

**PLANNING COMMISSION OF MONTEREY PARK
AGENDA**

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

**Tuesday
December 11, 2018
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

Delario Robinson, Theresa Amador, Ricky Choi, Eric Brossy De Dios, and Margaret Leung

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. APPROVAL OF MINUTES

It is recommended that the Design Review Board:

- (1) Approve the minutes from the regular meetings of October 23, 2018; and
- (2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A ZONE CHANGE (ZC-17-02), CONDITIONAL USE PERMIT (CU-17-08), AND TENTATIVE MAP NO. 82002 (TM-17-09) TO SUBDIVIDE AIR RIGHTS TO CONSTRUCT AN 87-UNIT MIXED-AFFORDABLE SENIOR CITIZEN HOUSING DEVELOPMENT AT 338-400 SOUTH ALHAMBRA AVENUE

It is recommended that the Planning Commission consider:

- (1) Re-opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
Adopting the Resolution recommending that the City Council approve Zone Change (ZC-17-02), Conditional Use Permit (CU-17-08), and Tentative Map No. 82008 (TM-17-09) subject to conditions of approval; and
- (4) Taking such additional, related, action that may be desirable.

As required by California Environmental Quality Act (CEQA) Guidelines § 15063, the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Following consideration of the Initial Study and comments received during the public review period, Staff recommends that the Planning Commission exercise its independent judgment to determine that the proposed Project would not have a significant impact on the environment (with the implementation of certain mitigation measures) and therefore recommend that the City Council adopt a Mitigated Negative Declaration with Mitigation Measures and Mitigation Monitoring and Reporting Plan.

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on January 9, 2019.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: December 11, 2018

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 23, 2018; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

Respectfully submitted,



Michael A. Huntley
Community and Economic Development Director

Attachments:

Attachment 1: October 23, 2018 Planning Commission regular meeting minutes

ATTACHMENT 1

October 23, 2018 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
OCTOBER 23, 2018**

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 23, 2018 at 7:00 p.m.

CALL TO ORDER:

Chairperson Delario Robinson called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Delario Robinson, Eric Brossy De Dios, Theresa Amador, and Margaret Leung

Board Members Absent: Commissioner Ricky Choi

ALSO PRESENT: Natalie Karpeles, Deputy City Attorney, Michael Huntley, Director of Community and Economic Development, and Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS:

[1.] PRESENTATIONS: None

[2.] CONSENT CALENDAR: None

[3.] PUBLIC HEARING:

3-A CONDITIONAL USE PERMIT (CU-17-10) TO ALLOW FOR A WIRELESS TELECOMMUNICATION FACILITY (VERIZON) IN THE O-S (OPEN SPACE) ZONE – 1909 FULTON AVENUE

Planner Tewasart provided a brief summary of the staff report.

Chairperson Robinson opened the public hearing.

Applicant Lisa Desmond of Delta Group, 2362 MGaw Avenue, Irvine, CA 92614, on behalf of Verizon, provided a brief presentation of the proposed project.

Opponent Kiyo Yonemura, 572 Taylor Drive, stated that he lives right behind the project site and that the project should be built closer to the reservoir. He stated that it should be built in an area that is more commercial further from the residences.

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Applicant Lisa Desmond stated that they look at other sites such as the commercial properties to the east, which is downhill. So the hill would block all propagation. They looked at the park, but the City did not want a facility at the park.

Chairperson Robinson inquired about co-location. Applicant Desmond replied that there is another set of antennas on an SCE tower, but that tower is not structurally sound enough to add a whole other wireless facility on that tower.

Representative William Desmond of Delta Group, 2362 MGaw Avenue, Irvine, CA 92614, added that SCE did make a structural review of that tower and determined that the tower did not have sufficient structural capacity to add a second carrier's antenna. Sometimes the towers do and when they do they would mount a second array of antennas on there. That tower is at maximum capacity due to the long span between towers running through the valley. The other SCE tower considered was a smaller tower slightly downhill to the west of the current proposed facility. Those towers are overstressed under current codes and were ruled out by SCE. The existing towers within the vicinity unfortunately do not have any spare structural capacity to receive the proposed facility.

Representative William Desmond stated that they did work with SCE to figure out alternative solutions within their right-of-way, including a monopine structure further down the slope, but the height of that would have needed to be significantly higher because of the lost of grade elevation from the current location to that lower elevation further down the slope. This location ended up meeting all the criteria for SCE in terms of erecting a non-transmission tower facility within an SCE right-of-way due to safety and setback requirements from an SCE tower must maintain a 50-foot separation. They located the facility as close as possible to the existing towers for the verticality and to an existing eucalyptus tree that is in that same vicinity to help blend in visually with the surrounding vegetation. Those were all considerations.

Representative William Desmond stated that unfortunately, with regards to wireless telecommunication facilities they need to be in the area which they serve and unfortunately this area surrounding La Loma Park is entirely zoned residential. So the only location where they could locate was within the SCE right-of-way or within the park or the commercial properties to the east down slope from the water tower, but the grade elevation there was so much lower that it did not produce the signal propagation needed to fill that gap in coverage. So they did make their best efforts to have the least intrusive solution for the community. Actual photos have been provided of an existing monoecalyptus tree recently installed in the City of Pasadena at the corner of Orange Grove Boulevard and Colorado Boulevard at the heart of the Rose Parade. Even directly beneath the tower looking up, the antenna panels are not visible, which is unlike any other type of a faux tree installation and this is a special tree that has been developed working between Verizon, the manufacturer, and the City of Irvine. This is the required tree to be installed throughout the City of Irvine.

Commissioner Leung inquired if the facility will be mounted to a concrete slab. Representative William Desmond replied that it will be caisson drilled and the equipment will be concrete slab on grade.

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Commissioner Leung inquired about the number of customers that will be served by the proposed facility. Representative William Desmond replied an unlimited number of users within the geographic area where it is located based on practical capability of people within that area. It could meet the needs of the all the residents living in the area as well as traffic circulating through the area. This facility is intended to handle the required capacity for the community within the area as well as anyone that is traveling through this coverage area. The area is a valley within that particular location, so it is a challenging area to cover because of the topography and that is why all the existing carriers that built sites within that area built them on the SCE towers that are on either end of the line flanking that valley.

Commissioner Leung inquired about maintenance to the trees. Representative William Desmond replied that over time the leaves and branches could deteriorate or if there is a strong enough wind storm the leaves can be blown off like a real tree. They are no different than a live tree in that regards in terms of potential wind damage. When that occurs Verizon can deploy crews to re-branch the tree and that is done on a regular basis for trees throughout the area that have become deteriorated or wind damaged. Maintenance is something that they see as a condition of approval.

Commissioner Leung inquired about the life-expectancy of the material. Representative William Desmond replied that it is 20-30 years in terms of UV resistance and normal deterioration before it will be due for replacement unless it is damaged in some other occurrence. They have much older generation versions of mono-trees using similar structural elements and materials that have been in place now for 20 years and they are still going strong with no problems. They do expect this survive the life of their lease, which is typically a 30 year term, subject to on-going renewals. They maintain these as needed.

Commissioner Leung inquired what happens at the expiration of the lease if they decided not to continue with the lease what will happen to the tower. Representative William Desmond replied site removal, which is also a standard condition of approval. If the facility is no longer for the network, then it would be decommissioned and physically removed.

