

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
April 9, 2024
6:30 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.

LAND ACKNOWLEDGMENT

We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplift the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

GENERAL INFORMATION

Documents related to an Agenda item are available to the public in the Community Development Department – Planning Division located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at <http://www.montereypark.ca.gov/AgendaCenter>.

PUBLIC PARTICIPATION

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 Chairperson and Planning Commission Members may change the amount of time allowed for speakers. Written Communication will be accepted up to 24 hours before the meeting via email to planningpermitcounter@montereypark.ca.gov

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 Fung

FLAG SALUTE

Chairperson Fung

ROLL CALL

Chairperson Peter Fung, Vice Chairperson Jack Chiang, Commissioner Tammy Sam, Commissioner Bethelwel Wilson

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take discuss, deliberate, or 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.

ORAL AND WRITTEN COMMUNICATIONS

[1.] PRESENTATIONS

1-A. SWEARING IN OF NEW PLANNING COMMISSIONER – JOHNNY KWOK

[2.] CITY OF MONTEREY PARK – CONSENT CALENDAR – None.

[3.] PUBLIC HEARING

3-A. PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP-23-09) – TO ALLOW A MESSAGE ESTABLISHMENT TO OPERATE ON PROPERTY LOCATED AT 550 WEST GARVEY AVENUE, UNIT D (ASSESSOR'S PARCEL NUMBERS 5257-005-074 AND 5257-005-074)

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) After considering the evidence received during the public hearing, adopting a resolution approving Conditional Use Permit (CUP-23-09), subject to conditions of approval contained in Exhibit A of the Resolution; and
- (5) Taking such additional, related, action that may be desirable.

The City reviewed the environmental impacts of the Project under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines § 15301 (Class 1 - Existing Facilities) exempts existing facilities from further review, including, without limitation, minor alterations of existing buildings, involving negligible or no expansion. This Project will not have a significant effect on the environment because the Project consists of a conditional use permit to establish a massage establishment within an existing building where no exterior improvements or expansions are proposed. Accordingly, this Project is exempt from further review pursuant to CEQA Guideline § 15301. A Notice of Categorical Exemption (Class 1) has been prepared for this project.

3-B. PUBLIC HEARING - TENTATIVE PARCEL MAP NO. 83733 (TM-23-04) AND DESIGN REVIEW (DRB-23-28) TO CONSTRUCT AND SUBDIVIDE AIR RIGHTS FOR TWO DETACHED RESIDENTIAL DWELLING UNITS AT 423 NORTH MCPHERRIN AVENUE (ASSESSOR'S PARCEL NUMBER 5256-016-042)

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) After considering the evidence received during the public hearing, adopting a resolution approving the requested Tentative Map (TM-23-04) and Design Review (DRB-23-28), subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

Pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the “CEQA Guidelines”), this project will not have a significant effect on the environment. CEQA Guidelines § 15303 (New Construction) exempts new construction of up to three single family residences, and multi-family residential structures totaling no more than four dwelling units. This activity contemplates development of two detached dwelling units and the related subdivision of air rights. Accordingly, this activity is not subject to further review. A Notice of Categorical Exemption has been prepared. A Notice of Categorical Exemption (Class 3) has been prepared for this project.

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS

5-A. RECEIVE AND FILE — DISCUSSION OF LAND USE REGULATIONS AND FUTURE USES AT MCCASLIN BUSINESS PARK

It is recommended that the Planning Commission consider:

- (1) Receiving and filing a staff report; and
- (2) Taking such additional, related, action that may be desirable.

[6.] COMMISSION COMMUNICATIONS

[7.] FUTURE AGENDA ITEMS

ADJOURN

Next regular scheduled meeting is on April 23, 2024.



Planning Commission Staff Report

DATE: April 9, 2024

AGENDA ITEM NO: 3.A

TO: The Planning Commission
FROM: Jessica Serrano, Director of Community Development
SUBJECT: A public hearing to consider Conditional Use Permit No. 23-09 ("CUP-23-09"), a request to allow a massage establishment to operate within the Central Business ("C-B") zone on property located at 550 West Garvey Avenue, Unit D, (Assessor's Parcel Numbers 5257-005-074 and 5257-005-075) ("Subject Property").

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) After considering the evidence received during the public hearing, adopting a Resolution approving Conditional Use Permit (CUP-23-09), subject to conditions of approval contained in Exhibit A of the Resolution; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the Project under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines § 15301 (Class 1 - Existing Facilities) exempts existing facilities from further review, including, without limitation, minor alterations of existing buildings, involving negligible or no expansion. This Project will not have a significant effect on the environment because the Project consists of a conditional use permit to establish a massage establishment within an existing building where no exterior improvements or expansions are proposed. Accordingly, this Project is exempt from further review pursuant to CEQA Guideline § 15301. A Notice of Categorical Exemption (Class 1) has been prepared for this project.

EXECUTIVE SUMMARY:

Jasmine Fang (the "Applicant") requests approval of a CUP to allow the operation of a new massage establishment at 550 West Garvey Avenue, Unit D, pursuant to the Monterey Park Municipal Code ("MPMC") §21.10.030 and §21.10.040(T). The proposed business will occupy a tenant space, approximately 1,460 square feet in size, within an

existing commercial development.

Staff finds that the proposed massage establishment is consistent with the City's Municipal Code and General Plan and recommends approval of CUP-23-09, subject to the conditions contained in Exhibit "A" of the attached Resolution.

