

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
October 22, 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. TENTATIVE MAP NO. 80304 (TM-19-04) TO ALLOW THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH AND MAINTAIN A 2-UNIT CONDOMINIUM CONVERSION PROJECT IN THE R-2 (MEDIUM DENSITY RESIDENTIAL) ZONE – 128 GLADYS AVENUE

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Tentative Map No. 80304 (TM-19-04), 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 § 15315 (Class 15 – Minor Land Divisions), because the Project is the subdivision of air rights for a residential two-unit condominium conversion project. The residential units currently exist, and no new construction is proposed as part of the Project.

3-B. SPECIFIC PLAN AMENDMENT (SPA-19-01), ZONE CHANGE (ZC-19-01) AND CONDITIONAL USE PERMIT (CU-19-04) TO ALLOW THE RECONSTRUCTION OF AN EXISTING SERVICE STATION AND CONSTRUCTION OF A NEW COFFEE SHOP WITH A DRIVE-THRU – 2425-2439 SOUTH GARFIELD AVENUE

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution recommending that the City Council approve the requested Specific Plan Amendment (SPA-19-01), Zone Change (ZC-19-01), and Conditional Use Permit (CU-19-04), 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 additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects) because the Project site is located in an urban area already developed with an existing service station which will be reconstructed as part of the proposed in-fill Project and the construction of the proposed drive-thru coffee shop will take place entirely upon the existing, developed lot. The new Starbucks building will be 880 square feet, while the existing music studio building is 2,400 square feet. The Project is proposed within city limits on a site of no more than five acres substantially surrounded by urban uses; the site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. 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.

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on November 12, 2019.

APPROVED BY:

MARK A. MCAVOY	
-------------------	---



Planning Commission Staff Report

DATE: October 22, 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 Tentative Map No. 80304 (TM-19-04) to subdivide air-rights for a two-unit residential condominium conversion project – 128 Gladys Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 80304 (TM-19-04), subject to conditions of approval; 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 § 15315 (Class 15 – Minor Land Divisions), because the Project is the subdivision of air rights for a residential two-unit condominium conversion project. The residential units currently exist, and no new construction is proposed as part of the Project.

EXECUTIVE SUMMARY:

The Applicant seeks a tentative map to subdivide air rights to establish and maintain a two-unit condominium conversion project at 128 Gladys Avenue (the "Project"). Gladys Avenue, between East Garvey Avenue and East Emerson Avenue, is designated R-2 and is currently developed with a mixture of one and two-story detached and attached multi-family residential buildings and single-family dwelling units.

The R-2 (Medium Density Residential) zone allows for a density of up to two units and two units are currently constructed on the property. (The existing two detached residential dwelling units on the subject property were constructed in 2019.) Under California law, a tentative map is required to subdivide air space for separate ownership of each of the units. The existing units meet the zoning regulations and development standards.

TYPE OF ACTION (QUASI-JUDICIAL)

The recommended action is to adopt a Resolution approving a tentative map. In considering such actions, the Planning Commission acts in a quasi-judicial role. When doing so, the Planning Commission acts like a court: it applies facts gathered during a public hearing to existing law. Just like a court, the Planning Commission can only consider facts that are relevant to the case. A party appearing before the legislative body is entitled to

- Notice of the proposed action;
- Reasons for the action;
- A copy of the evidence on which the action is based; and
- The right to respond before a reasonably impartial, noninvolved reviewer.

The Planning Commission must base its decisions upon substantial evidence within the record. "Substantial evidence" generally means enough relevant information and reasonable inferences from information gathered during a public hearing that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts does not constitute substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. If the Planning Commission asks irrelevant questions and bases its decision-making on such questions, a court may overturn the Planning Commission's decision and potentially hold the City liable for violating the applicant's constitutionally protected due process rights.

To approve the tentative map, the Planning Commission must find that:

- The proposed map is consistent with applicable general and specific plans;
- The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- The site is physically suitable for the type of development and the proposed density of the development;
- The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

- The design of the subdivision or type of improvements is not likely to cause serious public health problems; and
- The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

These findings are included in the draft Resolution.

BACKGROUND:

The Applicant, Alex Liu, seeks a tentative map to subdivide air rights to establish and maintain a two-unit condominium conversion project at 128 Gladys Avenue, in the R-2 zone. The R-2 zone provides for moderate density housing either as attached or detached units at a density range of 0 to 16 units per acre. Properties located to the north, south, east, and west of the property are R-2 zoned lots.

The subject property is 60 feet wide and 158 feet deep, totaling 9,480 square feet in area. The property will remain as one lot. The front unit is 2,462 square feet in size and has four bedrooms; the rear unit is 2,869 square feet and has four bedrooms. The units are two stories, at a maximum height of 26 feet 4 inches. The units meet the required front and rear setback of 25 feet, 5-foot side setback for the first floor, and 10-foot side setback for the second floor.

Pursuant to Monterey Park Municipal Code (MPMC) § 21.22.050, condominium units with four bedrooms require two enclosed garage spaces plus one guest parking space per unit. Each unit has a two-car garage and one guest parking space is provided between the front and rear units meeting the off-street parking requirement. The driveway has a width of 18 feet.

