

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
October 10, 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 September 12, 2017; and
- (2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A. CONDITIONAL USE PERMIT (CUP-17-06) TO PERMIT ON-SALE (TYPE 41 BEER AND WINE) LICENSE FOR A BONA FIDE PUBLIC EATING PLACE – 306 NORTH GARFIELD AVENUE UNIT #A-12

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-17-06), 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 § 15301 (Class 1 – Existing Facilities), because the project consists of operating and licensing of an existing establishment.

[4.] OLD BUSINESS - None

4-A. CONSIDER ADOPTING A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND SPECIFIC SECTIONS OF TITLE 21 (ZONING REGULATIONS) OF THE MONTEREY PARK MUNICIPAL CODE GOVERNING SIGNS IN THE RESIDENTIAL ZONES AND FREEWAY ORIENTED SIGNS

It is recommended that the Planning Commission:

- (1) Re-opening 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 signs in the residential zones and freeway oriented signs; and
- (2) Taking such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

The proposed ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.; “CEQA”) for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2); (2) there is no possibility that the ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3); and (3) the ordinance does not constitute a “project” as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

[5.] NEW BUSINESS – None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on October 24, 2017.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: October 10, 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 September 12, 2017; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

Respectfully submitted,

A handwritten signature of Michael A. Huntley is written over a horizontal line. The signature is in cursive and appears to read "Michael A. Huntley".

Michael A. Huntley
Community and Economic Development Director

Attachments:

- Attachment 1: September 12, 2017 Planning Commission regular meeting minutes

ATTACHMENT 1

September 12, 2017 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 12, 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, September 12, 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, and Eric Brossy De Dios

Board Members Absent: Ricky Choi

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: None

[3.] PUBLIC HEARING:

3-A TENTATIVE MAP NO. 75007 (TM-17-03) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH AND MAINTAIN A 6-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT IN THE R-3 (HIGH DENSITY RESIDENTIAL) ZONE – 320-322 SOUTH MOORE AVENUE

Planner Tewasart provided a brief summary of the staff report.

Chairperson Sullivan opened the public hearing.

Architect Michael Sun of JWDA provided a brief presentation of the project.

Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing approved the requested tentative map for 320-322 South Moore Avenue.

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

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

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 GOVERNING SIGNS IN THE RESIDENTIAL ZONES AND FREEWAY ORIENTED SIGNS

Planner Tewasart provided a brief summary of the staff report.

Commissioner Brossy De Dios inquired about freeway frontage on Pomona and Hellman. Director Huntley replied that there is a sound wall on Hellman, but not on Pomona. This was an issue that came up while processing the South Garfield Village Specific Plan. There was some concern raised by some of the businesses there as well as a couple of the Planning Commissioners.

Commissioner Amador inquired if there are any businesses located along Hellman Avenue. It appears to be mostly residential. It is distinctly different from the Pomona side.

Commissioner Brossy De Dios inquired if all the commercial zones are immediately adjacent to a freeway. The way the code reads is that any facade facing the freeway in any of the commercial zones regardless of however faraway they are from the freeway could utilize these provisions of this code, since the code does not specify along Pomona or Hellman.

Commissioner Amador inquired if the code was to address only two specific areas.

Attorney Berger stated that it is difficult to identify specific streets or areas unless those areas are being zoned with a specific zone. This is the reason for the broader regulation as a practical matter but frequently the regulations only apply to one place.

Commissioner Brossy De Dios stated that he is mainly concerned about unintended consequences, he not opposed to the amendment. Director Huntley replied that the intent was to allow for freeway visibility for some commercial buildings. What some cities have done is allow a distance requirement from a freeway right-of-way. Commissioner De Dios inquired if that would include sides of a building.

Commissioner Amador expressed concerns about monument signs in the residential areas. Director Huntley stated that at one time the city may have had provisions in place that did allow for signs on institutional uses, private schools or churches. Most of the churches in the city have some type of sign identification. Somewhere in time those provisions came

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out of the code. The proposed code amendment is to provide some ability for institutional uses to allow for these.

Commissioner Amador expressed concerns about signage in the R-1 zone. Commissioner Amador inquired whether 15 feet was adequate for freeway visibility. Director Huntley stated that the proposed amendment would allow for wall signs to exceed 15 feet in height not to exceed the roofline, which will allow for greater visibility.

Chairperson Sullivan opened the public hearing.

Speaker Camilla Lim on behalf of St Thomas Aquinas Church, stated that the propose sign area for a monument sign is not enough for a public service use that has a need for seasonal messages. Although the church is located in a residential zone many public services are offered by the church and school. She asked that the Commission consider their lot not as residential, but almost commercial with multiple uses.

Chairperson Sullivan closed the public hearing.

Commissioner Brossy De Dios recommended amending the monument sign provisions in the residential zones to more closely resemble that of the City of San Gabriel and limit the size of a monument sign based on the different residential zones and the size of the lot.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing continued the proposed code amendment to the meeting of September 26, 2017.

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

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

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Next regular scheduled meeting on September 26, 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: October 10, 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 a Conditional Use Permit (CUP-17-06) to permit on-sale (Type 41 beer and wine) license for a bona fide public eating place – 306 North Garfield Avenue Unit #A-12.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-17-06), subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of operating and licensing of an existing establishment.

EXECUTIVE SUMMARY:

The applicant, Xin Zhen Zhang of Wang De Fu Inc. DbA: Xin Jiang BBQ, is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41 license) in conjunction with the operation of a bona fide retail eating establishment located at 306 North Garfield Avenue Unit #A-12. The property is zoned C-B, P-D (Central Business, Planned Development Overlay) and is designated MU I (Mixed Use I) in the General Plan.

Staff is recommending approval of Conditional Use Permit (CUP-17-06) subject to the conditions contained in the Resolution to address any concerns that are typically associated with alcohol uses.

BACKGROUND:

The subject property is located on the east side of North Garfield Avenue, between East Emerson Avenue and East Garvey Avenue. The subject lot is 66,878 square feet (1.53

acres) in size and is currently developed with four detached, one-story multi-tenant commercial buildings. Two of the buildings are situated in an L-shape configuration adjacent to the north and south property lines and the other two buildings are in a linear configuration along the center of the property. The subject property is built out with only 97 on-site and at-grade parking spaces located through-out the property.