TYPE OF ACTION (QUASI-JUDICIAL)

The recommended action is to adopt a CUP. In considering such actions, the Planning Commission acts in a quasi-judicial role. In 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 CUP (per MPMC § 21.32.020), the Planning Commission must find that:

1. 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;
2. 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;
3. The proposed use is consistent with the General Plan and any applicable specific plan;
4. The proposed project 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 use will not have an adverse effect on the public health, safety and general welfare; and
6. That the use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to this code.

BACKGROUND:

The Subject Property is within an existing commercial development located on the south side of Garvey Avenue, approximately 75' east of its intersection of Moore Avenue. It has a zoning designation of C-B and a General Plan land use designation of Mixed Use. The Subject Property is rectangular in shape, approximately 27,700 square feet in size, and consists of 2 parcels. It is currently developed with two-story commercial building comprised of multiple tenant spaces with parking behind the building, which is accessible from Moore Avenue (see Figure 1).

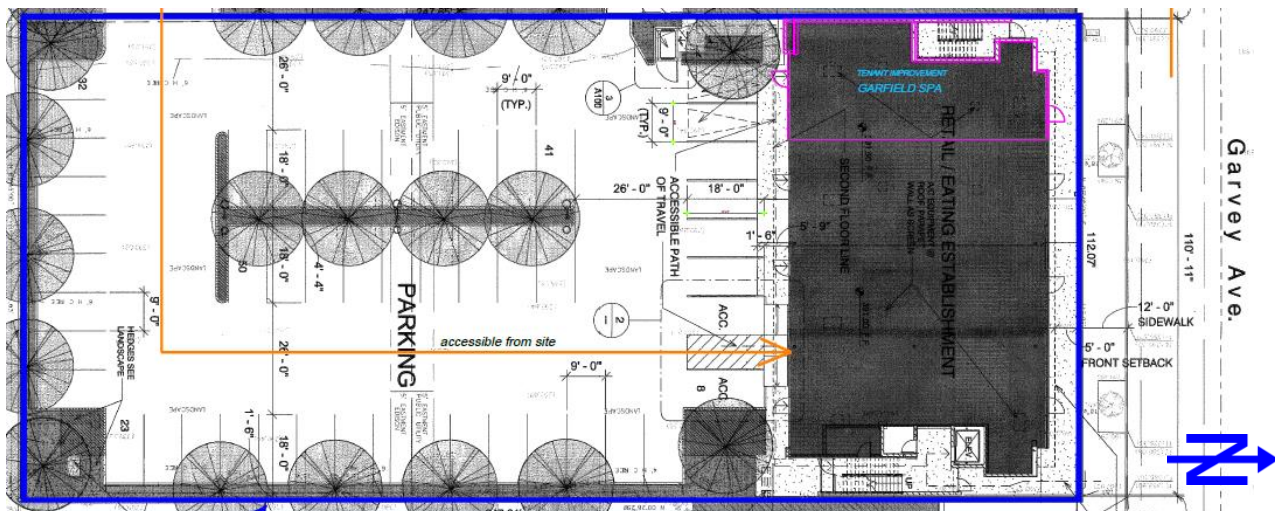


Figure 1: Site Plan

Surrounding land uses include a multi-family residential development to the south and commercial developments to the east, west, and north (across West Garvey Avenue) of the Subject Property (see Aerial Map).

ANALYSIS:

The proposed massage establishment will be located within Unit D of the Subject Property and is a conditionally allowed use in the C-B zone. Unit D is a single tenant space, approximately 1,460 square feet in size. The applicant proposes interior tenant improvements to accommodate the massage establishment, no exterior physical modifications are proposed. The original development of the property permitted the Unit

The business owner currently owns and operates Garfield Spa located at 216 N. Garfield Avenue and seeks to open a second at the subject property. Proposed services include skincare (i.e. facials), and foot and body massage during operating hours, Monday through Sunday from 10:00 a.m. to 10:00 p.m. Staffing for the business includes one massage therapist, one esthetician, and one service counter staff. The applicant anticipates approximately 10 customers daily. The massage establishment will have a waiting area with a cashier counter, five massage rooms, two dressing rooms (one for men and one for women), an all-gender bathroom, storage locker area, and an open sink area at the rear (see Figure 2).