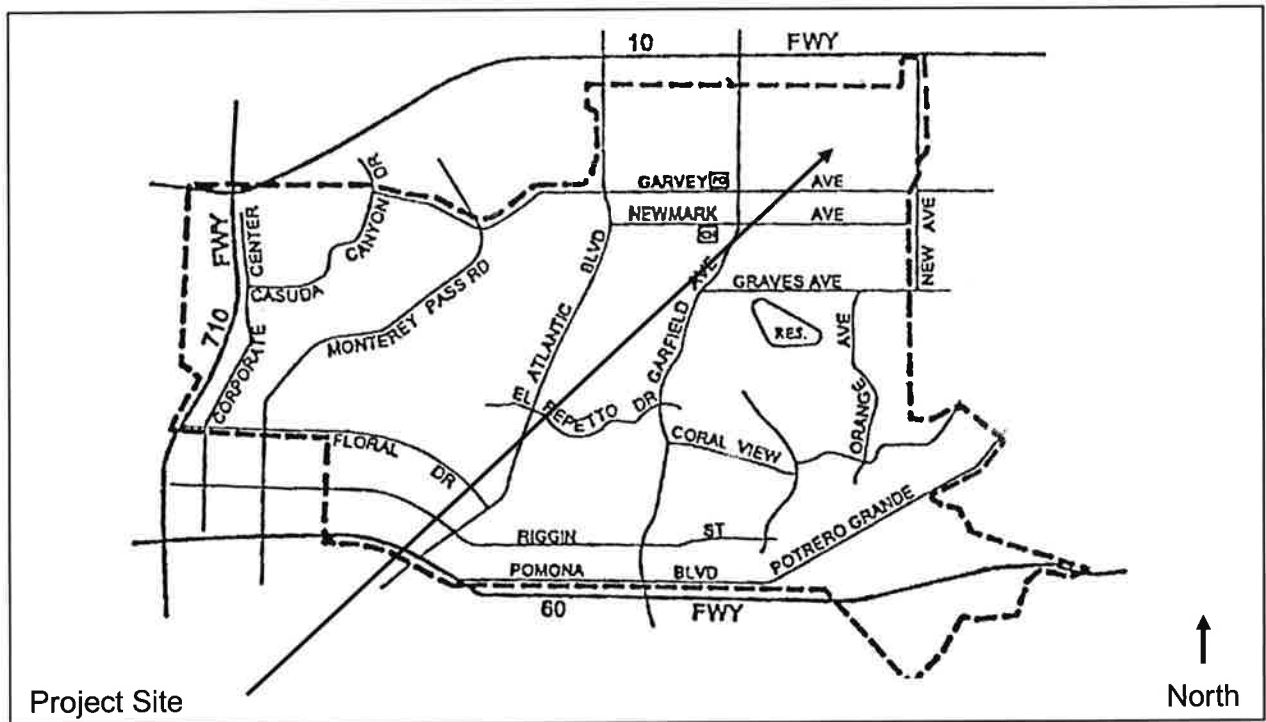
Per MPMC § 21.08.080 (Table 21.08(E)), a minimum of 200 square feet of common open space and a minimum of 250 square feet of private open space per unit is required and provided. According to the site plan, each unit will provide at least 250 square feet of private open space adjacent to the units. The common open space area will be at least 900 square feet and will be regulated by CC&Rs and maintained by a Homeowner's Association.

The Project is in compliance with R-2 development standards. The Project design was reviewed by the Design Review Board on August 15, 2017. In accordance with MPMC Title 20 and the Subdivision Map Act (Government Code §§ 66410, *et seq.*), the Project is in compliance with map requirements; the tentative map expires at the end of 24 months (October 23, 2019).

Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **October 1, 2019** and published in the Wave on **October 10, 2019**, with affidavits of posting on file. The legal notice of this hearing was mailed to **64** property owners within a 300 foot radius and current tenants of the property concerned on **October 1, 2019**.

Vicinity Map



Street Map



FISCAL IMPACT:

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

Respectfully submitted,

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: Tentative Map No. 80304

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 80304 (TM-19-04) TO SUBDIVIDE AIR RIGHTS FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM CONVERSION DEVELOPMENT AT 128 GLADYS AVENUE.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On September 12, 2019, Alex Liu, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 80304 (TM-19-04) to subdivide air rights to establish and maintain a two-unit condominium conversion project at 128 Gladys Avenue ("Project");
- B. The proposed Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The City Planner completed review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for October 22, 2019. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On October 22, 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 October 22, 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 to subdivide the air rights for a two-unit residential condominium conversion project;
- B. 128 Gladys Avenue is zoned R-2 (Medium Density Residential) and designated Medium Density Residential in the General Plan;
- C. The Project property is located on the east side of Gladys Avenue. Properties to the

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 4**

north, south, east, and west of the property are R-2 zoned lots; and

- D. The Project property is 9,480 square feet (0.22 acres) in area and is currently developed with two detached residential dwelling units. The Project design was reviewed by the Design Review Board on August 15, 2017.

SECTION 3: *Environmental Assessment*. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions) because the Project is the subdivision of air rights for a residential two-unit condominium conversion project. The residential units currently exist, and no new construction is proposed as part of the Project.

SECTION 4: *Tentative Map Findings*. The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would result in two condominium units on the site; this is less than the maximum density of 16 dwelling units per acre for this site. Consequently, the Project complies with the General Plan. The property is located on Gladys Avenue, a local street with a 50-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a two-unit condominium conversion project, which is compatible with the medium density housing either attached or detached allowed in the medium density residential category. The Project design was reviewed by the Design Review Board on August 15, 2017. There is no specific plan adopted for this area.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 9,480 square feet (0.22 acres) and adequate in size to accommodate a two-unit condominium conversion project because in the R-2 Zone one dwelling unit is allowed for every 4,356 square feet of lot area on lots of 9,000 square feet or more.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Project is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 4**

- E. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the Project is the subdivision of air rights for a residential two-unit condominium conversion project. The residential units currently exist, and no new construction is proposed as part of the Project.
- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed subdivision.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 80304 (TM-19-04).

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

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

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

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

SECTION 10: A copy of this Resolution will be mailed to the Applicant, Alex Liu, and to any other person requesting a copy.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 4**

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

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 10th day of October 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 10th day of October 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

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

128 GLADYS AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Alex Liu (the "Applicant") agrees that the Applicant will comply with the following conditions for approval of Tentative Map No. 80304 (TM-19-04) ("Project Conditions").

PLANNING:

1. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-19-04 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-19-04, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Division. Any subsequent modification must be referred to the City Planner for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. Tentative Map No. 80304 (TM-19-04) expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the City Planner at least 30 days before the expiration date.
4. The real property subject to TM-19-04 must remain well-maintained and free of graffiti.
5. Building permits are required for any interior tenant improvements.
6. Landscaping/irrigation must be maintained in good condition at all times.

**PLANNING COMMISSION
RESOLUTION NO.**

7. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.

