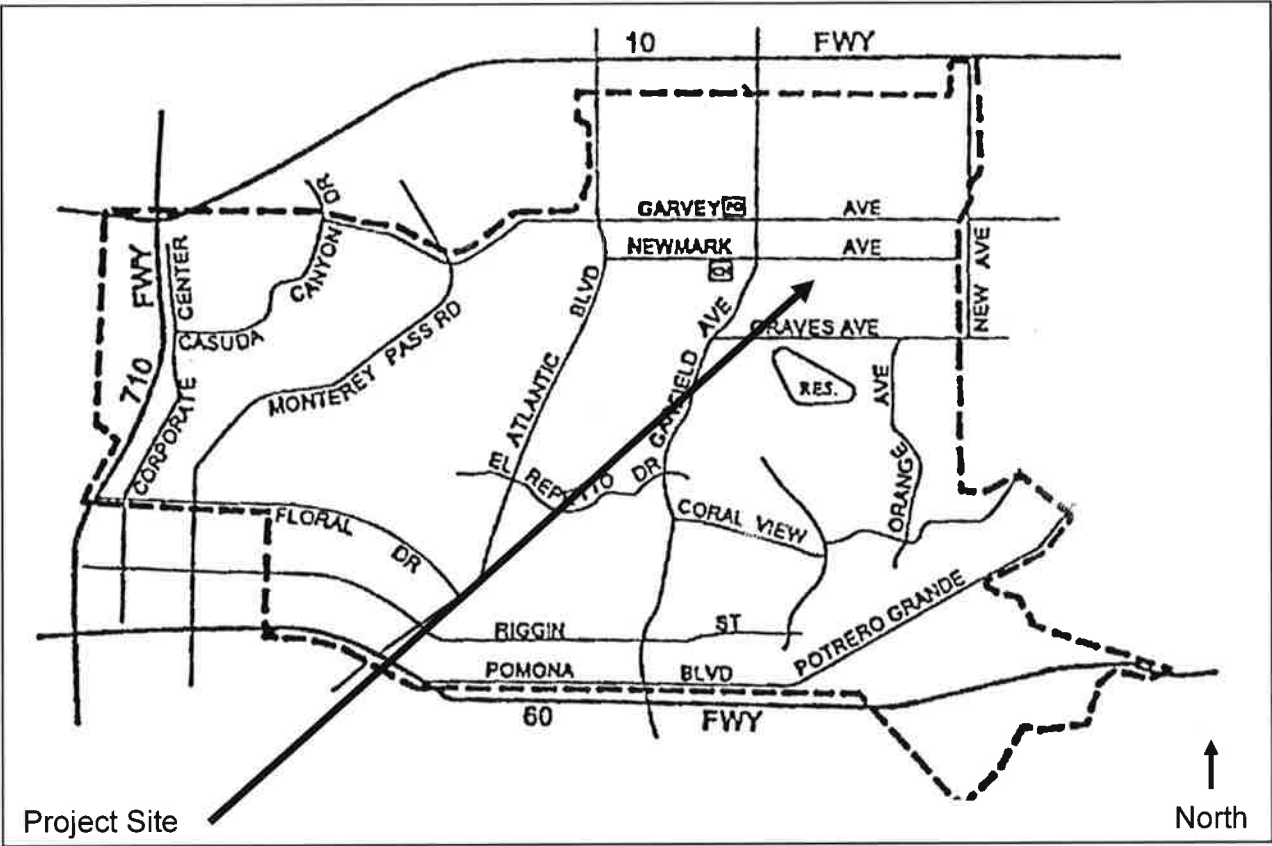
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **July 6, 2017** and published in the Wave on **July 13, 2017**, with affidavits of posting on file. The legal notice of this hearing was mailed to **116** property owners within a 300 foot radius and current tenants of the property concerned on **July 10, 2017**.

Environmental Assessment

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions) in that the project consists of the subdivision of air-rights to establish and maintain a 2-unit residential condominium development.