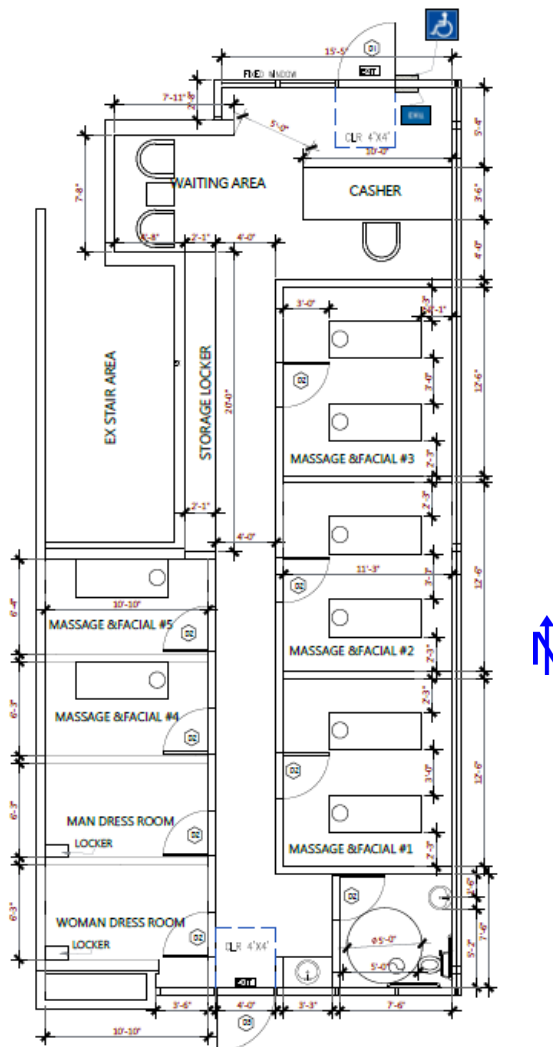


Figure 2: Proposed Floor Plan

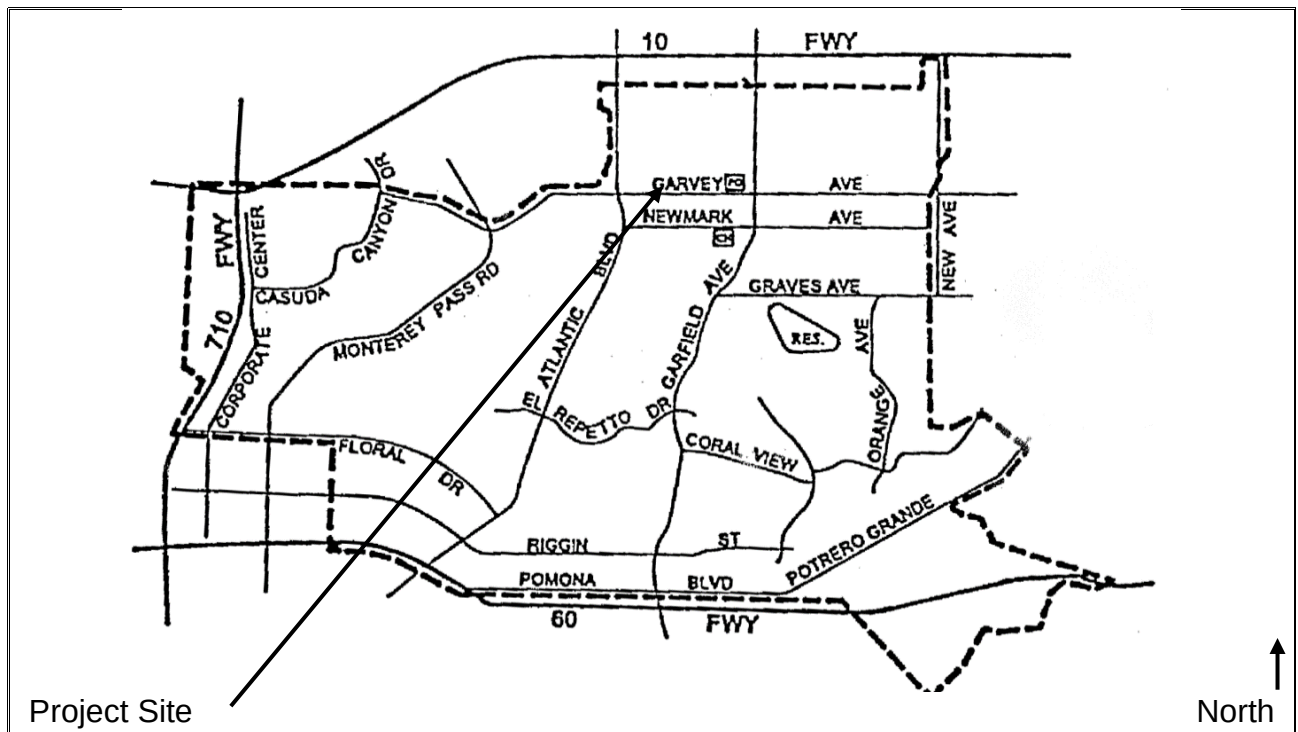
According to MPMC § 21.10.030, a massage establishment is subject to the approval of a CUP and must comply with the regulations in MPMC Chapter 5.28. Specifically, per MPMC § 5.28.110, massage businesses must comply with a list of specified requirements including, without limitation, minimum lighting, necessary ventilation, and the provision of mandatory restrooms, in accordance with the California Building Code.

MPMC Chapter 5.28 also dictates standards for the owners, operators, or employees of massage establishments. The owner or owners, with at least a 5% interest in the business, must maintain certification from the California Massage Therapy Council ("CAMTC") or pass a background check. Additionally, every person or employee conducting massage services must hold a valid certification with the CAMTC. Overall, the proposed use is consistent with the City's Municipal Code and the General Plan and staff recommends approval of CUP-23-09, subject to the conditions of approval contained in Exhibit A of the Resolution.

