

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
February 26, 2019
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 – None

[3.] PUBLIC HEARING

3-A CONSIDERATION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. _____ APPROVING A MITIGATED NEGATIVE DECLARATION AND DENYING APPLICANT'S REQUESTS FOR APPROVAL OF A ZONE CHANGE (ZC-17-01), CONDITIONAL USE PERMIT (CU-17-08), AND TENTATIVE MAP NO. 82008 (TM-17-09) FOR THE SUBDIVISION OF 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) Adopting Resolution No. ____; or
- (2) Alternatively, discuss and take other action related to this item.

Pursuant to 14 California Code of Regulations § 15270, projects denied by a public agency are not subject to CEQA review. Since this Resolution does not approve any proposed project, it is exempt from environmental review in accordance with 14 California Code of Regulations § 15061(b)(3) since there is no possibility that this Resolution may have a significant effect on the environment.

3-B CONDITIONAL USE PERMIT (CUP-16-06) AMENDMENT TO ALLOW THE CONTINUED OPERATION OF A TEMPORARY WIRELESS TELECOMMUNICATIONS FACILITY (SPRINT) AT 1920 SATURN STREET (5256-001-810)

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested amendment to Conditional Use Permit (CUP-16-06), subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation, maintenance, permitting, leasing, licensing or minor alteration of an existing temporary wireless communication facility, involving negligible or no expansion of existing or former use.

3-C ZONE CHANGE (ZC-18-01); CONDITIONAL USE PERMIT (CU-18-01); AND TENTATIVE MAP NO. 73741 (TM-18-01) TO SUBDIVIDE AIR RIGHTS TO CONSTRUCT A 54-UNIT MIXED-AFFORDABLE SENIOR CITIZENS HOUSING DEVELOPMENT AND CERTIFY A MITIGATED NEGATIVE DECLARATION AT 130-206 SOUTH CHANDLER AVENUE.

It is recommended that the Planning Commission consider:

- (1) 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-18-01), Conditional Use Permit (CU-18-01), and Tentative Map No. 73741 (TM-18-01) 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 March 12, 2019.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: February 26, 2019

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Consent – Consideration and possible action to adopt Resolution No. _____ approving a Mitigated Negative Declaration and Denying Applicant's requests for approval of a Zone Change (ZC-17-01), Conditional Use Permit (CU-17-08), and Tentative Map No. 82008 (TM-17-09) for the subdivision of air rights to construct an 87-unit mixed-affordable senior citizen housing development at 338-400 South Alhambra Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Adopting Resolution No. ____; or
- (2) Alternatively, discuss and take other action related to this item.

CEQA (California Environmental Quality Act):

Pursuant to 14 California Code of Regulations § 15270, projects denied by a public agency are not subject to CEQA review. Since this Resolution does not approve any proposed project, it is exempt from environmental review in accordance with 14 California Code of Regulations § 15061(b)(3) since there is no possibility that this Resolution may have a significant effect on the environment.

EXECUTIVE SUMMARY:

The attached Resolution memorializes the Planning Commission's vote on December 11, 2018.

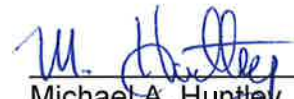
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

None.

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: Planning Commission staff report, dated December 11, 2018

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION AND DENYING APPLICANT'S REQUESTS FOR APPROVAL OF A ZONE CHANGE (ZC-17-01), CONDITIONAL USE PERMIT (CU-17-08), AND TENTATIVE MAP (NO. 82008 (TM-17-09)) FOR THE SUBDIVISION OF AIR RIGHTS TO CONSTRUCT AN 87-UNIT MIXED-AFFORDABLE SENIOR CITIZENS 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 (the "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 sought 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); a Conditional Use Permit for the construction of affordable senior citizen housing; and a density bonus (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. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project before the Planning Commission for November 27, 2018;
- E. On November 27, 2018, the Planning Commission opened the public hearing to receive public testimony and continued the public hearing and application to December 11, 2018 to allow staff additional time to further analyze the project and new state housing legislation;
- F. On December 11, 2018, the Planning Commission received public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and representatives of The Commons of MPK LLC; and
- G. 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.

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

- A. 338-400 Alhambra is zoned R-3 and designated High Density Residential in the General Plan. The average population density within the project site's vicinity is 84 persons per acre. The R-3 Zone allows up to 23 units on the project site. The minimum required lot size in the R-3 Zone is 7,000 square feet, the minimum required lot width is 60 feet, and the minimum required lot depth is 100 feet. 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. Buildings allowed on a lot this size are typically only two stories tall and around 30 feet in height (see comment below).
- B. The project cannot be developed on the project site without the zone change to Senior Citizen Housing Overlay Zone. With a Senior Citizen Housing Overlay Zone, the project site may be developed up to a maximum of 50 units per acre pursuant to Chapter 21.16 of the MPMC. The Applicant is requesting a density bonus pursuant to MPMC Chapter 21.18 in order to build an additional 13 units on the project site (for a total of 87 units). To obtain a density bonus, the project proposes 20 percent low-income units for a 35 percent density.
- C. The Applicant seeks to construct an 87-unit affordable senior housing development on a regular-shaped, relatively flat lot currently developed with a multi-unit apartment complex. The project will be 4 stories and 40-feet high. The proposed driveway will be 26 feet wide at the entrance – which exceeds the required 18 feet width – and will be 26 feet wide at the subterranean parking level. The proposed density will be 336 persons per acre (see comment below).
- D. The site is located within a mile south of the Interstate 10 Freeway. The project site is accessible from South Alhambra Avenue, a 60-foot-wide right-of-way local street. Properties located to the north, south, east and west of the subject property are R-3 zoned lots and are developed with multi-unit residential developments.

SECTION 3: Environmental Assessment. Pursuant to 14 California Code of Regulations § 15270, projects denied by a public agency are not subject to CEQA review. Since this Resolution does not approve any proposed project, it is exempt from environmental review in accordance with 14 California Code of Regulations § 15061(b)(3) since there is no possibility that this Resolution may have a significant effect on the environment.

SECTION 4: Conditional Use Permit Findings. Based upon the factual findings set forth in Section 2, the Planning Commission cannot make the findings required by MPMC § 21.32.020. Specifically, the Planning Commission finds:

- A. The project site is inadequate in size, shape and topography for the proposed senior housing development in that the project is over density and out of scale with the size of

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the lot. The underlying R-3 zone only allows 23 units per acre and the proposed project will be four times the density. Also, the proposed building will be four times larger than buildings typically allowed on a lot of this size. There is insufficient evidence to demonstrate that the property can support the proposed over-building of the site, traffic and parking demands generated from the proposed project.

- B. The site does not have sufficient access to streets and highways and is inadequate in width and pavement type. The project site is not located near a public transit stop or station to justify the proposed number of parking spaces for the project. Although the project will be a senior citizen housing development, the majority of the units will be market rate and the future occupants of the project may potentially have more than one vehicle, which will result in a higher demand for more on-site parking and an increase in the number of vehicle trips on the street beyond the numbers currently analyzed for the project. There is insufficient evidence to demonstrate that the surrounding streets and highway can support the proposed parking and traffic demand caused by the proposed project.
- C. The project is inconsistent with the General Plan in that the General Plan Land Use Element contains a goal (Goal 11.0) which is to continue to provide opportunities for persons of all incomes to find suitable housing. Although, the proposed project is an 87-unit mixed affordable senior housing development, only 13 of the 87 units (15%) will be affordable while 74 units (85%) will be market rate. The 13 units are an inadequate number of units compared to the overall number of units and does not meet the objectives of the General Plan.
- D. The project will have an adverse effect on the use, enjoyment or valuation of property in the neighborhood. The density, scale, and massing of the project will be incompatible with properties within the vicinity because the project will be ten feet taller and two stories more than all the properties within the vicinity. Although the project will be a senior citizen housing development, the majority of the units will be market rate and the future occupants of the project may potentially have more than one vehicle, which will result in a higher demand for more on-site parking and an increase number of vehicle trips on the street beyond the numbers currently analyzed for the project. Additionally, the project site is not located near a public transit stop or station to justify the proposed number of parking spaces for the project. There is insufficient evidence to demonstrate that the property can support the proposed over-building of the site, traffic and parking demands generated from the proposed project.
- E. The proposed senior housing development will have an adverse effect on the public health, safety and general welfare. The proposed project will be double the height and number of stories than the neighboring properties, thereby creating shadowing that what would not otherwise occur with a standard two-story housing development allowed in the R-3 Zone. Lastly, although the proposed project is an 87-unit mixed

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affordable senior housing development, only 13 of the 87 units (15%) will be affordable while 74 units (85%) will be market rate.

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

- A. The proposed map is inconsistent with the General Plan per Government Code § 65451. The General Plan Land Use Element contains a goal (Goal 11.0) which is to continue to provide opportunities for persons of all incomes to find suitable housing. Although, the proposed project is an 87-unit mixed affordable senior housing development, only 13 of the 87 units (15%) will be affordable while 74 units (85%) will be market rate. The 13 units is an inadequate number of units compared to the overall number of units and does not meet the objectives of the General Plan.
- B. The site is physically unsuitable for the proposed type of development in that the proposed project will be overbuilding the site and will be too dense for the project area. The underlying R-3 zone only allows 23 units per acre and the proposed project will be four times the density. Also, the proposed building will be four times larger than buildings typically allowed on a lot of this size.
- C. Following a zone change, the site will be physically unsuitable for the proposed density of development. The proposed project is over density and out of scale with the size of the lot because the underlying R-3 zone only allows 23 units per acre and the proposed project will be four times the density. Also, the proposed building will be four times larger than buildings typically allowed on a lot of this size.
- 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.
- 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 upon Section 2, the Planning Commission finds as follows pursuant to MPMC § 21.38.050:

- A. The project is inconsistent with the goals, policies, and objectives of the General Plan. The General Plan Land Use Element contains a goal (Goal 11.0) which is to continue to provide opportunities for persons of all incomes to find suitable housing. Although, the proposed project is an 87-unit mixed affordable senior housing development, only 13 of the 87 units (15%) will be affordable while 74 units (85%) will be market rate. The 13 units is an inadequate number of units compared to the overall number of units and does not meet the objectives of the General Plan.

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- B. The project will adversely affect surrounding properties. The project site is not located near a public transit stop or station to justify the proposed number of parking spaces for the project. Although the project will be a senior citizen housing development, the majority of the units will be market rate and the future occupants of the project may potentially have more than one vehicle, which will result in a higher demand for more on-site parking and an increase number of vehicle trips on the street beyond the numbers currently analyzed for the project. There is insufficient evidence to demonstrate that the surrounding streets and highway can support the proposed parking and traffic demand caused by the proposed project. The proposed project will also be double the height and number of stories than the neighboring properties, thereby creating shadowing that what would not otherwise occur with a standard two-story housing development allowed in the R-3 Zone.
- C. The proposed amendment does not promote public health, safety, and general welfare. The proposed project will be double the height and number of stories than the neighboring properties, thereby creating shadowing that what would not otherwise occur with a standard two-story housing development allowed in the R-3 Zone. Lastly, although the proposed project is an 87-unit mixed affordable senior housing development, only 13 of the 87 units (15%) will be affordable while 74 units (85%) will be market rate.

SECTION 7: Determination. Based on the findings set forth in Sections 4 through 6, the Planning Commission approves the MND and denies Applicant's requests for approval of a Zone Change (ZC-17-01), Conditional Use Permit (CU-17-08) and Tentative Map No. 82008 (TM-17-09).

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

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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 Architech Group and to any other person requesting a copy.

SECTION 13: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption. Pursuant to MPMC § 21.32.130, this resolution may be appealed 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 appeal will constitute failure of any right of appeal.

ADOPTED AND APPROVED this 26th day of February 2019.

Chairperson Delario Robinson

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 26th day of February 2019, by the following vote of the Planning Commission:

AYES:	Commissioners Robinson, Brossy de Dios, Amador, and Choi
NOES:	None
ABSTAIN:	Commissioner Leung
ABSENT:	None

Michael A. Huntley, Secretary

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

By:



Natalie C. Karpeles,
Deputy City Attorney

ATTACHMENT 2

Planning Commission staff report, dated December 11, 2018



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-income 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

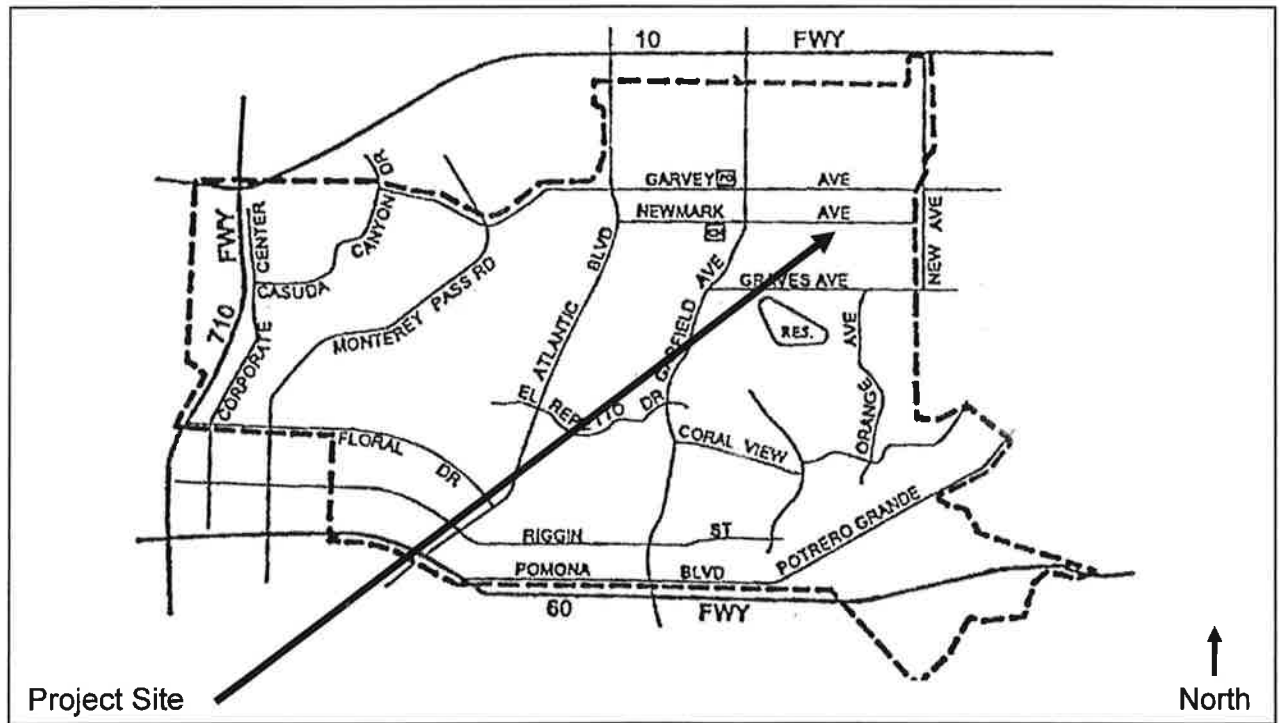
The General Plan designates the site as High Density Residential. High Density Residential neighborhoods consist typically of apartments, condominiums and townhomes built at a maximum density of 25 units per acre. The project is consistent with the General Plan. The General Plan has identified several 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.

