

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
September 24, 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, Eric Brossy De Dios, Theresa Amador, Ricky Choi and Antonio Salazar

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. CONDITIONAL USE PERMIT (CU-19-06) TO ALLOW FOR A BUSINESS COLLEGE (COMPUTER TRAINING) IN THE O-P (OFFICE PROFESSIONAL) ZONE – 1455 MONTEREY PASS ROAD #206

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CU-19-06), subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

The proposed project is categorically exempt from the provision of the California Environmental Quality Act ("CEQA") per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation, maintenance, permitting and licensing of an existing private facility involving negligible or no expansion of an existing use. The proposed use is a business college in an existing facility.

3-B. GENERAL PLAN UPDATE

A Public Hearing regarding consideration and possible action to adopt a Resolution recommending that the City Council approve the draft Land Use Element, Focused Environmental Impact Report, and Findings of Fact and Statement of Overriding Considerations.

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 recommending that the City Council approve the Land Use Element, Focused Environmental Impact Report, and Findings of Fact and Statement of Overriding Considerations; and
- (5) Taking such additional, related, action that may be desirable.

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

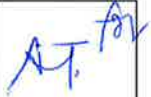
[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on October 8, 2019.

APPROVED BY:

MARK A. MCAVOY	
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Planning Commission Staff Report

DATE: September 24, 2019

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-19-06) to allow a business college in the O-P (Office Professional) zone – 1455 Monterey Pass Road #206.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CU-19-06), subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities) because the Project involves no expansion of an existing or former use. The Project consists of a conditional use permit for operating a business college within an existing administrative office building; no physical improvements to the site, or any physical changes to the existing building, are proposed. Furthermore, it can be seen with certainty that no special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment.

EXECUTIVE SUMMARY:

The Applicant is requesting approval of a Conditional Use Permit to allow the operation of a computer and information technology business college at 1455 Monterey Pass Road #206. The City Planner determined that the proposed use meets the definition of "business college, office" within Ordinance No. 1933 ("Measure D") and that Applicant's request for a conditional use permit ("CUP") to operate said school at an existing administrative office building is consistent with the Monterey Park Municipal Code ("MPMC"), Measure D and the General Plan, and recommends approval of Conditional Use Permit (CU-19-06), subject to the conditions contained in the Resolution.

CONSIDERATION OF CONDITIONAL USE PERMIT:

The recommended action includes consideration of a CUP to allow the operation of a computer and information technology business college within an existing administrative office building. Such consideration requires the Planning Commission to act in a quasi-judicial role by applying facts gathered during a public hearing to existing law – like a court. Similarly, the Planning Commission can only consider facts that are *relevant* to the case. Consideration and reliance on irrelevant facts during the Planning Commission's decision-making could not only result in the decision being overturned, but also in potential liability on the part of the City for violating the applicant's constitutionally protected due process rights.

According to Government Code § 65905, a CUP requires a public hearing before the Planning Commission can consider making the findings to approve it. Pursuant to MPMC § 21.32.020(B), the Planning Commission may approve the request for a CUP, in whole or in part, upon making the following findings:

- 1. That the project property is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards prescribed in the Monterey Park Municipal Code ("MPMC");**
- 2. That the project property 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;**
- 3. That the proposed project, as modified, is consistent with the General Plan and any applicable specific plan;**
- 4. That the proposed project, as modified, 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;**
- 5. That the proposed project, as modified, will not have an adverse effect on the public health, safety and general welfare; and**
- 6. That the project is properly one authorized by conditional use permit pursuant to the Monterey Park Municipal Code (MPMC).**

BACKGROUND AND DISCUSSION:

Lanecert Education Group LLC ("Applicant") is requesting approval of a CUP to operate a computer and information technology business college at 1455 Monterey Pass Road #206. The property is zoned O-P (Office Professional) and is designated Employment Technology in the General Plan.

The City Planner determined that the proposed use meets the definition of "business college, office" within Measure D. The Project proposes uses that are completely

enclosed in the existing improvements at the site.¹ Measure D provides that professional and administrative uses are permitted as a matter of right within the O-P zone.² Conditionally approved uses include a "business college, office."³ While this phrase is not defined, the Project description provided by the Applicant makes it plan that the Project would (1) teach; (2) high school graduates (or students with similar education); skills that are applicable within an office (computers, etc.); (3) in an existing building where the activities are completely enclosed. The Project, therefore, appears to qualify as a business college with an "office" curriculum.

The Project site is located at the northwest corner of the Monterey Pass Road and Floral Drive. The property is 70,131 square feet (1.61 acres) in size and is developed with a two-story office condominium building with incidental storage and parking located north, south, and west of the building. Properties located to the north include a one-story multi-tenant manufacturing building, east is a three-story Motel 6, south is Floral Drive and East Los Angeles, and west is a business office park. The subject property is accessible from Monterey Pass Road and includes 73 on-site parking spaces.

The subject unit is 1,911 square feet and includes an open office area, two office rooms, a restroom, and kitchenette break area. The Applicant proposes to operate a computer and information technology business college. The operating hours will be from 9:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday. There will be one to three employees on-site, including a director, representative, and an instructor. Class sizes will be limited to 30 students. To address security and alarm requirements, the Police Department included condition numbers 12 through 15 in the Resolution.

Legal Notification

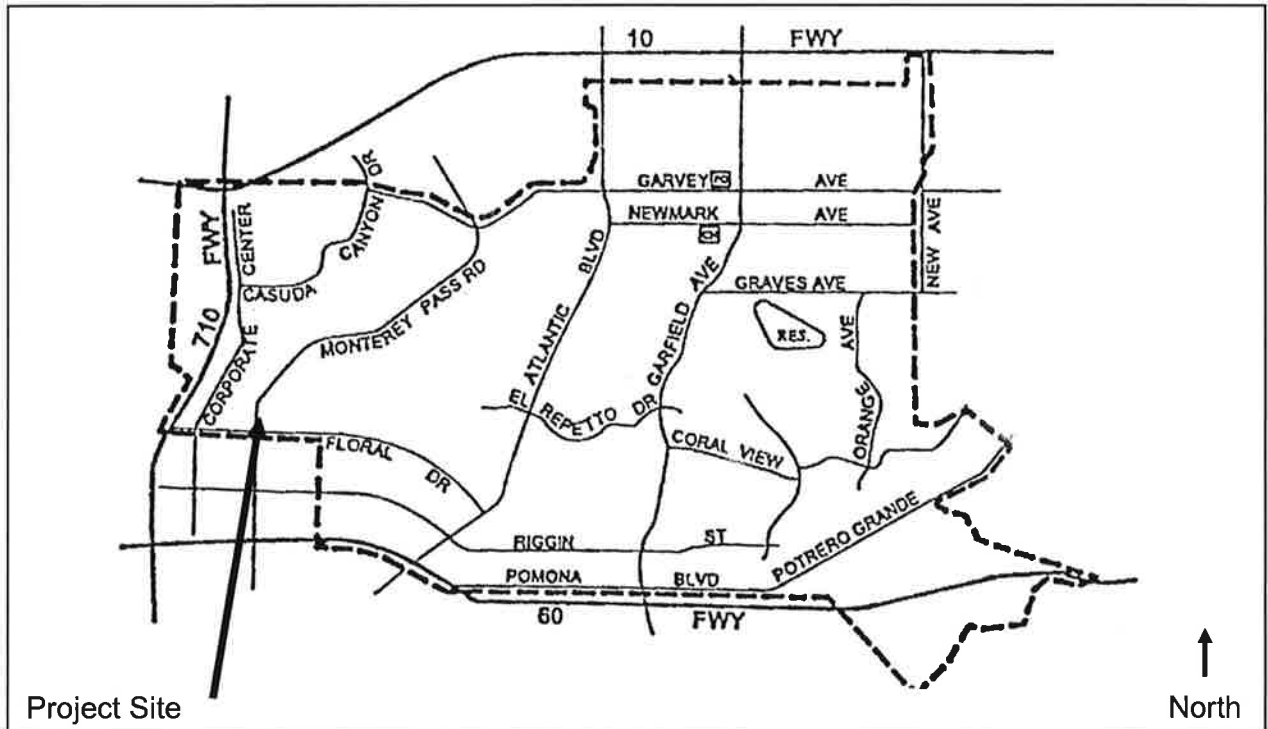
The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **August 14, 2019**, with affidavits of posting on file. The legal notice of this hearing was mailed to **54** property owners within a 300 feet radius and current tenants of the property concerned on **August 14, 2019**.

¹ See Measure D § 21.14.190 ("Limitations on permitted uses. Every use permitted in the O-P zone shall comply with the following ... All uses shall be conducted totally within a completely enclosed building...")

² See Measure D § 21.14.040 ("Principal uses. The principal uses shall be permitted as follows ... [a]dministrative and professional offices....")

³ See Measure D §§ 21.14.050 & 21.70.030 ("The People amend Section 21.70.030 ... by adding the following conditionally permitted uses ... [b]usiness college (office or medical, dental)....")

Vicinity Map



Aerial Map



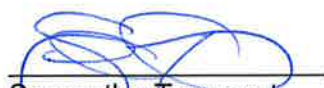
FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue, however calculations as to the exact amount would be speculative.

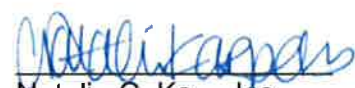
Respectfully submitted,


Mark A. McAvoy
Public Works Director/City
Engineer/City Planner

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Natalie C. Karpeles
Deputy City Attorney

ATTACHMENTS:

- Attachment 1: Draft Resolution
- Attachment 2: Site and floor plans
- Attachment 3: Operation Description
- Attachment 4: Ordinance No. 1933

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-19-06) TO PERMIT OPERATION OF A BUSINESS COLLEGE AT 1455 MONTEREY PASS ROAD #206.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On July 11, 2019, Mr. Jian Feng Liu of Lanecert Education Group LLC, submitted an application pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.12.020 and 21.32.020, requesting approval of Conditional Use Permit (CU-19-06) to permit the operation of a business college at 1455 Monterey Pass Road #206 ("Project");
- B. The proposed Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the MPMC, including Ordinance No. 1933 ("Measure D");
- 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 City Planner completed its review and scheduled a public hearing regarding the Project before the Planning Commission for September 24, 2019. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On September 24, 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 the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its September 24, 2019 hearing including, without limitation, the staff report submitted by the City Planner.

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

- A. The Applicant seeks approval to operate a computer and information technology business college, subject to a conditional use permit. The project will take place within a 1,911-square-foot tenant space located within an existing administrative office building. No new construction or additional square footage is proposed to either the building or the parking areas;
- B. 1455 Monterey Pass Road #206 is zoned Office Professional (O-P) and designated Employment Technology in the General Plan. The lot is not adjacent to any residential zones. The property is located in the Monterey Pass Road Focus Area and one of the

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RESOLUTION NO.
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goals (Goal 7.0) of the Focus Area is to establish the Monterey Pass Road as a prime location for new technology-oriented businesses, and create a business district that offers opportunities for a range of complementary businesses. The proposed use is consistent with the uses encouraged by the Focus Area. Properties located to the north include a one-story multi-tenant manufacturing building, east is a three-story Motel 6, south is Floral Drive and East Los Angeles, and west is a business office park. The properties to the north, south, and east are also zoned O-P (Office Professional) and permit the same land uses; and

- C. The Project site is located at the northwest corner of the Monterey Pass Road and Floral Drive. The property is 70,131 square feet (1.61 acres) in size, rectangularly shaped, relatively flat. It is currently developed with an existing two-story administrative office building with incidental storage and 73 at-grade parking spaces located to the north, south, and west. The parking spaces are accessible from Monterey Pass Road.