ENGINEERING:

8. The applicant must record the Final Map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$191 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with the City Engineer within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$191 cash deposit.
9. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
10. Applicant agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Applicant takes notice pursuant to Government Code § 66020(d) that City is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
11. A homeowner's association must be established.
12. Covenants Conditions & Restrictions must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. Developer/owner is responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.
13. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
14. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be

**PLANNING COMMISSION
RESOLUTION NO.**

located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.

15. The developer/owner is responsible for putting final cap on the street for the underground trench.

POLICE:

16. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
17. The shrubbery on the property must be installed and maintained in such condition to permit good visibility of the units from the streets. Any shrubbery surrounding the complex and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.
18. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
19. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.
20. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street.
21. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
22. All common open areas must be well lit during the hours of darkness.
23. Signs must be posted at the guest parking areas and in the driveway leading into the complex.
24. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, Alex Liu, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Alex Liu, Applicant

ATTACHMENT 2

Tentative Map No. 80304



Planning Commission Staff Report

DATE: October 8, 2019

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: A Public Hearing to consider an amendment to the Garfield Village Specific Plan (SPA-19-01), Zone Change (ZC-19-01) and Conditional Use Permit (CU-19-04) for the reconstruction of an existing service station (ARCO) and construction of new drive-through coffee shop at 2425 and 2439 South Garfield Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution recommending that the City Council approve Specific Plan Amendment (SPA-19-01), Zone Change (ZC-19-01) and Conditional Use Permit (CU-19-04), subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects) in that the project consists of the reconstruction of an existing service station. The property is designated Commercial in the General Plan Land Use Element. The proposed development will take place within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species in that the property is already developed with an existing service station which will be reconstructed as part of the proposed project; furthermore, the construction of the proposed drive-thru coffee shop will take place entirely upon the existing, developed lot. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality in that the project is an in-fill project in an existing developed and urban area. Lastly, the site can be adequately served by all required utilities and public services.

EXECUTIVE SUMMARY:

The Applicant is requesting an amendment to the Garfield Village Specific Plan ("GVSP"), a Zone Change (from Garfield Village Neighborhood Shopping District (GVN-S) to Garfield Village Commercial Services District (GVC-S)) and a Conditional Use Permit to

allow reconstruction of an existing service station and construction of a new drive-through coffee shop. Pursuant to the GVSP, service stations are conditionally permitted within the GVC-S zone, only. Based upon the application, it appears that the proposed Specific-Plan amendment, zone change and use permit are consistent with the Monterey Park Municipal Code ("MPMC") and the General Plan.

TYPE OF ACTION (QUASI-JUDICIAL)

The recommended action is to adopt a Resolution recommending an amendment to the GVSP, a Zone Change and a CUP to the City Council. In considering such actions, the Planning Commission acts in a quasi-judicial role. When doing so, the Planning Commission acts like a court: it applies facts gathered during a public hearing to existing law. Just like a court, the Planning Commission can only consider facts that are relevant to the case. A party appearing before the legislative body is entitled to

- Notice of the proposed action;
- Reasons for the action;
- A copy of the evidence on which the action is based; and
- The right to respond before a reasonably impartial, noninvolved reviewer.

The Planning Commission must base its decisions upon substantial evidence within the record. "Substantial evidence" generally means enough relevant information and reasonable inferences from information gathered during a public hearing that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts does not constitute substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. If the Planning Commission asks irrelevant questions and bases its decision-making on such questions, a court may overturn the Planning Commission's decision and potentially hold the City liable for violating the applicant's constitutionally protected due process rights.

Per MPMC § 21.38.020(A), amendments to the zoning regulations in the MPMC may be initiated by any owner of real property located within the City.¹ At the public hearing for consideration of a zone change, the Planning Commission must review the application and proposal and receive evidence as to how or why the proposed zone text amendment is consistent with the objectives of the MPMC, the General Plan, and the City's development policies. (See MPMC § 21.38.030(B).) "A proposed amendment to the Garfield Village Neighborhood Shopping District (GVN-S) zone that is inconsistent with the General Plan cannot be recommended or adopted until the General Plan is amended to eliminate such inconsistency." (MPMC § 21.38.030(E).) However, a proposal to amend the General Plan, and any development proposal relying on such an amendment, may be considered concurrently. (*Ibid.*) Following the public hearing, the Planning Commission

¹ Note that, according to MPMC § 21.42.020, voter approval does not apply to zone changes which do not exceed one acre of land.

makes a recommendation to the City Council regarding the proposed zone change, via resolution, and in consideration of the following findings:

- That the proposed amendment is consistent with the goals, policies, and objectives of the General Plan;
- That the proposed amendment will not adversely affect surrounding properties; and
- That the proposed amendment promotes public health, safety, and general welfare and serves the goals and purposes of the zoning (MPMC § 21.38.050).

To approve the CUP (per MPMC §§ 21.32.020 and 21.10.040(I)), the Planning Commission must find that:

- The site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards prescribed in the MPMC;
- The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use;
- The proposed use is consistent with the General Plan and any applicable specific plan;
- The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City;
- The proposed use will not have an adverse effect on the public health, safety and general welfare; and
- The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC;
- The proposed drive-through is an accessory to an established commercial business;
- The drive-through is not located in an area designated as MU-I in the General Plan Land Use Map;
- The pedestrian walkways either will not intersect the drive-through drive aisles or, if they do, will have clear visibility and will be emphasized by enriched paving or striping;
- The drive-through aisles have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections;

- The drive-through aisles provide sufficient stacking area behind the menu board to accommodate a minimum of six cars;
- All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment are screened from view;
- Landscaping will screen the drive-through or drive-in aisles from the public right-of-way and minimize the visual impact of reader board signs and directional signs;
- The drive-through aisles will be constructed with concrete;
- The parking areas and the drive-through aisle and structure will be set back from the ultimate curb face a minimum of 25 feet;
- Menu boards will be a maximum of 30 square feet, with a maximum height of seven feet, and face away from the street; and
- The drive-through aisles do not exit directly onto a public right-of-way.

These findings are included in the draft Resolution.