The commercial plaza is comprised of a mixture of commercial land uses, including retail, commercial services, restaurants, and beauty and hair salons. Properties located to the north, south and west of the subject property are commercial uses, and to the east are multi-family residential zoned properties. The property is accessible from North Garfield Avenue.

Project Description

Wang De Fu Inc. Dba: Xin Jiang BBQ Restaurant is an existing restaurant that is currently in operation. According to the floor plan, the subject unit is approximately 1,772 square feet. The dining area is less than one-half (836 square feet) of the restaurant. The dining area is made up of nine 4-seat square tables and four 4-seat booths. The remaining area includes the kitchen service area (341 square feet), storage, and restrooms. The business operating and meal service hours are Monday through Friday from 5:00 p.m. to 1:00 a.m., and Saturday through Sunday from 2:00 p.m. to 1:00 a.m. The alcohol service hours are Monday through Friday from 5:00 p.m. to 12:00 a.m., and Saturday through Sunday from 2:00 p.m. to 12:00 a.m. The on-site alcoholic beverages services will complement the restaurant's meals. No separate bar area is indicated on the floor plan of the restaurant, nor is any entertainment proposed for the business at this time.

According to Business and Professions Code § 23958.4, a total of 4 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.11. Based on a population of 4,530 in the census tract, the Department of Alcoholic Beverage Control allows 4 on-sale licenses in this census tract and currently there are 0 licensed establishments.

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-site 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 patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. Staff conducted a site inspection and found that the subject property has adequate exterior lighting attached to the building walls and parking lot area. The existing exterior lights provide adequate lighting without disturbing the adjacent properties.

The Police Department included condition numbers 22 through 31 in the Resolution to address security and alarm requirements. The Police Department will monitor the

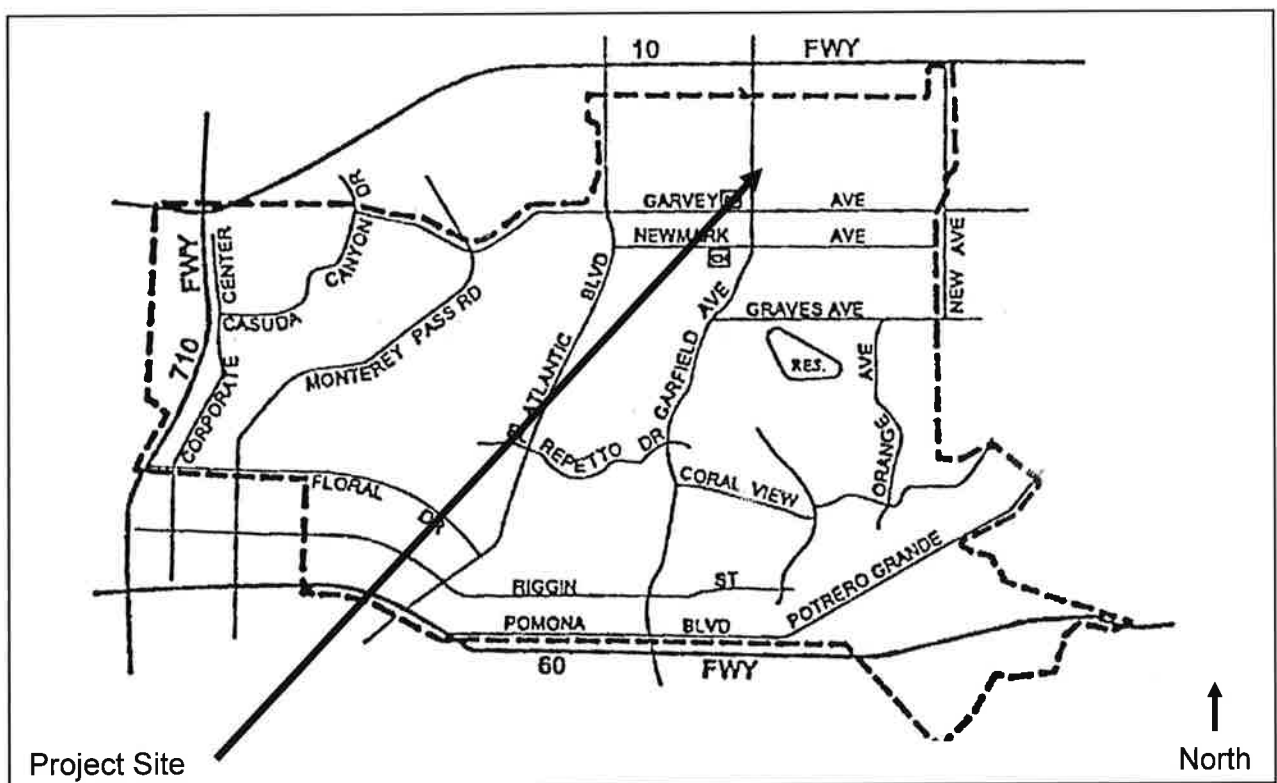
subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol must be served along with food only.

This application is for a Type 41 on-sale license for the serving of beer and wine in conjunction with a bona fide retail eating establishment. The applicant has clearly stated that it does not wish to provide entertainment uses. However, if a request were to be submitted at any future date, the applicant would have to request a modification to the Conditional Use Permit.