Commissioner Amador inquired about the propagation map and whether the proposed facility will be the ninth facility and if they are all Verizon sites. Representative William Desmond replied yes. It does not depict the other carrier sites.

Commissioner Amador inquired about the towers between South Garfield Avenue and La Loma Park and along Potrero Grande which are all commercial and not a lot of residential homes. Representative William Desmond replied that Verizon sites are evenly distributed geographically and in this case there are three sites that surround this site. Because of the nature of this facility as a capacity off-load site, they are off-loading the existing user capacity from those three surrounding sites. In order to do that they have to be within the triangle between the three sites and the only area within the three sites are La Loma Park and the SCE right-of-way north of La Loma Park, and the only towers that fall within that geographic area are the two towers above La Loma Park to the east of the valley and the towers to the west of the valley, which are quite a distance away. The towers that fall within the geographic area where they need the site cannot support a facility. The other referred towers are outside of the area where the site physically needs to provide the coverage to

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the community. That would do nothing to meet the needs of the gap in coverage that they have in this geographic area.

Commissioner Amador inquired if the SCE tower can be reinforced. Representative William Desmond replied that SCE said not to go on the tower due to structural reasons.

Commissioner Brossy de Dios inquired if the height of the project has been coordinated with the path of the transmission lines above and falls outside of their safety margins. Representative William Desmond replied that SCE has reviewed and approved the facility as designed. One of the first criteria is ensuring that they comply with all of SCE's standards for safety including structural and life safety considerations, electrical hazards, and separations.

Commissioner Brossy de Dios inquired about the radio frequency energy being emitted from the panels in regards to proximity to residential properties. Representative William Desmond replied that although it is not something that can be legally considered by an authority having jurisdiction when it comes to land use entitlement decisions under the Federal Telecommunications Act, the first and foremost thing to bear in mind is the electromagnetic energy that is being emitted from a cell phone is greater than the exposure that a person would have standing at the base of wireless facility. The reason is the way that RF energy dissipates. The electromagnetic energy degrades at the inverse square of the distance. If you are two feet away from an antenna you are one fourth of the emitting radiating power from the antenna and as you move to ten feet away you are one hundred times less effective radiate power. The energy level drops off exponentially under scientific law. When you are under a tower where the antennas are approximately 40 feet above grade, the exposure level to RF energy at that grade level is one 1000th the power level up at the antenna itself.

Representative William Desmond further explained that typically from electromagnetic energy and RF safety perspective, the safe operating distance from a radiating antenna varies slightly depending on the wattage output that is being put through a particular facility, but at a site like this they are putting out power at 10 watts, which is a 10 watt light bulb. It is not a high voltage power output which people envision. It is very low power output. Typically at 10 feet in front of an antenna is a safe distance. When standing at grade below a structure, the energy is radiating directly out from the antenna, not down or up, but straight out. The safety consideration is for anyone operating in the near field of the antenna, which is directly within the beam path, which at the centerline of the antenna. Antenna panels are put on rooftops of multi-family apartment buildings where people are a few feet below the antennas.

Commission Brossy de Dios inquired about some items listed in municipal code § 21.34.020(H), (1) and wanted to make sure they were received as part of the application. One being engineering certification and view shed analysis. The Commission has received photo simulations which in some fashion can be considered a view shed analysis, but it does not demonstrate everywhere where the tower can be seen. The third is conceptual landscape plans. The application states that the surrounding nursery is effectively landscaped and inquired if planning staff has determined that that is adequate. Director

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Huntley replied that the project site is on a SCE easement and SCE is very particular about the types of landscaping that can be planted under the power lines, even to the point where the City operates a park a short distance away, Edison Trails, and a couple years ago SCE requested that some of the existing landscaping be removed because of those concerns. Staff reviewed the application and in looking at the proposal, the existing nursery on-site and on the adjacent properties, and SCE's limitations on the types of landscaping, staff felt the proposal was adequate enough to comply with the code.

Commissioner Brossy de Dios indicated that there is also fencing around the SCE right-of-way, so no one can get up close to the facility. Representative William Desmond replied that whatever certification is required by a jurisdiction will be furnished to the City and can be included as a condition of approval. Deputy City Attorney Karpeles added that in the conditions of approval the beginning states that in addition to all applicable provisions of the Monterey Park Municipal Code is a catch all provision to include all necessary sections, so that language will require the applicant to comply with the requirements that are listed in the code section.

Commissioner Brossy de Dios inquired if there are any special provisions for the emergency generator. Director Huntley replied that these facilities are mandated to have backup generators which are required to meet air quality and noise standards.

Commissioner Brossy de Dios inquired if there was a way the tree can have a more natural profile and not have a flat top. Representative William Desmond replied that there is a reason why they are semi-flat top and that is to keep the over height of the structure as short as possible. With a monoecalyptus they were able to push the antennas up closer to the overall height limit of the structure versus a monopine where the top of the antennas have to be a significant distance from the top of the tree. The goal of the tree is to maintain an irregular shape and something that is not symmetrical. To achieve the shape, the height of the structure would have to be increased as opposed to lowering the antennas. If they try to start to change the shape, then the antennas would start to protrude through the canopy up at the top.

Commissioner Robinson stated that they have gone over FCC shock clock tolling agreement, community outreach, public notification, and inquired about co-location which would mean another provider can use the same location. Representative William Desmond replied that any structure under federal law allows for a wireless carrier to collocate on any existing structure and in the process of doing so can increase the height of that structure by up to 20 feet. That has nothing to do with Verizon. They do not want another carrier to come onto the tower. They are competitors, so it does them no benefit, but Verizon cannot stop them from doing so and by law neither can the jurisdiction within reasonable perimeters in terms of aesthetics and other considerations. They do have to engineer the structure to be capable of supporting collocation, but they do not have any collocation agreements in place with any other carriers on this tower.

Chairperson Robinson closed the public hearing.

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Action Taken: The Planning Commission after considering the evidence presented during the public hearing **recommended approval** of the requested exemption.

Motion: Moved, by Commissioner Brossy de Dios and seconded by Commissioner Amador, with amendment including 1) condition 7 that they add the texturing material such as the branches and leaves must be maintained and promptly repaired in the event of damage, motion carried by the following vote:

Ayes: Commissioners: Robinson, Brossy de Dios, Amador, and Leung
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 7:50 p.m.

Next regular scheduled meeting on November 27, 2018 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: December 11, 2018

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 Resolution Recommending that the City Council adopt a Mitigated Negative Declaration; and Approve Zone Change (ZC-17-02), Conditional Use Permit (CU-17-08), and Tentative Map No. 82008 (TM-17-09) to construct an 87-unit mixed affordable senior-citizen housing condominium project at 338-400 South Alhambra Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Re-opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution recommending that the City Council approve Zone Change (ZC-17-02), Conditional Use Permit (CU-17-08), and Tentative Map No. 82008 (TM-17-09) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

As required by California Environmental Quality Act (CEQA) Guidelines § 15063, the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Following consideration of the Initial Study and comments received during the public review period, Staff recommends that the Planning Commission exercise its independent judgment to determine that the proposed Project would not have a significant impact on the environment (with the implementation of certain mitigation measures) and therefore recommend that the City Council adopt a Mitigated Negative Declaration with Mitigation Measures and Mitigation Monitoring and Reporting Plan.