BACKGROUND AND DISCUSSION:

2425 and 2439 South Garfield Avenue are adjacent lots currently located in the South Garfield Village ("Project Site"). They are designated as GVN-S zoning in the South Garfield Village Specific Plan ("GVSC") and Commercial land use designation in the General Plan. Garfield Oil, LLC ("Applicant") requests an amendment to the Garfield Village Specific Plan (SPA-19-01) to change the zoning designation for the Project Site from GVN-S to GVC-S (Zone Change (ZC-19-01)). To allow for the reconstruction of a service station and a drive-through coffee shop in the GVC-S zone, the Applicant also requests approval of a Conditional Use Permit (CU-19-04) (collectively, these requests are referred to as the "Project"). 2439 Garfield and 2425 Garfield were both purchased by the same property owner and together these addresses take up two lots on the same block. The Applicant is proposing to combine and develop both lots in a single phase as part of the Project.

The Project Site is located at the northwest corner of South Garfield Avenue and Pomona Boulevard. It is comprised of two consolidated parcels totaling 22,148 square feet (0.51 acres) in size. The Project Site is currently developed with four detached structures including a one-story, 1,629-square-foot, two-tenant commercial building (occupied by an auto repair/smog-check service business² (ARCO) and a food mart), two fueling canopies and a one-story 2,400-square-foot commercial building (currently occupied by a music studio). To the north of the Project Site are West Fernfield Drive and one-story commercial buildings; directly to the south is the Pomona Freeway (SR-60) and Pomona Boulevard;

² On August 21, 1969, the Planning Commission adopted Resolution No. 30-69 approving a variance to construct a service station (ARCO) at 2439 Garfield Avenue; and on September 24, 1998, it adopted Resolution No. 23-98 approving a CUP to allow a smog-testing business to operate in conjunction with ARCO (CU-98-13). The ARCO station has remained in continuous operation.

to the east are South Garfield Avenue and a one-story auto service building; and to the west is a two-story office building occupied by a California Driving School. Those properties located to the north and east of the subject property are zoned GVN-S and those to the west are zoned GVC-S.

The proposed Project proposes demolishing and reconfiguring an existing service station and service-station canopy at 2439 Garfield Avenue. It also proposes demolishing an existing one-story office building and constructing a new detached coffee shop with a drive-through at 2425 Garfield Ave. The existing underground fuel storage tanks, landscape planter areas and freestanding pylon sign will remain. In total, the proposed improvements will be 3,654 square feet in area – less than the existing square footage. Specifically, the service station canopy will be 87 feet long, 42 feet wide, and 18 feet tall; the cashier kiosk for the service station will be 117 square feet in size and 11 feet tall; and the retail coffee shop will be 880 square feet in size and 21 feet tall.

All buildings and structures on the property will be one-story. The building exteriors will be a combination of ¾-inch thick reclaimed wood siding and corrugated metal with a flat roof. The proposed coffee shop will have a walk-up window, no indoor seating, a drive-through aisle, and an outdoor seating area. The outdoor seating area will feature a covered patio, partially enclosed with trellis green screens. The draft CUP requires that the proposed coffee shop be designed to screen all service areas, restrooms and mechanical equipment; and provide landscaping to screen the drive-through driveway aisle. Additionally, the drive-through aisle and building must be setback 25 feet from the curb face, and the menu board can be no more than 30 square feet and seven feet high and must face away from the street – pursuant to the CUP. The building design/architectural style, landscaping and new signage will be subject to the review and approval of the Design Review Board to maintain consistency with the theme established in the center and provide compatibility with surrounding uses in form, materials, colors and scale, among other things.

The MPMC requires that the proposed Project provide at least six parking spaces; the Project provides seven spaces. The proposed Project will maintain three existing driveway cuts and the existing alleyway along the western property line. The drive-through will be accessible from a two-way driveway on South Garfield Avenue, a two-way driveway on Pomona Boulevard and an alleyway west of the lot. Pursuant to the GVSP, the City's Engineering Division considered lot-consolidation-incentive bonuses through the development process and determined that, for this Project, vacation of the alleyway would not be feasible because it would require the alley to be divided between the Project Site and a few other properties located to the west. The drive-through aisle must be a minimum of 12-feet wide on the curve and 11-feet wide on the straight sections; it will be intersected by a clearly-visible pedestrian walkway. The Project does not include any off-site roadway improvements and minimal site-adjacent improvements or repairs are anticipated. The draft CUP also requires that the drive-through aisle be made of concrete, and provide sufficient stacking area behind the menu board to accommodate a minimum of six cars.

In June of 2019, a Focused Traffic Impact Analysis was prepared. That analysis concluded that the Project would result in no significant traffic impacts at the study

intersections. Nevertheless, on-site and site-adjacent improvements (including Project driveways, roadway design, traffic signing and striping) and traffic control improvements relating to the proposed Project must be constructed in accordance with applicable engineering standards to the satisfaction of the City's Public Works Department.

