

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
November 14, 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 October 10, 2017; and
- (2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A CONDITIONAL USE PERMIT (CUP-17-07) TO PERMIT A MORTUARY – 1965 POTRERO GRANDE DRIVE

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-17-07), 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

[5.] NEW BUSINESS – None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on November 28, 2017.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: November 14, 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 October 10, 2017; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

Respectfully submitted,

A handwritten signature in blue ink, reading "Michael A. Huntley", is written over a horizontal line.

Michael A. Huntley
Community and Economic Development Director

Attachments:

Attachment 1: October 10, 2017 Planning Commission regular meeting minutes

ATTACHMENT 1

October 10, 2017 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
OCTOBER 10, 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, October 10, 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: David H. King, Deputy City Attorney, Michael A. Huntley, Director of Community and Economic Development, Harald Luna, Assistant 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 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

Planner Luna provided a brief summary of the staff report.

Chairperson Sullivan opened the public hearing.

Representative Michelle Zhang was present on behalf of Xin Zhen Zhang of Wang De Fu Inc. Db: Xin Jiang BBQ.

Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **approved** the requested conditional use permit for 306 North Garfield Avenue.

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

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

Director Huntley provided a brief summary of the staff report.

Chairperson Sullivan opened the public hearing.

Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **recommended** that the City Council adopt an ordinance amending Monterey Park Municipal Code (MPMC) Chapters 21.04 and 21.24

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

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

[4.] OLD BUSINESS: None.

[5.] NEW BUSINESS: None.

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

Commissioner Robinson inquired affordable housing and inclusionary housing requirements. Director Huntley replied that the State of California through the Southern California Association of Governments provides a mandate called the Regional Housing Needs Assessment numbers. Based on their methodology they indicate, but no require, that cities provide a certain number of affordable units based on income levels. Cities are encouraged to provide affordable housing. Generally speaking, cities would have the ability, unfortunately, the State eliminated redevelopment, which eliminated 20 percent of the housing set aside funds and in addition the federal home funds continue to be lowered on an annual basis. There is not adequate funding currently coming to local government to produce affordable housing. The City has produced a number of affordable housing

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projects over the years including LINC housing and the Telcu housing project across the street and a number of other ones too. Cities do provide and subsidize for affordable housing.

[7.] STAFF COMMUNICATIONS AND MATTERS: None

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 7:30 p.m.

Next regular scheduled meeting on October 24, 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: November 14, 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 (CU-17-07) to allow a mortuary – 1965 Potrero Grande Drive #K.

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-17-07), subject to conditions of approval contained therein; and
- (5) Take 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 State CEQA guidelines CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation and licensing of an existing establishment.

EXECUTIVE SUMMARY:

The applicant, Ralph Torres, is requesting approval of a Conditional Use Permit to allow a mortuary at 1965 Potrero Grande Drive. The property is zoned C-S (Commercial Service) and is designated C (Commercial) in the General Plan.

Staff is recommending approval of the Conditional Use Permit (CUP-17-07) subject to the conditions contained in the Resolution to address any concerns that are typically associated with a mortuary use. The subject tenant space is relatively small and provides space for limited services. The tenant space is located in a commercial plaza with several other businesses that generate regular foot traffic, which helps to minimize concerns regarding safety and security.

BACKGROUND:

The subject property is located on the north side of Potrero Grande Drive, west of Kenton Drive. The subject lot is 71,002 square feet (1.63 acres) in size and is currently

developed with a one-story commercial strip center situated on the eastern portion of the lot with parking located west of the building. The commercial plaza is comprised of a mixture of commercial uses, including a retail eating establishment, flower shop, pet grooming, bakery, offices, and warehousing. Properties located to the north and west include C-S (Commercial Service) zoned lots, to the south is the City of Montebello Resurrection Cemetery, and east is a R-3 (High Density Residential) zoned lot developed with 114-unit senior housing development. There are a total of 85 at-grade parking spaces. The property is accessible from Potrero Grande Drive.