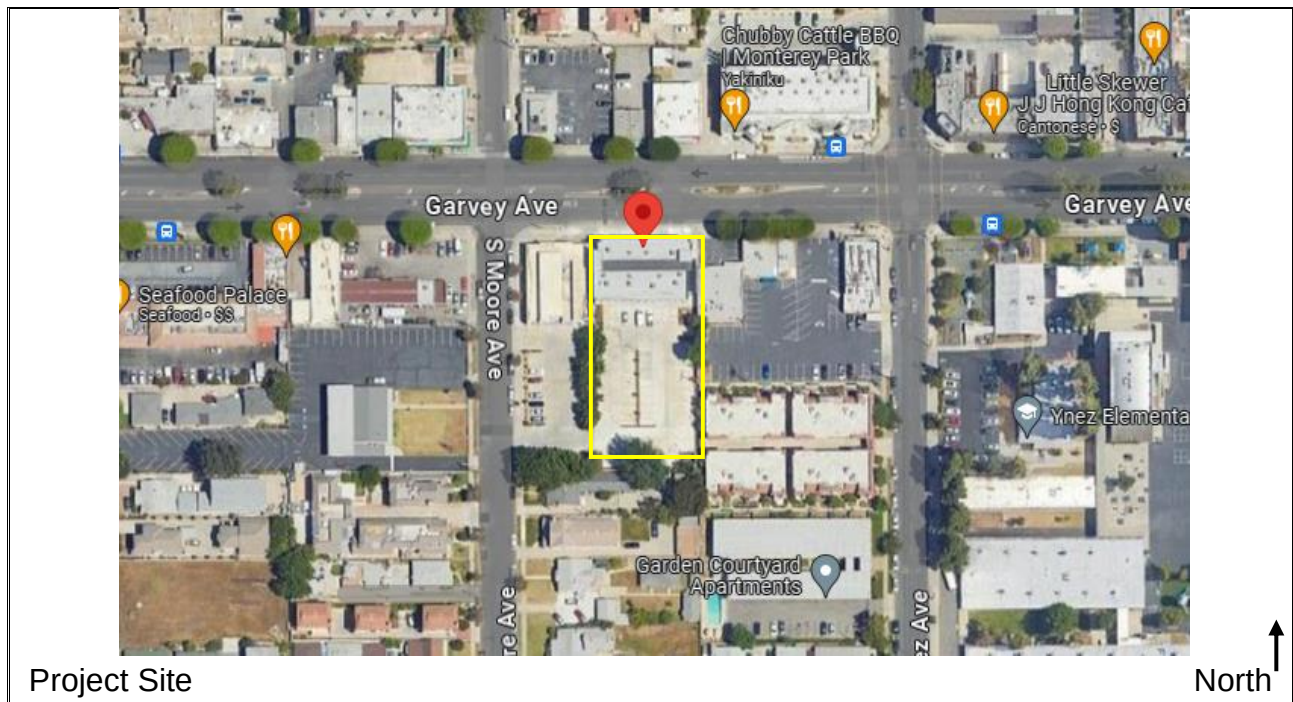
Legal Notification

The legal notice of this hearing was published in the Monterey Park Press and posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on March 28, 2024, with affidavits of posting on file. The legal notice of this hearing was mailed to 78 property owners within a 300-foot radius of the property on March 28, 2024.

Vicinity Map



Aerial 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 by:

Jessica Serrano
Director of Community Development

Prepared by:

Kevin Tan
Assistant Planner

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

1. Resolution, with Exhibit A
2. Site and Floor Plans
3. Notice of Exemption

ATTACHMENT 1
Resolution

RESOLUTION NO. _____

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT NO. 23-09
(CUP-23-09) TO ALLOW A MESSAGE BUSINESS WITHIN THE
CENTRAL BUSINESS (C-B) ZONE ON PROPERTY LOCATED AT 550
WEST GARVEY AVENUE, UNIT D**

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

SECTION 1: The Planning Commission finds and declares that:

- A. On October 23, 2023, Jasmine Fang (“Applicant”), submitted an application, pursuant to Monterey Park Municipal Code (“MPMC”) §§ 5.28.050, 21.10.030, 21.10.040(T)(2) and 21.32.020, requesting approval of conditional use permit No. 23-09 (“CUP-23-09”) to allow a massage establishment (“Project”) at 550 West Garvey Avenue, Unit D (the “Subject Property”);
- B. The proposed Project is located in the Central Business (C-B) zone, where such massage use is permitted with a CUP for the zoning district;
- C. The proposed Project was reviewed by the City of Monterey Park, Community Development Department for, in part, consistency with the General Plan, and conformity with the MPMC and California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA,” and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”));
- D. The Community Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for April 9, 2024;
- E. Notices of Public Hearing before the Planning Commission were duly given and published in the time, form, and manner as required by law;
- F. On April 9, 2024, 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
- G. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its April 9, 2024 hearing including, without limitation, the staff report submitted by the Director of Community Development Department.

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

- A. This Applicant is requesting approval of CUP-23-09 to establish a massage

establishment within an existing multi-tenant commercial property. The application proposed that Unit D will have a waiting area with a cashier counter, five massage rooms, two dressing rooms (one for men and one for women), one all-gender bathroom, storage locker area, and an open sink area. The proposed business operating hours will be Monday through Sunday from 10:00am to 10:00pm;

- B. The property located at 550 West Garvey Avenue, Unit D has a zoning designation of Central Business (C-B) and a General Plan land use designation of Mixed Use. A massage business is a conditionally allowed use in the C-B zone;
- C. The property is rectangular in shape, and approximately 27,700 square feet in size, consisting of two parcels, known as Assessor's Parcel Numbers 5257-005-074 and 5257-005-075. The Subject Property is located south side of Garvey Avenue approximately 75' east of its intersection of Moore Avenue. It is currently developed with a two-story commercial building consisting of multiple tenant spaces, with parking behind the building, which is accessible from Moore Avenue;
- D. Surrounding land uses to the Subject Property include a multi-family residential development to the south and commercial developments are located to the east, west, and north (across West Garvey Avenue); and
- E. The proposed tenant space is 1,460 square feet and was originally designed for a retail eating establishment with a higher parking requirement than a massage establishment, therefore, parking is adequate for the proposed use.

SECTION 3: Environmental Assessment.