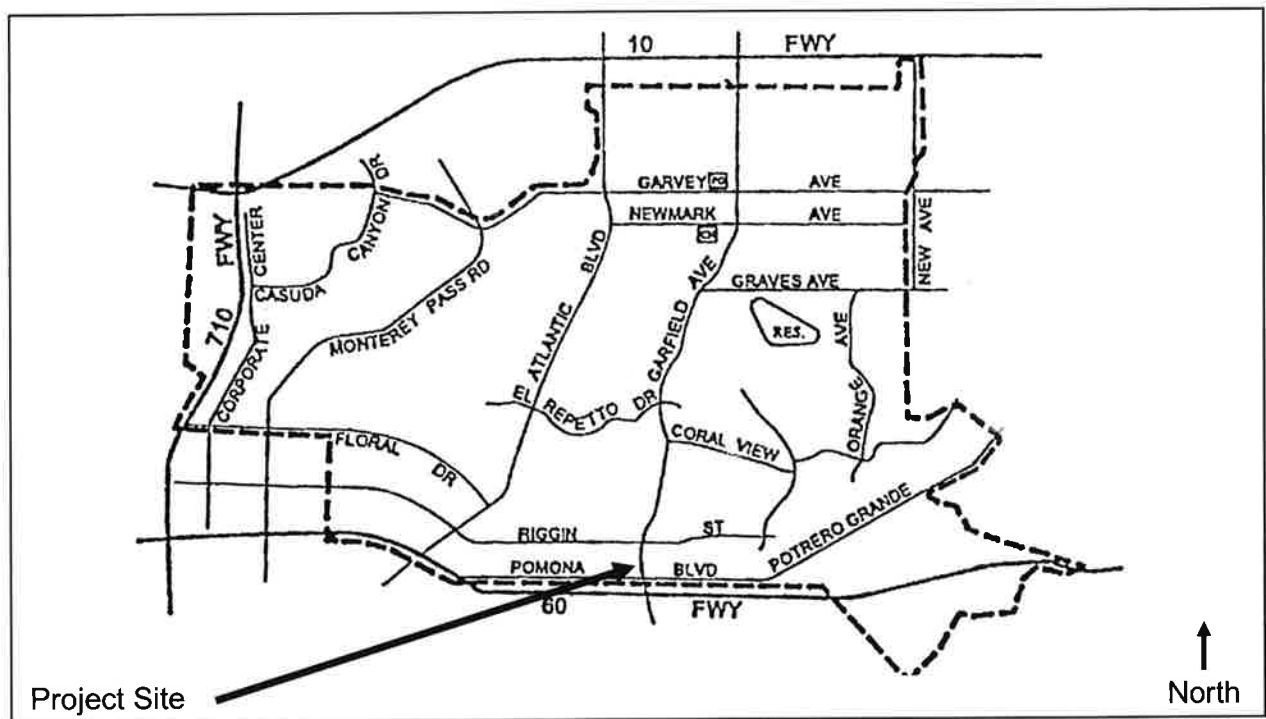
The Commercial land use category of the City's General Plan allows for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as regional shopping demand.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **October 10, 2019** and published in the Wave on **October 10, 2019**, with affidavits of posting on file. The legal notice of this hearing was mailed to **56** property owners within a 300 feet radius and current tenants of the property concerned on **October 10, 2019**.

Vicinity Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None

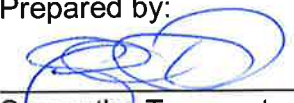
FISCAL IMPACT:

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

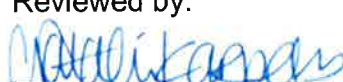
Respectfully submitted,


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: Site, floor, elevation plans

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE SPECIFIC PLAN AMENDMENT (SPA-19-01), ZONE CHANGE (ZC-19-01) AND CONDITIONAL USE PERMIT (CU-19-04) TO ALLOW THE RECONSTRUCTION OF AN EXISTING SERVICE STATION AND CONSTRUCTION OF A NEW COFFEE SHOP WITH A DRIVE-THROUGH AT 2425 AND 2439 SOUTH GARFIELD AVENUE.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On February 26, 2019, Garfield Oil, LLC ("Applicant") submitted an application to amend the Garfield Village Specific Plan (SPA-19-01) to change the zoning designation for 2425 and 2439 South Garfield Avenue from Garfield Village Neighborhood Shopping (GVN-S) to Garfield Village Commercial Services (GVC-S)(Zone Change (ZC-19-01)) and requesting approval of a Conditional Use Permit (CU-19-04) to allow reconstruction of an existing service station and construction of a new drive-through coffee shop (collectively, the "Project");
- B. The Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The City Planner completed review and scheduled a public hearing regarding the Project before the Planning Commission for October 22, 2019. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On October 22, 2019, the Planning Commission opened the public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its October 22, 2019 public 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. 2425 and 2439 South Garfield Avenue are adjacent lots currently located in the South Garfield Village ("Project Site"); and are designated zone GVN-S in the South Garfield Village Specific Plan ("GVSC") and Commercial in the General Plan. No changes are proposed to the Commercial designation of the properties. 2439 Garfield and 2425 Garfield were both purchased by the same property owner and together these

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 8**

addresses take up two lots on the same block. The Applicant proposes to combine and develop both lots in a single phase as part of the Project. The Project would demolish and reconfigure an existing service station and service-station canopy (currently, ARCO) at 2439 Garfield and demolish an existing one-story office building to construct a new detached coffee shop with a drive-through at 2425 Garfield. According to the GVSP, a service station is permitted in the GVC-S zone subject to a conditional use permit (as set forth in MPMC §§ 21.10.250 and 21.32.020(B)) and a drive-through business is permitted subject to the limitations or special standards described in MPMC § 21.10.040(I).

- B. On August 21, 1969, the Planning Commission adopted Resolution No. 30-69 approving a variance to construct a service station at 2439 Garfield Avenue (an intersection where more than one-half the number of corners of a street intersection within the City limits area occupied by a service station). On September 24, 1998, the Planning Commission adopted Resolution No. 23-98 approving Conditional Use Permit (CU-98-13) to allow a smog testing business to operate in conjunction with ARCO; and the ARCO station has remained continuously in operation.
- C. The Project Site is located at the northwest corner of South Garfield Avenue and Pomona Boulevard. It is comprised of two consolidated parcels totaling 22,148 square feet (0.51 acres) in size, rectangularly shaped and relatively flat. All the existing structures located at-grade would be demolished (except for the existing underground fuel storage tanks, landscape planter areas and freestanding pylon sign). The proposed total building area of the coffee shop and cashier kiosk would be 997 gross square feet; this is four percent of the lot area. All buildings and structures on the property would be one-story. The proposed coffee shop will have a walk-up window, no indoor seating, a drive-through aisle, and an outdoor seating area. The outdoor seating area would feature a covered patio, partially enclosed with trellis green screens. The proposed coffee shop would be designed to screen all service areas, restrooms and mechanical equipment; landscaping will be provided to screen the drive-through driveway aisle. The drive-through aisle and building will be setback 25 feet from the curb face. The menu board will be no more than 30 square feet and seven feet high and will face away from the street. The building design/architectural style, landscaping and new signage would be subject to the review and approval of the Design Review Board to maintain consistency with the theme established in the center and provide compatibility with surrounding uses in form, materials, colors and scale.
- D. The MPMC requires that the Project provide at least six parking spaces; the Project proposes seven spaces. The Project will maintain three existing driveway cuts and the existing alleyway along the western property line. The drive-through will be accessible from a two-way driveway on South Garfield Avenue, a two-way driveway on Pomona Boulevard and an alleyway west of the lot. The drive-through aisle will be a minimum of 12-feet wide on the curve and 11-feet wide on the straight sections;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 8**

and will be intersected by a clearly-visible pedestrian walkway. The Project does not include any off-site roadway improvements and minimal site-adjacent improvements or repairs are anticipated. The drive-through aisle will be made of concrete and will provide sufficient stacking area behind the menu board to accommodate a minimum of six cars.