SECTION 3: Environmental Assessment. Based upon the factual findings in Section 2, the Project is categorically exempt from CEQA per CEQA Guidelines § 15301 (Class 1 – Existing Facilities) because the Project involves no expansion of an existing or former use. The Project consists of a conditional use permit for operating a business college within an existing administrative office building; no physical improvements to the site, or any physical changes to the existing building, are proposed. Furthermore, it can be seen with certainty that no special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment.

SECTION 4: Conditional Use Permit for O-P Zone – City Planner Findings. Based upon the facts in Section 2 and pursuant to MPMC § 21.02.090, before submitting this application to the Planning Commission, the City Planner determined that the Project complies with the following findings:

- A. The Project meets the intent of, and is consistent with the goals, objectives and policies of the General Plan;
- B. The Project meets the stated purpose and general intent of the district in which the use is proposed to be located;
- C. The Project does not adversely impact the public health, safety and general welfare of the City's residents;
- D. The Project shares characteristics common with, and is not of greater intensity or density, nor does it generate more environmental impact, than those uses listed in the permitted uses in Measure D. Measure D §§ 21.14.040 and 21.14.050 set out the

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permitted uses in the O-P zone. Specifically, Measure D § 21.14.040 permits “[a]dministrative and professional offices”; while Measure D §§ 21.14.050 and 21.70.030 permit “business college[s].” Moreover, the proposed use (1) will be conducted totally within a completely enclosed building; (2) will not engage in outdoor storage, loading and unloading in any side yard, or the overnight parking of vehicles; (3) will not produce or cause or emit any dust, gas, smoke, glare, noise, fumes, odors, electromagnetic emanations or vibrations which are or may be detrimental to the health, safety, welfare and peace of the City and its residents and businesses; (4) will not require the use or storage of hazardous materials; and (5) will neither create nor allow the creation of noise which causes the noise level to exceed the applicable noise standards set forth in the MPMC (see Measure D § 21.14.190); and

- E. The site is accessible from Monterey Pass Road, a minor arterial street. The required number of parking spaces for a business-college use is 3 spaces per 1,000 square feet of gross building area, according to MPMC § 21.22.120.

SECTION 5: Conditional Use Permit – Planning Commission Findings. Based upon the findings in Section 2, the Planning Commission finds as follows pursuant to MPMC § 21.32.020:

- A. The site will be adequate in size, shape and topography for the proposed computer and information technology business college. The lot is 70,131 square feet (1.61 acres) in area, rectangular shaped, and relatively flat. The property is developed with an existing two-story multi-tenant administrative office building with incidental interior storage, and 73 at-grade parking spaces accessible from Monterey Pass Road. The proposed business-college use will occupy an existing 1,911-square-foot tenant space within the building.
- B. The site has sufficient access to streets and highways and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed business college. Adequate parking is provided on the property and the project does not include new construction or additional square footage. No changes are proposed to the building or parking area.
- C. The proposed use is consistent with the General Plan and any applicable specific plan. Measure D §§ 21.14.020, 21.14.050 and 21.70.030 allow a business-college use, subject to a conditional use permit, in the O-P (Office Professional) Zone. The subject property is designated Employment Technology in the General Plan Land Use Element, and the Employment Technology land use category permits commercial, light manufacturing, research and development, and professional office uses in business park settings and as individually developed lots. Education facilities considered appropriate include business colleges and similar facilities supporting businesses

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within the district. The proposed computer and information technology business college is consistent with the General Plan in that the Employment Technology land use category allows for business colleges. The property is located in the Monterey Pass Road Focus Area. The City's goal is to recreate Monterey Pass Road as business/technology corridor through zoning regulations, development incentives, and redevelopment efforts. One of the goals (Goal 7.0) of the Focus Area is to establish the Monterey Pass Road as a prime location for new technology-oriented businesses and create a business district that offers opportunities for a range of complementary businesses. The proposed use is consistent with the uses encouraged by the Focus Area.

- 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 business-college use will not have adverse affects on the enjoyment or valuation of neighboring properties. Properties located to the north include a one-story multi-tenant manufacturing building, east is a three-story Motel 6, south is Floral Drive and East Los Angeles, and west is a business office park. The properties to the north, south, and east are also zoned O-P (Office Professional) and permit the same land uses.
- E. The proposed computer and information technology business college will occupy an existing tenant space in a multi-tenant commercial building. No new construction or addition of square footage is proposed. The Police Department has included conditions numbers 8 through 20 in the Resolution to address security and alarm requirements. The proposed business-college use will not have an adverse effect on the public health, safety and general welfare.
- F. Measure D §§ 21.124.020, 21.14.050 and 21.70.030 allow a business college, subject to a conditional use permit, to operate within the O-P (Office Professional) Zone. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the zoning regulations in the MPMC.

SECTION 6: 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 (CU-19-06).

SECTION 7: 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.

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

SECTION 11: A copy of this Resolution will be mailed to Mr. Jian Fen and to any other person requesting a copy.

SECTION 12: 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 13: Except as provided in Sections 10 and 12, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 24th day of September 2019.

Chairperson Eric Brossy de Dios

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 24th day of September 2019, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

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Mark A. McAvoy, Secretary

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

By: 
Natalie C. Karpeles,
Deputy City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

1455 MONTEREY PASS ROAD #206

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), including Ordinance No. 1933, Lanecert Education Group, LLC, will comply with the following conditions of approval for Conditional Use Permit (CUP-19-06) ("Project Conditions").

PLANNING:

1. Lanecert Education Group 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 CU-19-06 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 CU-19-06, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit 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 City Planner, or designee.
3. The Project is approved, and must be developed and/or used in substantial conformity with, the plans on file with the City as of the date of this Resolution and as subsequently approved by the City's Building official, unless revisions and/or additional conditions are specifically required by these Conditions.
4. The Applicant is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
5. The property must remain well maintained and free of graffiti. Failure of the Applicant to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the Applicant.
6. A copy of the Conditions of Approval for Conditional Use Permit (CU-19-06) must be kept on the premises of the establishment and presented to any authorized City official upon request.

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FIRE:

7. All conditions identified by the Fire Department must be subject to review and approval by the Fire Chief for determination of applicability and extend to which any condition may be required.
8. The existing fire sprinkler system must be modified as set forth by the California Fire Code (CFC) § 903.
9. An approved suite number must be provided 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-inches high by ½ high stroke and be a contrasting background per the CFC § 505.1.
10. Portable fire extinguishers must be installed per the CFC § 906.1.
11. If "as-built" plans are required, additional fees will be due for the review of the drawings.

POLICE:

12. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. Security video cameras must be installed at all the entrance/exits and must be positioned to capture the faces of people entering and exiting.
13. All recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days.
14. The business must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police of any break-ins or robberies. The manager/owner will obtain an alarm permit from the Monterey Park Police Department. The permit may be obtained by calling the Monterey Park Police Community Services Bureau at (626) 307-1215.
15. The business should participate in the Monterey Park Police Department's Business Watch Program, a free service designed to educate businesses about minimizing criminal activity. Contact the Monterey Park Police Community Services Bureau at (626) 307-1215.

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16. The manager/owner must be responsible for maintaining the property free of litter and graffiti.

By signing this document, Mr. Jian Feng Liu on behalf of Lanecert Education Group LLC, certifies that he/she has read, understood, and agrees to the Project Conditions listed in this document.

Mr. Jian Feng Liu, for Lanecert Education Group, LLC

ATTACHMENT 2

Site, floor, elevation plans

ATTACHMENT 3

Operation Description

JUL 11 2019

CITY OF MONTEREY PARK
COMMUNITY DEVELOPMENT DEPARTMENT

Operation Description

Lanecert Education Group LLC provides occupational skills training for IT network engineering, consulting, and computer lab rental. Conditional Use Permit is required by **BPPE**-Bureau for Private Postsecondary Education to approve the trade school license.

Consulting function strives to consult students with the training program overview. The training program overview provides students with information about the program structures and advice on which program would be a good fit, as well as helping students with career advice after finishing the program.

Computer lab rental is a service we provide where Cisco Labs are setup in laptops and servers. This is for students to rent and practice when they study Cisco skills.

Through occupational skills training, we provide IT training which include Cisco Skills, Business Analyst, Juniper Network, and Microsoft skills training. I have four CCIEs and over 20 years of experience helping people get IT jobs. I am the owner of two career schools in Texas. This would be the third school to help people get IT certificates, including Cisco certificates include CCNA, CCNP, and CCIE certificates in Monterey Park. Most of the time, we do online training (students do not need to come to school). We also provide classroom training in the following operation hours:

1. Most of the current companies on site conduct operation hours from 9:00am to 6:00pm from Monday to Friday. Our hours of operation will be restricted to 6:00pm to 10:00pm weekdays and 8:00am to 5:00pm on weekends. There will be about one to three employee onsite including a director, a representative, and an instructor.
2. Class size shall be limited to 30 students subject to approval of the Building Official. We have two classrooms. The small one for 10 students and the big one for 20 students.

Application Name: JIANFENG LIU

1455 Monterey Pass Rd STE 206, Monterey Park, CA 91754.

ATTACHMENT 4

Ordinance No. 1933

ORDINANCE NO. 1933

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF MONTEREY PARK,
CALIFORNIA, ADDING CHAPTER 21.14, ENTITLED OFFICE PROFESSIONAL,
TO THE MONTEREY PARK MUNICIPAL CODE, MODIFYING SECTION 21.70.030
OF THE MONTEREY PARK MUNICIPAL CODE BY ADDING CERTAIN
CONDITIONALLY PERMITTED USES IN THE OFFICE PROFESSIONAL ZONE,
APPROVING A GENERAL PLAN AMENDMENT AND APPROVING A
ZONE CHANGE FOR THE AREA COMMONLY KNOWN AS
MCCASLIN BUSINESS PARK FROM MANUFACTURING (M) TO
OFFICE PROFESSIONAL (O-P)**

**THE PEOPLE OF THE CITY OF MONTEREY PARK, CALIFORNIA, DO
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. The People find and determine that a Zone Change pursuant to Title 21 of the Monterey Park Municipal Code (MPMC), to change the zoning designation from M (Manufacturing) to O-P (Office Professional), and to establish appropriate development regulations for the O-P zone are in the public interest and consistent with the General Plan.

SECTION 2. The People hereby amend the Monterey Park Municipal Code (MPMC) to establish an O-P (Office Professional) Zone, by adding Chapter 21.14 thereto to read as follows:

Chapter 21.14

O-P --- Office Professional Zone

Sections:

- 21.14.010 Purpose
- 21.14.020 Permitted uses
- 21.14.030 Prohibited uses
- 21.14.040 Principal uses
- 21.14.050 Conditional uses
- 21.14.060 Standards of development generally
- 21.14.070 Lots
- 21.14.080 Yards
- 21.14.090 Building height
- 21.14.100 Floor area ratio (FAR)
- 21.14.110 Off-street Parking

- 21.14.120 Required walls
- 21.14.130 Trash facilities
- 21.14.140 Buffering and maintenance of landscaping and easements
- 21.14.150 Compressors, air-conditioning units or similar mechanical equipment
- 21.14.160 Lighting
- 21.14.170 Exceptions
- 21.14.180 Site development plan approval
- 21.14.190 Limitations on permitted uses

21.14.010 Purpose. In order to provide for the development of integrated professional, office and limited retail areas that exhibit a diversity of business activity from both revenue and service quality standpoints, and which are compatible and responsive to abutting land uses, including residential developments, the following regulations shall be applicable to all properties classified in the O-P zone.