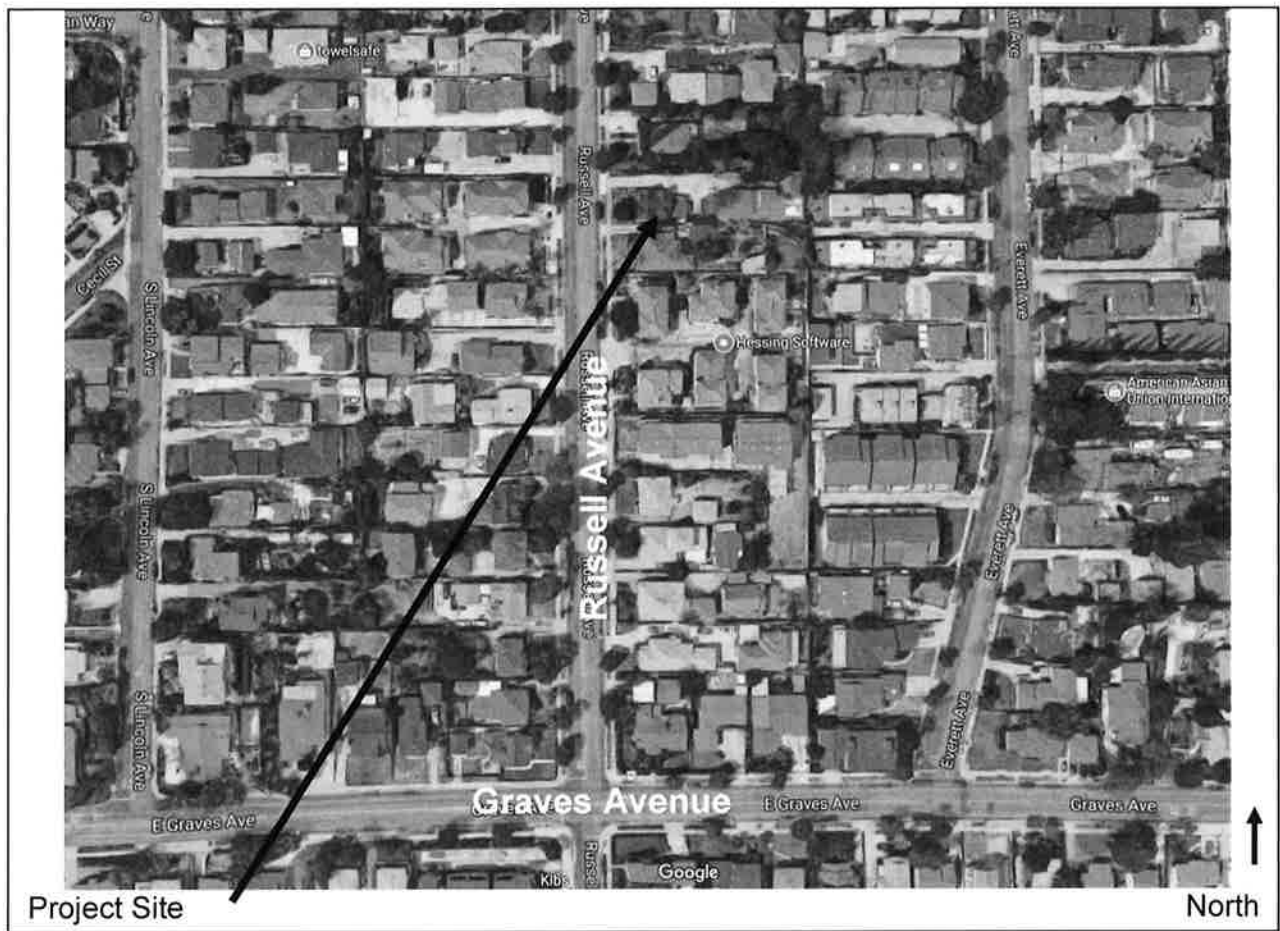
Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

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

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger for
Assistant City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Tentative Map 076062

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 76062 (TM-17-07) TO SUBDIVIDE AIR RIGHTS FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 426 RUSSELL 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 May 26, 2017, Nicole Wang, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 76062 (TM-17-07) to subdivide air rights to establish and maintain a 2-unit residential condominium project at 426 Russell Avenue ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for July 25, 2017. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On July 25, 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 representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its July 25, 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:

- A. The Applicant seeks to construct two new residential dwelling units and subdivide the air rights for condominium purposes;
- B. 426 Russell Avenue is zoned R-2 (Medium Density Residential) and designated Medium Density Residential in the General Plan;

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- C. The Project property is located on the east side of Russell Avenue, north of Graves Avenue. The properties to the north, south, east, and west are zoned R-2; and
- D. The Project property is 12,677 square feet (0.29 acres) in area and is currently developed with older single-family dwelling with a detached garage constructed in 1913.

SECTION 3: *Environmental Assessment*. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

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

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would allow two residential condominium units to be constructed on the site. This is less than the maximum density of 16 dwelling units per acre for this site. Consequently, the project complies with the General Plan. The property is located on Russell Avenue, a local street with a 60-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a 2-unit residential condominium project, which is compatible with the medium density housing either attached or detached allowed in the medium density residential category. There is no specific plan adopted for this area.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 12,677 square feet (0.29 acres) and adequate in size to accommodate a 4-unit residential condominium project because in the R-2 Zone, one dwelling unit is allowed for every 4,356 square feet of lot area on lots of 9,000 square feet or more and having a front lot line of at least fifty feet.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.

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- 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 the proposed subdivision. There are no public easements for access within the proposed development.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 076062 (TM-17-07).