- E. To the north of the Project Site are West Fernfield Drive (a local street that is 36-feet curb-to-curb within a 50-foot wide right-of-way) and one-story commercial buildings; directly to the south is the Pomona Freeway (SR-60) and Pomona Boulevard (a principal arterial street); to the east are South Garfield Avenue (a principal arterial street that ranges in width from 84- to 100-feet curb-to-curb within a 100- to 120-foot wide right-of-way) and a one-story auto service building; and to the west is a two-story office building occupied by a California Driving School. Those properties located to the north and east of the subject property are zoned GVN-S and those to the west are zoned GVC-S.
- F. The proposed Project is forecast to result in no significant traffic impacts at the study intersections.
- G. The Project is located within a commercial area of the City that contains no environmentally sensitive habitat and/or species. There are no identified physical constraints such as soil and/or geologic conditions indicating substrate instability that would prohibit development of the proposed Project. The Project Site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

SECTION 3: *Environmental Assessment*. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects) because the Project site is located in an urban area already developed with an existing service station which will be reconstructed as part of the proposed in-fill Project and the construction of the proposed drive-through coffee shop will take place entirely upon the existing, developed lot. The Project is proposed within city limits on a site of no more than five acres substantially surrounded by urban uses; the site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. It can be seen with certainty that no

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 8**

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 Findings. Based upon the findings in Section 2, the Planning Commission finds as follows pursuant to MPMC §§ 21.10.040(I), 21.10.250 and 21.32.020(B), the Planning Commission finds as follows:

A. The proposed use complies with all MPMC requirements for a conditional use permit. Accordingly, the Planning Commission finds pursuant to MPMC § 21.32.020:

1. The project site is adequate in size, shape and topography for the proposed Project. The site is two parcels totaling 22,148 square feet (0.51 acres), rectangularly shaped, and relatively flat. The total building area of the coffee shop and cashier kiosk will be 997 gross square feet. The proposed total building area will be substantially less than the maximum floor area allowed.
2. The site has sufficient access to streets and highways and is adequate in width and pavement type. The Project would include three existing driveway cuts and the existing alleyway along the western property line.
3. The proposed use is consistent with the General Plan and the South Garfield Specific Plan. No changes are proposed to the Commercial designation of the property and the Commercial land use category of the City's General Plan allows for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as regional shopping demand. The objectives of the GVSP include improving mobility in the area and encouraging revitalization of the neighborhood commercial business area and connectivity to the surrounding neighborhoods (GVSP § 1.2.2). The proposed Project involves reconstructing the existing service station and creating a coffee shop with a drive-through and adjacent outdoor seating area; these improvements would: increase the use of a currently underutilized property and complement the surrounding neighborhood by taking advantage of nearby retail draws (GVSP § 2.3.1); upgrading the appearance of the Garfield/Pomona intersection (GVSP § 2.3.2); and providing outdoor gathering/dining areas along with the appearance of the existing facades (GVSP § 2.3.3).
4. The Project will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood. The Project's contribution to cumulative impacts to local and regional transportation facilities will not be considerable. The proposed Project would decrease the building square footages (making efficient use of space at the Project Site) and increase the use of an underutilized property; which will help improve mobility on- and off-site, provide connectivity between the Specific Plan area and the surrounding neighborhoods, complement the existing businesses in the area, and function

as a retail draw for the other existing businesses in the area.

5. The proposed Project will not have an adverse effect on the public health, safety and general welfare. The proposed Project will promote general welfare of the community by improving the aesthetics of an aging property and increasing the economic vitality of the surrounding neighborhood. The Project would not significantly impact any scenic vistas, scenic resources, or the visual character of the area and would not result in excessive light or glare. Based on the analysis of the Project's impacts, there is no indication that this project could result in substantial adverse effects on human beings.
 6. The use is properly one authorized by conditional use permit pursuant to the MPMC. A service station is permitted in the GVC-S zone subject to a conditional use permit (as set forth in MPMC §§ 21.10.250 and 21.32.020(B)) and a drive-through business is permitted subject to the limitations or special standards described in MPMC § 21.10.040(I).
- B. The proposed drive-through complies with all requirements set forth for a conditional use permit pursuant to MPMC § 21.10.040(I):
1. The drive-through is an accessory to an established restaurant or commercial business, namely a coffee shop;
 2. The proposed location of the drive-through is designated commercial in the City's General Plan and is not located in any area designated as MU-I in the General Plan Land Use Map;
 3. The pedestrian walkways will have clear visibility and will be emphasized by striping;
 4. The drive-through aisle will be 12-foot width on curves and a minimum 11-foot width on straight sections;
 5. The drive-through aisle will provide sufficient stacking area behind the menu board to accommodate a minimum of six cars;
 6. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment will be screened from view;
 7. The proposed landscaping will screen drive-through or drive-in aisles from the public right-of-way and will be used to minimize the visual impact of reader board signs and directional signs;
 8. The drive-through aisles will be constructed with concrete;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 6 OF 8**

9. The parking areas and the drive-through aisle and structure will be set back from the ultimate curb face a minimum of 25 feet;
 10. The menu board will be no more than 30 square feet and seven feet high, and will face away from the street;
 11. The architectural style of the drive-through will be consistent with the theme established in the center and provide compatibility with surrounding uses in form, materials, colors and scale, among other things; and
 12. The drive-through aisle will exit into an alleyway, pursuant to a Lot-Consolidation-Incentive bonus (GVSP § 3.8.3).
- C. The proposed service station complies with all requirements for a conditional use permit pursuant to MPMC § 21.10.250(A):
1. On August 21, 1969, the Planning Commission adopted Resolution No. 30-69 approving a variance to construct a service station at the Project Site (an intersection where more than one-half the number of corners of a street intersection within the City limits area occupied by a service station);
 2. On September 24, 1998, the Planning Commission adopted Resolution No. 23-98 approving Conditional Use Permit (CU-98-13) to allow a smog testing business in conjunction with the service station approved at the Project Site; and
 3. The preexisting service station has remained continuously in operation.