21.14.020 Permitted uses. No person shall use, nor shall any property owner permit the use of any lot classified in any O-P zone for any use, other than the following as set out in Section 21.14.040 and 21.14.050.

21.14.030 Prohibited uses. All uses not permitted in this chapter shall be prohibited.

21.14.040 Principal uses. The principal uses shall be permitted as follows:

- Administrative and professional offices;
- Beauty salon or barber shop;
- Bookstore;
- Cellular phone, telephone and pager store
- Coffee shop;
- Computer store, sales and service;
- Confectionary shop;
- Data processing facility;
- Delicatessen;
- Employment agency;
- Financial institutions' corporate offices, no retail banking;
- General research facility, not involving testing, manufacturing, fabrication or processing or sale of products, nor the use of a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U.F.C. Standard 79-3 or succeeding standard;
- Gift shop;
- Ice cream parlor;
- Import and export offices;
- Investment service offices, stock brokers;
- Jewelry store, sales and service;
- Legal offices;

Mail box and service store;
Medical equipment and supplies, sales and service;
Notary public;
Photocopying and blueprinting;
Public utility customer service office
Real estate offices and title companies;
Restaurant, tearoom and cafe;
Service businesses;
Stationery;
Studio, art, dance, martial arts, photography;
Tax consulting;
Tobacco store;
Travel agency;
Video sales and rentals;

21.14.050 Conditional uses. Conditional uses shall be uses specifically enumerated in Section 21.70.030.

21.14.060 Standards of development generally. All premises in the O-P zone shall comply with the following standards of development as set out in Sections 21.14.070 through 21.14.190.

21.14.070 Lots. (a) Lot area. The minimum lot area of each lot shall be five thousand square feet.

(b) Lot width. The minimum width of each lot shall be fifty feet.

(c) Lot depth. The minimum depth of each lot shall be one hundred feet.

21.14.080 Yards. The following minimum yards shall be required on all lots:

(a) Front yard. No minimum front yard is required.

(b) Side and rear yards. Every lot shall have and maintain minimum side and rear yards as follows:

(1) When the side yard is adjacent to a street, the yard shall be at least fifteen feet in depth.

(2) When adjacent to a R-zone, the yard shall be no less than fifty feet, plus five feet in depth for each story above one story of building or each ten-foot increment above fifteen feet in height of building on the O-P zoned lot. Where there is an opening, including but not limited to windows, pedestrian doors and roll-up doors, in any building on the O-P zone facing a yard adjacent to a R-zone, the yard shall be no less than one hundred feet from any opening to the R zoned lot. The yard may be used for parking, excepting a minimum fifteen foot wide area abutting the R-zone which shall be landscaped and maintained in such a condition so as not to violate Section 9.54.010. The required landscaping shall also conform to the standards set forth in Section 21.14.140. When the O-P zoned lot is separated from a R-zone by an alley, a rear yard setback of forty feet shall be provided, as measured from the centerline of the alley. A minimum three-foot wide landscaped planter shall be installed and maintained along the alley, excepting at any vehicular access driveway.

(3) When adjacent to a commercially-zoned or M zoned lot, no yard is required.

21.14.090 Building height. No building or structure in excess of forty feet or three stories shall be located on any lot. Buildings or structures exceeding the height limits may be permitted upon approval of a conditional use permit.

21.14.100 Floor area ratio (FAR). The floor area ratio shall not exceed 0.5 when the lot is less than ten thousand square feet in area. When the lot is between ten thousand and twenty thousand square feet in area, the floor area ratio shall not exceed 0.65. When the lot is more than twenty thousand square feet in area, the floor area ratio shall not exceed 0.8. The floor area ratio may be increased to a maximum of 1.0 for all lots, upon approval of a conditional use permit.

21.14.110 Off-street parking and loading. Each O-P zoned lot shall have and maintain off-street parking and loading facilities as required by Chapter 21.40.

21.14.120 Required walls. Except as otherwise provided in Chapter 21.48, the following standards shall apply: (a) Where any part of the front yard or street side yard of a O-P zoned lot is used for parking or loading, a masonry wall compatible in color with the commercial building and/or sight-obscuring hedge a minimum of three feet in height shall be erected and maintained within a landscaped area a minimum of three feet in width adjacent to the sidewalk at the front or side yard property line as required by Section 21.40.180.

(b) When any O-P zoned lot has a common side or rear lot line with any R-zoned property, a six-foot solid decorative masonry or concrete block wall compatible in color with the commercial building shall be constructed and maintained along all such common side or rear lot lines. Where an easement exists, abutting the common property line, the said decorative wall may be constructed along the boundary of the easement on the commercial lot. A minimum three-foot wide landscaped planter with automatic irrigation system shall be placed adjacent to the wall, planted with trees, shrubs, ground cover and vines. Where a parking lot on the O-P zoned lot abuts a R-zoned lot, the additional parking lot landscaping requirements of Section 21.40.180 shall apply.

21.14.130 Trash facilities. Each O-P zoned lot shall be provided with facilities for the storage and collection of trash as follows:

(a) Any outdoor trash facility shall be enclosed by a minimum five-foot high solid masonry, brick or concrete wall except for the access way which shall be enclosed with solid decorative gates of the same height.

(b) Location and size shall be subject to approval by the planner. When any O-P zoned lot has a common property line with a R-zoned lot, no trash facility shall be located within the required building setback.

(c) Open vehicular and pedestrian access to and from such trash facility shall be provided. No parking spaces shall block such access to the trash facility.

(d) Trash facilities shall be maintained in a closed manner at all times to prohibit visibility from public rights-of-way or adjacent property.

Notwithstanding any other provision of this title, all existing uses, buildings and structures in the O-P zone which do not conform to this Section shall provide a fully enclosed trash facility within six months of the effective date of this ordinance unless providing such trash facility will eliminate any existing required off-street parking spaces.

21.14.140 Buffering and maintenance of landscaping and easements. For O-P zoned lots with side or rear yards that are adjacent to an R zoned lot, the following buffering provisions shall be provided and maintained:

(a) Landscaping, irrigation and maintenance plans shall be required and the plans shall be subject to approval of the design review board under the provisions of Chapter 21.72. The plans shall incorporate, but not be limited to, fifteen-gallon minimum trees at time of planting, interspersed shrubs, ground cover, raised earthen berms and automatic sprinkler systems. The City may require the maintenance plan to include a bonafide service agreement with a City licensed landscaping service business. Maintaining an active service agreement on file with the Community Development Department shall be the responsibility of the owner of the subject property or by his authorized agent.

(b) All landscaped areas and easements shall be maintained in good condition, weed and disease free, and in compliance with Chapter 9.54.

Notwithstanding any other provision of this title, all O-P zoned lots that abut a R zone and do not have landscaping, irrigation and maintenance plans that have been approved by the design review board pursuant to requirements of Chapter 21.72 shall submit a landscaping, irrigation and maintenance plan for design review board approval within six months of the effective date of this ordinance.

21.14.150 Compressors, air-conditioning units or similar mechanical equipment. Each O-P zoned lot which has compressors, air-conditioning units or similar mechanical equipment, located on the roof and outside of the exterior walls of any building or structure, shall comply with the following:

(a) All such equipment shall be installed with permanent sound proofing measures, including but not limited to, enclosures, parapet and sound attenuating walls and screens. All such equipment shall comply with noise standards set forth in Chapter 9.53. The location, type and scope of soundproofing measures for such equipment shall be subject to the approval of the Community Development Department.

(b) All such equipment shall be maintained in a clean and proper condition to prevent collection of litter and filth, emissions of dust or fumes, vibration or electrical disturbances.

21.14.160 Lighting. All outdoor lighting shall be located and shielded so as to prevent the direct spillage of light or glare onto adjacent lots and streets.

21.14.170 Exceptions. Except as otherwise provided in this section, any use, building or structure which is in existence or for which a permit has been issued, as of the effective date hereof, and which conformed to all zoning regulations of the city then in effect at such time, shall not be rendered nonconforming within the meaning of Chapter 21.68, solely by reason of the application of the development standards as set forth in this chapter; provided that any such existing use, building or structure shall comply with the provisions hereof upon a change in use, or upon use, building or structure expansion or reconstruction, in whole or in part.

21.14.180 Site development plan approval. Prior to the issuance of a building permit or business license for any use, building or structure to be located on any lot, as to which the provisions of this chapter apply, the provisions of Chapter 21.72, with regard to site development plans shall be complied with.

21.14.190 Limitations on permitted uses. Every use permitted in the O-P zone shall comply with the following:

(a) All uses shall be conducted totally within a completely enclosed building, except for those uses which are customarily conducted in the open, as determined pursuant to Section 21.06.060 or Section 21.74.030. Those uses conducted in the open shall be no closer than one hundred feet to any R zoned lot, except for parking.

(b) No outdoor storage shall be allowed unless the same is enclosed by a view-obscuring fence or wall, provided that no stored material is visible above the fence or wall, that the fence or wall is approved by the Department of Community Development, and that such storage shall be limited to the accessory storage of items sold or utilized in the conduct of a permitted use on the premises. Where the O-P zoned lot is adjacent to a R zoned lot, no outdoor storage shall be permitted within one hundred feet of a R zoned lot.

(c) No loading and unloading shall be permitted in any required side or rear yard.

(d) Where the O-P zoned lot is adjacent to a R zoned lot, no deliveries of goods and commodities nor loading or unloading shall be conducted during the hours from 10:00 p.m. to 7:00 a.m.

(e) There shall be no overnight parking of vehicles, except those vehicles used in conjunction with a permitted use.

(f) Driveways may not exceed thirty feet in width or sixty percent of the lot frontage.

(g) No use shall be permitted which produces or causes or emits any dust, gas, smoke, glare, noise, fumes, odors, electromagnetic emanations or vibrations which are or may be detrimental to the health, safety, welfare and peace of the city and its residents and businesses.

(h) No use shall be permitted which uses or stores a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U. F. C. Standard 79-3 or succeeding standard. A business materials usage and operations form shall be filed with the Community Development Department prior to the approval of a certificate of occupancy. Notwithstanding any other provision of this title, all O-P zoned businesses that do not have a business materials usage and operations form on file shall submit a form within six months of the effective date of this ordinance.

(I) No person shall, at any location within the O-P zone, create nor allow the creation of noise which causes the noise level to exceed the applicable noise standards set forth in Chapter 9.53. Where the O-P zoned lot is adjacent to a R zoned lot, the noise level at the property line of the R zoned lot shall not exceed the allowable noise level for residential properties.

SECTION 3. The People hereby amend Section 21.70.030 of the Monterey Park Municipal Code (MPMC) by adding the following conditionally permitted uses:

Use	Zone in which allowed subject to Conditional Use Permit
Auditorium, not within 300 feet of a R-zone	O-P
Buildings exceeding height limit	O-P
Business college (office or medical, dental).	O-P
Child care center, not within 300 feet of a R-zone	O-P
Commercial office or service units which are shared by more than one independently owned business enterprise	O-P
Commercial developments of five or more units or with an area of more than one acre, and within 300 feet of a R-zone	O-P
Financial institution (retail banking)	O-P
Floor area ratio not to exceed 1.0	O-P
Government or public facility, except those owned or operated by the City of Monterey Park	O-P
Gymnasium, reducing salon and health center	O-P
Hotel	O-P
Lot size over an acre	O-P
Places of entertainment, except as otherwise provided in this title . . .	O-P

SECTION 4. The People APPROVE General Plan Amendment to change the land use designation in the Land Use Element from Industrial to Commercial for the area set forth in the attached map incorporated herein by this reference, based on the following findings:

1. The proposed General Plan Amendment will protect the health, safety and general welfare of the community as the amendment provides for a land use more compatible with surrounding single family residential development.
2. The proposed General Plan Amendment reflects the conditions of the community and are in keeping with the character of the area. The proposed land use designation of commercial is more compatible than the existing manufacturing designation with the surrounding single family residential areas.