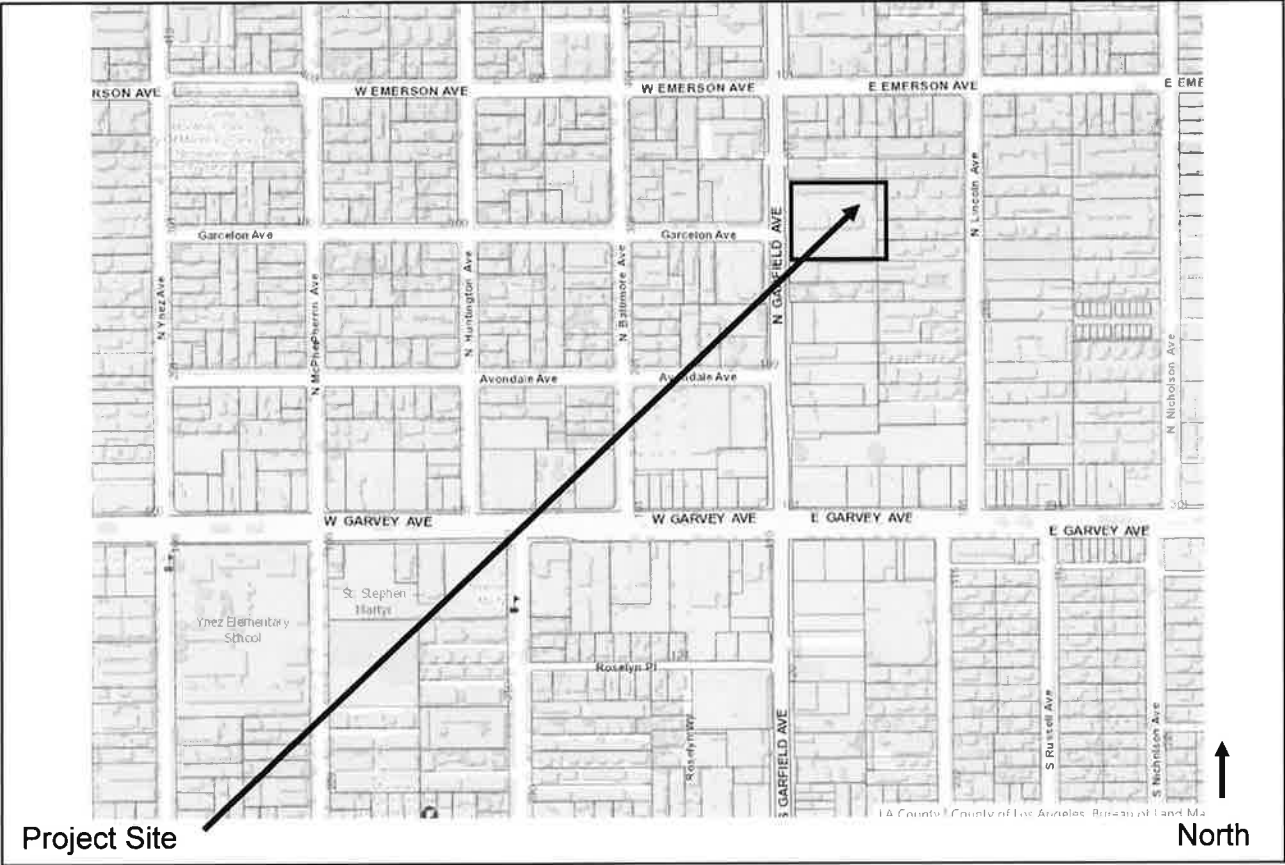
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **September 28, 2017**, with affidavits of posting on file. The legal notice of this hearing was mailed to **145** property owners within a 300 foot radius and current tenants of the property concerned on **September 28, 2017**.

Vicinity Map



Street Map



Aerial Map



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,

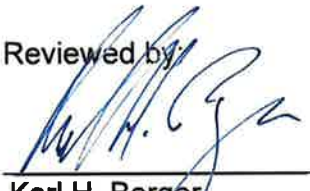

Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENTS:

- Attachment 1: Draft Resolution
- Attachment 2: Site and Floor plans

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-17-06) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (TYPE 41 BEER AND WINE LICENSE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE AT 306 NORTH GARFIELD AVENUE #A-12.

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 2, 2017, Xin Zhen Zhang of Wang De Fu Inc. DbA: Xin Jiang BBQ Restaurant, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting approval of Conditional Use Permit (CUP-17-06) to permit on-sale alcoholic beverages (beer and wine) for a bona fide public eating place at 306 North Garfield Avenue #A-12 ("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 October 10, 2017. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On October 10, 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 Xin Zhen Zhang; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Planning Commission at its October 10, 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 serve beer and wine in conjunction with an existing retail eating establishment;
- B. 306 North Garfield Avenue #A-12 is zoned C-B, P-D (Central Business, Planned Development) and designated MU-I (Mixed-Use I) in the General Plan;

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- C. The subject property is located on the east side of North Garfield Avenue, between East Emerson Avenue and East Garvey Avenue. Properties located to the north, south and west of the subject property are commercial uses, and to the east are multi-family residential zoned properties;
- D. The lot is 66,878 square feet (1.53 acres) in size and is currently developed with four detached, one-story multi-tenant commercial buildings; and
- E. The subject property is completely built out with only 97 on-site and at-grade parking spaces.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Existing Facilities).

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC §§ 21.10.230 (B) and 21.32.020, the Planning Commission finds as follows:

- A. 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 beer and wine 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 Mixed-Use I in the General Plan. The Mixed-Use I land use category allows for retail, service, office, and entertainment and dining establishments. The proposed use is the addition of beer and wine sales to accompany meals at an existing retail eating establishment. On-sale alcoholic beverage sales are permitted in the C-B, P-D (Central Business, 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. The proposed use will not present adverse secondary impacts, including, without limitation, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime

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interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed use is the addition of on-site beer and wine sales in conjunction with an existing retail eating establishment. On-sale alcoholic beverage uses are permitted with a conditional use permit. The MPMC require properties to be adequately maintained and conditions numbers 22 and 31 are included to address security concerns. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol to be served along with food only.

- C. The proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

The subject property is zoned C-B, P-D (Central Business, Planned Development). A retail eating establishment is a permitted principle use in the C-B, P-D Zone. Properties located to the north, south and west of the subject property are commercial uses, and to the east are multi-family residential uses. The property is accessible from North Garfield Avenue. 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 add beer and wine sales (Type 41 alcohol license) 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 since the addition of beer and wine sales, as mentioned, will be incidental to the primary use. According to Government Code § 23958.4, a total of 4 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.11. Based on a population of 4,530 in the census tract, ABC allows 4 on-sale licenses in this census tract and currently there are 0 licensed establishments.

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 patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. The existing exterior lights provide adequate lighting without disturbing the adjacent properties. The Police Department has included conditions numbers 22 through 31 in the Resolution to address security and alarm requirements.

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SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-17-06).

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

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

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

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

SECTION 10: A copy of this Resolution will be mailed to Xin Zhen Zhang and to any other person requesting a copy.