EXECUTIVE SUMMARY:

The applicant, The Architech Group, on behalf of the property owner, The Commons of MPK LLC, is requesting approval for a Zone Change, Conditional Use Permit, and Tentative Map No. 82008 for the subdivision of air rights to construct an 87-unit mixed-affordable senior housing condominium project at 338-400 South Alhambra Avenue. The subject property is located on the east side of South Alhambra Avenue, across from Peach Street and south of East Newmark Avenue. Properties within the vicinity of the

subject property include other one and two-story multi-unit residential developments constructed in the 1950s through 2018. To complete the development, the Applicant seeks (1) discretionary approvals for Tentative Map No. 82008 (TM-17-09); (2) a zone change; (3) a Conditional Use Permit; and (4) density bonus.

On November 27, 2018, the Planning Commission opened the public hearing to receive public comments and continued the application to allow staff additional time to further analyze the project and new state housing legislations.

BACKGROUND:

The project site is zoned R-3 (High Density Residential). The project site was developed in the 1950's and currently maintains a multi-unit apartment complex with detached garages. Properties located to the north, south, east and west of the subject property are also R-3 zoned lots and are developed with multi-unit residences. The project site is 56,515 square feet (1.3 acre) in size; the lot width is 190.5 feet and the depth is 296.67 feet.

The applicant is proposing to demolish the existing 1950's multi-unit complex and construct an 87-unit mixed-affordability senior-housing development in its place. Specifically, there will be 74 two-bedroom market rate units ranging in size from 874 square feet to 1,148 square feet and 13 one-bedroom low-come units that will be 743 square feet in size. The project also includes a 5,082 square feet community room, and 368 square feet manager's office. The project will be 4-stories and 40 feet in height. All the units will be attached, in a rectangular formation, with a courtyard at the center of the property. The property will be accessible from South Alhambra Avenue, a collector street that is 40 feet wide curb-to-curb within a 60 feet wide right-of-way. The driveway will be 26 feet wide at the entrance and at the subterranean parking level. The site is located within a mile south of the Interstate 10 Freeway.

The proposed building will meet the required front and rear setback of 25 feet, a 5-foot side setback for the first floor, and a 10-foot side setback for the second floor. The applicant is proposing a first-floor side setback from the south property line of 10 feet and a second-floor side setback of 15 feet; from the north side of the property, the first through fourth floor side setbacks will be 15 feet.

According to Monterey Park Municipal Code (MPMC) Chapter 21.16, the proposed affordable senior housing is an allowed use subject to a conditional use permit and zone change. Additionally, the applicant is requesting approval of a density bonus and tentative map, to subdivide the air-rights for condominium purposes.

Conditional Use Permit

Pursuant to MPMC 21.16.030(B), all senior housing developments must be approved with a conditional use permit pursuant to the provisions of MPMC Chapter 21.32. MPMC § 21.32.020 establishes the findings required to issue a conditional use permit. As detailed by the attached resolution, the project meets the required findings outlined in MPMC § 21.32.020.

Zone Change

The applicant is seeking to change the zoning for the project site – from R-3 to Senior Citizen Housing Overlay. According to MPMC Chapter 21.16, the Senior Citizen Housing (S-C-H) Overlay Zone can be created in the R-2 and R-3 zones and in the same manner as property is otherwise reclassified in the City (per Chapter 21.38). Pursuant to MPMC Section 21.38.020(A), the zone change has been initiated by the applicant/property owner.

Density Bonus

According to MPMC Chapter 21.16, a maximum density of 50 units per acre is allowed in the Senior Citizen Housing Overlay Zone; per the lot size for the project, only 64 units are allowed. The Applicant also seeks a density bonus (pursuant to MPMC Chapter 21.18) to allow the applicant to build an additional 23 units on the project site, for a total of 87 units. Specifically, 74 units will be senior housing with 13 units allocated to low-income senior housing. The project qualifies for a maximum density of 35 percent, pursuant to MPMC § 21.18.160. MPMC § 21.18.160(A) requires that the City provide a 20 percent density bonus for senior citizen housing developments; furthermore, MPMC § 21.18.160(B) provides an additional 15 percent density bonus when at least 10 percent of the total units of the proposed development will be for low-income households (for a density bonus not to exceed 35 percent).

Tentative Map

The project includes a tentative map to subdivide air rights for condominium purposes. In accordance with MPMC Title 20 and the Subdivision Map Act (Government Code §§ 66410, et seq.), the project is in compliance with map requirements. Tentative map expires at the end of 24 months (November 27, 2020).

Other Considerations

Parking

Per MPMC Table 21.22(A), the number of parking spaces required for the project is based on the income group, as follows: market rate units require 1 parking space per unit; and low-income units require 0.8 spaces per unit. Additionally, one guest-parking space is required for every four units. Based on the foregoing calculations, the required number of parking spaces is 107, and the applicant will be providing 111 spaces.

Open Space

MPMC Table 21.16(A) requires a minimum usable open space area of 200 square feet per unit and private open space of 100 square feet per unit. The proposed project will provide more than 3,000 square feet of usable open space than is necessary: 20,429 square feet; and more private open space than is necessary: 126 feet per unit.

The minimum required common open space is 40 percent of the total usable open space area, which is 6,960 square feet and the provided common open space is 4,762 square feet.

Covenant to Continue as Senior Housing, Affordable Units

As a condition of approval for any senior housing development, the property owner must covenant that, for a minimum period of 55 years, the development will only be used for senior-citizen housing a condition of approval for any senior housing development (per MPMC Chapter 21.16). The property owner or homeowners association is also required to submit a semi-annual report to the City confirming the requirements of MPMC § 21.16.040. Before the City issues building permits for the development, this covenant must be submitted to the City for review, approved by the City Attorney, and be recorded in the office of the County Recorder.