The City reviewed the environmental impacts of the Project under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines § 15301 (Existing Facilities) exempts existing facilities from further review, including, without limitation, negligible expansions of existing uses. This Project will not have a significant effect on the environment because the Project consists of a conditional use permit to establish a massage establishment within an existing building where no exterior improvements or expansions are proposed. Accordingly, this Project is exempt from further review pursuant to CEQA Guideline § 15301.

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC § 21.32.020(B), the Planning Commission finds as follows:

- A. The site is adequate in size, shape, and topography for the proposed use in that the proposed use is a massage business within an existing commercial development with multiple tenant spaces. The tenant space of approximately 1,460-square feet is adequate in size and shape to accommodate the operation of the proposed massage business. No additional square footage would be added to the building footprint and no physical changes are proposed to the site;

- B. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. South Moore Avenue will continue to be able to accommodate the amount of traffic generated by the proposed massage use that is to occupy a tenant space within an existing commercial building. The proposed use is not expected to significantly increase traffic;
- C. The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The Subject Property is designated Mixed Use in the General Plan. The Mixed Use land use category allows for a broad range of retail and service commercial uses, hospitality, entertainment, medical, professional offices, and residential uses, including the proposed use of a massage establishment within an existing commercial building;
- 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 uses in the City. No improvements to the adjacent principal arterial of Garvey Avenue are required. The adjacent portion Moore Avenue is designated as a secondary arterial street. Pursuant to the Circulation Element of the General Plan, collector streets are generally designed to accommodate 15,000 to 25,000 average daily trips. Therefore, said principal arterial and secondary arterial are sufficient and adequate to handle any potential increase in vehicles to and from the proposed use;
- E. The proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties. Conditions have been included to address concerns relating to safety and security and the massage business will be designed and operated in accordance with City standards. Additionally, the Police Department will monitor the Subject Property relative to safety considerations including, without limitation, hours of operation and required certification; and
- F. MPMC § 21.10.030 specifically allows for a massage establishment in the C-B (Central Business) Zone subject to CUP approval.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated by reference, the Planning Commission approves Conditional Use Permit (CUP-23-09).

SECTION 6: Notice of Exemption. The Director of Community Development, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062, and any other applicable law.

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: Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 9: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10: Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 11: Preservation. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 12: 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 13: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 14: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 15: A copy of this Resolution will be mailed to Jasmine Fang and to any other person requesting a copy.

SECTION 16: This Resolution is the Planning Commission's final decision and will become effective immediately upon adoption, and will remain effective unless the action is appealed within ten days pursuant to MPMC § 21.32.060 and MPMC § 1.10.

SECTION 17: The Planning Commission Chairperson, or presiding officer, is hereby authorized to affix their signature to this Resolution signifying its adoption by the Planning Commission of the City of Monterey Park, and the Planning Commission Secretary is directed to attest thereto.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF MONTEREY PARK THIS 9TH DAY OF APRIL 2024.

Peter Fung, Chairperson

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 9th day of APRIL 2024, by the following vote of the Planning Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jessica Serrano, Secretary

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

By: _____
Justin A. Tamayo,
Deputy City Attorney

RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

550 WEST GARVEY AVENUE, UNIT D

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Jasmine Fang (the "Applicant"), agrees to comply with the following conditions of approval ("Project Conditions") for Conditional Use Permit No. 23-09 ("CUP-23-09").

Unless the contrary is stated or clearly appears from the context, the construction of words and phrases used in the Project Conditions use the definitions set forth in the MPMC.

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 CUP-23-09 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-23-09, 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. CUP-23-09 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 total of a one-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 Subject Property must be developed and/or used in the manner requested and must be in substantial conformity with the submitted plans date-stamped March 7, 2024, unless revisions and/or additional conditions are specifically required herein.
4. This approval runs with the land. All rights and obligations of this approval, including the responsibility to comply with the Project Conditions, are binding upon Applicant's successors in interest. The Project Conditions may be modified, terminated, or abandoned in accordance with applicable law including, without limitation, the MPMC.
5. Any proposed deviations from the Exhibits, Project Description or Project Conditions must be submitted to the City Planner for review and approval. Any unapproved

deviations from the Project approval will constitute a violation of the permit approval.

6. When exhibits and/or written Project Conditions are in conflict, the written Project Conditions prevail.
7. The effectiveness of this Project will be suspended for the time period that any Project Condition is appealed whether administratively or as part of a legal action filed in a court of competent jurisdiction. If any Project Condition is invalidated by a court of law, the Project must be reviewed by the City and substitute conditions may be imposed.
8. The Applicant must comply with all requirements of this Resolution, the MPMC, policies and regulations of any State, Federal or local agency with jurisdiction over the Project, and any other applicable law.
9. Anything which is not shown on the application/plans, or which is not specifically approved, or which is not in compliance with this section, is not approved. Any application and/or plans which are defective as to, but not limited to, omission, dimensions, scale, use, colors, materials, encroachments, easements, etc., will render any entitlements granted by this approval null and void.
10. Applicant must reimburse the city for all attorneys' fees expended by the City that are directly related to the processing of this Project. The City will not issue a Final Certificate of Occupancy or other final occupancy approval until all attorneys' fees are paid by the Applicant.
11. The Applicant is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
12. The Subject Property must remain well maintained and free of graffiti. The Applicant's failure to remove graffiti within 24 hours of written notice by the City will result in the City abating the graffiti at the Applicant's cost.
13. A copy of the Project Conditions for CUP-23-09 must be kept on the premises of the establishment and presented to any authorized City official upon request.
14. The Applicant must submit a floor plan reflecting the complete business operations, including the identification of all locations where foot or body massages are proposed, to the Director for review and approval.
15. The massage establishment must maintain the layout and floor plans approved as part of CUP-23-09. The Community Development Director, or designee, is authorized to approve minor modifications to the approved preliminary plans or any of the conditions if such modifications achieve substantially the same results as would strict compliance with said plans and conditions.
8. A list of all persons providing massage services at the establishment, including each person's full true name and other names used.