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

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

**PLANNING COMMISSION
RESOLUTION NO.
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ADOPTED AND APPROVED this 10th day of October 2017.

Chairperson Larry Sullivan

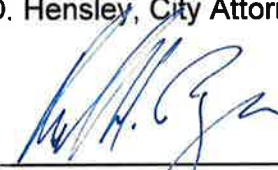
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 10th day of October 2017, by the following vote of the Planning Commission:

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

306 NORTH GARFIELD AVENUE #A-12

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Xin Zhen Zhang of Wang De Fu Inc. DbA: Xin Jiang BBQ Restaurant, agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-17-06) ("Project Conditions").

PLANNING:

1. Xin Zhen Zhang of Wang De Fu Inc. DbA: Xin Jiang BBQ Restaurant (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-17-06 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-17-06, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit (CUP-17-06) expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee.
3. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. The property must remain well maintained and free of graffiti. Failure of the applicant/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.
5. A copy of the Conditions of Approval for Conditional Use Permit (CUP-17-06) must be kept on the premises of the establishment and presented to any authorized City official upon request.

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6. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
7. The applicant/owner of the establishment must comply with all applicable law. The applicant must obtain and maintain a valid Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine – for Bona Fide Public Eating Place) License. All conditions of the Alcoholic Beverage Control license must be maintained at all times and failure to do so will be grounds for revocation.
8. The service of alcohol is only allowed with the consumption of food.
9. No entertainment uses including, without limitation, karaoke, dancing, or live music, are permitted at this location unless a modification to the Conditional Use Permit is approved for such use.
10. Alcoholic beverages must be served in containers that are distinguishable from containers used for non-alcoholic beverages.
11. 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.
12. The restaurant business hours of operation will be Monday through Friday from 5:00 p.m. to 1:00 a.m., and Saturday through Sunday from 2:00 p.m. to 1:00 a.m.
13. The hours of operations for alcohol service at the restaurant are limited to the hours of Monday through Friday from 5:00 p.m. to 12:00 a.m., and Saturday through Sunday from 2:00 p.m. to 12:00 a.m.
14. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*). The applicant must obtain and maintain a Type 41 license.
15. 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.
16. 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.

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17. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to public view from the exterior constitute a violation of this condition.
18. 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.
19. 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.
20. 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.

LICENSING:

21. Additional business license tax must be paid upon approval of license from Alcoholic Beverage Control (ABC) pursuant to MPMC § 5.12.230.

POLICE:

22. The sale of alcoholic beverages for consumption off the premise is prohibited.
23. Food service is required at all hours that the establishment is open for business.

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24. The restaurant must have security video cameras operating during all hours that the business is open. All cameras must record onto a media device, such as a videotape, digital storage CPU, DVR or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, all areas of the cash register/cashier and all areas where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.
25. All conditions of the Alcoholic Beverage Control Board must be adhered to at all times.
26. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
27. The manager/owner is responsible for maintaining the property free of litter and graffiti.
28. Three or more substantiated complaints of applicable law including, without limitation, these conditions within a one year period (as calculated starting on the resolution approval date and every anniversary date thereafter) are received by the Monterey Park Police Department regarding disturbances caused by patrons of the restaurant whether inside or within close proximity of the restaurant may result in the City commencing revocation of this Conditional Use Permit.
29. The restaurant must not be used as a place of entertainment unless a modification to the Conditional Use Permit application is approved by the City.
30. The restaurant must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police Department of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The restaurant manager/owner must obtain an alarm permit from the Monterey Park Police Department. The permit may be obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.

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- 31.If the establishment is open for business past midnight (12:01 a.m.), the restaurant will employ one licensed security guard to remain on the premises during the hours of 6:00 p.m. to closing. The security guard will cooperate with the Police Department in any official police investigations or other related matters. If at any time, the Chief of Police deems that the security guard/company is inadequate and not beneficial to the overall goo of the restaurant or community, the Chief must retain the right to request the owner to retain additional security guards or a new security company. If such a situation arises, the Chief of Police must notify the restaurant owner/manager in writing and the manager/owner will have 7 business days to make the necessary changes.

By signing this document, Xin Zhen Zhang of Wang De Fu Inc. DbA: Xin Jiang BBQ Restaurant, states that he read, understood, and agrees to the Project Conditions listed in this document.

Xin Zhen Zhang of Wang De Fu Inc. DbA: Xin Jiang BBQ Restaurant, Applicant

ATTACHMENT 2

Site, and Floor plans



Planning Commission Staff Report

DATE: October 10, 2017

AGENDA ITEM NO: 4-A

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 governing signs in the residential zones and freeway oriented signs.

RECOMMENDATION:

It is recommended that the Planning Commission:

- (1) Open the continued 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 signs in the residential zones and freeway oriented signs; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On September 12, 2017, the Planning Commission reviewed proposed code amendments governing signage in the residential zones. The Planning Commission provided comments and continued the item to allow staff additional time to address the comments. At the meeting, the Planning Commission requested further information and clarifications for the freeway oriented and monument signs. Staff provided the requested information at the meeting of September 26, 2017. The Planning Commission was satisfied with the added information, which provided further clarity to the proposed code amendments, but requested that one minor modification be made to the proposed regulations. Specifically, the Planning Commission recommended that the maximum height for monument signs in the R-2 and R-3 Zones be increased from 5 feet to 7 feet for consistency with some of the existing monuments in the residential zones and commercial zones. The proposed code regulations have been modified to reflect the Planning Commission's comment.

Respectfully submitted,

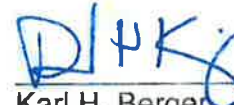

Michael A. Huntley
Community and Economic
Development Director

Sign Regulations – Staff Report
Page 2

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:

 *For*
Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Proposed Zoning Code Amendments
- Attachment 2: Distance Boundary Maps
- Attachment 3: Resolution recommending adoption of the ordinance
- Attachment 4: Draft City Council Ordinance
- Attachment 5: Planning Commission Staff Report, dated September 12, 2017
- Attachment 6: Planning Commission Minutes, dated September 12, 2017
- Attachment 7: Planning Commission Staff Report, dated September 26, 2017

ATTACHMENT 1

Proposed Zoning Code Amendments

EXHIBIT A

21.24.650 Commercial Signs—R-S, C-S, N-S, S-C, C-P, O-P Zones.

See Chapter 21.10 for a description of the commercial zones. Signage in the commercial zones shall must comply with the standards set forth in Table 21.24(A).