General Plan Consistency

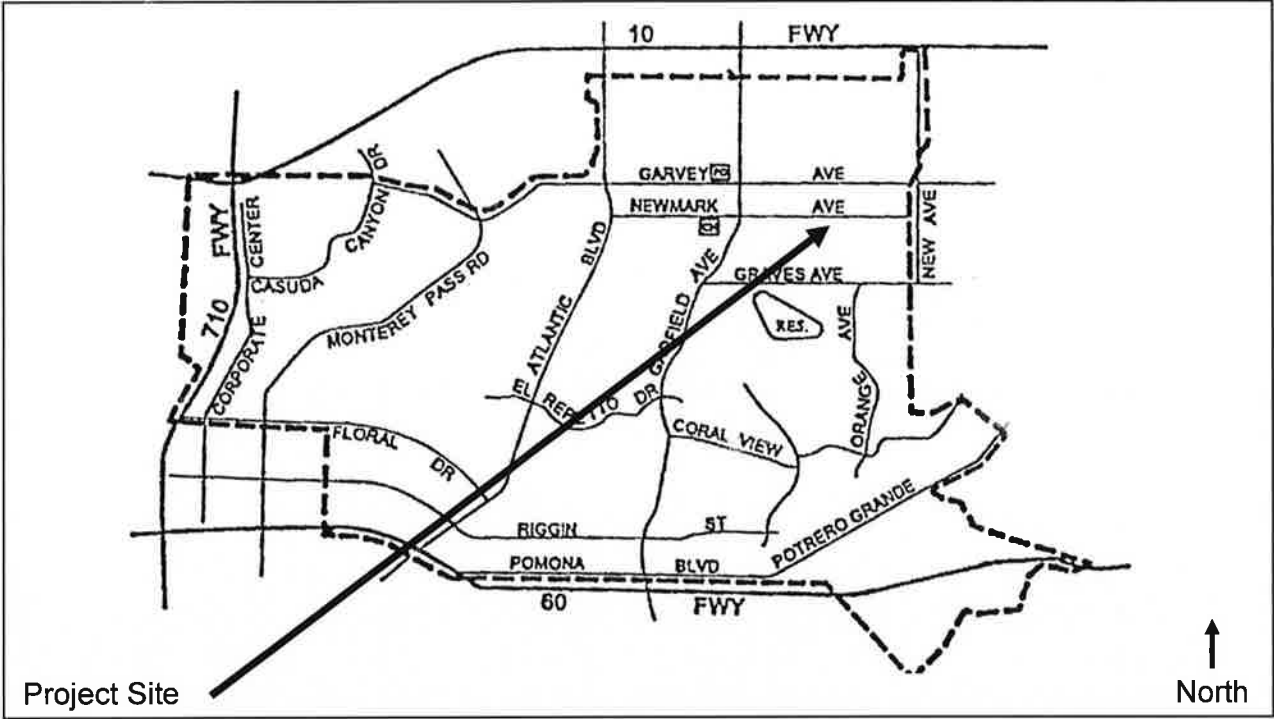
The General Plan designates the site as High Density Residential. High Density Residential neighborhoods consist typically of apartments, condominiums and townhomes built at a maximum density of 25 units per acre. The project is consistent with the General Plan. The General Plan has identified several neighborhoods in the northeastern portion the City which are zoned either medium density or high density residential (see Land-Use Element Goal 10.0). The development types in these neighborhoods vary greatly from lot to lot; and the purpose of Goal 10.0 is to maintain neighborhood character and provide for quality design. The proposed project will be surrounded to the north, south, east and west by R-3 zoned lots which are also developed with multi-unit residences, similar in design to the proposed project. Additionally, the proposed project will provide opportunities for persons of all incomes to find suitable housing (see Land-Use Goal 11.0 and 2014-2021 Housing Element Goal 4.0). Lastly, allowing for the residential use at S-C-H density and a 35% density bonus (for 23 additional dwelling units for a total of 87 units) will allow the developer to provide more units for senior citizens (see 2014-2021 Housing Element Policy 2.2).

OTHER ITEMS:

Legal Notification

A Notice of Intent to adopt a Mitigated Negative Declaration was published on **November 5, 2018** in the Monterey Park Progress and circulated for public review for a period of more 20 days (**November 5, 2018 to November 27, 2018**) and posted on **November 1, 2018**, in the Monterey Park Bruggemeyer Library, Langley Center and the City Hall with affidavits of publishing and posting on file. The legal notice of this hearing was mailed to **172** property owners within a 300 feet radius and current tenants of the property concerned on **November 1, 2018**.

Vicinity Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None

FISCAL IMPACT:

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

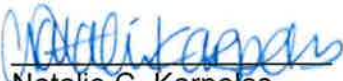
Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Natalie C. Karpeles
Deputy City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Site, floor, elevation plans and Tentative Map
- Attachment 3: Initial Study/Mitigated Negative Declaration

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION; AND APPROVE ZONE CHANGE (ZC-17-02), CONDITIONAL USE PERMIT (CU-17-08), AND TENTATIVE MAP NO. 82008 (TM-17-09) TO SUBDIVIDE AIR RIGHTS TO, CONSTRUCT AN 87-UNIT MIXED-AFFORDABLE SENIOR CITIZEN HOUSING DEVELOPMENT AT 338-400 SOUTH ALHAMBRA AVENUE.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On September 27, 2017, The Architech Group ("Applicant"), on behalf of the property owner, The Commons of MPK LLC, submitted an application to construct an 87-unit mixed-affordable senior citizen housing development at 338-400 South Alhambra Avenue. To complete the development, the Applicant seeks discretionary approvals for Tentative Map No. 82008 (TM-17-09); a zone change from High Density Residential (R-3) to Senior Citizen Housing Overlay (S-C-H); and a Conditional Use Permit to allow an affordable senior citizens housing development in the S-C-H Zone (collectively, the "Project");
- B. The 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 Monterey Park Municipal Code ("MPMC");
- C. The City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"). The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project before the Planning Commission for November 27, 2018;
- D. On November 27, 2018, the Planning Commission opened the public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of The Commons of MPK LLC and continued the public hearing to December 11, 2018; and
- E. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its November 27, 2018 and December 11, 2018 public hearings including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual findings and Conclusions.* After considering all the evidence in the record, the Planning Commission makes the following factual findings and conclusions:

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- A. The proposed project is an 87-unit affordable senior housing development, which will provide housing options to senior citizens and low-income senior citizens. The proposed project is located in the City's R-3 zone, and the Applicant is requested a zone change from R-3 to S-C-H. The purpose of the S-C-H zone is to provide a mechanism to increase housing opportunities, enhance neighborhoods, revitalize older multifamily residential areas, and provide opportunity to create more affordable housing.
- B. The project, made possible with the proposed S-C-H density, will be compatible and consistent with the density of multifamily uses in the area. The proposed project will be surrounded to the north, south, east and west by R-3 zoned lots, which are also developed with multi-unit residences similar in design to the proposed project. The project site is 1.3 acres in size; MPMC Chapter 21.16 allows a maximum density of 50 units per acre in the S-C-H zone. Following the zone change, 64 units would be allowed at the site. The project qualifies for a maximum density of 35 percent, pursuant to MPMC § 21.18.160 and would provide for the construction of 23 additional units – for a total of 87 units. Specifically, 74 units will be senior housing with 13 units allocated to low-income senior housing.
- C. The project allows for one level of subterranean parking that will provide 109 parking spaces. The driveway width at the entrance and throughout the subterranean parking level will be 26 feet wide. The property will be accessible from South Alhambra Avenue, a collector street that is 40 feet wide curb-to-curb within a 60 feet wide right-of-way. The property size allows for additional side yard setbacks to be provided on the first and subsequent floors. The first-floor side yard setback from the south property line will be 10 feet and second-floor side setback will be 15 feet; from the northside of the property, the first through fourth floor side setbacks will be 15 feet.
- D. The project is located within a high-density residential area of the City that contains no environmentally sensitive habitat and/or species. There are no identified physical constraints such as soil and/or geologic conditions indicating substrate instability that would prohibit development of the proposed multifamily residential project.
- E. The proposed project would not significantly impact any scenic vistas, scenic resources, or the visual character of the area and would not result in excessive light or glare. The air quality found that impacts would be less than significant with mitigation measure incorporated during construction activities. Cumulative traffic conditions were analyzed and found to be less than significant. Impacts to regional transportation facilities are analyzed and the project will have no impact to regional (Congestion Management Program) facilities in the project area. The project's contribution to cumulative impacts to local and regional transportation

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facilities will not be considerable. Mitigation measures will render any temporary adverse effects during construction related to noise to less than significant levels.