9. The permitted hours of operation of the business are from Monday through Sunday from 10:00 am to 10:00 pm. Customers are not allowed within the business outside of these business hours.
10. No persons other than those receiving a massage and those administering a massage may enter or remain within a room where a massage is being given.
11. Massage beds or tables used in conjunction with the business must be a table designed and manufactured for medical and massage uses. No mattresses or sleeping beds are allowed.

By signing this document, the Applicant, certifies having read and understood the Project Conditions, and agrees to comply with the Project Conditions.

Jasmine Fang, Applicant

ATTACHMENT 2

Site & Floor Plans

T-0

DOORS SCHEDULE				SCALE	1
DR. TYPE/SIZE	DESCRIPTION	FRAME	REMARKS	SYMOBLE	
A. 36"21X8'-0"	ALUM/TEMP. GLASS	ALUM.	32" CLR. EA. DR./WP PANIC HWD R SELF-CLOSING.	D1	EX
B) 36"X6'-8"	WOOD, PAINT	HMKD	32" CLR.SELF-CLOSING.	D2	NEW
C.) 36"X6'-8"	METAL FIRE-RATED 20 MIN.	STEEL	32" CLR. EA. DR./WP PANIC HWD R (PUSH TYPE)SELF-CLOSING.	D3	EX

DOOR PANIC HARDWARE NOTE: 2 PIECE VERTICAL RODS RON DUPRIN, JACKSON OR EQUAL, PUSH BAR MUST BE OFFSET FROM DRS EDGE.

EXISTING 1'0" MIN. BOTTOM RAIL OR PROVIDE KICK PLATE

RUBBER BUMPER ON CHAIR COMPRESSED CARPET 1/4" MAX. BELOW THRESHOLD

1'0" MIN. BOTTOM RAIL OR PROVIDE KICK PLATE

RUBBER BUMPER ON CHAIR COMPRESSED CARPET 1/4" MAX.

REMARK

FLOOR COVERING --- THE FOLLOWING ARE APPROVED.

TILES --- AMERICAN OLEAN; DAL TILES TOPSET CERAMIC COVED BASE --- B&W TILE CO. #S-3619T; OTW INC. #S-3619T

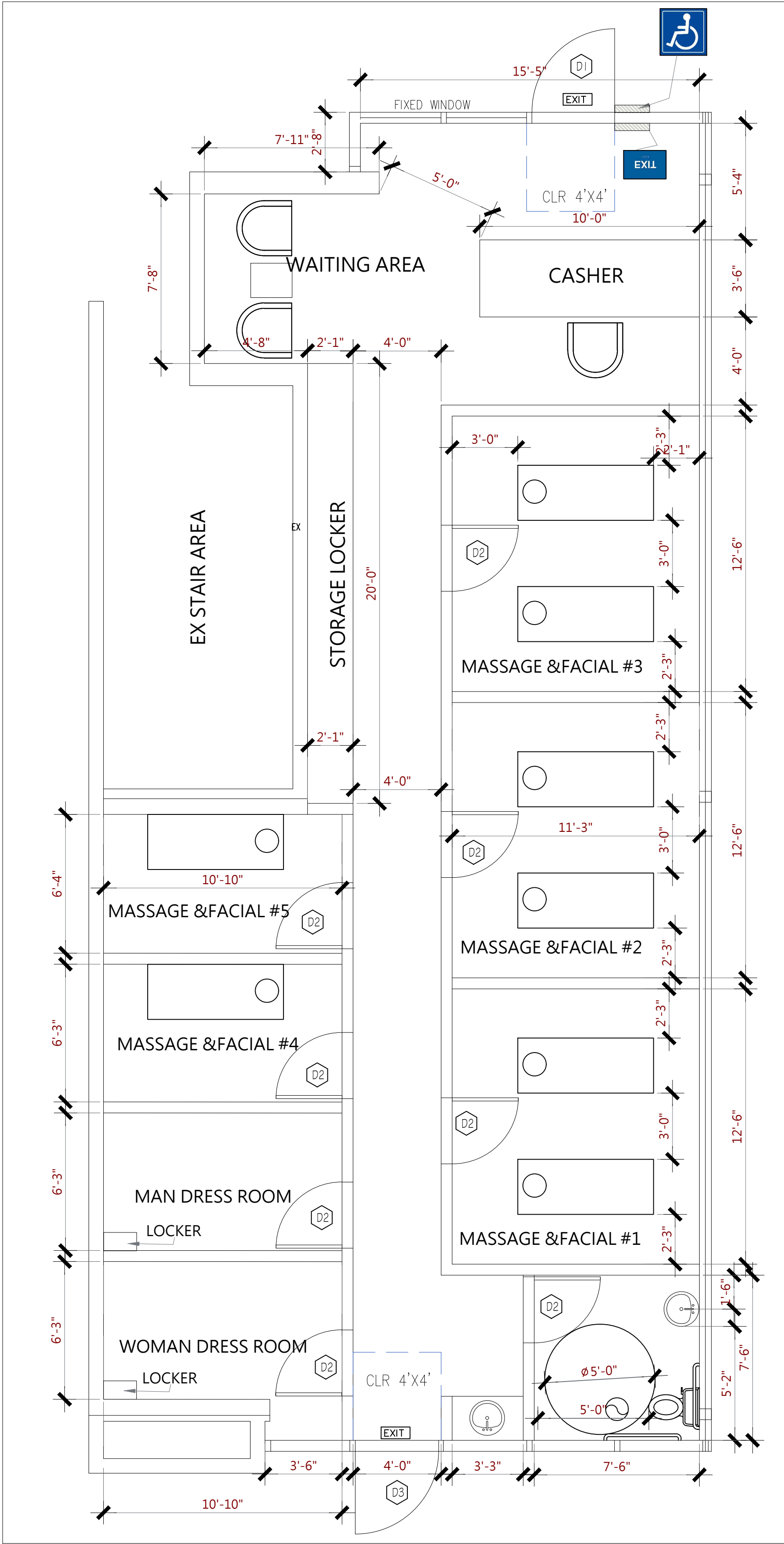
SHEET VINYL --- ARMSTRONG "CLASSIC CORLON" (86000 SERIES);