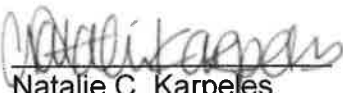
Respectfully submitted,


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



Planning Commission Staff Report

DATE: February 26, 2019

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Resolution approving an amendment to Conditional Use Permit (CUP-16-06) to allow the continued operation of a temporary wireless telecommunications facility (Sprint) – 1920 Saturn Street (5256-001-810).

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting a Resolution approving an amendment to Conditional Use Permit (CUP-16-06); and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation, maintenance, permitting, leasing, licensing or minor alteration of an existing temporary wireless communication facility, involving negligible or no expansion of existing or former use.

EXECUTIVE SUMMARY:

On July 12, 2016, the Planning Commission approved CUP-16-06 and Resolution 14-16, which allowed Sprint to install a temporary wireless telecommunication facility at 1920 Saturn Street (Assessor's Parcel Number (APN) 5256-001-810). At the time, the temporary facility was to be installed for a maximum of three years – pending the completion of improvements at the Southern California Edison (SCE) Mesa Substation Site. According to CUP-16-06, any extension of time beyond three years must be reviewed and approved by the Planning Commission.¹ (The July 12, 2016 Planning

¹ In 2017, Ordinance No. 2141 amended the Monterey Park Municipal Code (MPMC) by requiring City Council approval of wireless permits within residential zones. Because this facility is located in the O-P zone and the proposed project is, by definition, a Class 3 temporary antenna, City Council approval is not required. (See MPMC §§ 21.04.074 and 21.34.020.)

Commission staff report, Resolution No. 14-16 and CUP-16-06 are attached for reference.)

On November 14, 2018, Sprint (via Eukon Group) requested approval from the Planning Commission to extend the operation of its temporary wireless facility for an additional three years (until 2022) to provide SCE with enough time to complete the Mesa Substation Site and provide Sprint with a permanent facility location. No other changes are proposed.

BACKGROUND & DISCUSSION:

In March of 2015, SCE filed a project application with the California Public Utilities Commission (CPUC) to upgrade the Mesa Substation Site. Part of these upgrades will include, among other things, the installation of new telecommunication lines. Ideally, Sprint would like to install its permanent wireless communications facility at the Mesa Substation Site and, in 2016, proposed the installation of a temporary wireless communication facility at 1920 Saturn Street. At that time, the anticipated completion date for the Mesa Substation Site was 2019; however, the CPUC did not approve the project until February 9, 2017 and construction did not commence until September of 2017. Accordingly, the target operating date for the Mesa Substation Site is now anticipated to be 2022.

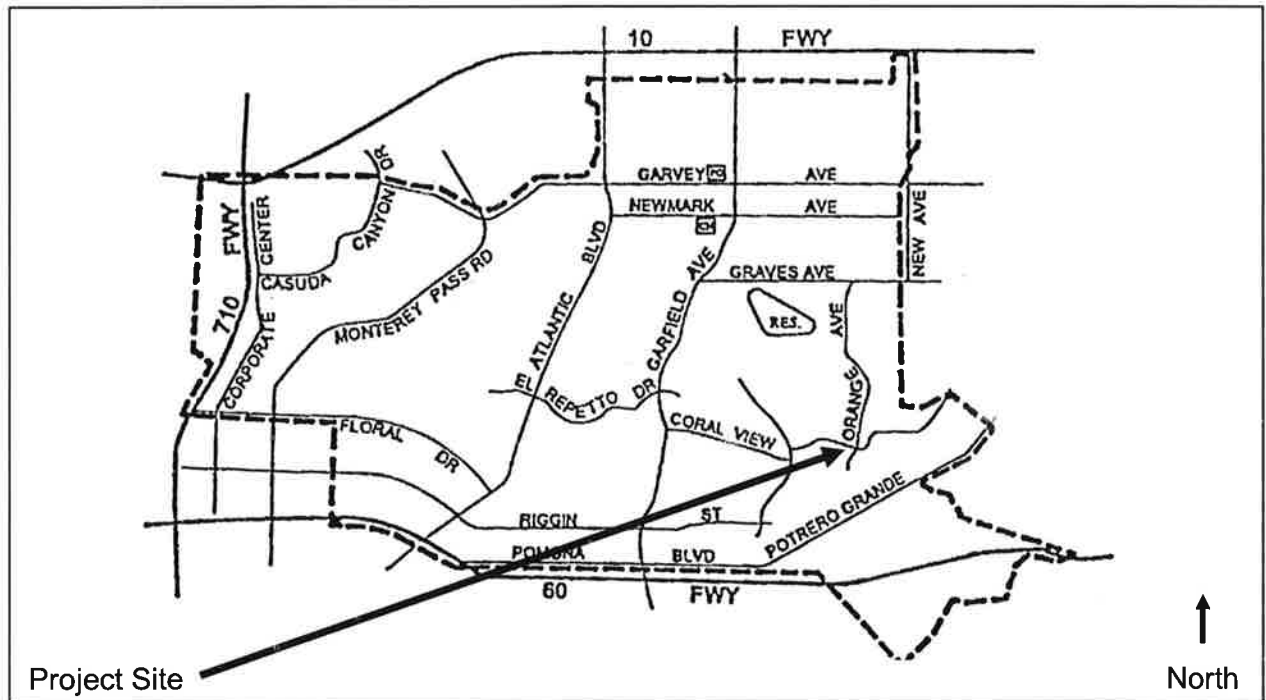
The applicant, Colleen Khouri of Eukon Group, on behalf of Sprint, is requesting that the Planning Commission approve the extension of CUP-16-06 to permit Sprint to continue to operate its temporary wireless facility at 1920 Saturn Street until 2022. Staff believes that the request to extend the temporary wireless facility until 2022 is reasonable and will not significantly impact the surrounding community. According to City records, the wireless facility has been in operations since 2017 and has not had any issues or caused any negative impacts. The facility is inconspicuous and blends in with the surrounding environment.

OTHER ITEMS:

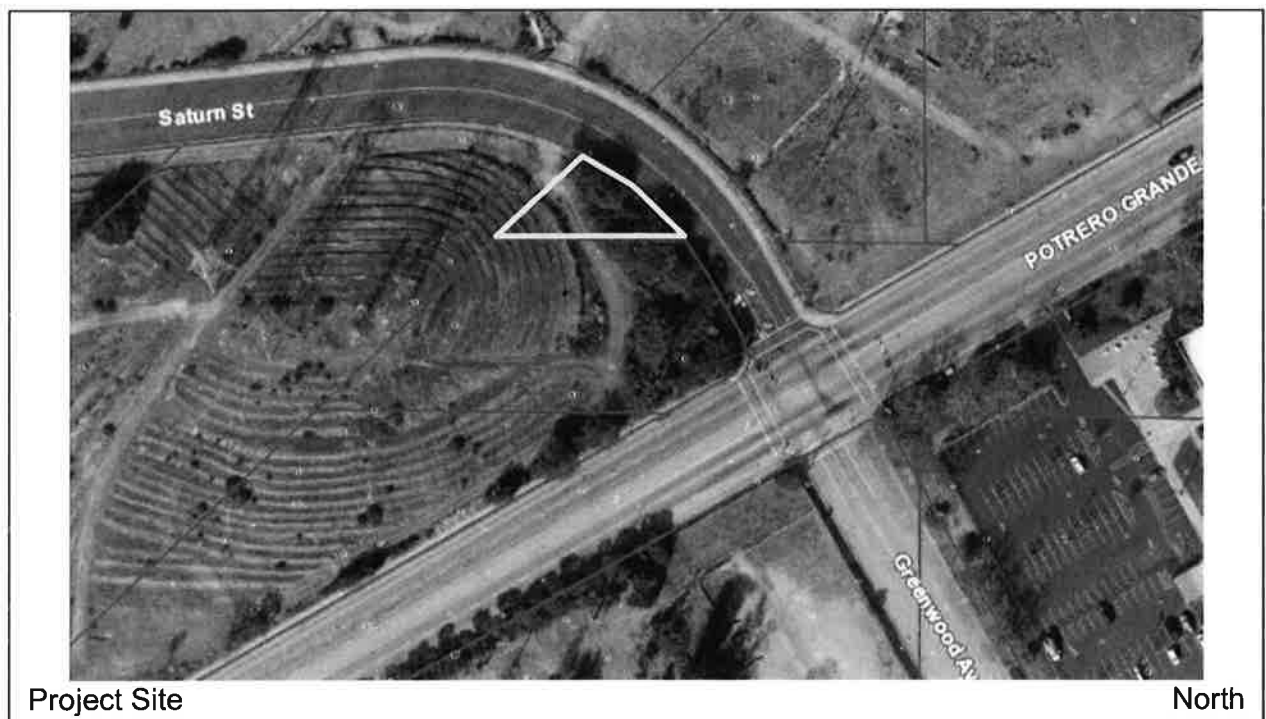
Legal Notification

In compliance with MPMC § 21.34.020(H) (2), the legal notice of this hearing was mailed to **95** property owners of the property concerned within a 500 feet radius on **January 17, 2019**, at least 30-days before the hearing, with an affidavit of mailing on file. A notification, three feet in height and four feet in width was posted by the applicant for 30-days at the site where the wireless telecommunications facility is proposed for installation. The legal notice of this hearing was also posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 17, 2019**, with affidavits of posting on file.

Vicinity Map



Aerial Map



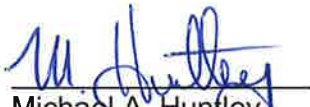
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

None.

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, and elevation plans
- Attachment 3: Photo simulations
- Attachment 4: Planning Commission staff report, Resolution No. 14-16 and CUP-16-06, dated July 12, 2016

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT (CUP-16-06) TO ALLOW THE CONTINUED OPERATION OF A TEMPORARY WIRELESS TELECOMMUNICATION FACILITY AT 1920 SATURN STREET (APN: 5256-001-810).

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

SECTION 1: The Planning Commission finds and declares that:

- A. CUP No. 16-06 and Resolution No. 14-16 were originally approved by the Planning Commission on July 12, 2016 to allow a temporary wireless facility at 1920 Saturn Street for not more than three years. Pursuant to CUP-16-06, any request for additional time beyond three years requires Planning Commission review and approval;
- B. On November 18, 2018, Eukon Group, on behalf of Sprint, applied for an application to amend CUP-16-06 to allow the continued use of the temporary wireless facility for an additional three years (until 2022) ("Project");
- C. The Community and Economic Development Department scheduled a public hearing regarding the Project before the Planning Commission for February 26, 2019. Notice of the public hearing was posted and mailed as required by the Monterey Park Municipal Code ("MPMC");
- D. On February 26, 2019, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Eukon Group; and
- E. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 26, 2019 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* Facts and conclusions set forth in Section 2 of Resolution No. 14-16 are incorporated by reference. Since July 12, 2016, the following occurred:

- February 9, 2017, the California Public Utilities Commission approved Southern California Edison's (SCE's) application to update the facilities at the Mesa Substation Site;
- September of 2017, SCE began major construction at the Mesa Substation Site;
- Per SCE, the targeted operating date for the Mesa Substation Site is 2022; and
- November 14, 2018, Sprint requested approval from the Planning Commission to extend the operation of its temporary wireless facility for an additional three years (until

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

2022) to provide SCE with sufficient time to complete the Mesa Substation Site and provide Sprint with a permanent facility location.

SECTION 3: *Approval.* Based upon the facts and conclusions set forth in Section 2 of this Resolution, Condition No. 4 of Resolution No. 14-16 is amended to read as follows:

This approval allows Sprint or its successor in interest to operate a temporary wireless telecommunication facility for an additional three years from the effective date of Resolution No. ____.

SECTION 4: *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 5: *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 6: *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 7: Other than as set forth in Section 3 of this Resolution, Resolution No. 14-16 remains in full force and effect. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 8: A copy of this Resolution will be mailed to Eukon Group and to any other person requesting a copy.

SECTION 9: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 10: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

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

ADOPTED AND APPROVED this 26th day of February 2019.

Chairperson Delario Robinson

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 26th day of February 2019, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

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

By:



Natalie C. Karpeles,
Deputy City Attorney

ATTACHMENT 2

Site and floor plans

ATTACHMENT 3

Photo simulations

ATTACHMENT 4

Planning Commission staff report, Resolution No. 14-16
and CUP-16-06 dated
July 12, 2016



Planning Commission Staff Report

DATE: July 12, 2016

AGENDA ITEM NO: 2-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-16-06) to allow a temporary wireless telecommunications facility (Sprint) – 1920 Saturn Street (5256-001-810).

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting a Resolution approving the requested Conditional Use Permit (CUP-16-06) subject to conditions of approval; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Maree Hoeger of Core Development, on behalf of Sprint, is requesting a Conditional Use Permit to allow a temporary wireless telecommunication facility at 1920 Saturn Street (Assessor's Parcel Number (APN): 5256-001-810). The property is zoned O-P (Office Professional) and is designated Commercial in the General Plan. According to the applicant, the conditional use permit is necessary due to the decommissioning of an existing facility at the Mesa Substation location by September 30, 2016.

The conditional use permit application also includes a request to exceed the building height limit in the O-P Zone from 40 feet to 50 feet. According to the applicant, in order to meet coverage objectives, the antenna panels cannot be obstructed by buildings or structures. Due to the topography of the subject property and adjacent properties the additional height will be required for coverage purposes. Staff believes that the proposed project is designed to achieve maximum compatibility with structures within the vicinity to the maximum extent reasonably feasible and the facility is necessary to close a coverage gap. The facility complies with all of the requirements of state and federal laws, regulations, and orders.

Staff believes that the proposed project is consistent with the requirements and standards in the Monterey Park Municipal Code ("MPMC") and will not have significant

impacts to the surrounding community. A wireless telecommunication facility is an allowed use subject to a conditional use permit and the proposed project is consistent with the standards established in MPMC Chapter 21.34 for wireless telecommunication facilities.