- F. No easements exist at the site.
- G. The General Plan designates the site as High Density Residential; this land use category allows for a broad range of dwelling unit types which may be attached or detached. High Density Residential neighborhoods consist typically of apartments, condominiums and townhomes built at a maximum density of 25 units per acre. The General Plan has also identified several neighborhoods in the northeastern portion the City which are zoned either medium density or high density residential. The development types in these neighborhoods vary greatly from lot to lot; and one purpose of the General Plan is to maintain neighborhood character and provide for quality design.
- H. The Planning Commission finds, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the City's independent judgment and analysis.

SECTION 3: Environmental Assessment.

- A. Based upon the information set forth in Section 2, the Project was analyzed for its environmental impacts and an Initial Study was prepared pursuant to CEQA Guidelines §15063. The initial study identifies potentially significant effects, but revisions in the plan or proposals agreed to by the applicant before a proposed mitigated negative declaration and initial study were released for public review would mitigate the effects to a point where clearly no significant effects would occur, and there is no substantial evidence, in light of the whole record before the City, that the project, as revised, may have a significant effect on the environment. A Mitigated Negative Declaration of Environmental Impacts was proposed for this project pursuant to CEQA Guidelines §§ 15070 and 15071. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073 by publication in the Monterey Park Progress and posting at the Burggemeyer Library, Langley Center and City Hall; and circulated for public comment and review from November 1, 2018 to November 27, 2018. The legal notice of this hearing was mailed to 172 property owners within a 300 feet radius and current tenants of the property concerned on November 1, 2018. Following this notice, no significant effects have been identified which would require substantial revision and recirculation.
- B. In accordance with § 15074 of the CEQA Guidelines, the record on which the

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Planning Commission's findings are based is located at the City of Monterey Park Community and Economic Development Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.

- C. When considering the whole record for the draft Initial Study and Mitigated Negative Declaration, there is no evidence that the Project will have the potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, because the project is in a built-out urban environment.
- D. These findings are based on the various mitigation measures to be required in the implementation of the project as adopted in the Mitigated Negative Declaration as already having been incorporated into the Project. The Planning Commission finds that all the mitigation measures now incorporated into the project are desirable and feasible.
- E. Accordingly, based upon the evidence presented to the Planning Commission, the City need not prepare an environmental impact report for the proposed project. Consequently, the Planning Commission recommends that the City Council adopt the draft mitigated negative declaration.

SECTION 4: *Conditional Use Permit Findings.* Based on the findings in Section 2 and pursuant to MPMC § 21.32.020, the Planning Commission finds as follows:

- A. The project site is adequate in size, shape and topography for the proposed senior housing development. The density and project size, made possible with the proposed S-C-H density, are compatible and consistent with the density of multifamily uses in the area. The project qualifies for a maximum density of 35%, pursuant to MPMC § 21.18.160 and would provide for the construction of 23 additional units – for a total of 87 units. Specifically, 74 units will be senior housing with 13 units allocated to low-income senior housing.
- B. The site has sufficient access to streets and highways and is adequate in width and pavement type. The driveway width at the entrance and throughout the subterranean parking level will be 26 feet wide. The property will be accessible from South Alhambra Avenue, a collector street that is 40 feet wide curb-to-curb within a 60 feet wide right-of-way.
- C. The General Plan designates the site as High Density Residential; this land use category allows for a broad range of dwelling unit types which may be attached or detached. High Density Residential neighborhoods consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The project is consistent with the General Plan, as follows:

Land-Use Element Goal 10.0 Maintain the quality and character of Monterey Park's residential neighborhoods. The General Plan has identified several

neighborhoods in the northeastern portion the City which are zoned either medium density or high density residential. The development types in these neighborhoods vary greatly from lot to lot; and the purpose of Goal 10.0 is to maintain neighborhood character and provide for quality design. The proposed project will be surrounded to the north, south, east and west by R-3 zoned lots which are also developed with multi-unit residences, similar in design to the proposed project.

Land-Use Element Goal 11.0 continues to provide opportunities for persons of all incomes to find suitable housing. The proposed project is an 87-unit affordable senior housing development, which will provide affordable housing options to senior citizens.

2014-2021 Housing Element Policy 2.2 encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing development. Allowing for the residential use at S-C-H density and a 35% density bonus (for 23 additional dwelling units for a total of 87 units) will allow the developer to provide more units for senior citizens; thirteen of these units will be low-income units and 87 will be senior housing. A smaller project would have a lower development potential, yielding a smaller ratio of dwelling units for senior citizens.

2014-2021 Housing Element Goal 4 assist in the provision of housing that meets the needs of all economic segments of the community. The project will provide affordable housing to senior citizens and low-income households.

- D. The project will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood. Cumulative traffic conditions were analyzed and found to be less than significant. Impacts to regional transportation facilities are analyzed and the project will have no impact to regional (Congestion Management Program) facilities in the project area. The project's contribution to cumulative impacts to local and regional transportation facilities will not be considerable. While there would be a variety of temporary adverse effects during construction related to noise, these will be reduced to less than significant levels through mitigation.
- E. The proposed senior housing development will not have an adverse effect on the public health, safety and general welfare. The proposed project will promote general welfare of the community by helping to meet local housing needs with mixed-income housing and will enhance the sense of community in the area by providing a unique, well-designed attractive development. The proposed project would not significantly impact any scenic vistas, scenic resources, or the visual character of the area and would not result in excessive light or glare. The air quality found that impacts would be less than significant with mitigation measure incorporated during construction activities; therefore, while the project will

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contribute to localized or regional cumulative impacts, the project contribution will not be considerable. Based on the analysis of the project's impacts, there is no indication that this project could result in substantial adverse effects on human beings.

SECTION 5: Subdivision. Based on the Findings in Section 2 and the Subdivision Map Act (Government Code §§ 66410, *et seq.*), the Planning Commission cannot make any of the findings for denial for the following reasons:

- A. The proposed map is consistent with the General Plan, per Government Code § 66451. The General Plan designates the site as High Density Residential; this land use category allows for a broad range of dwelling unit types which may be attached or detached. High Density Residential neighborhoods consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The project is consistent with the General Plan, as follows:

Land-Use Element Goal 10.0 Maintain the quality and character of Monterey Park's residential neighborhoods. The proposed project will be surrounded to the north, south, east and west by R-3 zoned lots which are also developed with multi-unit residences, similar in design to the proposed project.

Land-Use Element Goal 11.0 continue to provide opportunities for persons of all incomes to find suitable housing. The proposed project is an 87-unit affordable senior housing development, which will provide affordable housing options to senior citizens.

2014-2021 Housing Element Policy 2.2 encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing development. Allowing for the residential use at S-C-H density and a 35% density bonus (for 23 additional dwelling units for a total of 87 units) will allow the developer to provide more units for senior citizens; 74 units will be senior housing and 13 units will be low-income senior housing. A smaller project would have a lower development potential, yielding a smaller ratio of dwelling units for senior citizens.

2014-2021 Housing Element Goal 4 Assist in the provision of housing that meets the needs of all economic segments of the community. The project will provide affordable housing to senior citizens and low-income households.

- B. The site is physically suitable for the proposed type of development in that the proposed lots meet the size and dimension requirements to allow the subdivision of the existing project site. Additionally, the site is physically suitable because the subdivision of airspace would not affect the proposed lot size or shape and would be within buildings that conform to all applicable development standards.