Project Description

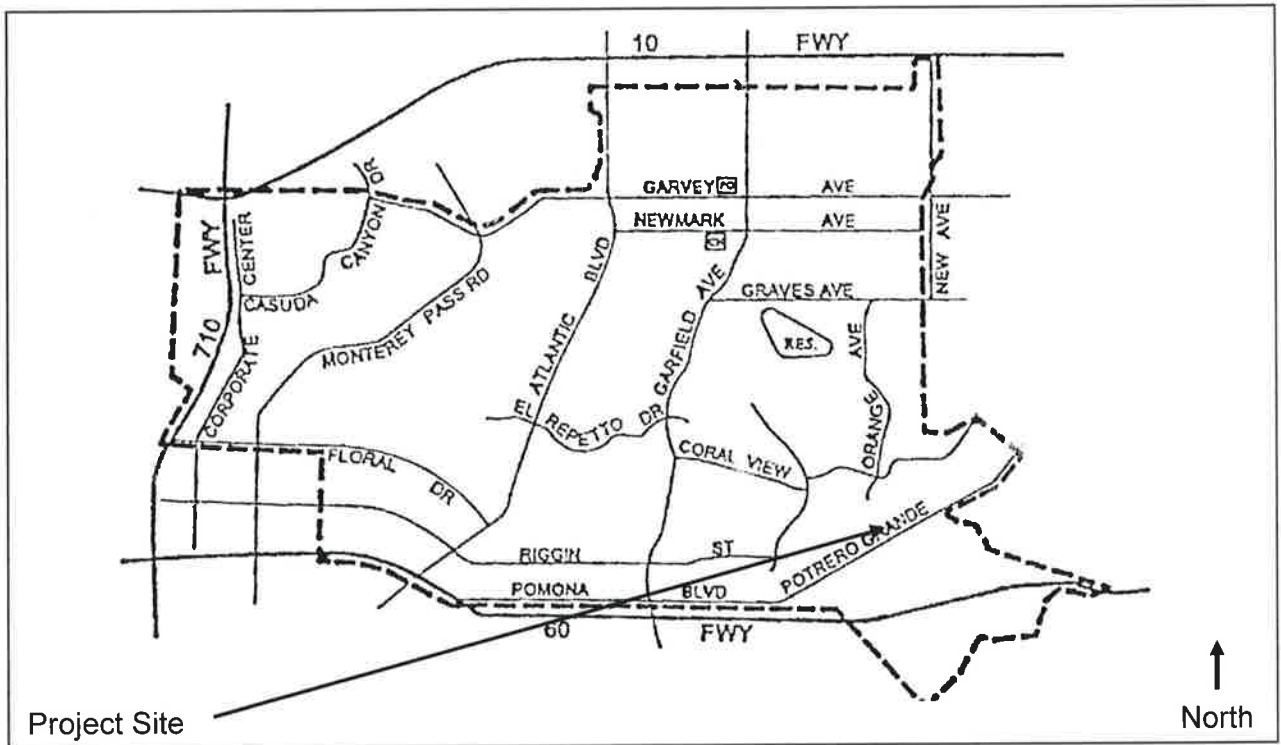
According to the Applicant, Torres Mortuary is a family owned and operated business and currently occupies Unit #C at the same property for administrative purposes only. The subject unit, Unit #K, will be used for mortuary purposes. According to the floor plan, the subject unit is 2,115 square feet. The tenant space will have casket storage racks, space for a hearse and van parking, portable refrigerator, restroom, and 97 square feet preparation room. The preparation room will be used for embalming and storage purposes. According to the Applicant, the proposed use responds to the initial call after a death and the deceased is transferred into their care. If a family requests embalming of the body, the body can be embalmed. Embalming is the addition of chemical preservatives for the temporary preservation of the body. Embalming is not required by law unless requested by a family. Once the embalming process is complete then the deceased is dress with clothing provided by the family, then placed inside the chosen casket to be placed inside the hearse and transported to the place of worship and then to the cemetery for burial. If cremation is chosen as a final disposition then the body will be transferred to All Caring Crematory located in the City of Van Nuys. The proposed use does not include viewings.

According to MPMC § 21.12.030, a mortuary is subject to the approval of a conditional use permit. According to MPMC § 21.32.020(B), before any conditional use permit is granted, the applicant must show, to the satisfaction of the Planning Commission, the existence of six findings as outlined in the attached resolution (Attachment 1). Staff believes that based on the findings, the proposed use is compatible with other existing and permitted uses located in the general area of the proposed use pursuant to the conditions of approval. The proposed use is considered compatible because across Potrero Grande Drive is a 96.5 acre cemetery and businesses within the vicinity and on the same property include flower shops, headstone retail businesses, and offices that provide funeral services. The proposed use does not include any new construction.

Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **October 11, 2017**, with affidavits of posting on file. The legal notice of this hearing was mailed to **42** property owners within a 300 feet radius and current tenants of the property concerned on **October 11, 2017**.