Table 21.24(A) Sign Standards in Commercial Zones

SIGNAGE	ZONE	
	C-B	R-S, C-S, N-S, S-C, C-P, O-P
Primary Wall Sign		
Number	1	
Area	1 sq. ft. per lineal foot of building or business frontage	
Text and logo height	12-18 in.	
Materials	○ Internally illuminated channel letters with opaque metal sides and a matte translucent plexiglass face. See Figure 21.24(C) ○ Three-dimensional, individual internally illuminated and backlit (halo) metal letters, also known as reverse channel letters. See Figure 21.24(D) ○ Open-face channel, also known as exposed neon. See Figure 21.24(E) ○ Sculpted. See Figure 21.24(F) ○ Non-illuminated materials—wood, metal, tile	
	Prohibited	○ Foam
	○ Canister signs prohibited; subject to Section 21.24.730, Nonconforming Signs and Abatement.	○ Canister signs – face changes permitted. No structural alterations allowed.
	○ Electronic message board subject to a conditional use permit	Prohibited
Height		
<30,000 sq. ft.	○ First story signage 15 ft. above sidewalk elevation; <u>freeway oriented signage (within 100 feet of the freeway right-of-way) 2nd story sign allowed, not to exceed roof line or parapet wall to which it is attached.</u> ○ In no event can the height of any wall sign exceed the height of the building roof or building parapet wall to which it is attached. ○ Upper story signage prohibited	
>30,000 sq. ft.	○ First story signage 30 ft. above sidewalk elevation ○ Restaurants >10,000 sq. ft., retail establishments >8,000 sq. ft., and motion picture theaters with 4 or more screens permitted upper story signage. ○ In no event shall <u>can</u> the height of any wall sign exceed the height of the building roof or building parapet wall to which it is attached	

Projection	Max. 12 in. beyond building face	
Secondary Wall Sign		
Number	1	
Area	50% of 1 sq. ft. per lineal foot of building or business frontage	
Text and logo height	12-18 in.	
Materials	- Internally illuminated channels with opaque metal sides and a matte translucent plexiglass face. See Figure 21.24(C) - Three-dimensional, individual internally illuminated and backlit (halo) metal letters, also known as reverse channel letters. See Figure 21.24(D) - Open-face channel, also known as exposed neon. See Figure 21.24(E) - Sculpted. See Figure 21.24(F) - Non-illuminated materials—wood, metal, tile	
	Prohibited	Foam
	Canister signs prohibited, subject to Ch. 21.24	Canister signs – face changes permitted. No structural alterations allowed.
Height	- First story signage 15 ft. above sidewalk elevation - In no event shall <u>can</u> the height of any wall sign exceed the height of the building roof or building parapet wall to which it is attached. - Upper story signage prohibited	
Projection	Max. 12 in. beyond building face	
Projecting Blade Sign (See Figure 21.22(K))		
Number	1 per business	
Area	15 sq. ft.	
Distance between signs	15 ft.	
Projection	Max. 20 in. beyond building face	
Placement	Maintain a minimum clearance of 8 ft. above sidewalk	
Materials	Materials specified in the Building Code	
Freestanding Sign (Pole signs are prohibited)		
Number		
Street frontage <600 ft.	Prohibited	1
Street frontage >600 ft.	Prohibited	2
Height	Prohibited	20 ft.
Area	Prohibited	120 sq. ft. per side

Projection	Prohibited	- o No freestanding sign shall <u>can</u> project beyond the property lines. - o No freestanding sign shall <u>can</u> project over a parking lot or a driveway with less than 14 ft. of ground clearance or into a pedestrian walkway with less than 8 ft. of ground clearance.
Location	Prohibited	o No freestanding sign shall <u>can</u> be placed within 10 ft. of a common lot line.
		o Minimum separation between freestanding signs shall be <u>is</u> 25 ft.
Materials	Prohibited	- o Printed letters and graphics on anodized aluminum background and supports - o Opaque channel letters and graphics on opaque background using plastic, smooth fiberglass, acrylic, prefinished aluminum or color plastic laminates - o Internally illuminated channel letters and graphics on stucco, tile, brick, wood, stone or masonry background - o Cast metal letters and graphics on wood, anodize aluminum, plastic laminate, prefinished metal, stucco, tile, brick, stone or masonry background - o Engraved wood letters and graphics on wood frames and supports - o Carved wood form letters and graphics on stucco, tile stone, masonry or wood background - o Internally illuminated molded fiberglass letters and graphics on aluminum housing - o Etched and painted filled letters and graphics on polished stone - o Any non-internally illuminated sign may be illuminated with a backlit system or a ground flush-mounted spotlight system
Monument Sign (combination of freestanding and monument signs permitted, not to exceed maximums)		
Number		
Street frontage <600 ft.	1	
Street frontage >600 ft.	2	
Height	7 ft.	

Area	56 sq. ft. per side	
Materials	○ Printed letters and graphics on anodized aluminum background and supports ○ Opaque channel letters and graphics on opaque background using plastic, smooth fiberglass, acrylic, prefinished aluminum or color plastic laminates ○ Internally illuminated channel letters and graphics on stucco, tile, brick, wood, stone or masonry background ○ Cast metal letters and graphics on wood, anodize aluminum, plastic laminate, prefinished metal, stucco, tile, brick, stone or masonry background ○ Engraved redwood letters and graphics on redwood frames and supports ○ Carved redwood form letters and graphics on stucco, tile stone, masonry or wood background ○ Internally illuminated molded fiberglass letters and graphics on aluminum housing ○ Etched and painted filled letters and graphics on polished stone ○ Non-blinking neon letters and graphics on redwood, stucco, masonry, polished stone, anodized aluminum plastic laminate, tile, brick ○ Any non-internally illuminated sign may be illuminated with a backlit system or a ground flush-mounted spotlight system	
	○ Neon around windows and buildings shall <u>be are</u> considered architectural changes to the building and shall be subject to the <u>may require</u> review and approval of the Design Review Board	Prohibited

21.24.655 Residential Signs—All Residential Zones.

See Chapter 21.08 for a description of the residential zones. Signage in the residential zones must comply with the standards set forth in Table 21.24(B).