ARMSTRONG "CUSTOM CORLON" (86000 SERIES);

TARKET "EXPRESSION OPTIMA" (05800 SERIES)

CONCRETE SEALER --- AMERITONE #7101, AQUE MIX CHOICE 15

- FINISH SCHEDULE NOTES:
- 1) WALL AND CEILINGS IN ALL AREAS EXCEPT DINING AREA SHALL BE DURABLE,SMOOTH, AND NONABSORBENT, WITH A LIGHT COLORED (LIGHT COLORED ISDEFINED AS HAVING A LIGHT REFLECTANCE VALUE OF 70%OR GREATER.), EASILY CLEANABLE, WASHABLE FINISH.
 - 2) ALL COUNTER SURFACE INCLUDING UNDERSIDE TO BE DURABLE, SMOOTH,NONABSORBENT EASILY CLEANABLE AND WASHABLE FINISH (MAY REQUIRESTAINLESS STEE OR NSF APPROVAL HIGH PRESSURE LAMINATE).
 - 3) FLOORING UNDER EQUIPMENT AND AT THE BASE COVES SHALL BE COMPLETELY SMOOTH. FLOOR SURFACES WHICH CONTAIN SLIP RESISTANT AGENTS SHALL BE RESTRICTED TO TRAFFIC AREAS ONLY.
 - 4) ALL EQUIPMENT SHALL BE EITHER EASILY MOVABLE (IE., ON CASTERS),MIN. 6 INCH ROUNDED METAL LEGS, OR SEALED TO MIN. 2 INCH SOLIDMASONRY ISLAND WITH MIN. THREE-EIGHTHS INCH COVED RADIUS.
 - 5) FLOOR SMOOTH CONC. MUST BE TOP-SET TYPE CERAMIC COVED BASE.
 - 6) WATER RESISTANT WALLS (LE., FRP, STAINLESS STEEL, CERAMIC TILE ")ARE REQUIRED BEHIND ALL SINKS AND DISHWASHERS. MATERIAL TO BE MIN. 8 FT. HIGH FOR CITY.
 - 7) A MIN. 20-FOOT CANDLES OF LIGHT MEASURED 30" A.F.F. IN KITCHEN,UTENSIL WASHING AREA, SERVICE AREA, THOUGH OUT FACILITY FOR DURINGGENERAL CLEANING UP ACTIVITY.
 - 8) A MIN. 10-FOOT CANDLES OF LIGHT MEASURED 30" A.F.F. IN RESTROOMAND STORAGE ROOMS.



PROPOSED FLOOR PLAN

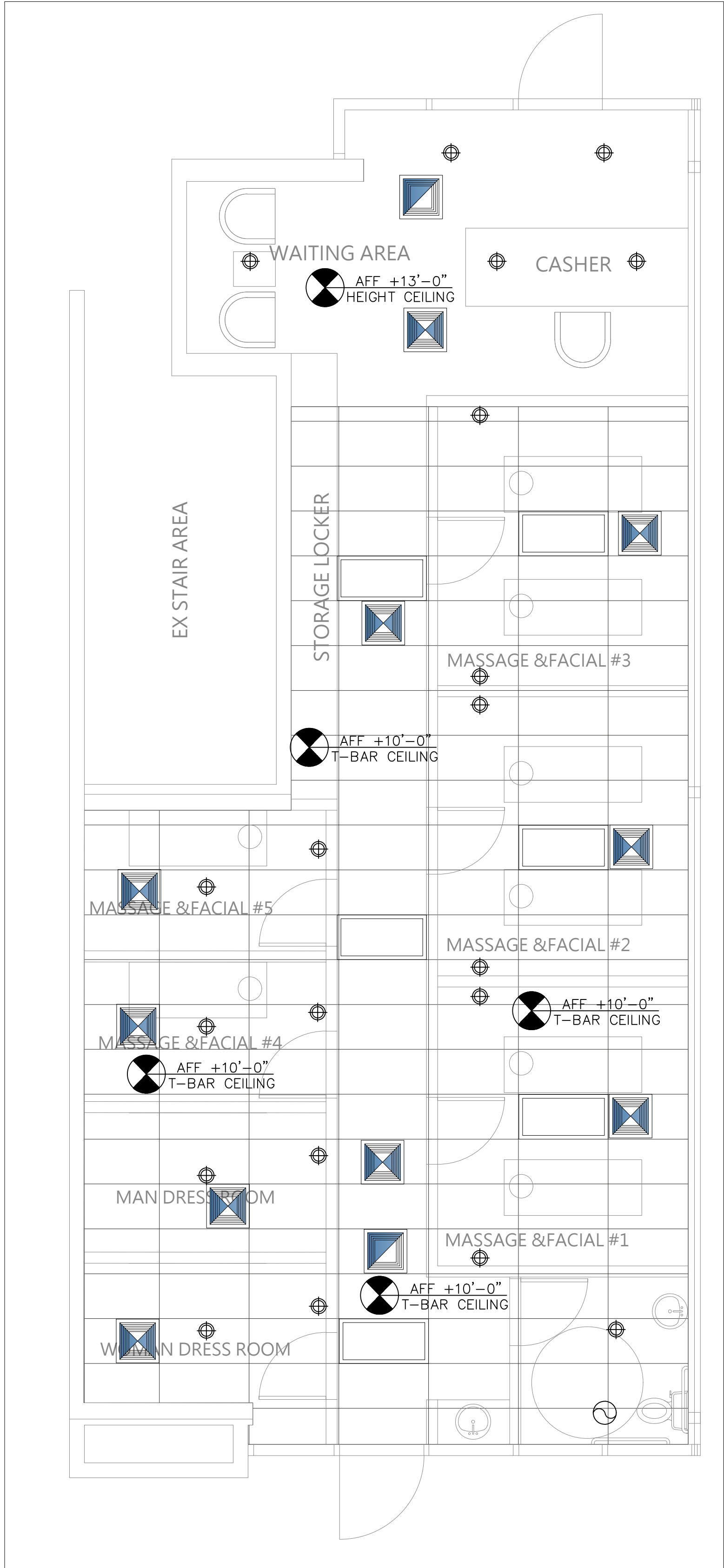
SCALE: 1/4"=1'-0"