ORDINANCE NO. 1933
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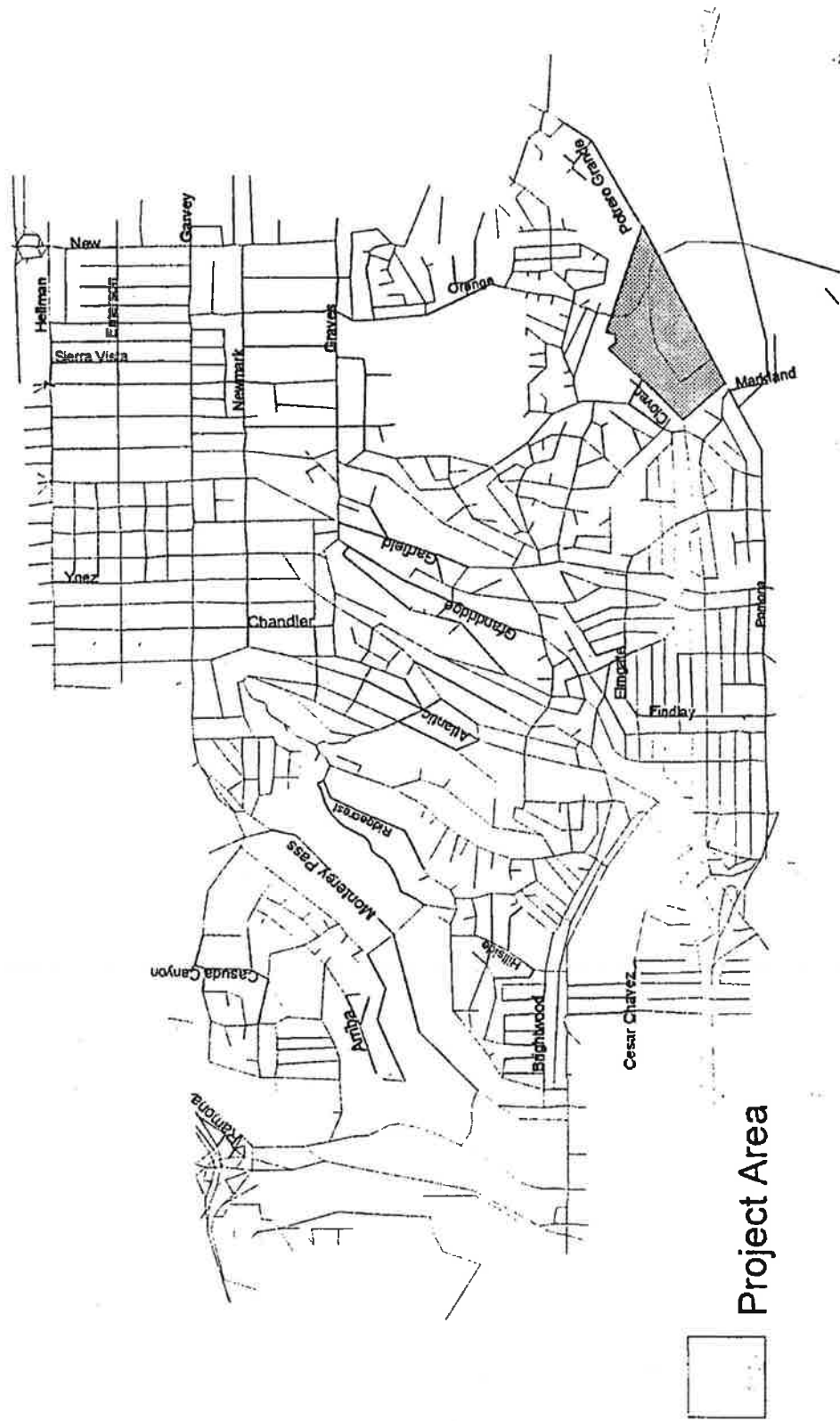
SECTION 5. The People **APPROVE** the Zone Change to change the land use classification from M to O-P for the area set forth in the attached map incorporated herein by this reference.

(1997OP-ORD)

REV: 12/30/97
11.45 A.M.

**APPROVED AND ADOPTED AT THE APRIL 14, 1998,
SPECIAL MUNICIPAL ELECTION IN THE CITY OF MONTEREY PARK**

MCCASLIN BUSINESS PARK GENERAL PLAN AMENDMENT AND ZONE CHANGE





Planning Commission Staff Report

DATE: September 24, 2019

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: Consideration and possible action to adopt a Resolution recommending that the City Council approve the draft Land Use Element, Focused Environmental Impact Report, and Findings of Fact and Statement of Overriding Considerations.

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 recommending that the City Council approve the Land Use Element, Focused Environmental Impact Report, and Findings of Fact and Statement of Overriding Considerations; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

CEQA Guidelines § 15060 provides that if a lead agency determines that an environmental impact report ("EIR") will clearly be required for a project, the agency may by-pass initial review of the project and immediately begin work on the EIR pursuant to CEQA Guidelines § 15080. In the absence of an initial study, the lead agency must still focus the EIR on the significant effects of the project and briefly indicate its reasons for determining that other effects would not be significant or potentially significant. The City determined that preparation of a Draft EIR ("DEIR") was required for the Project. No initial study was conducted nor were any of the CEQA Appendix G checklist topical areas eliminated from consideration of impacts. Consequently, all 20 of these topical areas were analyzed in the DEIR before determining that any impact was insignificant or less than significant.

CEQA permits agencies to certify a final EIR ("FEIR") that discloses significant and unavoidable impacts if it can determine that the benefits of the proposed project outweigh the significant impacts. Significant and unavoidable impacts anticipated as a result of implementation of this project include air quality, greenhouse gas emissions, noise, and transportation and traffic. While mitigation has been recommended to reduce these impacts, they remain significant and unavoidable for several reasons. Implementation of certain traffic and transportation improvements are outside the City's jurisdiction and the City cannot compel another agency to implement these

improvements. The benefits of the proposed Project that should be weighed against these significant and unavoidable impacts include, without limitation, economic growth and development; promotion of sustainable development; increased employment opportunities for highly skilled workers; reduction in per capita vehicle miles traveled; and the provision of housing.

EXECUTIVE SUMMARY:

The City Council authorized an update to the Monterey Park General Plan in 2018 (termed “Monterey Park 2040”). While the General Plan contains several elements, the first element identified by the City Council for consideration is the Land Use Element (the “LUE”). The LUE contemplates the future use and reuse of land within the City and establishes long-range goals for development in terms of land use type and intensity, as well as urban character and form. This update to the LUE reflects City Council direction; input from the General Plan Advisory Committee (which was appointed by the City Council); consideration of comments submitted by members of the public; and recommendations by City staff.

BACKGROUND:

At the direction of the City Council in 2018, the City began the process for updating the Monterey Park General Plan (the “GP”). Under California law, the GP must include seven elements: Land use; Circulation (traffic); Housing; Conservation (natural resources); Open space (recreation, etc.); Noise; and Safety (fires, seismic & geological hazards). The GP – particularly the Land Use Element – constitutes the City’s “constitution” for economic, social, and land use development. The last comprehensive update to the GP occurred in 2001.

In Monterey Park, voter approval is required for amendments to the Land Use Element (“LUE”). Accordingly, the City Council opted to proceed with updating the LUE first with the objective of placing a proposition on the November 2019 ballot. For various reasons – including election costs estimated at nearly \$500,000 – the Council opted instead to place a proposition on the March 2020 ballot. Since this is already a general municipal election, the cost savings to the City is significant.

On February 20, 2019, the City Council formed the GPAC by appointing 11 individuals to help facilitate updates to the LUE (a list of the GPAC members is included within Attachment 4). Between March 11, 2019 and May 6, 2019, the GPAC held four meetings to consider the draft LUE. Additionally, the City Council held a workshop on May 7, 2019 to consider the matter. Overall, the City conducted seven events for public attendance – including a booth at the Cherry Blossom Festival (held from April 27-28th) – to solicit public input. These efforts were in addition to the dedicated webpage regarding the matter that solicits public input (<https://www.montereypark.ca.gov/1249/General-Plan-Update---Monterey-Park-2040> or <https://tinyurl.com/yyvc4xto>) and a public survey that ended on April 15, 2019.

The EIR and LUE are now in draft form and ready to be considered by the Planning Commission. Notice for a public hearing on September 24, 2019 before the Planning

Commission was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on August 20, 2019 and published in the Wave on September 5, 2019, with affidavits of posting on file.

On September 4, 2019, an update was provided to the City Council regarding the process and next steps. Additionally, the City Council was provided the opportunity to give direction to staff as to the LUE process, e.g., whether further meetings by the GPAC or public workshops should be held. Overall, the City Council did not express concerns about the public outreach process and did not provide further direction regarding additional outreach efforts.

PROPOSED UPDATES:

The attached Focused Area Summary Table summarizes the Land Uses, Current Floor Area Ratio (FAR) and Height Maximums, and Proposed FAR and Height Maximums. No changes are proposed to the existing Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR) Land Uses. The updates proposed concentrate on the Focused Areas identified in the 2001 General Plan, including Downtown Monterey Park, East Garvey, Atlantic Boulevard, Mid Atlantic, South Atlantic, North Garfield, South Garfield, Monterey Pass Road, Corporate Center, OII/Edison, and Saturn Park.

Since the draft LUE was published, a request was made by a property owner to change the land use density at 1688 W. Garvey Avenue from HDR to MDR land use. Attached is the correspondence supporting that request. Based upon that correspondence, it is recommended that the Planning Commission change the land use designation for that property.

Throughout the public outreach process, members of the community were asked about strengths, challenges and opportunities within the current conditions of the City. Many members of the public expressed that they want to see new and diverse economic opportunities within the City. The Focused Area Summary Table shows current land Designations and FAR and Height Maximums. Since 2001, the City has experienced redevelopment predominately in the North Atlantic and OII/Edison Focus Areas with little to no changes in the other identified Focused Areas. This absence of redevelopment was the driving force behind the proposed updates and a reevaluation of the Land Uses and FAR and Height Maximums. The Focused Area Summary Table also shows the proposed updates; both increases and decreases in FAR and Height Maximums are proposed to more accurately reflect existing conditions and development patterns since the 2001 General Plan update. In some of the Focused Areas, the FAR is proposed to remain the same while the height may slightly increase and in other Areas the height may remain the same while the FAR may slightly increase. The goals and objectives identified in the draft General Plan Land Use Element is to find a balance between land use, FAR, and heights, in order to form the long-range vision for the City for the next 20 years.

In preparation of the resolution and staff report, Staff has identified the following corrections and clarifications to the draft LUE (included as Attachment 4 to this staff report):

The parcel located at 1688 W. Garvey is currently proposed to be zoned as High Density Residential; however, from a topographical standpoint, as well as the underlying geologic issues and the proposed geotechnical solutions for development, this parcel is not a good candidate for high density residential. Specifically, development will be constrained due to the steep slopes on the property and the required corrective action to cure historic geotechnical failures on the property – which is anticipated to involve the use of tiebacks. Accordingly, the property should be designated as Low Density Residential and the LUE should be amended to reflect that change in designation.