Table 21.24(B) Sign Standards in Residential Zones

SIGNAGE	ZONE	
Multi-Family Development or Assembly Hall		
Wall Sign		
Number	1	
Area	75% per lineal feet of building frontage	
Text and Logo Height	12-18 in.	
Height	- First story signage cannot exceed 15 feet - In no event can the height of any wall sign exceed the building roof or parapet wall to which it is attached.	
Materials	- Non-illuminated channel letters with opaque metal sides and a matte translucent plexiglass face. See Figure 21.24(C). - Internally illuminated channel letters when frontage faces a principal or minor arterial street only. - Three-dimensional, individual internally illuminated and backlit (halo) metal letters, also known as reverse channel letters. See Figure 21.24(D). Multi-family residential and assembly hall that face a principal or minor arterial street only. - Open-face channel, also known as exposed neon. See Figure 21.24(E). - Sculpted. See Figure 21.24(F) - Non-illuminated materials – wood, metal, tile - Prohibited materials: foam, canister signs, and electronic message boards.	
Monument Sign		
	R-1	R-2, R-3
Number and Area		
Street frontage <75 ft.	Prohibited	Prohibited
Street frontage 75-84 ft.	1 25 sq. ft. per side	1 30 sq. ft. per side
Street frontage 85-99 ft.	1 25 sq. ft. per side	1 35 sq. ft. per side
Street frontage >100 ft.	1 25 sq. ft. per side	1 40 sq. ft. per side
Height	5 ft.	7 ft.

Materials	○ <u>Printed letters and graphics on anodized aluminum background and supports</u> ○ <u>Opaque channel letters and graphics on opaque background using plastic, smooth fiberglass, acrylic, prefinished aluminum or color plastic laminates</u> ○ <u>Internally illuminated channel letters and graphics on stucco, tile, brick, wood, stone or masonry background when frontage faces a principal or minor arterial street only.</u> ○ <u>Cast metal letters and graphics on wood, anodize aluminum, plastic laminate, prefinished metal, stucco, tile, brick, stone or masonry background</u> ○ <u>Engraved redwood letters and graphics on redwood frames and supports</u> ○ <u>Carved redwood form letters and graphics on stucco, tile stone, masonry or wood background</u> ○ <u>Internally illuminated molded fiberglass letters and graphics on aluminum housing when frontage faces a principal or minor arterial street only.</u> ○ <u>Etched and painted filled letters and graphics on polished stone</u> ○ <u>Non-blinking neon letters and graphics on redwood, stucco, masonry, polished stone, anodized aluminum plastic laminate, tile, brick</u> ○ <u>Any non-internally illuminated sign may be illuminated with a backlit system or a ground flush-mounted spotlight system</u>
<u>Landscape and Irrigation must be provided around the base of the monument sign</u>	

21.04.797 (HH) Canister Sign. A sign with advertising copy within a rigid frame, whether illuminated or not.

ATTACHMENT 2

Distance Boundary Maps

ATTACHMENT 3

Resolution recommending adoption of the ordinance

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE ("MPMC") AFFECTING REGULATIONS GOVERNING SIGNAGE IN THE RESIDENTIAL ZONES.

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

SECTION 1: The Planning Commission finds and declares that:

- A. A review of the Monterey Park Municipal Code ("MPMC") suggests that amendments are needed to improve the City's regulations governing, among other things, the residential and commercial zoning districts;
- B. On September 12, 2017, the Community and Economic Development Department presented draft regulations to the Planning Commission for consideration. The Planning Commission provided direction for improving the regulations and continued the application to the meeting of September 26, 2017. At the meeting of September 26, 2017 requested a minor modification to draft regulations and continued to the application to the meeting of October 10, 2017. Thereafter, the regulations were reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines;
- D. The Community and Economic Development Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for September 12, 2017, September 26, 2017, and October 10, 2017;
- E. On September 12, 2017, September 26, 2017, and October 10, 2017, the Planning Commission held public hearings to receive public testimony and other evidence regarding the draft Ordinance attached as Exhibit "A," and incorporated by reference, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and
- F. This Resolution and its findings are made based upon the evidence presented to the Commission at its September 12, 2017, September

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 3**

26, 2017, and October 10, 2017 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Environmental Review.* The Planning Commission finds and determines that the proposed ordinance is not subject to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.; “CEQA”) for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2); (2) there is no possibility that the ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3); and (3) the ordinance does not constitute a “project” as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

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 and commercial districts. The proposed residential code amendments are minor changes intended to ensure that the residential character is maintained to the highest standards. The proposed commercial code amendment is intended to clarify an existing code provision ensuring development compatibility.

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

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

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

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

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 nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

PASSED AND ADOPTED this 10th day of October 2017.

Larry Sullivan, Chairperson
City of Monterey Park Planning Commission

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 10th day of October 2017, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Michael Huntley, Secretary

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

By:  For
Karl H. Berger, Assistant City Attorney

ATTACHMENT 4

Draft City Council Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL
CODE SECTIONS 21.24.650 AND 21.24.655 REGARDING
REGULATION OF SIGNS.**

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

SECTION 1. Pursuant to Monterey Park Municipal Code ("MPMC") § 21.38.050, the City Council finds as follows:

- A. The MPMC amendments ("Sign Regulations") set forth in attached Exhibit A, and incorporated by reference, are consistent with the goals, policies and objectives of the General Plan. The Sign Regulations will not affect a change in the permissible uses of property and will not substantively affect existing time, place or manner restrictions applicable to signs.
- B. The Sign Regulations will not adversely affect surrounding properties. These Sign Regulations will operate citywide and will not affect a change in the use or the intensity of use of property in any zone.
- C. The Sign Regulations promote public health, safety, and general welfare and serve the goals and purposes of the MPMC's zoning regulations. As amended, the Sign Regulations will continue to promote the public health, safety, and general welfare while serving the goals and purposes of the zoning regulations.