Property Description

The project site is located on the northwest corner of Potrero Grande Drive and Saturn Street. North and west are properties owned by Southern California Edison (SCE), east is Saturn Street and SCE property, and south is Potrero Grande Drive and SCE property. The lot is 54,379 square feet (1.25 acres) in size and is currently a vacant lot. The property is accessible from Saturn Street.

Project Description

The project includes installing a new 50 foot tall temporary wooden utility pole on a concrete slab. At the topmost 6 feet of the wooden pole will be mounting brackets painted brown to match the pole color. The mounting brackets will support three 6 feet tall antenna panels, three 2 feet tall remote radio head (RRH) transceivers, and one 2 feet wide in diameter microwave dish. The ancillary mechanical equipment will be installed at the base of the wooden pole within a 15 feet 9 inches wide by 11 feet 9 inches deep area totaling 185 square feet. The wooden pole and mechanical equipment will be secured with a 6 feet tall chain link fence with vinyl slats in a brown color to match the existing surroundings.

Staff believes that the proposed fencing is appropriate for the subject property because the proposed facility will be located in area with relatively tall trees, shrubs and other plant materials. Also, the lot itself is secured with a 6 foot tall chain link fence. Additionally, staff believes that the proposed wooden pole is appropriately designed to simulate a utility pole, which is compatible with other utility equipment in surrounding vicinity. The proposed wireless facility will be unmanned and will not generate any additional traffic to or from the property.

Conditional Use Permit

The intent of the proposed project is to provide wireless telecommunications services to the service area. Without a replacement tower within this vicinity, there will be a total loss of voice, data services, and essential emergency services to Sprint customers in the area. According to the applicant, after an exhaustive search for a new site to re-locate the facility, this is the only location that both the City staff and SCE agreed upon. Sprint had initially proposed a facility on SCE property at the southeast corner of Potrero Grande Drive and Greenwood Avenue. However, during the preliminary review process City staff discussed concerns about the potential negative aesthetic impacts that the proposed location would have on the Market Place development. After further discussions between the applicant, City staff, and SCE, the subject property was determined to be more suitable for the proposed temporary facility. According to the applicant, the temporary facility will be installed for a maximum of three years during the

Mesa Substation and Market Place construction. After the three years, Sprint will assess its network needs and determine a more appropriate location and design for a permanent facility.

The proposed project is consistent with MPMC § 21.34.040(3) and has a design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipment are located, designed and screened to blend with the existing environment in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity. The project will be unmanned and will not generate any smoke, odor, noise, or other adverse impacts to the adjacent land uses.

Building Height

According to MPMC § 21.34.040(4), height requirements must be as specified within each respective zone or as approved by the Planning Commission. Sprint is requesting a height of 50 feet instead of the 40 feet height limit in the O-P Zone. According to the applicant, the proposed use has antennas that must have a "clear line of sight" to the intended coverage area. In this particular case, a centerline antenna height of 47 feet (above grade) is necessary to achieve coverage objectives. The subject property does not have an existing building or structure for antenna attachment that allows the antennas to achieve the required height. Accordingly, a new freestanding structure is necessary at this particular property to meet coverage objectives. Without the additional 10 feet in height Sprint will not meet the coverage objectives. Sprint must operate the proposed facility in full compliance with the regulations and licensing requirements of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and California Public Utilities Commission (CPUC), and other applicable laws.

OTHER ITEMS:

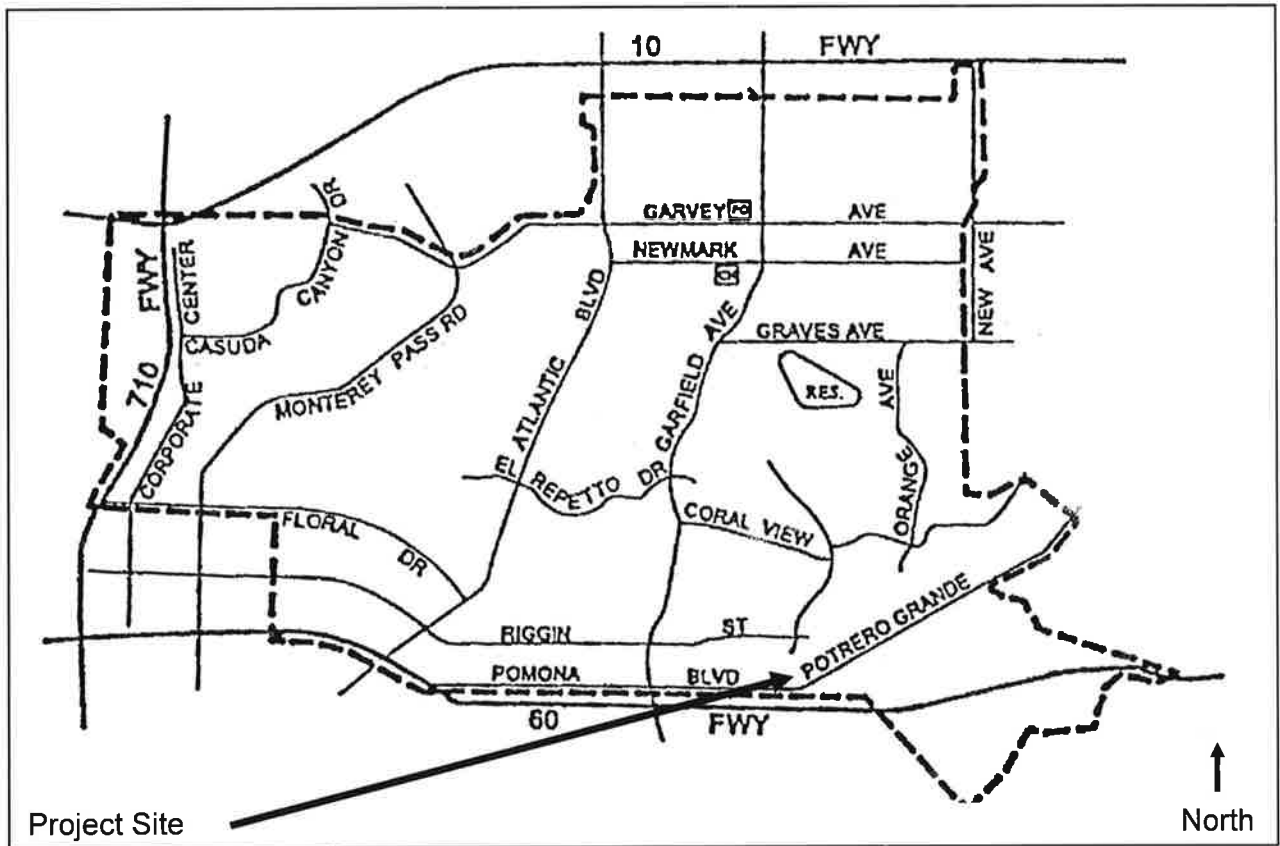
Legal Notification

In compliance with MPMC § 21.34.020(H) (2), the legal notice of this hearing was mailed to **17** property owners of the property concerned within a 500 feet radius on **June 6, 2016**, at least 30-days before the hearing, with an affidavit of mailing on file. A notification, three feet in height and four feet in width was posted by the applicant for 30-days at the site where the wireless telecommunications facility is proposed for installation. The legal notice of this hearing was also posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **June 6, 2016**, with affidavits of posting on file.

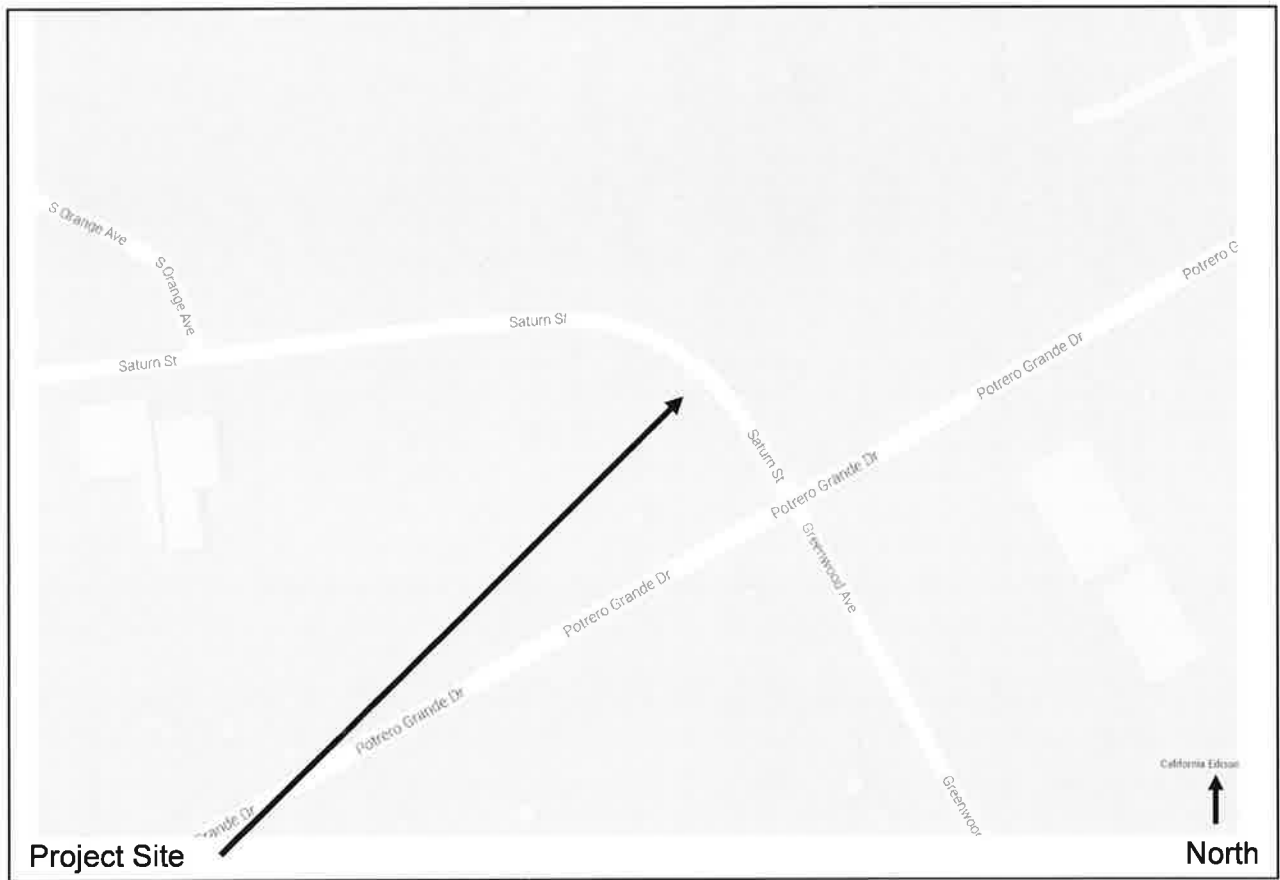
Environmental Assessment

This project was determined to be a Class 3 (New Construction) Categorical Exemption pursuant to CEQA Guidelines § 15303.

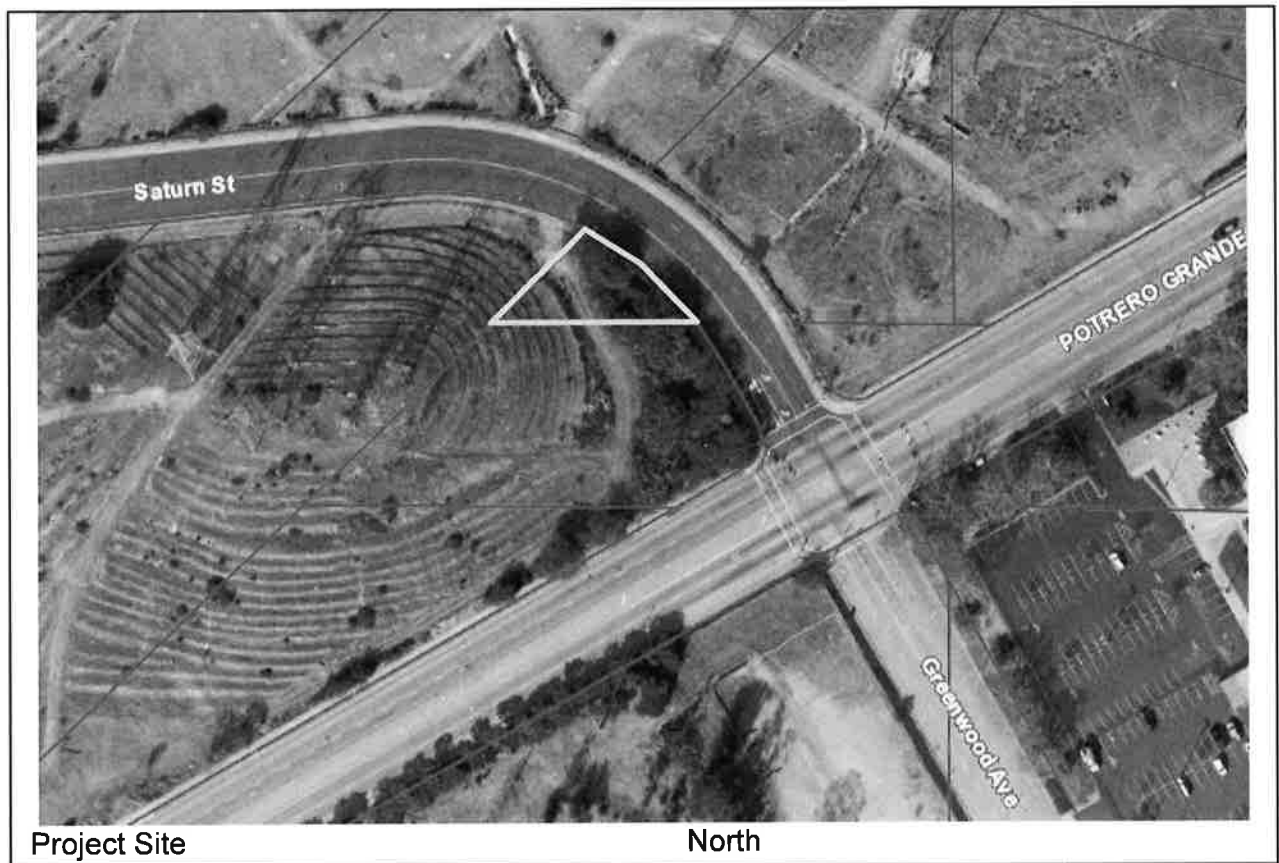
Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

None.