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- C. Following a zone change, the site is physically suitable for the proposed density of development. The project site is 1.3 acres in size. MPMC Chapter 21.16 allows a maximum density of 50 units per acre. With regard to the project, 64 units would be allowed following a zone change. The project qualifies for a maximum density of 35 percent, pursuant to MPMC § 21.18.160 and would provide for the construction of 23 additional units – for a total of 87 units. The project allows for one level of subterranean parking spaces accommodating 109 parking spaces. The property size allows for additional side yard setbacks to be provided on the first and subsequent floors. The first-floor side yard setback from the south property line will be 10 feet and second-floor side setback will be 15 feet; from the northside of the property, the first through fourth floor side setbacks will be 15 feet. Finally, there are no identified physical constraints such as soil and/or geologic conditions indicating substrate instability that would prohibit development of the proposed multi-family residential project.
- D. The design of the subdivision or the proposed improvements is unlikely to cause substantial damage or substantially and avoidably injure fish or wildlife or their habitat. The project is located within a high-density residential area of the City that contains no environmentally sensitive habitat and/or species.
- E. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. No such easements exist on site.

SECTION 6: *Zone Change Findings.* Based on the Findings in Section 2 and pursuant to MPMC § 21.38.050, the Planning Commission finds as follows:

- A. The project is consistent with the goals, policies, and objectives of the General Plan. The General Plan designates the site as High Density Residential; this land use category allows for a broad range of dwelling unit types which may be attached or detached. High Density Residential neighborhoods consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The project is consistent with the General Plan, as follows:

Land-Use Element Goal 10.0 Maintain the quality and character of Monterey Park's residential neighborhoods. The proposed project will be surrounded to the north, south, east and west by R-3 zoned lots which are also developed with multi-unit residences, similar in design to the proposed project.

Land-Use Element Goal 11.0 continue to provide opportunities for persons of all incomes to find suitable housing. The proposed project is an 87-unit affordable senior housing development, which will provide affordable housing options to senior citizens.

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2014-2021 Housing Element Policy 2.2 encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing development. Allowing for the residential use at S-C-H density and a 35% density bonus (for 23 additional dwelling units for a total of 87 units) will allow the developer to provide more units for senior citizens; 74 units will be senior housing and 13 units will be low-income senior housing. A smaller project would have a lower development potential, yielding a smaller ratio of dwelling units for senior citizens.

2014-2021 Housing Element Goal 4 Assist in the provision of housing that meets the needs of all economic segments of the community. The project will provide affordable housing to senior citizens and low-income senior citizens.

- B. The project will not adversely affect surrounding properties. The proposed senior housing development is consistent with the type of the uses that are currently developed in that neighborhood. Cumulative traffic conditions were analyzed and found to be less than significant. Impacts to regional transportation facilities are analyzed and the project will have no impact to regional (Congestion Management Program) facilities in the project area. The project's contribution to cumulative impacts to local and regional transportation facilities will not be considerable. While there would be a variety of temporary adverse effects during construction related to noise, these will be reduced to less than significant levels through mitigation. The proposed project would not significantly impact any scenic vistas, scenic resources, or the visual character of the area and would not result in excessive light or glare. The air quality found that impacts would be less than significant with mitigation measure incorporated during construction activities; therefore, while the project will contribute to localized or regional cumulative impacts, the project contribution will not be considerable. Based on the analysis of the project's impacts, there is no indication that this project could result in substantial adverse effects on human beings.
- C. The proposed amendment promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC. The purpose of the S-C-H zone is to provide a mechanism to increase housing opportunities, enhance neighborhoods, revitalize older multifamily residential areas, and provide opportunity to create more affordable housing. Rezoning of the site to accommodate the project will be consistent with general welfare as it will increase affordable housing opportunities and provide more housing options.

SECTION 7: Recommendations. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference along with the mitigations set forth in the Mitigated Negative Declaration ("MND"), the Planning Commission recommends that the City Council adopt the MND; approve Tentative Map No. 82008 (TM-17-09); approve

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Conditional Use Permit (CU-17-08); and adopt an ordinance implementing the proposed Zone Change (ZC-17-02).

SECTION 8: *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 9: *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 10: *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 11: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 12: A copy of this Resolution will be mailed to the Applicant and to any other person requesting a copy.

SECTION 13: 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 14: Except as provided in Section 13, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 11th day of December 2018.

Chairperson Delario Robinson

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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 11th day of December 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael Huntley, Secretary

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

By:



Natalie C. Karpeles,
Deputy City Attorney

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Exhibit A

CONDITIONS OF APPROVAL

338-400 SOUTH ALHAMBRA AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), The Architech Group agrees that it will comply with the following conditions for the City of Monterey Park's approval of Tentative Map No. 82002 (TM-17-09), Conditional Use Permit (CU-17-08), and Zone Change (ZC-17-02) ("Project Conditions").

PLANNING:

1. The Architech Group (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-17-09 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-17-09, CU-17-08, and ZC-17-01, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Divisions. Any subsequent modification must be referred to the Director of the Community and Economic Development Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. Three one-year extensions may be granted by the Planning Commission upon finding of good cause.
4. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A single one-year extension may be granted by the Planning Commission upon finding of good cause.

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5. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
6. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
7. The real property subject to TM-17-09, CU-17-08, and ZC-17-02 must remain well-maintained and free of graffiti.
8. Building permits are required for any interior tenant improvements.
9. Landscaping/irrigation must be maintained in good condition at all times.
10. A final map must be approved and recorded before the City issues a certificate of occupancy.
11. The Homeowner's Association (HOA) must retain the services of a professional property management company to oversee the maintenance and operation of the property. The management company must provide an Annual Verification Report to the Community and Economic Development Department to confirm that all the occupants of the property comply with the age and income restrictions.
12. The developer is to submit a complete master landscape and irrigation plan to the Planning Division of the Community and Economic Development Department with the required fee for review.
13. The developer must enter into a covenant, running with the land that the development is for senior citizen housing use only for a minimum period of fifty-five (55) years. The covenant must specify the periodic period that the property owner or homeowners association, as applicable, submit a semi-annual report to the City confirming requirements of § 21.16.040. The covenant must be submitted to the City for review and approved by the City Attorney and be recorded in the office of the County Recorder before the City issues building permits for the development. A minimum of 35 units will be reserved for individuals who are at least 62 years of age or older. Once this condition is met, the remained of the units may be reserved for individuals 55 years of age or older.
14. Construction or demolition work must be conducted between the hours of seven a.m. and seven p.m. on weekdays and the hours of nine a.m. and six p.m. on Saturdays, Sundays and holidays per MPMC § 9.53.070(6).
15. The operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool or similar tool between the hours of seven a.m. and seven p.m. on weekdays and the hours of nine a.m. and six p.m. on Saturdays, Sundays and holidays per MPMC § 9.53.070(5).

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16. All construction equipment, fixed or mobile, must be equipped with properly operating and maintained mufflers.
17. Stationary equipment must be placed such that emitted noise is directed away from neighboring residential receivers.
18. Block walls must be constructed with decorative materials, including slump stone, split face block, river rock, brick, stucco covered precision, combination of block pilaster with wrought iron, or similar material, subject to the review and approval of the Planner.
19. The developer must submit an Ownership Selection Plan to the Community and Economic Development Director, or designee, for approval, which at a minimum gives priority to persons displaced by the construction of the project for ownership.