SECTION 2. The MPMC is amended as set forth in the Sign Regulations attached as Exhibit A. The City Clerk is authorized to codify the Sign Regulations as appropriate.

SECTION 3. *Environmental Review.* The City Council finds and determines that this ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; "CEQA") for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2); (2) there is no possibility that the ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3); and (3) the ordinance does not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

SECTION 4. *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 5. *Enforceability.* Repeal or amendment of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and

imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6. Technical Corrections. The City Manager, or designee, is authorized to make technical corrections, in a form approved by the City Attorney.

SECTION 7. Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other ordinance by this Ordinance will be rendered void and cause such previous MPMC regulation or other ordinance to remain in full force and effect for all purposes.

SECTION 8. Severability. 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 9. 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 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10. This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED AND ADOPTED this _____ day of _____,
2017.

Teresa Real Sebastian, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM
MARK D. HENSLEY, City Attorney

By: _____
Karl H. Berger,
Assistant City Attorney

ATTACHMENT 5

Planning Commission Staff Report, dated September 12, 2017



Planning Commission Staff Report

DATE: September 12, 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 governing signs in the residential zones and freeway oriented signs.

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 signs in the residential zones and freeway oriented signs; and
- (2) Take such additional, related, action that may be desirable.

ENVIRONMENTAL:

The proposed ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.; "CEQA") for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2); (2) there is no possibility that the ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3); and (3) the ordinance does not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

EXECUTIVE SUMMARY:

The proposed code amendment is in response to inquiries received from the public regarding signage in the residential zones, and freeway oriented wall signs in the commercial zones. In the day-to-day implementation of the MPMC, staff has received questions regarding signage for multi-family residential developments and assembly halls in the residential zones.

According to MPMC § 21.04.097, an assembly hall is a building used for large scale public or private gatherings of people, for example, private educational facilities; religious institutions; clubs; lodges; theaters; and similar kinds of facilities whether available for public or private uses. Currently, there are multi-family developments and

assembly halls that have wall signs or monument signs. The MPMC, however, does not currently allow for either type of signage. Additionally, questions have been received regarding greater flexibility for wall signs in the commercial zones that have freeway frontage.

In evaluating the residential and commercial districts and conducting surveys of surrounding cities, staff is proposing regulations for wall and freestanding signs for multi-family residential developments and assembly halls in the residential zones, and freeway-oriented wall signs.

ANALYSIS:

The proposed code amendments are summarized below.

Chapter 21.24 Sign Regulations

21.24.655 Residential Signs – In the residentially-zoned areas there are existing multi-family developments and assembly halls that have non-illuminated wall or monument signs. However, there are no regulations in the MPMC that allow for signage in the residential areas, with the exception of real estate, yard sale, and campaign signs.

Staff surveyed surrounding cities and most of the cities have regulations in place for wall and freestanding signs in residential zones. The average size is approximately 25 square feet and the average height is approximately 6 feet, as summarized in Table 1 below.

TABLE 1: SIGNAGE REGULATIONS IN RESIDENTIAL ZONES SURVEY

City	Use	Sign Type	Number	Size	Height	Illumination
Alhambra	Multi-Family Development	Freestanding	1 per street frontage	25 SF	5 FT	No
		Wall	1 per street frontage	20 SF	15 FT	No
	Assembly Use	Freestanding	1 per street frontage	25 SF	5 FT	No
		Wall	1 per street frontage	20 SF	15 FT	No
Arcadia	Multi-Family Development	Freestanding	1 per street frontage	6 SF	3 FT	No
	Assembly Use	Freestanding or Wall	1 per street frontage	48 SF	8 FT 12 FT	Yes CUP
Monrovia	Multi-Family Development	-	-	-	-	-
	Assembly	Wall	Front			Yes

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	Use		building elevation			CUP
		Monument	1 per street frontage	50 SF	6 FT	Yes CUP
Rosemead	Multi-Family Development	-	-	15 SF	6 FT	Yes
	Assembly Use	Wall	1 per street frontage	Cannot exceed 25% of building frontage	-	Yes CUP
		Freestanding	1 per 100 FT street frontage			Yes CUP
San Gabriel	Multi-Family Development	Freestanding or Wall	1 per street frontage	-	6 FT	Yes
	Assembly Use	Wall	1 per street frontage	25 SF	-	Yes CUP
		Monument	1 per 75 FT per street frontage (R-1 Zone) 1 per street frontage of: 75-84 FT 85-99 FT 100 FT+ (R-2, R-3 Zone)	25 SF (R-1 Zone) 30 SF 40 SF 50 SF (R-2, R-3 Zone)	6 FT	Yes CUP
Temple City	Multi-Family Development					
	Assembly Use	Freestanding				No
West Covina	Multi-Family Development or Assembly Use	Monument	1 per street frontages	40 SF	6 FT	Yes

Based on the survey, staff proposes that properties located in the residentially-zoned areas constructed with a multi-family development or assembly hall and has a street frontage less than 200 feet be limited to one non-illuminated wall sign and properties

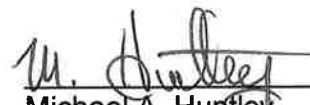
located in the residentially-zoned areas constructed with a multi-family development or assembly hall and has a street frontage greater than 200 feet be limited to one 25 square feet or less, non-illuminated monument sign, unless the property has frontage on a principal arterial or minor arterial street, then the monument sign can be illuminated or non-illuminated. The monument sign will also be required to provide landscaping and irrigation around the base of the sign as well clearance from the clear-sight triangle area as specified in MPMC § 21.24.140.

Additionally, the proposed criteria are consistent with the type of signage that have been permitted and installed on existing multi-family developments and assembly halls. Furthermore, it is reasonable for the signage criteria to be more restrictive in residentially-zoned areas as compared to the commercially-zoned areas.

21.24.655 Freeway-Oriented Signs – There are commercially-zoned properties that have frontages to freeways; specifically there are properties located on Hellman Avenue that fronts the Interstate 10 Freeway and properties located on Pomona Boulevard that fronts the State Route 60 Freeway. Staff surveyed the properties located along Hellman Avenue and Pomona Boulevard. The properties located on Hellman Avenue are almost all residentially zoned and constructed with residential units, except for the properties located at the intersections at North Atlantic Boulevard, North Garfield Avenue, and North New Avenue.