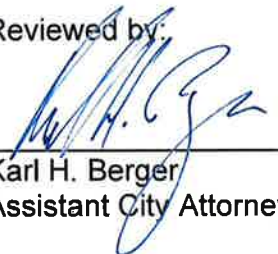
Respectfully submitted,

Michael A. Huntley
Community and Economic
Development Director

Prepared by:

Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site, floor, and elevation plans
- Exhibit C: Photo simulations

EXHIBIT A

Draft Resolution

RESOLUTION NO. 14-16

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-16-06) FOR A WIRELESS TELECOMMUNICATION FACILITY AT 1920 SATURN STREET (APN: 5256-001-810).

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

SECTION 1: The Planning Commission finds and declares that:

- A. On May 17, 2016, Core Development, on behalf of Sprint, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030, 21.32.020, and Chapter 21.34 requesting approval of Conditional Use Permit (CUP-16-06) to allow a temporary wireless telecommunication facility at 1920 Saturn Street (APN: 5256-001-810) ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for July 12, 2016. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On July 12, 2016, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Core Development; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its July 12, 2016 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

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

- A. The Applicant seeks to install a new 50-foot-tall temporary wooden utility pole on a concrete slab. At the topmost 6 feet of the wooden pole will be mounting brackets painted brown to match the pole color. The mounting brackets will support three 6-foot-tall antenna panels; three 2-foot-tall remote radio head (RRH) transceivers; and one 2-foot-wide in diameter microwave dish. The ancillary mechanical equipment will be installed at the base of the wooden pole within 15 feet 9 inches wide by 11 feet 9 inches deep, totaling 185 square foot area. The wooden pole and mechanical

**PLANNING COMMISSION
RESOLUTION NO. 14-16
PAGE 2 OF 6**

equipment will be secured with a 6-foot-tall chain link fence with vinyl slats in a brown color to match the existing surroundings.

- B. 1920 Saturn Street (APN: 5256-001-810) is zoned O-P (Office Professional) and designated Commercial in the General Plan;
- C. The subject property is located on the northwest corner of Potrero Grande Drive and Saturn Street. North and west are properties owned by Southern California Edison (SCE), east is Saturn Street and SCE property, and south is Potrero Grande Drive and SCE property; and
- D. The lot is 54,379 square feet (1.25 acres) in size and is currently a vacant lot. The property is accessible from Saturn Street.

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

SECTION 4: *Conditional Use Permit Findings*. Based upon the findings in Section 2 and pursuant to MPMC §§ 21.10.030 (B), 21.32.020, and 21.34.020 the Planning Commission finds as follows:

- A. The site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards required by the MPMC. The project site is situated on 1.25 acres which is currently a vacant lot. The maximum floor area ratio allowed in the O-P Zone is 80 percent of the lot. The floor area ratio with the proposed utility pole will be substantially less than maximum floor area allowed. The wooden pole with support brackets design will be architecturally compatible with the existing surrounding environment. No other alterations are proposed to the property. The proposed wireless facility will be unmanned and will not generate any additional traffic to and from the property. The proposed wireless telecommunication facility complies with all requirements for a conditional use permit.
- B. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The site is accessible from Saturn Street and is located less than half a mile from the Pomona 60 Freeway. The site is an existing undeveloped vacant Southern California Edison property. The proposed use is an unmanned wireless telecommunication facility and is not expected to significantly increase traffic. Aside from the monthly maintenance of the facility, there will be no other pedestrian or vehicular traffic generated by the proposed use.
- C. The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the MPMC zoning regulations. The subject property is

designated Commercial in the General Plan. The Commercial land use category provide opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is an unmanned wireless telecommunication facility, which is allowed in the O-P (Office Professional) Zone with a Conditional Use Permit approval. Without a replacement tower within this vicinity, Sprint wireless services to its customers will be seriously impacted with the possibility of a total loss of voice, data services, and essential emergency services to Sprint customers in the area. MPMC Chapter 21.34 establishes the standards for wireless telecommunication facilities and these standards are intended to protect the public health, safety, and general welfare, and to protect residents from any potential adverse impacts. The proposed use is consistent with the standards established by MPMC Chapter 21.34.

- D. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City. The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood because the use is a wireless telecommunication facility and will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City. The propose use has a design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipments are located, designed and screened to blend with the existing facilities on site in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity.
- E. The proposed use will not have an adverse effect on the public health, safety, and general welfare. The proposed use is unmanned and will not generate any smoke, odor, noise, or other adverse impacts to the adjacent land uses. The proposed project will also have no impact on parking, traffic, circulation or density in the area and will not adversely affect existing scenic and natural vistas. The project is designed to be architecturally compatible with the church. The antennas will be hidden within an antenna support structure designed to be compatible with existing development on the property.
- F. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC. The proposed use is authorized by MPMC §§ 21.10.030, 21.32.020, and Chapter 21.34. The use is consistent with the O-P Zone and will not generate a significant amount of the noise, traffic or visual impacts.
- G. To the maximum extent reasonably feasible, the proposed wireless telecommunications facility was designed to achieve compatibility with the community. According to MPMC § 21.04.074, the proposed use is a Class 3 wireless

**PLANNING COMMISSION
RESOLUTION NO. 14-16
PAGE 4 OF 6**

telecommunication facility, which is a facility intended to provide coverage on an interim basis until a permanent facility to provide coverage for the same general area. The structure will be compatible with the surrounding environment and will be built solely for the purpose of supporting the wireless telecommunications facility.

- H. According to MPMC § 21.34.020, heights exceeding the height limitation of the requested zoned must be presented to the Planning Commission. According to MPMC 21.10.070, the maximum height allowed in the O-P Zone is 40 feet. Due to the topography of the subject property and adjacent properties, the additional height will be required for coverage purposes. If the proposed use were to be constructed within the height limitation, the proposed use will be obstructed by the existing natural environment including hills and landscaping.
- I. Alternative configurations will not increase community compatibility or are not feasible. The proposed use is consistent with MPMC § 21.34.040(3) and has a design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipments are located, designed and screened to blend with the existing environment on the subject property in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity. The project is designed to be aesthetically compatible with utility equipment that is currently found in the vicinity.
- J. Alternative locations on the site will not increase community compatibility or are not feasible. The proposed use is designed at a location that is most reasonable on the property since it is proposed closer to the base of the hill and near existing trees, shrubs, and other vegetation, instead of at the top of the hill with no vegetation.
- K. The location of the wireless telecommunications facility on alternative sites will not increase community compatibility or is not reasonably feasible. According to the applicant, after an exhaustive search for a new site to re-locate the facility, this is the only location that both the City and SCE identified as meeting Sprint's telecommunication service needs. According to the applicant, the facility will be installed for a maximum of three years during the Mesa Substation and Market Place construction. After the three years, Sprint will assess its network needs and determine a more appropriate location and design for a permanent facility.
- L. The facility is necessary to close a significant gap in coverage. The project site does not have an existing building or structure for antenna attachment that allows the antennas to achieve the required height. Accordingly, a new freestanding structure is necessary on the subject property to meet coverage objectives and close the coverage gap. The coverage area is a requirement of all wireless telecommunication companies, not just the applicant. A lower antenna height in this area would prevent the antennas from functioning properly.

**PLANNING COMMISSION
RESOLUTION NO. 14-16
PAGE 5 OF 6**

- M. The applicant submitted a statement of its willingness to allow other carriers to co-locate on the proposed wireless telecommunications facility wherever technically and economically feasible and where co-location would not harm community compatibility.
- N. Noise generated by the facility must comply with MPMC Chapter 9.53. The proposed use is an unmanned wireless telecommunication facility, which will not generate noise that will exceed the levels identified in MPMC Chapter 9.53.
- O. The facility complies with all of the requirements of California and federal laws, regulations and orders. Sprint must operate the proposed facility in full compliance with the regulations and licensing requirements of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and California Public Utilities Commission (CPUC), and other applicable laws.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-16-06).

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

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

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

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

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

**PLANNING COMMISSION
RESOLUTION NO. 14-16
PAGE 6 OF 6**

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

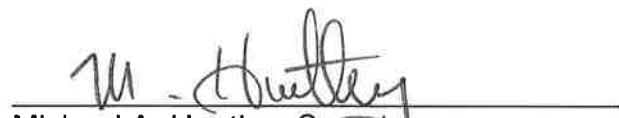
SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 12th day of July 2016.


Chairperson Ricky Choi

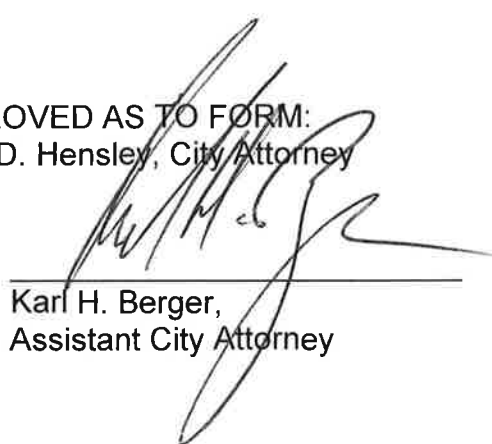
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 12th day of July 2016, by the following vote of the Planning Commission:

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


Michael A. Huntley, Secretary

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

By:


Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO. 14-16

Exhibit A

CONDITIONS OF APPROVAL

1920 SATURN STREET (APN: 5256-001-810)

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Core Development on behalf of Sprint, agrees that Sprint will comply with the following conditions of approval for Conditional Use Permit (CUP-16-06) ("Project Conditions").

PLANNING:

1. Sprint (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-16-06 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-16-06, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Divisions. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee (the "Director").
4. This approval allows Sprint or its successor in interest to operate a temporary wireless telecommunication facility for up to three years from the date of building permit final. Any time extension request is subject to the review and approval of the Planning Commission.

**PLANNING COMMISSION
RESOLUTION NO.**

5. Should use of the facility be discontinued for more than 180 days, all facilities must be removed from the site.

BUILDING:

6. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
7. All work must conform to the requirements of the 2013 California Building, Electrical, Fire, and other uniform Codes, as adopted by the MPMC.
8. Before the City issues building or electrical permits, the Director must approve all building and electrical plans.

POLICE:

9. The equipment/facility cannot interfere with any Police or Fire Department radio or digital communications or exchange.
10. If it is determined that the equipment/facility is interfering with any Police or Fire Department radio communications, the applicant must shut down the facility immediately upon being notified of such problems. The facility cannot become operational until the applicant has proven to the Police Department that the problem has been fixed and will not interfere with any Police or Fire Department radio communications or digital equipment.

By signing this document, Core Development, certifies on behalf of Sprint that the Applicant read, understood, and agrees to the Project Conditions listed in this document.


Core Development, signing on behalf of Sprint, Applicant

EXHIBIT B

Site, floor, and elevation plans

EXHIBIT C

Photo simulations



Planning Commission Staff Report

DATE: February 26, 2019

AGENDA ITEM NO: 3-C

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider a Zone Change (ZC-18-01) to create a senior-citizen-housing (S-C-H) Overlay Zone, Conditional Use Permit (CU-18-01) for an affordable senior housing development, and Tentative Map No. 73741 (TM-18-01) to subdivide air rights for the construction of a 54-unit senior citizen housing condominium project at 130-206 South Chandler Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution recommending that the City Council approve Zone Change (ZC-18-01), Conditional Use Permit (CU-18-01), and Tentative Map No. 74731 (TM-18-01) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

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

EXECUTIVE SUMMARY:

The proposed project has been resubmitted and continued from an application originally submitted in 2016. Specifically, in November of 2016, the Planning Commission reviewed a project for the construction of a 54-unit mixed-affordable senior housing development at 103-206 South Chandler Avenue; however, the application was denied on December 13, 2016. The applicant appealed this denial to the City Council. On February 1, 2017, the City Council considered the appeal, rendered a final decision (as

memorialized in Resolution No. 11897) and remanded the matter back to the Planning Commission for reconsideration. Accordingly, the applicant compiled additional information and resubmitted its revised application on January 2, 2018.

DISCUSSION:

A. Background

At its November 22, 2016 meeting, the Planning Commission reviewed the originally submitted application and expressed concerns including, without limitation, the required number of parking spaces for the affordable senior housing development, providing additional setbacks and the consideration of providing additional affordable units. In order to consider these issues further, the Planning Commission continued the public hearing to December 13, 2016.

Despite the Applicant's revisions to the proposed project, the underlying concerns addressed by the Planning Commission had not been addressed; accordingly, the Planning Commission denied the application on December 13, 2016. On December 21, 2016, the Applicant appealed the Planning Commission's denial to the City Council.

On February 1, 2017, the City Council heard the matter on appeal and partially granted the appeal by modifying the Planning Commission's decision denying the requested zone change, conditional use permit, and tentative map and sent the matter back to the Planning Commission for further action in accordance with the City Council Resolution No. 11897 (attached).

On January 2, 2018, the applicant resubmitted revised plans and additional supplemental information as required by City Council Resolution No. 11897. According to the resubmitted materials, the project remains a 54-unit age-restricted senior housing development, 10 of which will be income-restricted. Staff believes that the project developer has made efforts to address the concerns and comments from the City Council and Planning Commission, as explained in further detail below.

B. Compliance with Council Direction

I. Building Height and Setbacks

In the previous submittal, the second and third floor side setbacks varied from 15 feet (front portion) to 10 feet (rear portion). In response to the City Council and Planning Commission's concerns about shadow overcast onto the neighboring properties, the side yard setback has been increased to 20 feet for the portion within 60 feet from the front property line and 15 feet for the rest of the building on the north side, and 18 feet for the portion within 60 feet from the front property line and 15 feet for the rest of the building on the south side except for the basement driveway entrance on the ground floor. In order to accommodate for the larger side yard setbacks, 6 of the previously 2-bedroom units have been replaced with 1-bedroom units. Additionally, the project will provide a 15-foot to 20-foot side setbacks on the north side of the building and 15-foot to 18-foot side setbacks on the south side of the building. Furthermore, the roof lines over the balconies have been further setback to reduce the shadowing in those areas.

Those recessed areas will also assist with articulating the roof lines and building mass to a more modest scale. The project will provide on-site parking and open spaces that exceed the development standards. Lastly, according to the applicant, the front two corners of the building have been stepped down to 3-stories to provide a transition between the 4-story portion of the building and the neighboring two-story condominiums to the north and one -story apartment buildings to the south.

II. Pro Forma

According to the applicant, the number of units designated for low or moderate income homebuyers has been increased from 6 to 10 units. The applicant provided a Pro forma/Feasibility Analysis, which shows the analysis of three project alternatives, including a 40-units with no income restricted units scenario, a 40-units with 10 low-income units scenario, and 54-units with 10 low-income units scenario. According to the Analysis, the percentage of return would be highest with the third alternative at 10 percent. The first alternative would result in an 8 percent return, 2 percent lesser than the third alternative. The second alternative would result in a loss of returns. The applicant is proposing the third alternative.