SECTION 5: *Zone Change and Specific Plan Amendment Findings.* Based on the Findings in Sections 2 and 4, and pursuant to MPMC § 21.38.050, the Planning Commission finds as follows:

- A. The Project is consistent with the goals, policies, and objectives of the General Plan. The proposed Specific Plan Amendment and Zone Change will allow for the revitalization of the existing property by providing the Applicant the opportunity to redevelop the Project Site.
- B. The Project will not adversely affect surrounding properties. The proposed Project is consistent with the type of the uses that are currently developed in that neighborhood. The Project would decrease the building square footages, which will help improve mobility on- and off-site, allow for connectivity between the Specific Plan area and the surrounding neighborhoods, and make efficient use of the Project Site. The proposed Project would also increase the use of an underutilized property (which

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 7 OF 8**

occupies half a prominent street block and intersection) by complementing the existing businesses in the area and functioning as a retail draw.

- C. The proposed Specific Plan Amendment and Zone Change will allow the Applicant to: (1) rebuild the service station, upgrade the intersection and continue to utilize the existing alleyway as a secondary circulation network; (2) make improvements to the property and incorporate new uses which will be both automobile- and pedestrian-oriented; and (3) create more activity in the Specific Plan area and contribute to revitalizing the commercial area and neighborhood (GVSP § 2.4.4).
- D. The proposed amendment promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC. Without the proposed Specific Plan Amendment and Zone Change, the existing service station will be legal non-conforming use and the proposed coffee with drive-through would be prohibited. Rezoning of the site to accommodate the project will be consistent with general welfare as it will allow the Applicant to improve the existing service station property and to promote increased economic activity in the Garfield Village Specific Plan area.

SECTION 6: Recommendations. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission recommends that the City Council approve Conditional Use Permit (CU-19-04); and adopt an ordinance implementing the proposed Zone Change (ZC-19-01) and Specific Plan Amendment (SPA-19-01).

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.

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.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 8 OF 8**

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

SECTION 11: A copy of this Resolution will be mailed to the Applicant 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 Section 13, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 22nd day of October 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 22nd day of October 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

RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

2425-2439 SOUTH GARFIELD AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Garfield Oil LLC agrees that it will comply with the following conditions for the City of Monterey Park's approval of Specific Plan Amendment (SPA-19-01), Zone Change (ZC-19-01), and Conditional Use Permit (CU-19-04) ("Project Conditions").

PLANNING:

1. Garfield Oil LLC ("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 SPA-19-01, ZC-19-01, and CU-19-04 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 SPA-19-01, ZC-19-01, and CU-19-04, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Divisions. Any subsequent modification must be referred to the City Planner for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires 12 months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A single one-year extension may be granted by the Planning Commission upon finding of good cause.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

**PLANNING COMMISSION
RESOLUTION NO.**

6. The real property subject to SPA-19-01, ZC-19-01, and CU-19-04 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. With the exception of the MPMC prohibition against drive-through aisles exiting directly onto a public right of way (see MPMC § 21.10.040(I)(12)), the drive-through component of the Project must otherwise comply with MPMC § 21.10.040(I) and must be reviewed and approved by the Design Review Board, where applicable. Specifically:
 - a. Any pedestrian walkways either will not intersect the drive-through drive aisles or, if they do, will have clear visibility and will be emphasized by enriched paving or striping;
 - b. The drive-through aisles must have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections;
 - c. The drive-through aisles must provide sufficient stacking area behind the menu board to accommodate a minimum of six cars;
 - d. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment must be screened from view;
 - e. Landscaping will screen the drive-thru or drive-in aisles from the public right-of-way and minimize the visual impact of reader board signs and directional signs;
 - f. The drive-through aisles must be constructed with (PCC) concrete;
 - g. The parking areas and the drive-through aisle and structure must be set back from the ultimate curb face a minimum of 25 feet; and
 - h. Menu boards can be no more than 30 square feet, with a maximum height of seven feet, and must face away from the street.

ENGINEERING:

10. Under the Los Angeles County Municipal “National Pollutant Discharge Elimination System (NPDES) Permit,” which the City of Monterey Park is a permittee, this project involves the disturbance of soils by grading, clearing and/or excavation. Developer/owner is required to obtain a “General Construction Activity Storm Water” Permit, and the City of Monterey Park will condition the issuance of the grading permit on evidence of compliance with this permit and its requirements. This project

**PLANNING COMMISSION
RESOLUTION NO.**

will require the preparation of a Low Impact Development (LID) and a Storm Water Pollution Prevention Plan (SWPPP). Upon approval of the NPDES document by the City, Developer/Owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading Permit (the electronic copy requirement pertains to projects greater than an acre).

11. The Applicant must pay all City development fees including, without limitation, wastewater deficiency fees, water meter fees and metered water service impact fees as required by MPMC.
12. All improvement plans, including grading and public improvement plans must be based upon City approved data. Benchmark references to be obtained from the Engineering Division.
13. A grading and drainage plan must be prepared for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer.
14. A hydrology and hydraulic study of the site must be submitted to and approved by the City Engineer.
15. All storm drainage facilities serving the development must accommodate a 50-year storm. If existing storm drain facilities are inadequate, they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also to the satisfaction of the City Engineer before the approval of the grading and drainage plans.
16. Landscaping and irrigation plans must be prepared and/or incorporated into the public improvement plans; any proposed parkway tree types must be reviewed and approved by the City. The Applicant must provide landscaping and irrigation system for parkways.
17. All public works improvements must comply with the standards and specifications of the City to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the Public Works Director, or designee.
18. All on-site electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan must be prepared and submitted before the City approves grading and drainage plans, showing all existing and proposed utilities. The utilities may be shown on a separate plan.
19. Before the City issues a building permit, the Applicant must provide water system calculations that include domestic and fire system demand sizing. The cost of any

**PLANNING COMMISSION
RESOLUTION NO.**

water meter upgrades and any fire line installation required by the City must be submitted before the City issues a building permit.