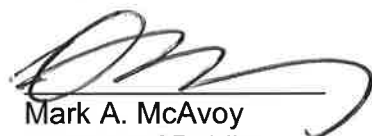
Additionally, MIG has identified the following insubstantial corrections to the attached draft of the Land Use Element:

- Renumber goals and policies to Goal 1, policies 1.1, 1.2, etc. (on page 39 of the LUE);
- Fix policy numbering under Goal 3 (see page 40 of the LUE);
- Replace the phrase "home ownership" with the word "homeownership" (on page 47 of the LUE);
- Change "North Atlantic" to "North Garfield" within the list located on page 48; and
- Change "North Atlantic" to "North Garfield" on page 59.

FISCAL IMPACT:

As part of the Fiscal Year 2018/2019 annual budget, the City Council authorized \$400,000 for the General Plan update and an additional amount of \$349,607 was allocated from the Capital Improvement Projects – Downtown Improvements set aside funds, which has a balance of \$916,760.

Respectfully submitted,

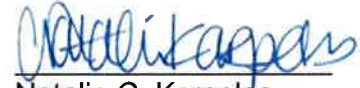


Mark A. McAvoy
Director of Public
Works/City Engineer/City
Planner

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Natalie C. Karpeles
Deputy City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Finding of Facts and Statement of Overriding Considerations
- Attachment 3: Focused Area Summary Table
- Attachment 4: Draft Monterey Park General Plan Land Use Element and
Focused Environmental Impact Report
- Attachment 5: 1688 West Garvey Avenue Zoning Clarification Letters, dated
September 4, 2019 and September 10, 2019

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE MONTEREY PARK FOCUSED GENERAL PLAN UPDATE – MONTEREY PARK 2040.

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

SECTION 1. The Planning Commission finds and declares that:

- A. California Government Code §§ 65300-65302 require the City to adopt and maintain a General Plan that contains certain elements, describes its long-term goals, and develops policies and programs to achieve those goals. By statute, a General Plan is required to be updated “periodically”; and
- B. The City is currently proposing a focused update to the General Plan – Monterey Park 2040 – currently consisting only of revisions to the Land Use Element (the “Project”), and which warrants preparation of an Environmental Impact Report (EIR);
- C. The City of Monterey Park, as lead agency, has prepared an EIR for the Project (State Clearing House No. 2001-01-1074). The EIR consists of the Draft EIR (“DEIR”) and the Final EIR (“FEIR”);
- D. The Project includes a wide variety of objectives, policies, and implements programs designed to enhance the public health, safety, and welfare. The Project further protects the public health by and safety through reliance on mitigation measures and policies requiring the adoption of impact fees.
- E. 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 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”); and
- F. On September 24, 2019, the Planning Commission held a public hearing regarding the Project. This Resolution, and its findings, is adopted based upon the evidence set forth in the entire record including, without limitation, documentary and testimonial evidence; the staff report; and such additional information set forth in the entire administrative record that is too voluminous to reference, but is on file with the City Clerk’s office.

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

**PLANNING COMMISSION
RESOLUTION NO.
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- A. In 2018, the City Council directed staff to begin comprehensive updates to the Monterey Park General Plan; the first element to be considered is the Land Use Element (LUE) – which was last updated in 2001.
- B. The City has sought to proactively engage the public regarding the focused update to the General Plan including: (1) creating the General Plan Advisory Committee (GPAC); (2) conducting stakeholder interviews; (3) creating a public website for the Project; (4) circulating a community survey; (5) polling participants of the Cherry Blossom Festival regarding land use alternatives; (6) hosting a public meeting to present the General Plan's technical findings; and (7) holding an environmental scoping meeting.
- C. The proposed focused update to the General Plan contains a thorough and adequate treatment of land use, economic, environmental and development issues within the realm of the planning period.
- D. The proposed focused update to the General Plan is internally consistent and would not be a detriment to the public interest, health, safety, convenience, and welfare of the City.
- E. The proposed focused update to the General Plan encourages appropriate land uses, preservation of neighborhood character and natural resources, infill of vacant land area, new multi-family residential development, provision of urban services and utilities, pedestrian facilities and enhancement of the property tax base.

SECTION 3. Environmental Assessment. The Planning Commission makes the following environmental findings:

- A. Because of the facts and conclusions identified in Section 2 of this Resolution and in accordance with CEQA Guidelines § 15082, the City filed a Notice of Preparation (NOP) of a Draft EIR (DEIR) with the State Clearinghouse (SCH) Office of Planning and Research (OPR); the NOP included a comment period from April 16 to May 16, 2019. The SCH OPR assigned SCH Number 2001-01-074 to the environmental documentation for the Project.
- B. A Scoping Meeting to solicit public input on the issues proposed for consideration in the DEIR was held on May 7, 2019 at 6:00 P.M. at the Monterey Park City Hall Council Chambers. A total of six written responses were received on the NOP.
- C. In accordance with CEQA, a Notice of Completion (NOC) of the DEIR was filed with the SCH OPR on June 7, 2019.

SECTION 4. The public review period for the DEIR commenced on June 10, 2019 and ended on July 25, 2019. The DEIR was distributed to government agencies,

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 5**

neighboring cities and interested parties. The City's Notification Mailing List is available at the City of Monterey Park's Planning Department. A total of three written responses were received on the DEIR.

- A. Comments received during the public review period for the DEIR were responded to in the Responses to Comments Report.
- B. A FEIR was prepared for the Project, comprised of the following components:
 - 1. DEIR and Technical Appendices (June 2019).
 - 2. Comments received on the DEIR and responses to those comments documented in the Responses to Comments Report (June 2019).
 - 3. Clarifications and Revisions.
 - 4. Mitigation Monitoring and Reporting Program (MMRP).
- C. The FEIR (including documents and other materials that constitute the record of proceedings on which the City's findings and decisions are based) is located at City of Monterey Park, 320 W. Newmark Avenue, Monterey Park, CA 91754. The custodian for these documents is the Senior Planner. This information is provided in compliance with CEQA § 21081.6(a)(2) and CEQA Guidelines § 15091(e).
- D. The FEIR is incorporated into this Resolution by reference as if fully set forth. Pursuant to CEQA Guidelines § 15090, the FEIR reflects the City's independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the DEIR prepared for the proposed Project. The DEIR and FEIR are accurate and complete statements of the potential environmental impacts of the Project.
- E. Because of the facts identified in this Resolution, the DEIR showed that a Statement of Overriding Considerations would be required in order for the Project to be approved.
- F. The FEIR generally identifies, for each potentially significant impact of the project, one or more corresponding mitigation measures to reduce such impact to a level of insignificance, with the exception of Air Quality, Greenhouse Gas Emissions, Noise, and Transportation and Traffic. The Planning Commission finds that many of the mitigation measures described in the FEIR may lessen or avoid impacts in impact categories other than the categories for which they are specifically proposed. Accordingly, the Planning Commission finds that each potentially significant impact identified by the FEIR is mitigated by its corresponding mitigation measures to the extent set forth in the FEIR ("specific

**PLANNING COMMISSION
RESOLUTION NO.
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mitigation") and by other, non-corresponding, mitigation measures recommended for approval by the Planning Commission that were already incorporated into the Project ("general mitigation"). These findings will be applicable wherever supported by the evidence in the record regardless of whether a specific finding or an instance of such general mitigation is made.

SECTION 5. Actions. The Planning Commission recommends that the City Council takes the following actions:

- A. Adopts the LUE attached as Attachment 4, and incorporated into this Resolution by reference;
- B. Certifies the FEIR attached as Attachment 4, and incorporated by reference, subject to the mitigation monitoring and reporting program ("MMRP") required by CEQA § 21081.6 and CEQA Guidelines § 15097;
- C. Adopts the Findings of Fact and a Statement of Overriding Considerations in accordance with the requirements of CEQA § 21081 as set forth in attached Attachment 2, which is incorporated into this Resolution by reference; and
- D. Adopts the MMRP set forth in attached Attachment 4, which is incorporated into this Resolution by reference, in accordance with the requirements of CEQA §§ 21081(a) and 21081.6.

SECTION 6. Reliance on the Record. Each and all 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 were 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

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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. The City Clerk is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 11. This Resolution will take effect immediately upon adoption.

ADOPTED AND APPROVED this 24th day of September 2019.

Chairperson Eric Brossy de Dios

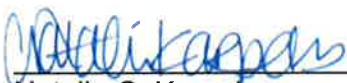
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 24th day of September 2019, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mark A. McAvoy, Secretary

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

By:



Natalie C. Karpeles,
Deputy City Attorney

ATTACHMENT 2

Finding of Facts and Statement of Overriding Consideration

**PLANNING COMMISSION RESOLUTION NO.
EXHIBIT _____**

**CITY COUNCIL RESOLUTION NO. _____
Exhibit _____**

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

After receiving, reviewing, and considering all the information in the entire administrative record for Environmental Impact Report (SCH #2001-01-1074) and the Monterey Park Focused General Plan Update – Monterey Park 2040 (the "Project") including, without limitation, the factual information and conclusions set forth in this Resolution and its attachment, the City Council finds, determines, and declares as follows:

I. FINDINGS REQUIRED BY CEQA.

CEQA Guidelines § 15090 require the City to certify that:

1. The Final Environmental Impact Report ("FEIR") has been completed in compliance with CEQA;
2. The FEIR was presented to the decision-making body of the lead agency and that that decision-making body reviewed and considered the information contained in the final EIR before approving the Project; and
3. The FEIR reflects the lead agency's independent judgment and analysis.

II. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT.

A. Determination to Prepare an Environmental Impact Report ("EIR").

CEQA Guidelines § 15060 provides that if the lead agency can determine that an EIR will be clearly required for a project, the agency may skip further initial review of the project and begin work directly on the EIR process described in commencing with CEQA Guidelines § 15080. In the absence of an initial study, the lead agency must still focus the EIR on the significant effects of the project and briefly indicate its reasons for determining that other effects would not be significant or potentially significant. The City of Monterey Park determined that preparation of a Draft EIR ("DEIR") was required for the Project. No initial study was conducted nor were any of the CEQA Appendix G checklist topical areas eliminated from consideration of impacts. Therefore, in the absence of preparing an initial study, all 20 of these topical areas were analyzed in the DEIR before determining that any impact was insignificant or less than significant.

B. Impacts Found To Be Insignificant in the DEIR.

The analysis within the DEIR for the Project, dated June 2019, identified the following environmental effects as not potentially significant. Accordingly, the City Council finds that the DEIR, the FEIR, and the record of proceedings for the Project do not identify or contain substantial evidence identifying significant environmental effects of the Project with respect to the areas listed below.

1. Agriculture and Forestry Resources.

2. Biological Resources (Animal Migration and Conservation, and Habitat Conservation Plans).
3. Geology and Soils (Septic Tanks).
4. Hazards and Hazardous Materials (Airports).
5. Hydrology and Water Quality (Drainage – Impede or Redirect Flood Flows).
6. Mineral Resources.
7. Transportation and Traffic (Conflicts with CEQA).
8. Utilities and Service Systems (Solid Waste Regulations).

C. Impacts Identified as Less Than Significant in the DEIR.

The analysis within the DEIR identified the following environmental effects as less than significant. Accordingly, the City Council finds that the DEIR, the FEIR, and the record of proceedings for the Project do not identify or contain substantial evidence identifying significant environmental effects of the Project with respect to the areas listed below.