20. Mitigation Measures:

- AIR-1 Before the City issues building permits, the applicant must submit a Coating Restriction Plan (CRP) consistent with South Coast Air Quality Management District (SCAQMD) guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the CRP. The CRP must be approved by the Community and Economic Development Director, or designee. The measures within the CRP must be implemented to the satisfaction of the Building Official, or designee, and include a requirement that all interior and exterior architectural coatings used in Project construction meet SCAQMD "super compliant" coating VOC standard of less than 10 grams VOC/liter of coating. The CRP must also specify use of High-Volume, Low Pressure (HVLP) spray guns for application of coatings to reduce coating waste.
- BIO-1 Not more than 7 days before the commencement of construction activities (if between January 15 and September 1), a qualified City-approved biologist must perform a nesting bird survey (including raptors) that consists of at least two visits to determine whether any active nests are within the project site or within 200 feet of the project site for passerines and 500 feet for raptors. This survey must also identify the species and, to the degree feasible, nesting stage (e.g., incubation of eggs, feeding of young, near fledging). Nest locations must be mapped with handheld GPS units or an alternative method that allows the nest to be mapped and refound. If breeding activities and/or an active bird nest is located, a nest avoidance zone will be established, and no construction activities will be permitted within the established zone. The nest avoidance zone will be established by fencing and/or flagging a minimum of 100 feet for passerines (500 feet for raptors) in all directions from the breeding habitat/nest site unless a reduced buffer is approved by CDFW. This area must not be disturbed until, as determined by the biologist, the nest becomes inactive, the young have fledged, the young are no longer being fed

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by the parents, the young have left the area, and the young will no longer be impacted by the Project.

Plan Requirements and Timing: Grading plans must specify the requirement for a field survey to be conducted and submitted to the Community and Economic Development Director, or designee, for review before the beginning of site preparation or construction activities. The qualified biologist must conduct the field survey before commencement of any grading and/or construction activities. The developer must pay for all costs associated with the biologist's review and study.

Monitoring: The Community and Economic Development Director, or designee, must review any survey results and/or biological reports before site preparation or construction activities, in consultation with appropriate resource agencies (USFWS and/or CDFW), as needed. If necessary, the Director, or designee, must conduct monitoring throughout the construction period to ensure implementation of protective measures agreed upon by the applicant, the City, and the appropriate resource agency.

CULT-1 A pre-construction meeting, funded by the permittee, must be conducted by a qualified archaeologist. The meeting must include the following:

- Review of the types of archaeological resources that may be uncovered.
- Samples of common archaeological artifacts and other cultural materials to examine.
- An explanation of why monitoring is required and identification of monitoring procedures.
- A description of what would temporarily stop construction and for how long.
- A description of a potential artifact discovery scenario, such as the discovery of intact human remains or a substantial subsurface deposit.
- An explanation of reporting requirements and responsibilities of the construction supervisor.
- A discussion of prohibited activities, including unauthorized collecting of artifacts.

Plan Requirements and Timing: Attendees must include the permittee, project archaeologist, construction supervisors, and heavy equipment operators to ensure that all parties understand the specifications for construction monitoring and their respective roles and responsibilities. All construction and landscaping personnel who work on the project during any phase of ground disturbance must be required to attend. The names of all personnel who

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attend the meeting must be recorded, indicating that they have received the required training.

The permittee must provide meeting specifications, date/time, and list of attendees to the Community and Economic Development Director, or designee, before the City issues any grading permit. The meeting must be held before the start of any site disturbance.

Monitoring: The Director may attend the meeting and must periodically inspect site for compliance during any site preparation, ground disturbance, grading, and/or construction activities. Archeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. The Project Applicant shall be required to retain the services of a Tribal monitor/consultant who is both approved by the Gabrieleno Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact List for the area of the project location. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Upon discovery of any archeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleno Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleno Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. If a resource is determined by the qualified archeologist to constitute a "historic resource" or "unique archeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation. For unique archeological resources, preservation in place is preferred. Treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the material, such as the Natural History Museum of Los Angeles County or the Fowler Museum or designated facility mutually agreed upon by the City of Monterey Park and the Gabrieleno Band of Mission Indians-Kizh Nation representative.

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CULT-2 Human Remains. In the event of a discovery of human bones, suspected human bones, or a burial, during ground-disturbing activities, all excavation in the vicinity must halt. The tribal and or archaeological monitor/consultant/consultant will immediately divert work at a minimum of 150 feet and place an exclusion zone around the burial.

The monitor/consultant(s) will then notify the Tribe, the qualified lead archeologist, and the construction manager who will call the Los Angeles County Coroner (Coroner). The construction contractor must ensure that the remains and vicinity of the find are protected against further disturbance until the Coroner has made a finding with regard to Public Resources Code § 5097 procedures, in compliance with Health and Safety Code § 7050.5(b).

Native American human remains as defined in PRC 5097.98 (D) (1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be related according to this statute. In the event of discoveries of human skeletal material, the Coroner shall be immediately notified, and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

If it is determined that the find is of Native American origin, the City will comply with the provisions of Public Resources Code § 5097.98 regarding identification and involvement of the Native American Most Likely Descendant (MLD). If the Garieleno Band of Mission Indians-Kizh Nation is designated MLD, the following treatment measures shall be implemented. Funerary objects shall be treated as in the same manner as human remains. Prior to continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The tribe will work closely with the qualified archeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as

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necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive diagnostics on human remains. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container onsite if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site, but a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

NOI-1 Before the City issues grading permits, the applicant must submit a site-specific Construction Noise Reduction Plan to the Community and Economic Development Director, or designee, for approval. The Plan must include the following measures which will be applicable throughout the construction project:

1. Construction work hours are limited to between the hours of 7 AM to 7 PM, Monday through Friday, and 9 AM to 6 PM on Saturdays and Sunday. Construction on holidays is prohibited.
2. Notice of construction to neighbors and occupants within 300 feet of the project construction area must be provided at least 30 days in advance of potential extreme noise generating activities (demolition, excavation, and foundation work). The notice will provide the estimated daily hours of construction and total duration for these activities.
3. Equipment and trucks used for project construction must utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds).
4. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction must be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler must be used. External jackets on the tools themselves must be used where feasible. Quieter procedures must be used, such as drills rather than impact equipment, whenever feasible.
5. Stationary noise sources must be located as far from adjacent receptors as possible and be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible. If feasible,

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electrical hook-ups must be provided instead of gasoline or diesel-powered generators.

6. No radios or other amplified sound devices can be audible beyond the property line of the construction site.
7. A temporary sound barrier must be erected around the northern, western, and southern perimeter of the project area during demolition, excavation/shoring, and foundation/substructure construction phases. The sound barrier must be at least 8 feet high and be constructed of a material with a minimum transmission loss value of 20 dBA (e.g., 0.5-inch thick plywood with a density of approximately 1.7 pounds per square foot). The sound barrier must be constructed free of gaps or openings and be inspected and maintained throughout the duration of the project's demolition, excavation/shoring, and foundation/substructure construction phases.
8. Measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction, must be included in the Plan. These measures must include the following:
 - A procedure and phone numbers for notifying the City including, without limitation, Monterey Park Police Department (during regular construction hours and off-hours), regarding complaints;
 - A sign posted on-site identifying the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign must also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
 - The designation of an on-site construction complaint and enforcement manager for the project. The manager will act as a liaison between the project and its neighbors.
9. A preconstruction meeting must be held with the job inspectors and the general contractor/onsite project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

These measures would limit construction hours beyond MPMC requirements, provide advance notice to adjacent residential receptors, limit noise from stationary and other construction equipment, and reduce temporary construction noise impacts by a minimum of 10 dBs (the noise reduction associated with a sound barrier is approximately 10 dB less than the barriers transmission loss rating). With these measures, temporary

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construction noise levels would be rendered a less-than-significant impact.