III. Ownership Selection Plan and Annual Reports to the City

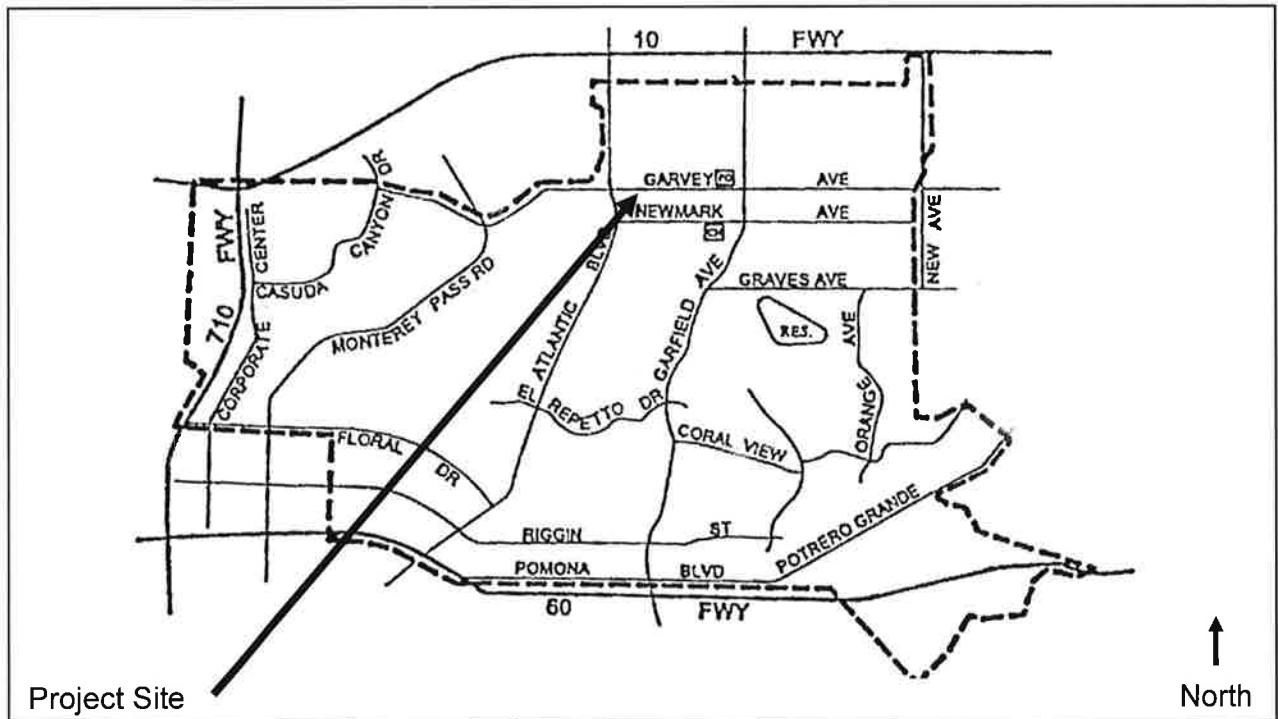
Lastly, conditions of approval have been incorporated into the draft resolution requiring the property owner/developer to provide an Ownership Selection Plan to the City Manager, or designee, which (at a minimum) gives priority to persons displaced by the construction of the project for ownership and to veterans. Also, according to the attached Conditions of Approval, the property owner/developer must submit annual evidence to the City Manager, or designee, verifying that affordability and age restrictions are met.

OTHER ITEMS:

Legal Notification

A Notice of Intent to adopt a Mitigated Negative Declaration was published on **January 3, 2019** in the Monterey Park Progress and circulated for public review for a period of 20 days (**January 3, 2019 to January 23, 2019**) and posted on **January 3, 2019**, 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 **97** property owners within a 300 feet radius and current tenants of the property concerned on **January 3, 2019** and **February 15, 2019**.

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,



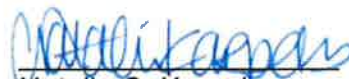
Michael A. Huntley
Community and Economic
Development Director

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: Planning Commission staff report dated November 22, 2016 and December 13, 2016, minutes from the November 22, 2016 and December 13, 2016 Planning Commission meetings, and the Applicant's appeal statement of circumstances

Attachment 4: Pro forma/Feasibility Analysis

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION; AND APPROVE A ZONE CHANGE (ZC-18-01), CONDITIONAL USE PERMIT (CU-18-01) AND TENTATIVE MAP NO. 73741 (TM-18-01) TO SUBDIVIDE AIR RIGHTS TO CONSTRUCT A 54-UNIT MIXED-AFFORDABLE SENIOR CITIZEN HOUSING DEVELOPMENT AT 130-206 SOUTH CHANDLER 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 December 13, 2016, the Planning Commission denied an application submitted by Latigo Canyon Development LLC (the "Applicant") for a Zone Change (ZC-16-01), Conditional Use Permit (CU-16-04), Tentative Map (TM-16-02), and Mitigated Negative Declaration needed to permit a proposed 54-unit mixed-affordable senior housing development at 103-206 South Chandler Avenue (the "Decision");
- B. The Applicant timely appealed the Decision to the City Council in accordance with Government Code § 66452.5 and Monterey Park Municipal Code (MPMC) § 20.04.040 on December 21, 2016 (the "Appeal");
- C. On February 1, 2017, the City Council opened public hearing and took testimonial and documentary evidence regarding the Appeal. Following the public hearing, the City Council rendered a final decision, as memorialized in Resolution No. 11897, to remand the matter back to the Planning Commission for reconsideration of Conditional Use Permit (CU-16-04), a pro forma from the Applicant to address concerns relative to the number of affordable dwelling units, and additional required information to be submitted by the Applicant;
- D. On January 2, 2018, the Applicant resubmitted revised plans and additional supplemental information as required by City Council Resolution No. 11897. According to the resubmitted materials, the project remains a 54-unit mixed-affordable senior citizens housing development at 130-206 South Chandler Avenue. To complete the development, the Applicant seeks discretionary approvals for Tentative Map No. 73741 (TM-18-01); a zone change to secure a Senior Citizens Housing (S-C-H) Overlay Zone; and a Conditional Use Permit to permit an affordable senior citizens housing development in the R-3 (High Density Residential) Zone (collectively, the "Project");
- E. 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");
- F. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 7**

- G. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project before the Planning Commission for February 26, 2019;
- H. On February 26, 2019, 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 Latigo Canyon Development LLC; and
- I. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 26, 2019 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 of the evidence in the record, the Planning Commission makes the following factual findings and conclusions:

- A. The General Plan designation for the project site is High Density Residential. This allows for a broad range of dwelling unit types which may be attached or detached.
- B. The average population density within the project site's vicinity is 84 persons per acre.
- C. General Plan Land Use Element Goal 11.0 provides the City's goal is to continue to provide opportunities for persons of all incomes to find suitable housing.
- D. General Plan Housing Element Goal 2 is to remove or reduce governmental constraints on affordable housing development.
- E. General Plan Housing Element Policy 2.2 is to encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing development.
- F. General Plan Housing Element Goal 4 is to assist in providing housing that meets the needs of all economic segments of the community. The project will provide affordable housing units to senior citizens.
- G. The project site is zoned R-3 (High Density Residential). The minimum required lot size in the R-3 Zone is 7,000 square feet, the minimum required lot width is 60 feet, and the minimum required lot depth is 100 feet. The project site is 35,520 square feet (0.82 acre) in size; the lot width is 185 feet and the depth is 192 feet.

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RESOLUTION NO.
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- H. The project site is currently developed with a multi-unit apartment complex.
- I. Properties located to the south, east and west of the subject property are R-3 zoned lots and are developed with multi-unit residential developments. North of the subject property are R-2 zoned lots that are developed with multi-unit residential developments. The proposed senior housing development is consistent with the type of the uses that are currently developed in that neighborhood.
- J. The project site is regular shaped and relatively flat. Two parcels are currently vacant and the third parcel is developed with three detached residential units and two detached garages constructed in 1921.
- K. The proposed use is a 54-unit mixed-affordability senior housing development comprised of a mixture of income groups.
- L. The R-3 Zone allows up to 14 units on the project site. The project cannot be developed on the project site without the zone change to Senior Citizen Housing Overlay Zone as proposed by the Applicant.
- M. With a Senior Citizen Housing Overlay Zone, the project site may be developed up to a maximum of 50 units per acre per MPMC Chapter 21.16. All the units will be attached in a rectangular formation with a courtyard at the center of the property.
- N. The Applicant also seeks a density bonus pursuant to MPMC Chapter 21.18. A density bonus will allow the Applicant to build an additional 4 units on the project site for a total of 54 units.
- O. To obtain a density bonus, the project proposes 2.5 percent very-low income units for a 10 percent density bonus; and 15 percent low income units for a 23 percent density, which equates to 1 very-low income units and 5 low income unit, respectively. The number of units designated for low or moderate income homebuyers has been increased from 6 to 10 units. The applicant provided a Pro forma/Feasibility Analysis and is proposing 54-units with 10 low-income units.
- P. The project will be 4-stories and 40 feet in height. The front two corners of the building have been stepped down to 3-stories to provide a transition between the 4-story portion of the building and the neighboring two-story condominiums to the north and one -story apartment buildings to the south.
- Q. The project will meet the required setbacks of 25 feet for the front and rear yards and 10 feet for the side yard setbacks. The side yard setback has been increased to 20 feet for the portion within 60 feet from the front property line

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RESOLUTION NO.
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and 15 feet of the rest of the building on the north side, and 18 feet for the portion within 60 feet from the front property line and 15 feet for the rest of the building on the south side except for the basement driveway entrance on the ground floor. The roof lines over the balconies have been further setback to reduce the shadowing in those areas and the recessed areas will assist with articulating the roof lines and building mass to a more modest scale. Lastly, the project will provide a 15-foot to 20-foot side setbacks on the north side of the building and 15-foot to 18-foot side setbacks on the south side of the building.

- R. The project will provide on-site parking and open spaces that exceed the development standards.
- S. The project site is accessible from South Chandler Avenue a 60-foot-wide right-of-way local street. The driveway will be 26 feet wide at the entrance, which exceeds the required 18 feet width; it will be 26 feet wide in the subterranean parking level. The site is located within a mile south of the Interstate 10 Freeway.

SECTION 3: SECTION 2: *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 demonstrated that the project would not have a significant effect on the environment with the implementation of mitigation measures. A Mitigated Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA Guidelines §15070. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073, and was available for public comment from January 3, 2019 to January 23, 2019.
- B. In accordance with § 15074 of the CEQA Guidelines, the record on which the Planning Commission's findings are based is located at the City of Monterey Park Community and Economic Development Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.
- C. When considering the whole record for the draft Initial Study and 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.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 5 OF 7**

- 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 upon Section 2, the Planning Commission finds as follows pursuant to MPMC § 21.32.020:

- A. The project site is adequate in size, shape and topography for the proposed senior housing development.
- B. The site has sufficient access to streets and highways and is adequate in width and pavement type.
- C. The project is consistent with the General Plan.
- D. The project will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood.
- E. The proposed senior housing development will not have an adverse effect on the public health, safety and general welfare.

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

- A. The proposed map is consistent with the General Plan per Government Code § 65451.
- B. The design of the proposed subdivision is consistent with the General Plan.
- C. 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.
- D. Following a zone change, the site is physically suitable for the proposed density of development.
- E. 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.
- F. 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.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 6 OF 7**

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

- A. The project is consistent with the goals, policies, and objectives of the General Plan.
- B. The project will not adversely affect surrounding properties.
- C. The proposed amendment promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC.

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. 73741 (TM-18-01); approve Conditional Use Permit (CU-18-01); and adopt an ordinance implementing the proposed Zone Change (ZC-18-01).

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.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 7 OF 7**

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 26th day of February 2019.

Chairperson Delario Robinson

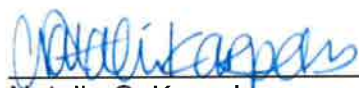
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 26th day of February 2019, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael Huntley, Secretary

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

By:



Natalie C. Karpeles,
Deputy City Attorney

RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

130-206 SOUTH CHANDLER AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Latigo Canyon Development, LLC agrees that it will comply with the following conditions for the City of Monterey Park's approval of Tentative Map No. 073741 (TM-18-02), Conditional Use Permit (CU-18-01), and Zone Change (ZC-18-01) ("Project Conditions").

PLANNING:

1. Latigo Canyon Development LLC (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-18-01 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-18-01, CU-18-01, and ZC-18-01, 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.

**PLANNING COMMISSION
RESOLUTION NO.**

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-16-02, CU-16-04, and ZC-16-01 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.
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).
16. All construction equipment, fixed or mobile, must be equipped with properly operating and maintained mufflers.

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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 veterans and to persons displaced by the construction of the project for ownership.
20. The developer must submit annual evidence to the City Manager, or designee, verifying that affordability and age restrictions are met.

21. Mitigation Measures:

- A-1 The new six-foot high concrete masonry unit wall that will be provided along the project site's north, east, and south sides must be well maintained at all times. Fast growing, drought tolerant shrubs and/or tree plantings must be provided to provide an additional aesthetic buffer between the existing homes and the residential development.
- A-2 During the construction phases, the site must be maintained in good condition and secured from public access. Any temporary fencing must be maintained in good condition at all times. The development site must also be maintained free of rubbish and construction debris.
- A-3 In the event that the surrounding streets become cracked and dilapidated due to the volume of truck traffic during the construction phase, the Applicant must repave the dilapidated streets to the satisfaction of the Department of Public Works. This mitigation also applies if the surrounding streets are cut in order to remove various water lines.
- A-4 The Applicant must ensure that all lighting meet the equipment and illumination standards of the City to the satisfaction of the Community and Economic Development, or designee. Such lighting must be directed onto the driveways and parking areas within the project and away from the adjacent residential properties located to the west.
- A-5 Light equipment must be designed and installed so that light is directed away from light-sensitive receptors such as the nearby homes.
- C-6 Before excavating and constructing of the project site, the prime construction contractor(s) must be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources and removing artifacts, human

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remains, bottles and other cultural materials from the project site. A signed statement of understanding must be provided to the Community and Economic Development Director before the City issues grading permits. The applicant must bear the cost of implementing this mitigation.