1. Aesthetics.
2. Air Quality (Exposure of Sensitive Receptors to Pollutants; and Objectionable Odors).
3. Biological Resources (Sensitive Natural Communities and Riparian Habitat; Wetland Conservation; and Local Biological Resource Policies).
4. Cultural Resources (Archaeological Resources; and Human Remains).
5. Energy
6. Geology and Soils (Faults, Liquefaction, and Seismic-Related Ground Failure; Soil Erosion; Slope Stability and Landsliding; Expansive Soils; Paleontological Resources).
7. Hazards and Hazardous Materials (Transport, Use, and Disposal Hazards; Hazardous Materials; Emit Hazardous Emissions; Hazardous Materials Sites; Adopted Response and/or Evacuation Plans; and Wildland Fires).
8. Hydrology and Water Quality (Water Quality Standards; Drainage; Flood Risk; and Water Quality).
9. Land Use and Planning.
10. Noise (Increase in Stationary and Other Sources of Noise; Groundborne Vibrations; and Excessive Noise Levels Within Airport Vicinity).
11. Population and Housing.

12. Public Services
13. Recreation.
14. Transportation and Traffic (Design Feature Hazards; and Emergency Access).
15. Tribal Cultural Resources.
16. Utilities and Service Systems (Relocation or New Utilities; Wastewater Capacity; and Solid Waste Capacity).
17. Wildfire.

D. Impacts Identified as Potentially Significant in the DEIR But Which Can Be Reduced to Less-Than-Significant Levels with Mitigation Measures.

The City Council finds that the following environmental effects were identified as Less Than Significant with Mitigation Incorporated in the DEIR, the FEIR, and implementation of the identified mitigation measures would avoid or lessen the potential environmental effects listed below to a less-than-significant level.

1. Biological Resources.

a) Facts/Effects:

(1) Special Status Species Protections. The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The burrowing owl (*Athene cunicularia*), a California species of special concern, has low potential to occur in the Planning Area of the Project due to grasslands (including non-native that have been mowed or disked) and where suitable burrows are present (typically from presence of the California ground squirrel (*Otospermophilus beecheyi*) or other mammal burrows, as well as debris piles, and man-made culverts. Additionally, native trees, ornamental trees, and various other substrates within the Planning Area have to provide nesting habitat for protected bird species, where destruction of or disturbance to an active nest is prohibited. Project-related construction activities could have the potential to result in significant direct and/or indirect impacts. Implementation of Mitigation Measures BIO-1 through BIO-3 would lessen construction-related impacts by requiring pre-construction surveys and consultation to determine appropriate protocols that must be employed to reduce the impact of this environmental effect to a less than significant level.

(2) Cumulative Impacts. The project could cause substantial adverse cumulative impacts with respect to biological resources.

The Planning Area is mostly developed and urbanized. All cumulative biological impacts associated with implementation of the Project would be less than significant with implementation of Mitigation Measures BIO-1 through BIO-3, which address any potential impacts to burrowing owls and nesting migratory birds. Therefore, no unavoidable, cumulative impacts to biological resources would result from the Project.

b) Mitigation:

Mitigation Measures BIO-1 through BIO-3, as set forth in the EIR and MMRP.

c) Finding:

The City Council finds that the Project is required to comply with, and incorporates mitigation measures, to avoid or substantially lessen the significant biological resources environmental effects as identified in the FEIR.

2. Cultural Resources.

a) Facts/Effects:

(1) Historic Resources. The Project could cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines §15064.5.

The City identified two historic built environments (Cascades Park and the Jardin del Encanto complex) as listed on the California Register of Historic Resources, and a City Point of Interest (Midwick View Estates) noted by the California office of Historic Preservation. There are no known California Landmarks, no listed buildings or structures on the National Register of Historic Places and the City has not conducted an historic resources survey. Therefore, the number of potential buildings or structures within the City are unknown. The City also does not have regulatory policies in place to protect historic resources. Therefore, an historic conservancy through mitigation is required to avoid or minimize impacts to historic built environments. Implementation of Mitigation Measure CUL-1 would reduce impacts from development on potential historic (buildings and structures) resources to a less than significant level.

(2) Cumulative Impacts. The Project could cause substantial adverse cumulative impacts with respect to cultural resources.

The Planning Area is most developed and urbanized but lacks any comprehensive survey of historic structures and/or buildings. All cumulative cultural resource impacts associated with implementation of the Project would be less than significant with implementation of Mitigation Measure CUL-1, which address any potential impacts to an historic resource by requiring an "unique historic resource" evaluation before demolition or alteration of buildings or structures 45 years and

older. Therefore, no unavoidable, cumulative impacts to cultural resources would result from the Project.

b) Mitigation:

Mitigation Measure CUL-1, as set forth in the EIR and MMRP.

c) Finding:

The City Council finds that the Project is required to comply with, and incorporates mitigation measures, to avoid or substantially lessen the significant cultural resources environmental effects as identified in the FEIR.

3. Hydrology and Water Quality.

a) Facts/Effects:

(1) Decrease in Groundwater Supplies. The Project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Implementation of development allowed by the Project is anticipated to largely occur within designated focus areas that are currently developed areas of the City where new impervious surfaces would be minimal and are not expected to interfere with groundwater recharge. However, the City's primary water source is groundwater from seven active wells within the Main San Gabriel Groundwater Basin. Ample water supply is anticipated to serve the expected population as projected by the City of Monterey Park and CalWater planning documents through to 2040. The Project, however, anticipates an increased population, resulting in a possible increase in demand than was originally anticipated by the water purveyor. Implementation of Mitigation Measure UTS-1 would ensure that there is adequate water to serve the City and that the Project would not substantially decrease groundwater supplies.

(2) Cumulative Impacts. The Project could cause substantial adverse cumulative impacts with respect to hydrology and water quality.

New development allowed by the Project will primarily result in redevelopment and intensification of properties that are already developed with urban uses and significant impervious surfaces and will have limited effect on drainage or runoff and compliance with standard regulatory requirements will contain impacts to site specific rather than cumulative types. New development would not be anticipated to cumulatively contribute to a groundwater recharge impact, and all hydrology and water quality cumulative impacts would be less than significant with implementation of Mitigation Measure UTS-1, which would ensure adequate water to serve the City without substantial decrease in groundwater supplies. Therefore, cumulative impacts to hydrology and water quality are less than significant.

b) Mitigation:

Mitigation Measure UTS-1, as set forth in the EIR and MMRP.

c) Finding:

The City Council finds that the Project is required to comply with, and incorporates mitigation measures, to avoid or substantially lessen the significant Hydrology and Water Quality environmental effects as identified in the FEIR.

5. Noise.

a) Facts/Effects:

(1) Existing Noise Regulations. Project implementation could result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The Project would result in the redevelopment or intensification of properties and this would likely involve construction that would result in temporary noise generation, primarily from the use of heavy-duty construction equipment. Since individual site-specific information is unknown, potential short-term (construction-related) noise impacts are anticipated based upon activities associated with residential, commercial and retail development. Potential temporary construction-related noise increases of more than 10 dBA above ambient conditions during permissible construction hours would be a potentially significant effect. Implementation of Mitigation Measure NOISE-1, which requires the use of feasible construction noise control measures when development occurs near noise-sensitive land uses, would reduce potential construction noise impacts to less than significant levels.

(2) Cumulative Impacts. The Project could cause substantial adverse cumulative impacts with respect to noise or vibration.

New development allowed by the Project will primarily result in redevelopment and intensification of properties that are already developed with urban uses and with higher ambient noise levels. Construction noise from individual development activities would occur, but with implementation of Mitigation Measure NOISE-1, which would require construction noise control measures, are not considered cumulatively considerable. Therefore, cumulative impacts to Noise, specifically related to existing noise regulations, are less than significant.

b) Mitigation:

Mitigation Measure NOISE-1, as set forth in the EIR and MMRP.

c) Finding:

The City Council finds that the Project is required to comply with, and incorporates mitigation measures, to avoid or substantially lessen the significant Noise (existing noise regulations) environmental effects as identified in the FEIR.

6. Transportation and Traffic.

a) Facts/Effects:

- (1) Existing Circulation System Plans, Ordinances and Policies. The Project could conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Project-related traffic impacts were determined by comparing the intersection LOS without and with the Project. Significant adverse traffic impacts were identified based on the City's criteria. Under the Project, residential land use growth would be focused in areas designated by the current Housing Element update, and new commercial and office development would be focused in areas designated by the proposed Land Use Plan. The Project anticipates that there will be a reduction in single-family residential units and light industrial facilities throughout the Planning Area. Seven of 30 study intersections would be less than significantly impacted with the implementation of mitigation measures over multiple years as individual properties are developed or redeveloped as follows:

- Corporate Center Drive and I-710
- Fremont Avenue and Monterey Pass Road
- Atlantic Boulevard and Brightwood Street
- Atlantic Boulevard and SR-60 Eastbound Off-Ramp
- Garfield Avenue and Pomona Boulevard
- Markland Drive and Potrero Grande Drive/SR-60 Westbound Off-Ramp
- Saturn Street/Market Place Drive and Potrero Grande Drive

b) Mitigation:

Mitigation Measures as outlined in Table 4.17-14 (Summary of Mitigation Measures), as set forth in the EIR and MMRP.

c) Finding:

The City Council finds that the Project is required to comply with, and incorporates mitigation measures, to avoid or substantially lessen the significant Transportation and Traffic (relative to specific intersections) environmental effects as identified in the FEIR.

7. Utilities and Service Systems.

a) Facts/Effects:

(1) Water Supply. Implementation of the Project could result in insufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.

Water districts that serve the Planning Area completed Urban Water Management Plans ("UWMPs") that assessed water supply availability under various scenarios and determined that there is an ample supply of water. The Project forecasts population growth that exceeds those considered in the Monterey Park UWMP. It is possible that further conservation measures may be needed. Implementation of Mitigation Measure UTS-1 would ensure that there is adequate water to serve the City and the Project reducing the impacts to a less than significant level.

(2) Cumulative Impacts. The Project could cause substantial adverse cumulative impacts with respect to utilities and service systems.

The Project forecasts a population increase of 11,693 residents and 2,730 employees through the year 2040. This growth would result in an overall increase in demand for utility services, likely requiring new or expanded facilities over the 20-year planning horizon. New or expanded facilities would be required to comply with CEQA. Further, the cumulative impacts associated with the discrepancies between the Project population and the water district UWMP is addressed through the implementation of Mitigation Measure UTS-1. Therefore, cumulative impacts to Utilities and Service Systems are less than significant.

b) Mitigation:

Mitigation Measure UTS-1, as set forth in the EIR and MMRP.

c) Finding:

The City Council finds that the Project is required to comply with, and incorporates mitigation measures, to avoid or substantially lessen the significant Utilities and Service Systems environmental effects as identified in the FEIR.

E. Significant Unavoidable Effects that Cannot be Mitigated to a Level of Insignificance.

The City Council finds that the following environmental effects were identified as Significant and Unavoidable in the FEIR. Implementation of the identified mitigation measures would lessen the potential environmental effects to the extent feasible but not below a level of significance.

1. Air Quality.

a) Facts/Effects:

(1) Conflicts with Local Air Quality Plan. The Project could conflict with or obstruct implementation of the applicable air quality plan.

Since the growth that could occur under the Project's 2040 conditions would be inconsistent with the 2016 RTP/SCS growth forecasts, the Project could increase the frequency and/or severity of air quality violations in the Basin or otherwise impede attainment of air quality standards. Despite implementation of Mitigation Measures AQ-2A through AQ-2D, impacts in this regard would be significant and unavoidable.

(2) Net Increase of Non-Attainment Criteria Pollutants. The Project could result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.