20. The public works improvement plans, which include the location of the domestic water meter, water service laterals, fire service lines, all new sewer and water connections, and all existing utilities in the right of way, must be approved (or substantially complete) by the City Engineer before the City issues a grading permit.
21. The Applicant must replace the existing streetlight fronting Pomona Boulevard with Marbelite concrete streetlight.
22. The Applicant must install one new streetlight on Fernfield Drive at the alley as shown on the plans.
23. The Applicant must provide adequate lighting along the alley, whether from private or public lighting sources.
24. The Applicant must reconstruct or rehabilitate Fernfield Drive full street width from Garfield Avenue west to the alley behind the property.
25. The Applicant must reconstruct the adjacent alleyway (full depth pavement structural section) from Fernfield Drive to Pomona Boulevard to include a new concrete gutter or provide a recommended pavement section for repair as determined by an investigation approved by the City Engineer.
26. The Applicant must reconstruct alleyway approaches to include ADA compliant ramps.
27. The Applicant must remove old concrete bus pad along Pomona Boulevard and replace with asphalt pavement section and reconstruct the existing damaged sewer manhole fronting the alley on Pomona Boulevard and replace the sewer lid and ring, and reset to grade.
28. The Applicant must repair or reconstruct curb, gutter, sidewalk and driveway approaches along the entire frontage of Fernfield Drive, Garfield Avenue, and Pomona Boulevard as determined by a field investigation and the City Engineer.
29. All improvement plans, including grading and public improvement plans must incorporate all applicable site development information and include any and all necessary reports, attachments, and required materials to be considered a complete submittal or they will be rejected. Provide details and elevations for the new trash enclosures.

FIRE:

**PLANNING COMMISSION
RESOLUTION NO.**

30. All conditional identified by the Monterey Park Fire Department are subject to the review and approval of the Fire Chief, or designee, for determination of applicability and extent to which any condition may be required.
31. A permit must be obtained from the Fire Department before engaging in activities, operations, practices or functions as required by California Fire Code (CFC) §§ 106.6 and 105.7, as adopted by MPMC Chapter 17.
32. Fire protection, including fire apparatus access roads and water supplies for fire hydrant must be installed and made serviceable before and during the time of construction per CFC § 501.4, as adopted by MPMC Chapter 17.
33. All fire safeguards required by CFC Chapter 33, as adopted by MPMC Chapter 17, must be adhered to and maintained during the course of construction.
34. Provide an approved automatic fire sprinkler system and fire alarm as set forth by CFC §§ 903 and 907, as adopted by MPMC Chapter 17, for new structures. The Fire Sprinkler System or Fire Alarm requirements and/or modifications require a separate plan check submittal and approval. Work shall not commence until a permit is obtained.
35. Fuel dispensing station must comply with provisions of CFC Chapter 23, as adopted by MPMC Chapter 17.
36. Provide approved signs or other approved notices or markings that include the works NO PARKING – FIRE LANE. Signs must be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof, as required by the Fire Chief per CFC § 503.3, as adopted by MPMC Chapter 17.
37. Fire Department vehicular access must be installed and maintained in a serviceable manner before and during the time of construction per CFC § 501.4, as adopted by MPMC Chapter 5.
38. The minimum fire flow required must be determined as specified by the current adopted edition of the CFC Appendix B with adopted amendments.
39. The required fire flow for the new structure is 1,000 gallons per minutes (gpm) as 20 pounds per square inch (psi) of 2 hours duration.
40. Before combustible construction on any parcel, a fire hydrant capable of providing 1,000 gallons per minute at 20 psi must be installed and in service along the access road/driveway at a location approved by the Fire Chief, or designee, but no further than 250 feet from the construction site. The owner of the combustible construction is responsible for the cost of this installation.

**PLANNING COMMISSION
RESOLUTION NO.**

- 41. Per California Fire Code Appendix C, a minimum of one fire hydrant must be provided within 250 feet of the new structure.
- 42. A Knox box(es) must be provided at an approved location per CFC § 505.1.
- 43. Portable fire extinguishers must be installed per the CFC § 906.
- 44. If revised plans are required, additional fees will be due for the review of the drawings.

POLICE:

- 45. Exterior lighting must be in full operation at all times.
- 46. All major common areas of the locations, including all parking areas, must be covered by security video cameras. 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 existing. All recordings must be maintained for a minimum of 30 days. All recordings must be made readily available for any law enforcement official who requests the recording(s) for official purposes. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the management must comply with the request within seven days. The Chief of Police can also require a change in the position of the video cameras if it is determined that the position of the camera does not meet security needs. The management must comply with the request within seven days.
- 47. The applicant/property owner must install an adequate alarm system at any fixed money handling areas. The alarm system will allow notification of the Police Department in the event of any such attempt. The type of alarm system installed must be connected with the alarm company, and the system must have the capability to distinguish if the need for the Police service is for a robbery or burglary. The business must obtain an alarm permit from the Police Department.
- 48. Access to the roof, if there is one, will be locked and secure. Access to the roof will be restricted to maintenance personnel, building management, or other authorized personnel.
- 49. The business is encouraged to join and participate in the Monterey Park Police Department's Business Watch Program; a free service designed to educate businesses about minimizing criminal activity. The Community Services Bureau can be contacted at (626) 307-1215.
- 50. The shrubbery on the property must be installed and maintained in such condition as to not restrict visibility from the street or easily conceal persons.

**PLANNING COMMISSION
RESOLUTION NO.**

51. The business must comply with federal, state, and local laws governing business licensing, and noise levels.

By signing this document, Arian Talehakimi, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Garfield Oil LLC, Applicant

ATTACHMENT 2

Site, floor, elevation plans