- C-7 If potential archaeological materials are uncovered during grading or other earth moving activities, the contractor is required to halt work in the immediate area of the find and to retain a professional archaeologist to examine the materials to determine whether it is a unique archaeological resource as defined in Public Resources Code § 21083.2(g). If this determination is positive, the resource must be left in place, if determined feasible by the project archaeologist. Otherwise, the scientifically consequential information must be fully recovered by the archaeologist. Work may continue outside of the area of the find; however, no further work must occur in the immediate location of the find until all information recovery has been completed and a report concerning it filed with the Community and Economic Development Director. The applicant must bear the cost of implementing this mitigation.
- N-8 During excavation and grading activities, construction contractors must equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer's standards.
- N-9 Construction contractors must place all stationary construction equipment in a central site location, where possible, to maximize the distance from nearby receptors.
- N-10 Construction contractors must locate equipment and materials staging in areas that will create the greatest distance between equipment and materials staging and nearby receptors.
- T-11 Landscaping, signage, and any wall and design elements must be setback so that vehicles exiting the garage will have sufficient views of the sidewalk and travel lanes on Chandler Avenue. A clear line-of-sight must be provided so that exiting vehicles may safely exit onto Chandler Avenue.

BUILDING:

- 22. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
- 23. 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.

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24. 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.
25. A soils and geology report prepared by a civil engineer is required as part of plan check submittal.
26. The applicant must submit a valid permit obtained from CAL-OSHA to the City before the City issues a building permit.
27. 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.
28. The building must conform to the 2008 Edition of the Energy Efficiency Standards by the California Energy Commission.
29. Access and accessibility requirements, per the California Building Code, apply to this newly constructed, privately funded, multi-family dwelling units building.
30. The applicant must provide mechanically operated exhaust ventilation for S-2 garage.

ENGINEERING:

31. 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.
32. 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.
33. 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

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or special assessments; submit L.A. County tax bill, tax payment receipt, and copy of cancelled check.

34. 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.
35. 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.
36. 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.
37. 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.
38. 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.
39. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the Public Works Director, or designee, 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.
40. 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

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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.

41. 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.
42. Any damage done to existing street improvements and utilities during construction must be repaired before acceptance of the project. Pre-existing damaged, deteriorated, substandard or off-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.
43. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the Public Works Director, or designee. All public works 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.
44. 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.
45. 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.
46. 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.
47. 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.

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48. 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.
49. 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.
50. 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:

51. 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.
52. The minimum required fire flow is 6,000 gallons per minute (gpm) for 4-hour duration. Plans must include fire flow test data obtained with one-year of the submittal date. The fire flow may be reduced by 50 percent by written request to the Fire Chief, or designee, per California Fire Code (CFC) Appendix B as adopted by the MPMC.
53. A minimum of 6 fire hydrants must be provided within 150 feet of the structure with an average spacing of 250 feet. Show all existing and proposed fire hydrants on the site plan, per CFC Appendix C.
54. The building height and area will be determined by the CBC Table 503, per CBC §§ 504.2 and 506.3, installation of an automatic fire sprinkler system in the R-1 occupancy will allow either an increase in stories/height or allowable floor area, but not both.
55. 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.
56. Provide an approved automatic fire sprinkler system and fire alarm as set forth by the CFC §§ 903 and 907.
57. 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.
58. 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

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59. 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.
60. Dwelling units and common areas must be provided with alarm notification appliances, per CFC § 907.2.9.
61. All dwelling units assigned as accessible must be provided with visual notification appliances, per CFC § 907.5.2.3.4.
62. 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.
63. A minimum of one elevator providing general stretcher dimensions and extending to the top floor must be provided, per CBC § 3002.8.
64. 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.
65. A Knox box must be provided adjacent to the main entrance at an approved location, per CFC § 506.1.
66. Portable fire extinguishers must be installed on all floors per the CFC § 510.0.
67. 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.
68. An on-site Fire Inspector may be required for this project at no expense to the jurisdiction for the duration of the project construction as determined by the Fire Chief. The on-site inspector must be approved by the Fire Chief.
69. A building code and egress analysis report of the applicable portions of the 2013 California Fire and Building code must be prepared by a qualified and licensed professional. The report will bear the stamp of a registered design professional to analyze the fire safety properties of the design, operation, or use of the building or premise and the facilities and appurtenances for review by the fire code official without charge to the jurisdiction, CFC § 104.7.2.
70. If "as-built" plans are required, additional fees will be due for the review of the drawings.

POLICE:

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71. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
72. 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.
73. 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.
74. 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.
75. All common open areas must be well lit during the hours of darkness.
76. 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.
77. 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.

RECREATION:

78. On the site plan, show the existing trees in the parkway. One street tree may be removed for the new driveway. If an existing street tree is closer than 10 feet from the new driveway, the tree must be removed and a new tree must be planted per planting requirements. The new street tree must be a Pryus Calleryana "Bradford Pear."

By signing this document, Latigo Canyon Development LLC, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Latigo Canyon Development LLC, Applicant

ATTACHMENT 2

Site, floor, elevation plans and Tentative Map No. 73741

ATTACHMENT 3

Planning Commission staff report dated November 22, 2016 and December 13, 2016, minutes from the November 22, 2016 and December 13, 2016 Planning Commission meetings, and the Applicant's appeal statement of circumstances



Planning Commission Staff Report

DATE: December 13, 2016

AGENDA ITEM NO: 2-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider a Zone Change (ZC-16-01) to create a senior-citizen-housing (S-C-H) Overlay Zone, Conditional Use Permit (CU-16-04) for an affordable senior housing development, and Tentative Map No. 073741 (TM-16-02) to subdivide air rights for the construction of a 54-unit senior citizen housing condominium project at 130-206 South Chandler Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution recommending that the City Council approve Zone Change (ZC-16-01), Conditional Use Permit (CU-16-04), and Tentative Map No. 074731 (TM-16-02) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On November 22, 2016, the Planning Commission reviewed this application and expressed concerns about several items, including the number of required parking spaces for affordable housing generally, providing additional setbacks, and the consideration of providing additional affordable units.

Since the meeting, the applicant has revised the plans to provide 3 feet of additional setback on the north and south sides of the project on the second, third, and fourth floors. Aside from the setbacks no other revisions were made to proposed project, nor did the project architect response to the comments on off-street parking or additional affordable housing. Staff believes that any additional setback beyond the minimum code requirements will help to provide further relief to the building mass and the proposed project is designed according to the MPMC and is consistent with the density allowed in the General Plan. The project architect will provide more discussion on the changes made to the building elevations.

Respectfully submitted,

Michael A. Huntley
Community and Economic
Development Director

Prepared by:

Reviewed by:

Samantha Tewasart
Senior Planner

Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Site, floor, elevation plans and Tentative Map

Attachment 3: Planning Commission staff report dated November 22, 2016

ATTACHMENT 1

Draft Resolution

ATTACHMENT 2

Site, floor, elevation plans and Tentative Map No. 073741

ATTACHMENT 3

Planning Commission Staff Report, dated
November 22, 2016



Planning Commission Staff Report

DATE: November 22, 2016

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider a Zone Change (ZC-16-01) to create a senior-citizen-housing (S-C-H) Overlay Zone, Conditional Use Permit (CU-16-04) for an affordable senior housing development, and Tentative Map No. 073741 (TM-16-02) to subdivide air rights for the construction of a 54-unit senior citizen housing condominium project at 130-206 South Chandler Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution recommending that the City Council approve Zone Change (ZC-16-01), Conditional Use Permit (CU-16-04), and Tentative Map No. 074731 (TM-16-02) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The proposed project is a 54-unit mixed-affordable senior housing development located six lots south of the intersection of West Garvey Avenue and South Chandler Avenue. Neighboring properties include a multi-unit two-story commercial building, a financial institution, and other older multi-unit residential buildings constructed in the 1920s and 1950s.

Per Monterey Park Municipal Code (MPMC) Chapter 21.16, the proposed use is an allowed use subject to a conditional use permit and zone change. Additionally, the applicant is requesting approval of a tentative map to subdivide the air-rights for condominium purposes. The senior citizen housing overlay allows for a three-stories, 40 feet tall building. According to the architectural plans, the proposed project will be setback 25 feet from the front property line and will be planted with a variety of Crape Myrtles, Date Palms, and Redbud Trees, groundcover, and decorative pavers. At the north and south sides of the property the building will be setback 7 feet, which will be two feet more than the minimum 5 feet side yard setback requirement and the second and third floors will have a 10 feet side yard setback. The proposed lot coverage will be

29 percent of the lot and the project will provide the required number of parking spaces base on the affordability levels.

The proposed project is designed according to the MPMC and is consistent with the density allowed in the General Plan; it provides senior housing units per the City's Housing Element 2014-2021.

ANALYSIS:

Property Description

The applicant, Latigo Canyon Development LLC, is requesting approval for a Zone Change, Conditional Use Permit, and Tentative Map No. 074731 for the subdivision of air rights to construct a 54-unit mixed-affordable senior housing condominium project at 130-206 South Chandler Avenue. The subject property is zoned R-3 (High Density Residential) and the General Plan designation is High Density Residential.

The subject property is comprised of three parcels, which will be consolidated as part of the proposed project. The three parcels will total 35,520 square feet (0.82 acre) in size. The lot width will be 185 feet and the depth is 192 feet. Two parcels are currently vacant and the third parcel is developed with three detached residential units and two detached garages constructed in 1921.

Project Description

According to R-3 zoning standards, a maximum building density of 1 unit per 3,000 square feet of lot area would apply to this property, which permits up to 11 units. However, the proposed project is a mixed-affordable senior housing development, which according to MPMC Chapter 21.16, permits a higher density for senior housing units.

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, 40 units are allowed. Additionally, pursuant to MPMC Chapter 21.18 Affordable Housing Incentives – Density Bonus, the project will be comprised of a mixture of income groups, in order to receive a density bonus. The project will include 2.5 percent very-low income units for a 10 percent density bonus and 15 percent low income units for a 23 percent density, which equates to 1 very-low income units and 5 low income unit, respectively. In other words, 48 of the 54 units will be market rate. The remaining six units will be below market rate, with five units reserved for low income residents, and one reserved for very low income residents.

The project will be 3-stories and 40 feet in height and will meet the required setbacks of 25 feet for the front and rear yards and 7 feet for the first floor side yard setback and 10 feet for the second floor side yard setback. There will be 51 two-bedroom units ranging in size from 776 square feet to 1071 square feet and 3 one-bedroom units that will be 752 square feet in size. The project also includes a 1,715 square feet community room, and 881 square feet manager's office.

Parking

Parking required for the site is based on the income group. For the market rate units 1.0. parking space is required per unit. For the low income units, 0.8 spaces is required per unit. Additionally, one guest parking space is required for every four units. The required number of parking spaces is 42 spaces plus 14 guest parking spaces, totaling 66 spaces and 66 spaces will be provided. All the parking spaces will be provided in one level of subterranean parking. The required driveway width for an R-3 zoned lot is 18 feet. The driveway width at the entrance and throughout the subterranean parking level will be 26 feet wide. The property will be accessible from South Chandler Avenue.

Open Space

The minimum required usable open space area is 200 square feet per unit or 10,800 square feet and 15,443 square feet will be provided. The minimum required private open space is 100 square feet and 104 square feet of private open space will be provided for each unit. The minimum required common open space is 40 percent of the total usable open space area, which is 4,320 square feet and the provided common open space is 4,625 square feet. The private and usable open space total provided meets the minimum requirements.

Covenant to Continue as Senior Housing, Affordable Units, and Agreement for Density Bonus

As a condition of approval for any senior housing development pursuant Chapter 21.16, the property owner 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 MPMC § 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.

Zone Change

According to MPMC Chapter 21.16, the Senior Citizens Housing (S-C-H) Overlay Zone can be created in the same manner as property is reclassified from one zone to another within the City, as set forth in Chapter 21.34. According to MPMC Section 21.34.020, amendments may be initiated by the owner of any real property located within the City. A Zone Change application must be filed; the Planning Commission conducts a public hearing; and following the public hearing, the Planning Commission makes a recommendation to the City Council regarding the proposed zone change.

Tentative Map No. 073741

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 complies with map requirements.

Conditional Use Permit

According to MPMC 21.16.030, all affordable senior housing developments must be approved with a conditional use permit. According to MPMC Section 21.32.020, before any conditional use permit is granted, the applicant must show, to the satisfaction of the Planning Commission, all of the following facts as discussed in the resolution.

OTHER ITEMS:

Legal Notification

A Notice of Intent to adopt a Mitigated Negative Declaration was published on **October 13, 2016** in the Monterey Park Progress and circulated for public review for a period of 20 days (**October 6, 2016 to October 25, 2016**) and posted on **October 6, 2016**, in the Monterey Park Bruggemeyer Library, Langley Center and the City Hall with affidavits of publishing and posting on file. The legal notice of this hearing was mailed to **97** property owners within a 300 feet radius and current tenants of the property concerned on **October 6, 2016**.