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 Tewart
Senior 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-17-07) TO ALLOW A MORTUARY AT 1965 POTRERO GRANDE DRIVE #K

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 29, 2017, Ralph Torres, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030 and 21.32.020, requesting a Conditional Use Permit (CUP-17-07) to allow a mortuary at 1965 Potrero Grande Drive #K ("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 November 14, 2017;
- E. On November 14, 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 Ralph Torres; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its November 14, 2017 hearings 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 establish a mortuary business within an existing multi-tenant commercial plaza;
- B. 1965 Potrero Grande Drive #K is zoned C-S (Commercial Services) and designated Commercial in the General Plan;
- C. The subject property is located on the north side of Potrero Grande Drive, west of Kenton Drive;
- D. The commercial plaza is comprised of a mixture of commercial uses, including a retail eating establishment, flower shop, pet grooming, bakery, offices, and warehousing. Properties located to the north and west include C-S (Commercial Service) zoned lots,

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to the south are the City of Montebello Resurrection Cemetery, and east is a R-3 (High Density Residential) zoned lot developed with 114-unit senior housing development;

- E. The subject lot is 71,002 square feet (1.63 acres) in size and is currently developed with a one-story commercial strip center situated on the eastern portion of the lot with parking located west of the building; and
- F. There are a total of 85 at-grade parking spaces. The property is accessible from Potrero Grande Drive.

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 §§ 21.10.030 (B) and 21.32.020, the Planning Commission finds as follows:

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

The site is adequate in size, shape and topography for the proposed use in that the proposed use is a mortuary business within an existing commercial plaza with multiple tenant spaces. No physical changes are proposed to the site.
- B. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use;

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 a mortuary business within an existing commercial plaza and is not expected to significantly increase traffic.
- C. The proposed use is consistent with the General Plan and any applicable specific plan.

The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category allows for a broad range of retail and service commercial and professional office uses. The proposed use is a mortuary business within an existing commercial plaza. A mortuary is allowed in the C-S (Commercial Services) Zone with Conditional Use Permit approval;
- D. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City.

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The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as the conditions of approval will minimize the potential for any negative impacts.

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

The proposed use will not have an adverse effect on the public health, safety, and general welfare because conditions of approval and the limited size of the use will limit any potential adverse effects to neighboring properties.

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

The proposed mortuary is a conditionally allowed use in the zone. The subject space is 2,115 square feet and only 97 square feet of the tenant space will be used for preparation purposes, which will be relatively small and generate minimal impacts to traffic and parking demands. Conditions are included in this Resolution to mitigate the effects resulting from the proposed use.

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-17-07).

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.

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

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

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

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

ADOPTED AND APPROVED this 14th day of November 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 14th day of November 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

1965 POTRERO GRANDE DRIVE #K

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Ralph Torres, agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-17-07) ("Project Conditions").

PLANNING:

1. Ralph Torres (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-17-07 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-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.
2. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee.
3. The 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.
4. A copy of the Conditions of Approval for Conditional Use Permit (CUP-17-07) must be kept on the premises of the establishment and presented to any authorized City official upon request.

FIRE:

5. All conditions identified by the Fire Department are subject to review and approval by the Fire Chief for determination of applicability and extend to which any condition may be required.

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6. A permit must be obtained from the Fire Department prior to engaging in activities, operations, practices or functions as indicated in California Fire Code (CFC) §§ 105.6 and 105.7.
7. All fire safeguards by California Fire Code Chapter 33 must be adhered to and maintained during the course of construction.
8. Automatic fire sprinkler system must be modified as necessary as set forth by CFC § 903 under deferred submittal.
9. A Knox box must be provided at an approved location, per CFC § 506.1.
10. An approved number or address must be provided on the building frontage in such a position as to be plainly visible and legible from the street or road fronting the property. Number must be a minimum of 6-inch high by ½ inch stroke and be a contrasting background, per CFC § 505.1.
11. Portable fire extinguishers must be installed, per CFC § 906.
12. A minimum 1-hour occupancy separation is required between occupant and adjacent F-1 occupancy. A detail of the wall must be provided upon architectural submittal, per CBC § 508.4.
13. If "As-Built" plans are required, additional fees will be due for the review of the drawings.

POLICE:

14. Any outside ladders leading to the rooftop must be secured to prevent unauthorized access to the roof.
15. The landscaping on site must be maintained by the property owner in a manner that would permit maximum visibility of the facility and the people on-site.
16. Address numbers must be illuminated during hours of darkness and positioned as to be readily readable from the street. The address number must also be painted on the roof of the building. Rooftop addressing (for Police helicopter) must be applied in a contrasting color with a minimum size of 1-foot by 4 feet.
17. Each distinct unit within the building must have its address displayed on or directly above both the front and rear door.
18. Comprehensive security alarm systems should be provided for the perimeter building and access route protection and high valued storage areas.
19. CCTV security cameras are required to cover the building perimeter, parking lot/structure, and exterior entrance. All CCTV cameras will record onto a video tape or similar storage device and will be kept on file for a period of no less than

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90 days. All recordings must be made readily available to law enforcement officials when an official request is made.

By signing this document, Ralph Torres, that he read, understood, and agrees to the Project Conditions listed in this document.

Ralph Torres, Applicant

ATTACHMENT 2

Site and floor plans