A large portion of the properties located along Pomona Boulevard are commercially-zoned and constructed with commercial developments. These lots range in lot widths from 30 feet to 80 feet and lot depths of approximately 110 feet. The city's existing signage regulations allow for wall signs that are limited to 15 feet in height and monument signs that do not provide for freeway visibility. In staff's evaluation of the properties located along Pomona Boulevard, taller freestanding signs would be disproportionate and out of scale with the existing lot sizes and widths. Therefore, staff proposes to add regulations that will allow wall signs facing a freeway to exceed 15 feet height and not to exceed the roof lines.

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: Proposed Zoning Code Amendments

Attachment 2: Resolution recommending adoption of the ordinance

ATTACHMENT 6

Planning Commission Minutes, dated September 12, 2017

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 12, 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, September 12, 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, and Eric Brossy De Dios

Board Members Absent: Ricky Choi

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: None

[3.] PUBLIC HEARING:

3-A TENTATIVE MAP NO. 75007 (TM-17-03) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH AND MAINTAIN A 6-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT IN THE R-3 (HIGH DENSITY RESIDENTIAL) ZONE – 320-322 SOUTH MOORE AVENUE

Planner Tewasart provided a brief summary of the staff report.

Chairperson Sullivan opened the public hearing.

Architect Michael Sun of JWDA provided a brief presentation of the project.

Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing approved the requested tentative map for 320-322 South Moore Avenue.

MISSION STATEMENT

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

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

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 GOVERNING SIGNS IN THE RESIDENTIAL ZONES AND FREEWAY ORIENTED SIGNS

Planner Tewasart provided a brief summary of the staff report.

Commissioner Brossy De Dios inquired about freeway frontage on Pomona and Hellman. Director Huntley replied that there is a sound wall on Hellman, but not on Pomona. This was an issue that came up while processing the South Garfield Village Specific Plan. There was some concern raised by some of the businesses there as well as a couple of the Planning Commissioners.

Commissioner Amador inquired if there are any businesses located along Hellman Avenue. It appears to be mostly residential. It is distinctly different from the Pomona side.

Commissioner Brossy De Dios inquired if all the commercial zones are immediately adjacent to a freeway. The way the code reads is that any facade facing the freeway in any of the commercial zones regardless of however faraway they are from the freeway could utilize these provisions of this code, since the code does not specify along Pomona or Hellman.

Commissioner Amador inquired if the code was to address only two specific areas.

Attorney Berger stated that it is difficult to identify specific streets or areas unless those areas are being zoned with a specific zone. This is the reason for the broader regulation as a practical matter but frequently the regulations only apply to one place.

Commissioner Brossy De Dios stated that he is mainly concerned about unintended consequences, he not opposed to the amendment. Director Huntley replied that the intent was to allow for freeway visibility for some commercial buildings. What some cities have done is allow a distance requirement from a freeway right-of-way. Commissioner De Dios inquired if that would include sides of a building.

Commissioner Amador expressed concerns about monument signs in the residential areas. Director Huntley stated that at one time the city may have had provisions in place that did allow for signs on institutional uses, private schools or churches. Most of the churches in the city have some type of sign identification. Somewhere in time those provisions came

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out of the code. The proposed code amendment is to provide some ability for institutional uses to allow for these.

Commissioner Amador expressed concerns about signage in the R-1 zone. Commissioner Amador inquired whether 15 feet was adequate for freeway visibility. Director Huntley stated that the proposed amendment would allow for wall signs to exceed 15 feet in height not to exceed the roofline, which will allow for greater visibility.

Chairperson Sullivan opened the public hearing.

Speaker Camilla Lim on behalf of St Thomas Aquinas Church, stated that the propose sign area for a monument sign is not enough for a public service use that has a need for seasonal messages. Although the church is located in a residential zone many public services are offered by the church and school. She asked that the Commission consider their lot not as residential, but almost commercial with multiple uses.

Chairperson Sullivan closed the public hearing.

Commissioner Brossy De Dios recommended amending the monument sign provisions in the residential zones to more closely resemble that of the City of San Gabriel and limit the size of a monument sign based on the different residential zones and the size of the lot.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing continued the proposed code amendment to the meeting of September 26, 2017.

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

Ayes: Commissioners: Sullivan, Robinson, Amador, and De Dios
Noes: Commissioners: None
Absent: Commissioners: Choi
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 September 26, 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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ATTACHMENT 7

Planning Commission Staff Report, dated September 26, 2017



Planning Commission Staff Report

DATE: September 26, 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 governing signs in the residential zones and freeway oriented signs.

RECOMMENDATION:

It is recommended that the Planning Commission:

- (1) Open the continued 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 signs in the residential zones and freeway oriented signs; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On September 12, 2017, the Planning Commission reviewed proposed code amendments governing signage in the residential zones. The Planning Commission provided comments and continued the item to allow staff additional time to address the comments. At the meeting, the Planning Commission requested further information and clarifications for the freeway oriented and monument signs. Specifically, the Planning Commission requested that a distance map be provided to determine the appropriate boundary to allow freeway oriented signs. Additionally, the Planning Commission was favorable to allowing monument signs in the residential zones, but requested that the proposed development standards be further broken down to allow monument signs that will be proportional to specific lot frontages in specific residential zones.

Attached to this staff report are three distance boundary maps, which show the distances of buildings in 75 feet, 100 feet, and 150 feet increments from the Caltrans right-of-way. One of the maps shows all the properties that are adjacent to the Pomona 60 Freeway within the City's limits. A second map shows a closer view of the properties at the western portion of the City and a third map shows a closer view of the properties at the eastern portion of the City. Staff believes that the 100 feet distance adequately defines the boundary of where freeway oriented signs will be allowed.

With regards to the monument signs within the residential zones, the proposed regulations have been further defined to clarify the specific size of a monument sign that will be allowed relative to a specific lot frontage and residential zone. Staff believes that

the added information provides further clarity to the proposed code amendments and adequately addresses the comments provided by the Planning Commission.

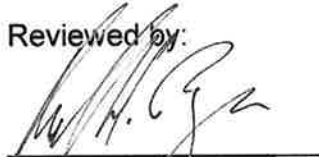
Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


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