Environmental Assessment

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

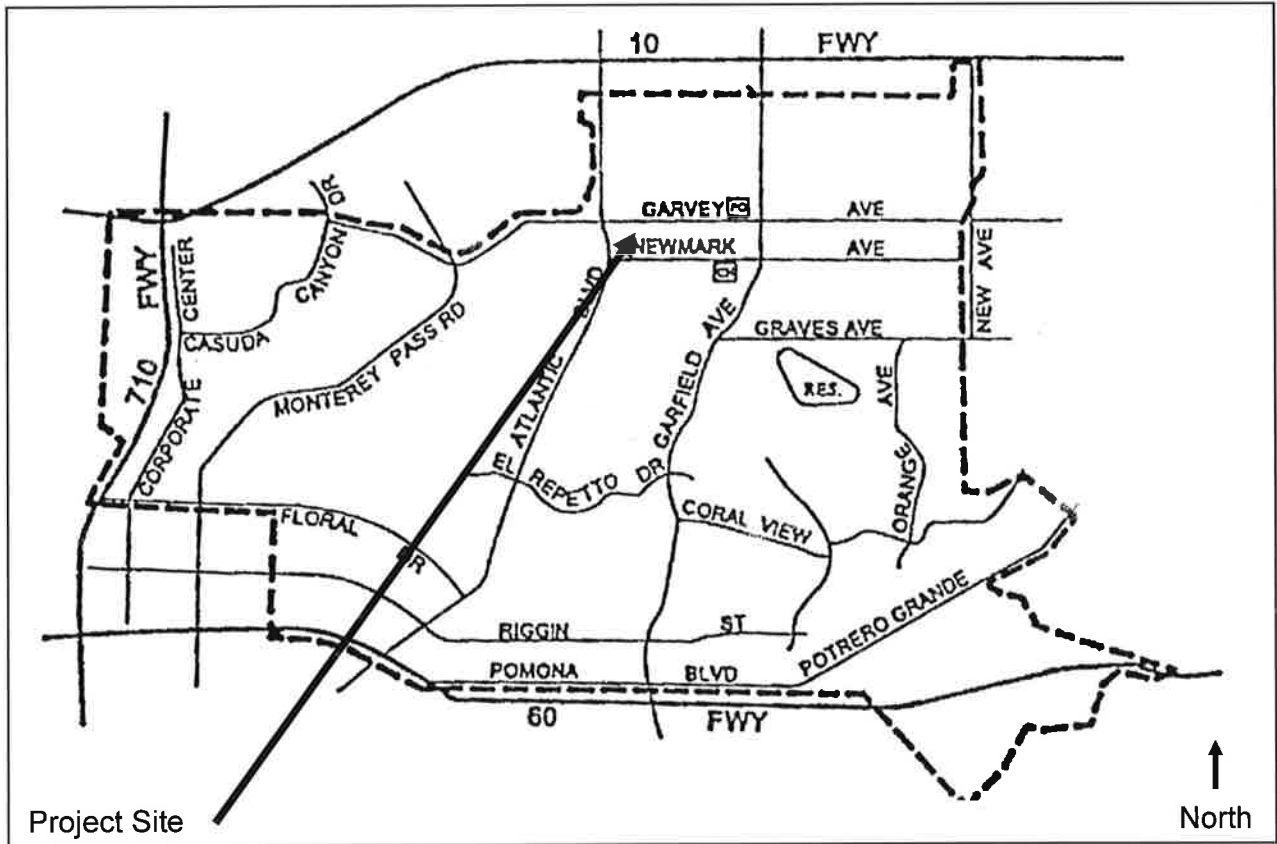
General Plan Consistency

The proposed project is consistent with the City's General Plan because the High Density Residential land use category allows for a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The average population density is 84 persons per acre. The General Plan Land Use Element contains a goal (Goal 11.0) which is to continue to provide opportunities for persons of all incomes to find suitable housing. The proposed project is a 54-unit affordable senior housing development, which will provide affordable housing options to senior citizens.

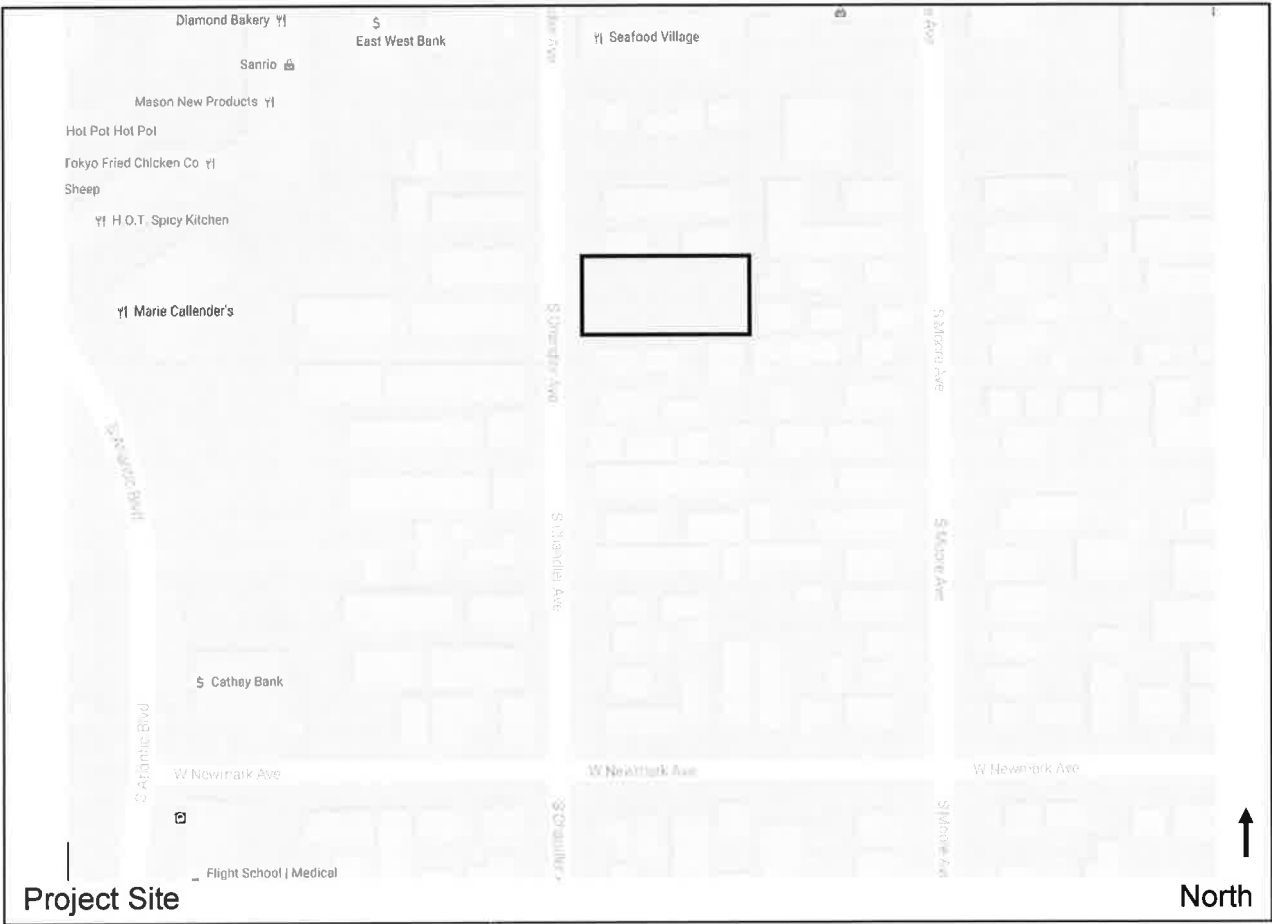
A goal (Goal 2) contained in the 2014-2021 Housing Element is to remove or reduce governmental constraints on affordable housing development. One of the policies (Policy 2.2) in the Housing Element is to encourage the use of density bonuses and provide other regulatory concessions to facilitate affordable housing development. The proposed project conforms to the density permitted by Monterey Park Municipal Code (MPMC) Section 21.36.090 for mixed affordable senior housing developments and

meets the State density law. Also, the project helps to attain Goal 4 which is to 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.

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None

FISCAL IMPACT:

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

Respectfully submitted,

Michael A. Huntley
Community and Economic
Development Director

Prepared by:

Reviewed by:

Samantha Tewasart
Senior Planner

Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Site, floor, elevation plans and Tentative Map

ATTACHMENT 1

Draft Resolution

ATTACHMENT 2

Site, floor, elevation plans and Tentative Map No. 073741

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
November 22, 2016**

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, November 22, 2016 at 7:00 p.m.

CALL TO ORDER:

Chairperson Choi called the meeting to order at 7:04 p.m.

SWEAR IN:

ROLL CALL:

Planner Tewasart called the roll:

Commissioners Present: Ricky Choi, Larry Sullivan, Theresa Amador, Delario Robinson, and Paul Isozaki

Commissioners Absent: None

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

ORAL AND WRITTEN COMMUNICATIONS:

None

AGENDA CHANGES AND ADOPTION:

None

APPROVAL OF MINUTES:

September 27, 2016 –

Commissioner Robinson clarified that on page 7 his vote was nay and not aye.

Chairperson Choi stated that Item 2A on page 2, second paragraph, is missing a second part. He had raised a question about the recent parking code amendment and Planner Tewasart replied that the code had not taken effect.

Action Taken: The Planning Commission approved the minutes of September 27, 2016 with amendments.

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

Ayes: Commissioners Choi, Sullivan, Amador, Robinson, and Isozaki

Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

CONSENT CALENDAR:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS (PUBLIC HEARING):

**2-A. RECONSIDERATION OF RECOMMENDATIONS TO THE CITY COUNCIL
REGARDING AMENDMENTS TO THE MONTEREY PARK MUNICIPAL CODE
CHAPTER 9.06 REGULATING AIRPLANE FLIGHTS**

Attorney Berger provided a brief summary of the staff report.

Commissioner Sullivan inquired about how to address the issue. Attorney Berger replied that the City Attorney's Office recommended to the City Council to adopt a social media policy that has not yet come before the City Council for consideration. Attorney Berger stated that social media allows for a great deal of communication with the public and allows the public to interact with their public officials, but there are potential dangers with that from the standpoint of transparency laws. The appearance of potential impropriety through the optics of people looking outside rather than understanding the scope of the inside occurrences is the reason why the item was brought back. It also demonstrates and highlights the problems with social media.

Commissioner Amador stated that with the explosion of social media the direction from the Planning Commission should be to recommend to the City Council to develop a social media policy so that everyone is on the same page, anyone on a commission, as a volunteer, or an elected official.

Commissioner Robinson stated that the Commission was leaning towards not moving the item forward, but some of the Commission wanted to show support. He stated that the item should have not moved forward in the first place.

Chairperson Choi opened the public hearing.

Chairperson Choi closed the public hearing.

Chairperson Choi stated that the Commission had a spirited discussion at the last meeting regarding this matter. He stated that he still believes that although the airplane altitude issue is an important issue and of great concern to the community, regulating airplane altitude is not within the purview of the Planning Commission. He inquired that since the Commissioner who originally made the request is no longer on the Commission if it makes sense to continue to take action.

Attorney Berger replied that if the Commission wanted to take action, the Commission can vote to make a recommendation to the City Council. If the Commission chooses not to take any action, there is no need to make any motion or take any vote. This is a matter for reconsideration. For all intents and purposes, the vote that occurred on September 27th, 2016 is in front of the Commission, but the recommendation would be to treat it as not a vote simply because of the concerns over the appearance of potential violations of the Brown Act. There is no evidence that anything actually occurred, but the only way to cure any potential Brown Act violation is to bring it back for reconsideration to the body that originally thought about it and considered it. If the Commission wants to take a no action, then the minutes will simply reflect that the Planning Commission took no action. If the Planning Commission wishes to make a motion to make a recommendation as it did on September 27th, 2016 than that is something that can be done as well.

Commissioner Sullivan inquired if a no position was taken, would the action negate what the Airport Commission group from the City is doing. Attorney Berger replied that this item was brought up under Commissioners Items. It was a motion from the dais. From a legal standpoint the City's ability to regulate any type of airplane flights is restricted by the FAA and federal law. Nothing that the Planning Commission does with regards to this particular issue will affect anything that the City Council does other than if the Planning Commission wishes to advise the City Council to do something. It is a vote of confidence that the Planning Commission would like something to happen. In terms of practical or legal implications there are no ramifications from it.

Commissioner Sullivan stated if the residents wanted to send in letters that would probably get more attention.

Commissioner Isozaki stated that the item is not a function of the Planning Commission, but he does not want to vote to rescind the vote from September 27th, 2016, because it is an important issue to the City. He understands the government hierarchy and the federal government controls the airports. He stated that it is pointless what the Planning Commission does because the truth is the Commission does not have the power. He stated that he would like to leave it as a no action.

Commissioner Robinson retracted his motion to rescind the vote on September 27th, 2016 and Chairperson Choi seconded.

Action: The Planning Commission took no action.

3-A. ZONE CHANGE (ZC-16-01) TO CREATE A SENIOR-CITIZEN-HOUSING (S-C-H) OVERLAY ZONE, CONDITIONAL USE PERMIT (CU-16-04) FOR AN AFFORDABLE SENIOR HOUSING DEVELOPMENT, AND TENTATIVE MAP NO. 073741 (TM-16-02) TO SUBDIVIDE AIR RIGHTS FOR THE CONSTRUCTION OF A 54-UNIT SENIOR CITIZEN HOUSING CONDOMINIUM PROJECT AT 130-206 SOUTH CHANDLER AVENUE

Planner Tewasart provided a brief summary of the staff report.

Chairperson Choi opened the public hearing.

Commissioner Isozaki inquired about the number of parking spaces provided and the number of elevators. Planner Tewasart replied that the required number of parking spaces is 42 plus 14 guest parking space and the project will provide 55 spaces plus 15 guest parking spaces.

Architect Yung Kao, 235 East Main Street, Alhambra, CA 91801, stated that this is a senior housing project and the proposed units are approximately 800 square feet in size, compared to a more typical non-senior housing unit, which are approximately 1,800 to 2,200 square feet. Every two and a half units in this proposed project is equivalent to a regular condominium project. The occupants of the proposed project will be seniors who do not drive as often as non-seniors. The project is not for younger families.

Commissioner Isozaki stated that the age restriction is 55 years or older and inquired about the proposed two bedrooms. Architect Kao replied that there can be a caretaker, but the second bedroom can also be used as a study or office. Commissioner Isozaki stated that his concern is that the two-bedrooms have the potential to add a second vehicle per unit. He stated that he understands the code requirements, but there is common sense as well. Architect Kao replied that the parking requirement is derived from the actual usage of senior housing developments.

Commissioner Robinson inquired about condition number 76 and the trees in the courtyard and public right-of-way. Architect Kao replied that the landscaping details are a part of the packet and the condition from the Parks Division is a standard requirement.

Commissioner Amador inquired about the number of senior housing developments that the applicant has constructed. Developer Kenny Gao replied no other developments.

Commissioner Sullivan inquired if the proposed project is live/work. Planner Tewasart replied no, it is strictly residential. Commissioner Sullivan inquired about the masonry wall and the condition of the water lines on Chandler Avenue. Commissioner Sullivan expressed concerns about the height relative to the adjacent properties and inquired about outreach efforts to partner with the adjacent properties and be a good neighbor.

Architect Kao replied that they would be happy to work with the adjacent properties. He stated that density is a critical element to make affordable senior housing feasible. There are existing senior housing developments that are either the same height or taller. The proposed project is in-line with existing senior housing developments in the city. It is typical for senior housing projects to be four to six stories. The shadow study shows that the properties to the north will see the most amount of shadowing.

Commissioner Robinson stated that the project appears to be consistent with the General Plan and the zoning allows for higher density development. Also, affordable housing is needed.

Chairperson Choi stated that he is in one hundred percent support of affordable housing and senior housing. However, there is a concern with the large footprint of the proposed project. He also expressed concerns with the parking, especially if the units will have caretakers. Architect Kao replied that the occupants that will need a caretaker may not necessarily drive.

Commissioner Sullivan stated that his concern is that the project is so close to the property lines and he is sympathetic to the people in the community.

Commissioner Robinson stated that there will be more seniors in the future and senior housing is needed.

Commissioner Sullivan stated that he agreed with Commissioner Robinson; however, the project only provides six affordable units and more affordable units are needed.