Construction emissions associated with a potential level of annual development that is consistent with the Project's 2040 growth projections could result in ROG emissions during architectural coating activities that exceed SCAQMD-recommended CEQA significance thresholds. Further, the modeled maximum daily operational emissions associated with potential 2040 growth under the Project would result in NOx emissions that exceed SCAQMD-recommended CEQA significance thresholds. Despite implementation of Mitigation Measures AQ-2A through AQ-2D impacts in this regard would be significant and unavoidable.

(3) Cumulative Impacts. The Project could cause substantial adverse cumulative impacts with respect to air quality.

The Project's 2040 growth projections, and associated construction and operational emissions, are not consistent with SCAQMD planning assumptions and exceed SCAQMD-recommended emissions thresholds. Although implementation of Mitigation Measures AQ-2A through AQ-2D would reduce impacts, a significant and unavoidable impact would remain.

b) Mitigation:

Mitigation Measures AQ-2A through AQ-2D, as set forth in the EIR and MMRP.

c) Finding:

The City Council finds that the Project is required to comply with, and incorporates mitigation measures, to substantially lessen the significant Air Quality environmental effects as identified in the FEIR; however, the conflicts with the local air quality plan, net increase in non-attainment criteria pollutants, and certain cumulative Air Quality impacts of the Project cannot be mitigated below the threshold of significance, and are significant and unavoidable.

2. Greenhouse Gas Emissions.

a) Facts/Effects:

(1) Greenhouse Gas Emissions. The Project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

The Project's 2040 growth projection could result in GHG emissions that exceed the adjusted SCAQMD derived plan-level efficiency metric and this would be a significant impact. Despite implementation of Mitigation Measures AQ-2B through AQ-2D, impacts in this regard would be significant and unavoidable.

(2) Conflicts with Adopted Plans. The Project could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

As stated above, Project growth could result in GHG emissions that exceed the 2017 Climate Change Scoping Plan's recommended efficiency metrics. Additionally, the Project has the potential to result in growth that is not planned for in the City's CAP, which would be a significant impact. Despite implementation of Mitigation Measures AQ-2B through AQ-2D, impacts in this regard would be significant and unavoidable.

(3) Cumulative Impacts. The Project could cause substantial adverse cumulative impacts with respect to greenhouse gas emissions.

The Project's 2040 growth projections, and associated GHG emissions, could exceed emissions thresholds and pose a conflict with the 2017 Climate Change Scoping Plan and the City's CAP. Although implementation of Mitigation Measures AQ-2B through AQ-2D would reduce impacts, a significant and unavoidable impact would remain.

b) Mitigation:

Mitigation Measures AQ-2B through AQ-2D, as set forth in the EIR and MMRP.

c) Finding:

The City Council finds that the Project is required to comply with, and incorporates mitigation measures, to substantially lessen the significant Greenhouse Gas Emissions environmental effects as identified in the FEIR; however, the conflicts with the greenhouse gas emission thresholds and adopted plan, and certain cumulative Greenhouse Gas Emissions impacts of the Project cannot be mitigated below the threshold of significance, and are significant and unavoidable.

3. Noise.

a) Facts/Effects:

(1) Increases in Traffic Noise Levels. The Project could result in generation of a substantial permanent increase in ambient noise

levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.

The increase in traffic noise levels along Atlantic Boulevard resulting in “clearly unacceptable” low density residential noise exposure levels is a significant impact. Despite implementation of Mitigation Measure NOISE-2, impacts in this regard would be significant and unavoidable

(2) Cumulative Impacts. The Project could cause substantial adverse cumulative impacts with respect to noise or vibration.

The Project’s long-term increases in traffic in the Planning Area would result in a cumulatively considerable increase in noise exposure to “clearly unacceptable” levels along Atlantic Avenue between El Repetto Drive and Floral Drive, which is a significant impact. Although implementation of Mitigation Measure NOISE-2 would reduce impacts, a significant and unavoidable impact would remain.

b) Mitigation:

Mitigation Measure NOISE-2, as set forth in the EIR and MMRP.

c) Finding:

The City Council finds that the Project is required to comply with, and incorporates mitigation measures, to substantially lessen the significant Noise environmental effects as identified in the FEIR; however, the increase in traffic noise levels and certain cumulative Noise impacts of the Project cannot be mitigated below the threshold of significance, and are significant and unavoidable.

4. Transportation and Traffic.

a) Facts/Effects:

(1) Existing Circulation System Plans, Ordinances and Policies. The Project could conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Project-related traffic impacts were determined by comparing the intersection LOS without and with the Project. Significant adverse traffic impacts were identified based on the City’s criteria. Under the Project, residential land use growth would be focused in areas designated by the current City Housing Element update, and new commercial and office development would be focused in areas designated by the proposed Land Use Plan. The Project anticipates that there will be a reduction in single-family residential units and light industrial facilities throughout the Planning Area. The Project identifies 27 of 30 study intersections as significantly impacted. Despite the implementation of mitigation measures outlined in Table 4.17-14 of the FEIR, the following Project

intersections would continue to have significant and unavoidable impacts:

- Atlantic Boulevard and Hellman Avenue
- Garfield Avenue and Hellman Avenue
- New Avenue and Hellman Avenue
- Atlantic Boulevard and Emerson Avenue
- Garfield Avenue and Emerson Avenue
- Atlantic Boulevard and Garvey Avenue
- Garfield Avenue and Garvey Avenue
- New Avenue and Garvey Avenue
- Corporate Center Drive and Ramona Boulevard
- Garfield Avenue and Newmark Avenue
- I-710 Northbound On-Ramp/Ford Boulevard and Floral Drive
- Corporate Center Drive/McDonnell Avenue and Floral Drive
- Monterey Pass Road/Mednik Avenue and Floral Drive
- Atlantic Boulevard and Floral Drive
- Collegian Avenue and Avenida Cesar Chavez
- Atlantic Boulevard and Avenida Cesar Chavez
- Atlantic Boulevard and 1st Street/SR-60 Westbound Off-Ramp
- Garfield Avenue and Riggin Street
- Garfield Avenue and Via Campo
- Wilcox Avenue and Pomona Boulevard

- (2) Cumulative Impacts. The Project could cause substantial adverse cumulative impacts with respect to transportation and traffic.

Traffic conditions under Future 2040 with the Project would substantially impact 27 of 30 Project study intersections. Although implementation of Mitigation Measures outlined in Table 4.17-14 of the FEIR would reduce impacts, a significant and unavoidable impact would remain.

- b) Mitigation:

Mitigation Measures as outlined in Table 4.17-14 (Summary of Mitigation Measures), as set forth in the EIR and MMRP.

- c) Finding:

The City Council finds that the Project is required to comply with, and incorporates mitigation measures, to substantially lessen the significant Transportation and Traffic environmental effects as identified in the FEIR; however, the conflicts with the existing circulation plans, ordinances and policies, and certain cumulative Transportation and Traffic impacts of the Project cannot be mitigated below the threshold of significance, and are significant and unavoidable.

F. Growth Inducing Impacts.

Based upon the FEIR and the record of proceedings in this matter, the City Council finds that there are growth inducing impacts. Implementation of the Project would foster economic growth, resulting in population growth and the construction of additional housing units and nonresidential development within the Planning Area. That growth, however, is anticipated in the focused areas of the City that are already urbanized, allowing for the following net new development: 3,816 dwelling units; 619,932 square feet of new commercial uses; 883,902 square feet of new office space; and 607 hotel rooms.

Implementation of the Project could result in an estimated 11,693 new residents and 2,730 new employees within the Planning Area resulting in a 17 percent population increase over the next 20 years. While this population increase is more growth than the 2016-2040 RTP/SCS anticipates for the City of Monterey Park between 2020 and 2040 by 2,400 residents, this is not considered significant when compared to population and housing growth within the Los Angeles County region – an increase of approximately 1,188,600 residents and 452,900 households by 2040. Implementation of the Project could result in the addition of planned housing units, which would help to meet the anticipated regional housing demand.

G. Project Alternatives.

1. Alternatives Considered but Rejected.

In accordance with CEQA Guidelines § 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate alternatives from detailed consideration are the alternative's failures to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. There are no alternatives that were considered and rejected in the Project DEIR. Therefore, no finding is required to be made by the City Council relative to rejected alternatives in considering the FEIR.

2. No Project/Existing 2001 General Plan Alternative.

a) Description.

The No Project/Existing 2001 General Plan Alternative (No Project Alternative) assumes that development would occur within the Planning Area. The 2001 General Plan is 20 years old; the baseline data used for the original analysis is unavailable. For this alternative, it is assumed that only new residential development could occur; no new office, commercial, industrial, or hotel development would occur. Additionally, no new policies, goals, or development standards associated with the Focused General Plan Update would be implemented; the standards, goals, and policies associated with the 2001 General Plan would be applicable. Significant and unavoidable impacts identified for the Project related to Air Quality, Greenhouse Gas Emissions, Noise and Transportation would be reduced to less than significant levels with the No Project/Existing 2001 General Plan Alternative. Other environmental impacts that were identified for the Project as either no impact or less than significant impact would

remain similar or be slightly reduced with the No Project/Existing 2001 General Plan Alternative.

b) Finding.

The City Council finds that the No Project/Existing 2001 General Plan Alternative would not attain four of the five Project's basic objectives as it does not include commercial, office, or hotel development. The No Project/Existing 2001 General Plan Alternative would attain one of the five objectives but not to the same degree as the Project. Specifically, given the significant reduction in residential development associated with this alternative, the objective to "Create new housing opportunities for a full range of housing types and to increase housing affordability" would not be fully realized. The City Council finds on the basis of these considerations that the No Project/Existing 2001 General Plan Alternative, as identified in the FEIR, is infeasible.

3. Market Demand Alternative.

a) Description.

The Market Demand Alternative assumes a "market-adjusted" development scenario that evaluates the portion of the Project capacity that would likely be built by 2040, based on current and foreseeable market trends. The Market Demand Alternative reflects a reduced amount of residential, hotel and office development. This alternative would have a similar amount of total commercial space as the Project. This alternative assumes that policies, goals, or development standards associated with the Project would apply to this alternative. Development assumptions for this alternative include an overall correlating decrease in population when compared to the Project. Significant and unavoidable impacts identified for the Project related to Air Quality, Greenhouse Gas Emissions, Noise and Transportation would be reduced but would remain significant and unavoidable with the Market Demand Alternative. Other environmental impacts that were identified for the Project as either no impact or less than significant impact would remain similar or be slightly reduced with the Market Demand Alternative.

b) Finding.

The City Council finds that the Market Demand Alternative would attain the Project's basic objectives as it includes commercial, office, residential and hotel development. However, the Market Demand Alternative would not attain the five objectives to the same degree as the Project. Specifically, given the significant reduction in overall development associated with this alternative, the Project objectives providing optimal economic and housing benefits would not be fully realized. The City Council finds on the basis of these considerations that the Market Demand Alternative, as identified in the FEIR, is infeasible.

4. Reduced Density/Intensity Alternative.

a) Description.

The Reduced Density/Intensity Alternative assumes that the development in all land use categories associated with the Project would be reduced by approximately one third (33 percent). While the amount of development would be reduced, this alternative assumes that policies, goals, and development standards associated with the Project would also be applicable to development under this alternative. Development assumptions for this alternative include an overall correlating decrease in population when compared to the Project. Significant and unavoidable impacts identified for the Project related to Air Quality, Greenhouse Gas Emissions, Noise and Transportation would be reduced but would remain significant and unavoidable with the Reduced Density/Intensity Alternative. Other environmental impacts that were identified for the Project as either no impact or less than significant impact would remain similar or be slightly reduced with the Reduced Density/Intensity Alternative.

b) Finding.