BUILDING:

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

ENGINEERING:

30. Pursuant to the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," under which the City of Monterey Park is a permittee, this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. This project will require the preparation of a Low Impact Development (LID). Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.

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31. Applicant must deposit a refundable \$187 cash deposit to guarantee that developer will provide the City with the (1) transparent 4 mil thick mylar tracing; one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems; and two (2) blueprints of the recorded final map which must be filed with the Public Works Department within three (3) months of recordation. If recorded copy is not submitted by the end of the three month time period, developer will forfeit the \$187 cash deposit.
32. Before submitting a final map for City approval, the applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments; submit L.A. County tax bill, tax payment receipt, and copy of cancelled check.
33. The developer/owner is responsible for ascertaining and paying all City development fees such as, without limitation, sewer deficiency fees, water meter fees and metered water service impact fees as required by MPMC.
34. The applicant must record covenants, conditions and restrictions ("CC&Rs") and establish a homeowner's association to address common maintenance and utilities. CC&Rs must be reviewed and approved by the City Attorney and the City Engineer at the applicant's sole cost. Applicant is responsible for securing the CC&R requirements from the Public Works Department. A copy of the recorded CC&Rs must be submitted to the Public Works Department before the City performs final inspection and issues a certificate of occupancy.
35. All improvement plans, including grading and public improvement plans, must be based upon City approved datum. Benchmark references to be obtained from the Engineering Division.
36. A water plan must be submitted for review and approval by the Public Works Director, or designee. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer will be responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City. The substantiation of adequate water services must be confirmed by the Public Works Director, or designee, before the City issues building permits.
37. The applicant must submit water meter sizing sheet to the Public Works Department. The Public Works Department will then determine what water requirements must be met. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner and must be completed before final inspection approval.
38. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the Public Works Director, or designee,

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before the approval of the final map. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the Public Works Director, or designee. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the Public Works Director, or designee.

39. A site drainage plan must be prepared for review and approval by the Public Works Director, or designee before the City issues building permits. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the Public Works Director, or designee. Drainage from contiguous properties cannot be blocked and must be accommodated to the satisfaction of the Public Works Director, or designee. A hydrology and hydraulic study of the site may be required for submittal to the Public Works Director, or designee for review and approval.
40. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also to the satisfaction of the Public Works Director, or designee before the issuance of building permits.
41. Any damage done to existing street improvements and utilities during construction must be repaired before acceptance of the project. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must also be repaired or replaced to the satisfaction of the Public Works Director, or designee. All existing driveways, if not to be used, must be removed and replaced with curb and sidewalk.
42. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the Public Works Director, or designee. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.
43. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted before the City issues building permits, showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
44. A sewer connection reconstruction fee will be assessed at the time that the City issues a building permit in accordance with MPMC Chapter 14.06.

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45. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the Public Works Director, or designee, before the City issues building permits.
46. The grading and drainage plan and a separate street improvement plan must be submitted by the first plan check. The street improvement plan must include the removal and reconstruction of the sidewalk, driveway approach, and curb and gutter along the entire property frontage. It must also include asphalt pavement removal and replacement to the centerline of the street.
47. The shoring design plan must be submitted by the first plan check and must incorporate all pertinent site development comments from the City's geological and geotechnical consultants and must also include the approved geological and geotechnical report submitted by the developer's consultant.
48. Parkways must be irrigated and landscaped per plans submitted for review and approval by the Public Works Director, or designee, before final inspection approval. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the Recreation and Parks Director, or designee.
49. The City reserves the right to restrict driveway access to and from the project in the event future traffic conditions warrant such restricted turn movements.

FIRE:

50. All conditional identified by the Monterey Park Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
51. The minimum required fire flow is 4,000 gallons per minute (gpm) for 2-hour duration. Plans must include fire flow test data obtained with one-year of the submittal date. The fire flow may be reduced to 1,500 gpm percent by written request to the Fire Chief, or designee, per California Fire Code (CFC) Appendix B as adopted by the MPMC.
52. A minimum of 4 fire hydrants must be provided within 210 feet of the structure with an average spacing of 350 feet. Show all existing and proposed fire hydrants on the site plan, per CFC Appendix C.
53. Provide an approved Class I standpipe system in all stairwells on all levels including the roof as set forth by the CBC and CFC § 905.
54. Provide an approved automatic fire sprinkler system and fire alarm as set forth by the CFC §§ 903 and 907.
55. Provide smoke alarms in each room for sleeping purposes and at a point centrally located in the corridor or area giving access to each separate sleeping area.

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- 56. Smoke alarms must be installed in accordance with the manufacturers' instructions. Indicate the smoke alarm locations on the plans, per CFC § 907.2.11.1
- 57. Carbon monoxide alarms must be provided either within all the sleeping units or else the building must be provided with a carbon monoxide alarm system that protects all common areas, per CBC § 420.6.
- 58. Provide approved stairway identification signs located approximately 5 feet above the floor landing, at each floor level, and in all enclosed stairways in buildings three or more stories in height. Provide stairway identification signs for review and approval by the Fire Department, per CFC § 1022.8.
- 59. A minimum of one elevator providing general stretcher dimensions and extending to the top floor must be provided, per CBC § 3002.8.
- 60. An approved number or address must be provided on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers must be a minimum of 6-inch high by ½ stroke and be a contrasting background, per CFC § 505.1.
- 61. A Knox box must be provided adjacent to the main entrance at an approved location, per CFC § 506.1.
- 62. Portable fire extinguishers must be installed on all floors per the CFC § 906.1.
- 63. An Emergency Responder Radio coverage system must be provide, per CFC § 510.1.
- 64. Provide a minimum of one standpipe system for use during construction. Such standpipe must be installed when the progress of construction is not more than 40 feet in height above the lowest level of fire department access, per CFC § 3313.
- 65. The courtyard stairwell must be enclosed, per CBC § 1019.3.
- 66. If "as-built" plans are required, additional fees will be due for the review of the drawings.

POLICE:

- 67. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
- 68. If security gates are installed on the property it is recommended that an access control system such as a keypad, card reader, or electric latch retraction devices are installed at ingress and egress gates and doors in order to control and deter unwanted access onto the property. A key card or key code must be provided to the police department to access the property in case of an emergency.

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69. The shrubbery on the property must be installed and maintained in such condition to permit visibility of the units from the streets. Any shrubbery surrounding the complex and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.
70. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
71. The outside ladders leading to the rooftop must be secured to prevent unauthorized access to the roof.
72. All common open areas must be well lit during the hours of darkness.
73. Signs identifying guest parking spaces must be posted at the guest parking areas and in the driveway leading into the complex preventing illegal or overnight parking of unwanted guests.
74. A proper thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, The Architech Group, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

The Architech Group, Applicant

ATTACHMENT 2

Site, floor, elevation plans and Tentative Map No. 82008

ATTACHMENT 3

Initial Study/Mitigated Negative Declaration