Attorney Berger stated that the proposed project cannot move forward with the way it is currently designed without the discretionary approvals from the City Council. The Council would have to adopt an ordinance and approve the proposed zone change and conditional use permit. The project does not conform to the underlying zone without the zone change. Now is the time to discuss additional concessions on the developer's behalf in order to move forward with the project. It is completely a discretionary thing on the City's behalf.

Commissioner Isozaki inquired about what will happen to the occupants that currently live on the subject property. He inquired if the occupants will be vacated. The developer replied that the occupants will be given notice.

Commissioner Robinson inquired about the sales price. The developer replied that they do not have that number for now. Architect Kao stated that the price is determined by the County and the developer would have to follow those regulations and restrictions. The rest of the market rate units will be dictated by the market.

Commissioner Amador stated that the City Council should consider looking at a higher ratio of affordable housing units in the future. Director Huntley replied that the City has adopted the State density bonus regulations, which allows for additional density. The Planning Commission can recommend to the City Council to look at requiring additional affordable units.

Commissioner Isozaki inquired about who will get to purchase the low-income units. Director Huntley replied that it would be up to the developer. Commissioner Isozaki stated that if there are low-income seniors living in the existing units that they should be given the opportunity to be one of the first to buy it. Director Huntley stated that if there are conditions that the Commission would like to add that can be something that the Commission can consider.

Commissioner Sullivan inquired if additional setbacks can be provided on the north and south sides of the property, possibly 15 feet instead of 10 feet. Architect Kao replied that the proposed units are basic size, but some of the units can be slightly moved in.

Commissioner Sullivan inquired if that is something that can be revised and brought back to the Commission. Architect Kao inquired if that can be added as a condition of approval instead. Director Huntley stated that there are no issues with adding certain conditions, but if the comment is to change the building design it should be brought back to the Planning Commission.

Chairperson Choi stated that there appears to be two main concerns, one being the setbacks and other being the number of units that are low-income. This project is called an affordable senior housing project, but only 6 out of the 54 units are affordable. If the developer would like to reevaluate the number of low-income units that will be provided to see if it will be viable to make adjustments, it is strongly recommended as well as making adjustments to the setbacks.

Commissioner Sullivan stated that he would compromise on the additional 5 feet if more of the units will be made affordable. Architect Kao replied that the pro forma justifies why the density bonus is needed, because it takes that much additional density to make up the subsidies the developer would have to do for the six units. The land and construction cost would substantially exceed the sales price of the six units that is dictated by the county. In order to make the project work that is just about what you need to get the project going. The fact that the City has not had any senior housing coming forward in many years there must be a financial and market reason for that. In this city with the land cost, it is not easy to make a senior project pencil out.

Attorney Berger stated that one condition was added. The other item discussed was an additional 5 feet setback and staff's recommendation was to revise the plans as requested and resubmitted for consideration. If those changes are made there is a possibility that it will have CEQA ramifications, which will require revisions to the CEQA or some other clarification to the document so that the Commission has a full understanding of what that setback accomplishes. This is a discretionary project. The project cannot move forward without the zone change and a zone change is a completely legislative act by the City Council. If the Planning Commission is asking for additional affordable units and the developer does not want to provide additional affordable units, then that is something that the Planning Commission can inform the City Council.

Commissioner Amador inquired if the developer would consider the recommendations. Architect Kao replied that they can massage the project and experiment with certain portions of the north side of the building, if not entirely.

Chairperson Choi inquired if staff believes providing additional setbacks would make a difference with regards to the concerns for the neighbors. Director Huntley replied that it would help to reduce some of the perceived impacts to the neighboring properties.

Commissioner Amador stated that she is in favor of seeing more affordable housing although it is miniscule it is a step in the right direction. She is just trying to ensure that the neighbors are going to be happy with the project. She stated that the Commission is not only looking at the project, but also how the project will affect the adjacent

properties. That is why the Commission is looking at the parking and sustainability of the project. Architect Kao stated that the project will be replacing the existing dilapidated homes that were built in the 1920s with high quality materials that are a few notches above the standard condominiums that are being proposed nowadays.

Chairperson Choi stated that there is a clear and evident need for affordable housing and the Commission sees the need for that. He stated that the developer is willing to massage the setbacks, but inquired if the developer is willing to massage the number of affordable units. Architect Kao stated that the developer will not be able to provide an answer right away. They probably need to go back and take a hard look at the numbers.

Chairperson Choi closed the public hearing.

Action: The Planning Commission **continued** the Zone change (ZC-16-01) to create a senior-citizen-housing (S-C-H) Overlay Zone, Conditional Use Permit (CU-16-04) for an affordable senior housing development, and Tentative Map No. 073741 (TM-16-02) to subdivide air rights for the construction of a 54-unit senior citizen housing condominium project at 130-206 South Chandler Avenue to allow the applicant additional time to address the Commission's concerns to the December 13, 2016 Planning Commission meeting.

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

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

3-B. RECESS TO WORKSHOP AND TRAINING REGARDING BROWN ACT; ETHICS, INCLUDING AB 1234; LAND USE REGULATION; AND SCOPE OF AUTHORITY FOR PLANNING COMMISSION. NO ACTION WILL OCCUR. TRAINING AND WORKSHOP WILL BE HELD IN THE ADMINISTRATIVE CONFERENCE ROOM (ROOM NO. 266). THE MEETING WILL ADJOURN FROM THAT LOCATION.

Attorney Berger provided a presentation to the Planning Commission.

COMMISSION COMMUNICATIONS:

None

FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION:

None

STAFF UPDATES:

None

CLOSED SESSION:

None

ADJOURNMENT:

There being no further business for consideration, the meeting was adjourned on November 22, 2016 at 10:00 p.m. to the next regular meeting on December 13, 2016 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

Approved on at the regular Planning Commission meeting.

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
December 13, 2016**

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, December 13, 2016 at 7:00 p.m.

CALL TO ORDER:

Chairperson Choi called the meeting to order at 7:04 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Commissioners Present: Ricky Choi, Larry Sullivan, Delario Robinson, and Paul Isozaki

Commissioners Absent: Theresa Amador

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

ORAL AND WRITTEN COMMUNICATIONS:

None

AGENDA CHANGES AND ADOPTION:

None

APPROVAL OF MINUTES:

None

CONSENT CALENDAR:

None

UNFINISHED BUSINESS:

2-A. ZONE CHANGE (ZC-16-01) TO CREATE A SENIOR-CITIZEN-HOUSING (S-C-H) OVERLAY ZONE, CONDITIONAL USE PERMIT (CU-16-04) FOR AN AFFORDABLE SENIOR HOUSING DEVELOPMENT, AND TENTATIVE MAP NO. 073741 (TM-16-02) TO SUBDIVIDE AIR RIGHTS FOR THE CONSTRUCTION OF A 54-UNIT SENIOR CITIZEN HOUSING CONDOMINIUM PROJECT AT 130-206 SOUTH CHANDLER AVENUE

Planner Tewasart provided a brief summary of the staff report.

Chairperson Choi opened the public hearing.

Architect Yung Kao, 235 East Main Street, Alhambra, CA 91801, stated that the Planning Commission at the previous meeting inquired if the building can be further setback greater than the code requirement of 10 feet. They managed to set the building back three additional feet. The Commission also inquired if it would be feasible to provide more affordable housing units. He questioned if the City is encouraging and facilitating housing developments to meet the City's fair share of housing developments. He stated that there is a real cost involved with limiting the number of stories to four feet. For example, the proposed project had to put the parking in a subterranean level. If five stories were allowed, the parking could have been on the ground level, saving approximately \$650,000.

Representative Steven P. Scandura, 1641 West Main Street #104, Alhambra, CA 91801, stated that he was asked to review and answer questions on the issue of providing additional affordable housing. Based on the numbers provided, the profit margin is less than 10 percent and each of the low-income housing units costs \$240,000 in lost profit. So if even one more affordable unit was to be provided the profit margin would be well below 10 percent. On a project like this that would leave no room for any problems in the development or unexpected costs. The project can go negative very quickly and at that point the project is no longer viable. With the five units of low-income and one unit of very low-income that is already pushing the project within the margins. The project appears to satisfy some of the goals with providing affordable housing.

Chairperson Choi stated that the Commission is receptive to any opportunity to provide additional affordable housing, but this is a private development and all the Commission can do is try to work with the applicant to get to some number of affordable units. The Senior-Citizen-Housing Overlay provides a density increase and the affordable housing also provides a density increase. So the City is doing its part in trying to work with the applicant to give them a viable project. What the Commission is asking for is something in return and if this is what the applicant can provide then it is appreciated and the applicant is not looking to increase the number. So it is up to the Commission to determine if it is adequate for this project.

Commissioner Isozaki stated that it is not a question of the number of units. He stated that a truly low-income individual would not be able to afford the down payment for one of the units or to qualify for a loan. Low-income rental units make sense, but it is an oxymoron to say that there are low-income units for sale. That is one major concern with the six affordable units. The other concern is the selection of the buyers and whether the City is involved. He stated that the motive is not to provide affordable units, but to get the density. He would prefer getting rid of the six affordable units and lowering the density. Another concern is the parking, which is exactly to code, but the problem is that there is overflow from the plaza on Garvey and Chandler. The obvious concern is the shade factor.

Representative Scandura replied that the existing tenants within the property that is going to be redeveloped will be given first rights to purchase the affordable units. If they decline or do not qualify, then the units to the north will get the rights next as compensation. Realistically anything over two-stories is going to cast shade. Another

possibly would be to shift the additional setbacks towards the south that way an additional 6 feet will be provided on the north side. The six units make the project more viable by the increase density because the marginal cost of an additional unit is not the same as the average cost. The marginal cost will be much lower. A third of the profit comes because of the six affordable units.

Chairperson Choi inquired if staff could provide some clarity to the density bonus. Director Huntley stated that there has been some discussion and conjecture regarding the affordable units. The State of California has adopted density bonus regulations and has mandated that local governments also adopt the same regulations. So within the code, the City has adopted the density bonus development standards that are being mandated by the State and this is as a way to produce affordable housing, it can be extremely low, low, moderate income housing and there are specific formulas that are adopted within the code that allows for a specific number of affordable units. This is mandated by the State, but the local government is required to monitor the affordability. There is an affordable housing covenant that is recorded against the property.

Commissioner Robinson stated the Commission's main purpose is to move the City forward and this project will move the City forward. There is a business component to the senior housing project and if the profit margin is not suitable then why build it. He stated that the Commission was previously concerned about the setback and that is the reason for the delay of the project and the possibly of approving the project.

Commissioner Sullivan inquired if the additional setback was taken from the living space or the overall space. Architect Kao replied mainly from the courtyard. The square footage stayed the same. Commissioner Sullivan stated that he still has a concern for the adjacent properties and the use of the word affordable housing for six units.

Opponent Tiffany San Juan, 126 South Chandler Avenue, Monterey Park, CA 91754, daughter and niece of the homeowners on the adjacent property to the north, stated that she is speaking on their behalf. She stated that there are concerns with the dust and debris that will occur during construction, noise vibrations and pollution, and traffic. Buses, trucks and vehicles use Chandler Avenue as an alternate route to Atlantic Boulevard, but there has been no repavement. Building a highly dense senior citizen project will not benefit the residents on Chandler Avenue. A less dense development that provides more greenery will be beneficial to the street and the community.

Commissioner Robinson inquired about the contaminants on the property. Planner Tewasart replied that hazardous materials were analyzed and mitigations were not required.

Chairperson Choi closed the public hearing.

Commissioner Isozaki inquired if conditions of approval can be added requiring the applicant to shift the setback towards the south and provide priority to the tenants on the property and then to the people to the north. Director Huntley replied yes.

Commissioner Sullivan inquired about the affordability covenant. Attorney Berger replied that the California Health and Safety Code establish a formula by which affordable housing can be sold depending on different categories of income. There are medium income households, low income households, very low income households, and extremely low income households. For example, for moderate income housing the maximum that an owner can charge is 70 percent of the median housing within the county based upon income. When speaking of households that includes income from all inhabitants of a home. That formula tells you how much can be charged for a particular dwelling unit. The reason this is important is because the applicant is requesting to increase the density from the allowed zoning which is 11 units, up to 54 units based upon density bonuses.

Attorney Berger further clarified that density bonuses are a requirement of California law which requires local governments to provide density bonuses in part with regards to parking and setbacks where cities have to provide these changes in zoning in order to accommodate low income housing if the developer comes in offering to do that. To ensure that these households, which benefit from the density bonuses, remain affordable to these types of household income levels the Health and Safety Code requires that the developer record a covenant against the property requiring all of the homes to only be sold to the same type of households for the next 45 years and the City enforces those covenants. Anytime there is a property conveyance from one household to another household the City is required to ensure that the next household meets the same income requirements as the original household that bought the property.

Chairperson Choi inquired about enforcement on the City's side when there is a title change. Attorney Berger replied that the City must be informed whenever there is a title change.

Commissioner Robinson inquired why only three additional feet was provided instead of the requested five feet. Architect Kao replied that the minimum requirement is 10 feet. Commissioner Sullivan suggested that they look into whether it is possible to provide 15 feet.

Chairperson Choi inquired if Commissioner Sullivan had a preference regarding the additional setback and whether the request is to split the additional setback between the north and south sides or completely shifted towards the south. Commissioner Sullivan replied no. He has a commitment to the people in the City and if a building like this was constructed next to him he would not be favorable to the project. He does not want to set a precedent on Chandler Avenue with nothing but big buildings.

Action: The Planning Commission took no action.

NEW BUSINESS (PUBLIC HEARING):

3-A. CONDITIONAL USE PERMIT (CU-16-08) TO ALLOW A NEW 5-STORY MIXED-USE DEVELOPMENT AND GENERAL ON-SALE ALCOHOL USE AND TENTATIVE MAP NO. 073693 (TM-16-04) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS

TO ESTABLISH A HOTEL AND 84 RESIDENTIAL UNITS IN THE R-S, P-D (REGIONAL SPECIALTY, PLANNED DEVELOPMENT) ZONE AT 420 NORTH ATLANTIC BOULEVARD

Planner Tewasart provided a brief summary of the staff report.

COMMISSION COMMUNICATIONS:

None

FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION:

None

STAFF UPDATES:

None

CLOSED SESSION:

None

ADJOURNMENT:

There being no further business for consideration, the meeting was adjourned on December 13, 2016 at 9:30 p.m. to the next regular meeting on January 10, 2017 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

Approved on at the regular Planning Commission meeting.

ATTACHMENT 4

Pro forma/Feasibility Analysis