The City Council finds that the Reduced Density/Intensity Alternative would attain the Project's basic objectives as it includes commercial, office, industrial, residential and hotel development. However, the Reduced Density/Intensity Alternative would not attain the five objectives to the same degree as the Project. Specifically, given the significant reduction in overall development associated with this alternative, the Project objectives providing optimal economic and housing benefits would not be fully realized. The City Council finds on the basis of these considerations that the Reduced Density/Intensity Alternative, as identified in the FEIR, is infeasible.

5. Environmentally Superior Alternative.

In compliance with Public Resources Code §15126.6(d), a matrix displaying the major characteristics and significant environmental effects of each alternative is included in the FEIR; see Table 5--2, Alternatives' Impacts Compared to Project Impacts. The purpose of this matrix is to summarize and compare how impacts associated with the implementation of the alternatives compare with the impacts associated with implementation of the Project.

Chapter 5 of the FEIR describes three alternatives to the Project including the CEQA-mandated "No Project" Alternative. Public Resources Code §15126.6 requires that one alternative be identified as the environmentally superior alternative. Furthermore, if the environmentally superior alternative is the "No Project" alternative, the FEIR must also identify the environmentally superior alternative from among the other alternatives.

Other than the No Project/Existing 2001 General Plan Alternative, the Reduced Density/Intensity Alternative would result in the least adverse environmental impacts and would therefore be the "environmentally superior alternative." This conclusion is based on the comparative impact conclusions in Table 5-2 and the analysis within Chapter 5. However, this alternative would not fully meet the objectives at the same level as the Project. The City Council finds on the basis of

these considerations that while the Reduced Density/Intensity Alternative, as identified in the FEIR, is the environmentally superior alternative, it is infeasible.

III. STATEMENT OF OVERRIDING CONSIDERATIONS.

The City Council finds on the basis of the FEIR and the entire administrative record for this matter that the unavoidable significant impacts of the Project as discussed in Section II.E. above are acceptable when balanced against the benefits of the Project. This determination is based on the following substantial economic, legal, social, technological factors, including region-wide benefits, as identified in the FEIR and the record of proceedings in the matter. Each Project objective/benefit set forth below constitutes an overriding consideration warranting approval of the Project as they outweigh the unavoidable adverse environmental effects.

- A. The Project parameters increasing density/intensity in focused areas of the City were the direct result of the analysis, findings and conclusions resulting from a Land Use Market Demand Analysis, prepared under the direction of the City in May 2019 as part of the General Plan Update to ensure the greatest economic benefit to the City and region on the whole was thoughtfully planned.
- B. The Project will help foster economic development in the City consistent with the community's vision by contributing to a strong business climate and economic growth, with positive outcomes such as business retention and attraction and employment creation balanced with new housing opportunities.
- C. The Project promotes sustainable development patterns and environmentally-friendly strategies that would minimize greenhouse gas emissions and sustain limited resources over the long term
- D. Increases the City's tax base by focusing commercial, office, industrial and hotel development and redevelopment in key urbanized areas of the City utilizing flexible approaches to land use planning and higher densities, affecting property and sales tax revenues, which in turn provides the City with resources to provide high-quality services to residents and the daytime population.
- E. The Project supports redevelopment of existing land uses with newer, more efficient development that would reduce energy consumption compared to existing conditions.
- F. The Project accommodates and encourages new businesses that promote innovation and advances in technology, high-quality service industries, and creative industries that would increase opportunities for high-skilled and knowledge workers
- G. The Project facilitates higher density, mixed use development that is effective in reducing vehicle miles traveled and fuel consumption as compared to other, more suburban types of development, improving the current balance of the City's jobs-housing ratio.
- H. The Project directs almost all planned growth into specific areas of the City to encourage infill developments that redevelop aging and underutilized properties, and stabilize the character of the City's founding neighborhoods.

- I. The use of energy resources in the Planning Area become more efficient over time with the changes in land uses envisioned by the Project and through the application of more stringent regulations that mandate energy efficiency.
- J. Implementation of the Project will result in the addition of housing units, which would help address the ever-increasing regional housing demand increasing housing affordability through flexible regulatory tools, greater range of housing types, higher densities, and expanded areas for housing as part of a mixed-use development.
- K. The Project focuses growth by increasing density/intensity of the land uses around the existing and potential transit stations along the Metro Gold Line light rail adjacent to the City's border.
- L. The Project incorporates urban design strategies that improves the physical appearance of the public realm, define the urbanized outdoor and recreation spaces, and guide the types of design appropriate for higher density, mixed-use developments including neighborhood connectivity and enhanced pedestrian experiences.
- M. The Project enhances the City's roadway network by incorporating mitigation measures that when implemented over time correlating with new development will improve the efficiency of some intersections, improving transportation and safety in the City.

IV. RECIRCULATION.

A. Facts.

The City received comments on the DEIR from members of the public and from public agencies in both written and oral form. The FEIR contains written responses to all comments ("Responses to Comments") received on the DEIR as of July 25, 2019. Some comments were incorporated into the FEIR as factual corrections and minor changes. The FEIR includes all factual corrections and minor changes to the DEIR. All comments and testimony received before and at the City Council's public hearing have been considered.

B. Finding.

Pursuant to CEQA Guidelines § 15088.5 and Public Resources Code § 21092.1, and based on the FEIR and the record of proceedings in for the Project, the City Council finds that:

1. Factual corrections and minor changes are set forth as additions and corrections to the DEIR; and
2. The factual corrections and minor changes to the DEIR are not substantial changes in the DEIR that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the Project, a feasible way to mitigate or avoid such an effect, or a feasible Project alternative; and
3. The factual corrections and minor changes to the DEIR will not result in new significant environmental effects or substantially increase the severity of the significant effects previously disclosed in the DEIR; and

4. The factual corrections and minor changes to the DEIR will not involve mitigation measures or alternatives which are considerably different from those analyzed in the DEIR that would substantially reduce one or more significant effects on the environment; and
5. The factual corrections and minor changes to the DEIR do not render the DEIR so fundamentally inadequate and conclusory in nature that meaningful public review and comment would be precluded.

Accordingly, the City Council finds that none of the conditions set forth in CEQA Guideline § 15088.5 or Public Resources Code § 21092.1 requiring recirculation of a draft environmental impact report were met. The City Council further finds that incorporation of the factual corrections and minor changes to the DEIR into the FEIR does not require that the FEIR be recirculated for public comment.

V. SUBSTANTIAL EVIDENCE.

The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the FEIR, which is incorporated herein by this reference, and in the record of proceedings in the matter.

ATTACHMENT 3

Focused Area Summary Table

Focus Area	Current GP FAR/Height	Proposed GP FAR/Height
Corporate Center	2.0/100'	4.0/125' 2.0/60' (north end)
Corporate Place	0.60/40' (commercial only)	1.0/50' (added industrial)
Monterey Pass Road	0.65/zoning controls	0.65/35'
North Atlantic	2.0/75'	2.0/75'
Mid Atlantic	0.75/50' Mixed use	1.5/50' Commercial only
South Atlantic	0.65/40' No housing	0.65/40' Housing overlay @60 du/ac, 50'
North Garfield	1.0/60'	1.5/60'
Downtown Core	1.0/75'	2.5/75'
Downtown Perimeter	0.65/55'	1.5/50'
East Garvey	0.5/zoning controls With housing 0.75	1.5/50' Stand-alone residential okay on nonarterial streets
Saturn Park	0.60/40'	1.0/50'
MarketPlace	0.5-2.0 based on lot size/50'	0.65/35'

ATTACHMENT 4

Draft Monterey Park General Plan Land Use Element and Focused Environmental Impact Report

ATTACHMENT 5

1688 West Garvey Avenue Zoning Clarification Letters,
dated September 4, 2019 and September 10, 2019

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov



City Council
Peter Chan
Mitchell Ing
Stephen Lam
Hans Liang
Teresa Real Sebastian

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

Mr. Karl H. Berger
Assistant City Attorney
City of Monterey Park
320 West Newmark Ave
Monterey Park, CA 92614

September 4, 2019

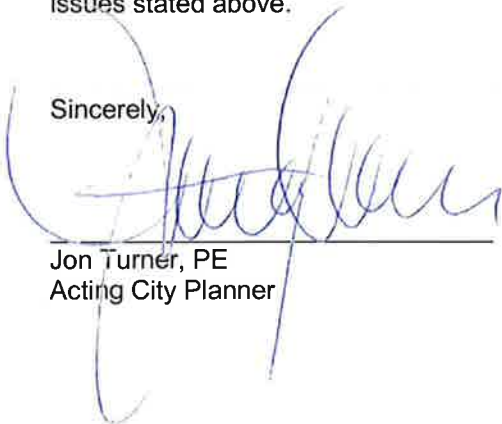
1688 W. Garvey Ave – Proposed Zoning Review

I received an email from the above parcel owner's representative regarding the proposed zoning that is contained in the City of Monterey Park Draft Land Use and Urban Design Element. The parcel is proposed to be zoned as High Density Residential. They state that from a plan view prospective that the parcel is attractive as high density residential; however, from a topographical standpoint as well as the underlying geologic issues and the proposed geotechnical solutions for development this parcel is not a good candidate for high density residential. In their document, they specifically state:

- Primarily, the steep slopes on the property highly constrain development on that parcel.
- Additionally, as we endeavor to cure historic geotechnical failures on the property, a great deal of developable footprint will be used for geotechnical solutions.
- More specifically, it is anticipated that a big part of the geotechnical solution will involve the use of tiebacks which serve to even further constrain the developable area of the site.

They have requested a Low Density Residential zoning designation for the parcel in the Land Use and Urban Design Element analysis and recommendation. I have reviewed their statements and concur with their recommendation. Please modify the draft Land Use and Urban Design Element to reflect this modification. It will allow the parcel to be developed with a zoning that is amenable to the issues stated above.

Sincerely,



Jon Turner, PE
Acting City Planner

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City of Monterey Park
320 West Newmark Ave
Monterey Park, CA 92614

September 10, 2019

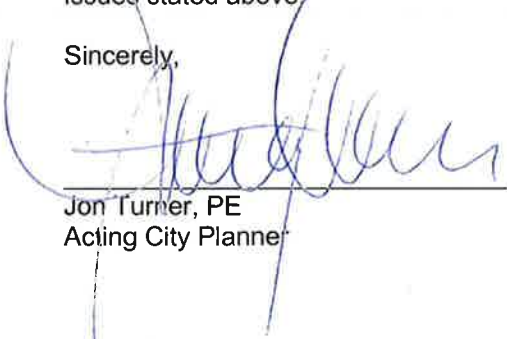
1688 W. Garvey Ave – Proposed Zoning Review

I received an email from the above parcel owner's representative regarding the proposed zoning that is contained in the City of Monterey Park Draft Land Use and Urban Design Element. The parcel is proposed to be zoned as High Density Residential (Figure LU-3 – page 26 of the document). Additionally, the definition of the density is provided in Table LU-1 on page 28 of the document. They state that from a plan view perspective that the parcel is attractive as high density residential; however, from a topographical standpoint as well as the underlying geologic issues and the proposed geotechnical solutions for development this parcel is not a good candidate for high density residential. In their document, they specifically state:

- Primarily, the steep slopes on the property highly constrain development on that parcel.
- Additionally, as we endeavor to cure historic geotechnical failures on the property, a great deal of developable footprint will be used for geotechnical solutions.
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Sincerely,



Jon Turner, PE
Acting City Planner

Enclosures