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

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

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

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

SECTION 10: A copy of this Resolution will be mailed to the applicant, Nicole Wang, and to any other person requesting a copy.

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

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 25th day of July 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 25th day of July 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:  for
Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

426 RUSSELL AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Nicole Wang agrees that it will comply with the following conditions for approval of Tentative Map No. 76062 (TM-17-07) ("Project Conditions").

PLANNING:

1. Nicole Wang (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-17-07 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-17-07, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
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BUILDING:

12. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
13. 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.
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17. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.

ENGINEERING:

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

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requirements. Compliance information is available in the office of the City Engineer. The project will require the preparation of a Low Impact Development (LID) Plan. The LID Plan must be reviewed and approved by the City's storm water consultant prior to issuance of permits. 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.

19. 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 \$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 City's AutoCAD and GIS systems; and two copies of the recorded final map which must be filed with the City Engineer within three months of recordation. If a recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$187 cash deposit.
20. 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.
21. 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.
22. Covenants Conditions & Restrictions must 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 CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.
23. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
24. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. A water system analysis must be provided by the developer to demonstrate that the new development does not negatively impact the existing system. If the existing system does not have adequate

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pressure and fire flow to serve the development, the developer will be responsible for upgrading the water main as necessary in the public right-of-way.

25. A domestic water demand must be provided to the city in the form of (Average Hourly Demand) and (Peak Hourly Demand). If it is determined that the surrounding infrastructure is inadequate to meet the additional demand of the project, the developer must provide recommendations to improve the system to a level needed to meet the additional demand. This must include hydraulic modeling and calculations supporting the recommendation. The proposed system improvements will be reviewed and validated by the City's Water Division and the City Engineer.
26. 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 property owner and must be completed prior to approval of the grading and drainage plans.
27. 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. 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.
28. 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 must not 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.
29. 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.
30. Any damage done to existing street improvements and utilities during construction must be repaired before the City issues certificates of occupancy. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer.

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31. 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.
32. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities prior to approval of the Grading and Drainage Plans. The utilities may be shown on either a separate plan or on the proposed site plan.
33. A sewer study must be provided to demonstrate that the new development does not negatively impact the existing sewer system. If existing sewer does not have adequate capacity to serve the development, the developer will be responsible for upgrading the sewer main as necessary in the public right-of-way. A sewer connection reconstruction fee will be assessed at the time the building permit is issued, in accordance with Chapter 14.06 of the Monterey Park Municipal Code.
34. The Grading and Drainage plan must be submitted by the first plan check and include the removal and reconstruction of sidewalk, driveway approach, and curb and gutter along the entire property frontage on Sefton Avenue.
35. The tentative map must be in accordance with the adopted conditions of approval for the tentative map and the specific criteria noted by the City Engineer. Verify and submit the correct drainage pattern of adjacent properties.
36. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer, prior to approval of the Grading and Drainage Plans. 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.

FIRE:

37. 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.
38. All structures must be fully sprinklered per National Fire Protection Association (NFPA) 13D and local amendments.
39. Fire flow for the entire project is 1,000 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

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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.

- 40. A fire hydrant must be provided to ensure all points of all structures are within 600 feet of a hydrant. The hydrant must be in place and operational before construction commencing per CFC 507.5.1.
- 41. Front gate must be provided with a knox switch per CFC 506.
- 42. The driveway must be capable of supporting a 80,000 lb load up to a point where all points of all structures are within 150 feet distance per CFC 503.1.1.
- 43. Address numbers must be provided on the street curb. Numerals must be 4 inches in height, two and one-half inches in width with a stroke width of approximately three-fourths inch. The house number must be centered on a six-inch by sixteen-inch rectangular background per MPMC 13.17.050.

POLICE:

- 44. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
- 45. Provide an access control system such as a keypad, card reader, or electric latch retraction device for ingress and egress gates and doors in order to control and deter unwanted access onto the property. A key card or key code must be provided to the police department to access the property in case of an emergency.
- 46. A camera surveillance/security system must be installed in the common areas of the property such as the common walkways, exterior storage areas, building perimeters, and stairwells. The camera security system must operate 24 hours a day, seven days a week. All cameras should record onto a recording medium and all recording should be maintained in a secure and locked enclosure. It is recommended that the recordings be maintained for a minimum of 30 days and made readily available for any law enforcement official who requests the recordings for official purposes.
- 47. 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.
- 48. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
- 49. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.

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- 50. Address numbers must be illuminated during hours of darkness and positioned as to be readily readable from the street.
- 51. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
- 52. All common open areas must be well lit during the hours of darkness.
- 53. Signs must be posted at the guest parking areas and in the driveway leading into the complex to prevent illegal or overnight parking of unwanted guests..
- 54. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, Nicole Wang, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Nicole Wang, Applicant

ATTACHMENT 2

Tentative Map No. 76062