EXISTING WALL

CASHIER TABLE SIZE: 70.5" X 35" X 31"

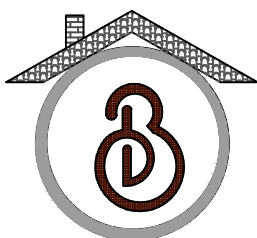
MESSAGE TABLE :73" X 32" X 25.5"

MESSAGE CHAIR :18" IN HEIGHT



CEILING PLAN

SCALE: 1/4"=1'-0"



BIG BEAR DESIGN

JASMINE FANG
626-389-7310
XIUBENFONG@GMAIL.COM

ADDRESS:
410 S MONTEZUMA WAY,
WEST COVINA, CA 91791

PROJECT ADDRESS

TENANT IMPROVEMENT
GARFIELD SPA

550 W GARVEY AVE #D
MONTEREY PARK, CA 91754

DRAWING TITLE

**FLOOR PLAN
AND
CEILING PLAN**

REVISIONS

DATE

DRAWN BY

CHECKED BY

SCALE

DATE

A-1

ATTACHMENT 3
Notice of Exemption

Notice of Exemption

From: City of Monterey Park Planning
320 W. Newmark Avenue
Monterey Park, CA 91754

To:

- ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814
- ☐ Los Angeles, County Clerk
Environmental Filings
12400 Imperial Highway #1201
Norwalk, CA 90650
Attn: Business Filings and Registration

Project Title: Conditional Use Permit (CUP 23-09)
Project Location - Specific: 550 West Garvey, Unit D
Project Location - City: Monterey Park
Project Location - County: Los Angeles

Description of Project:

Approval of a massage establishment to operate at 550 West Garvey Avenue, Unit D, within an existing building.

Name of Public Agency Approving Project: City of Monterey Park
Name of Person or Agency Carrying Out Project: City of Monterey Park

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: § 15301 (Class 1 – Existing Facilities)
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

This Project will not have a significant effect on the environment because it consists of a conditional use permit to establish a massage use within an existing building where no exterior improvements or expansions are proposed. Accordingly, this Project is exempt from further review pursuant to CEQA Guideline § 15301.

Lead Agency Contact Person: Kevin Tan Telephone (626) 307-1302

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: Assistant Planner

- ☐ Signed by Lead Agency Date received for filing at OPR: _____
- ☐ Signed by Applicant



Planning Commission Staff Report

DATE: April 9, 2024

AGENDA ITEM NO: 3.B

TO: The Planning Commission
FROM: Jessica Serrano, Director of Community Development
SUBJECT: A public hearing to consider Tentative Parcel Map No. 83733 (TM-23-04) and Design Review (DRB-23-28) to construct and subdivide air rights for two detached residential dwelling units at 423 North McPherrin Avenue (Assessor's Parcel Number 5256-016-043) ("Subject Property").

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) After considering the evidence received during the public hearing, adopting a resolution approving Tentative Map ("TM-23-04") and Design Review ("DRB-23-28"), subject to conditions of approval contained in Exhibit A of the Resolution; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"), this project will not have a significant effect on the environment. CEQA Guidelines § 15303 (Class 3 - New Construction) exempts new construction of up to three single family residences, and multi-family residential structures totaling no more than four dwelling units. This activity contemplates development of two detached dwelling units and the related subdivision of air rights. Accordingly, this activity is not subject to further review. A Notice of Categorical Exemption has been prepared.

EXECUTIVE SUMMARY:

James Qiu (the "Applicant"), on behalf of the property owner, requests approval of TM-23-04 and DRB-23-28 to construct and subdivide air rights for two detached residential dwelling units at the 423 North McPherrin Avenue ("Subject Property"). The Subject Property is within the City's R-2 (Medium-Density Residential) zone, and permits multi-family development. The proposed development is consistent with the Monterey Park Municipal Code ("MPMC") and the General Plan. Therefore, staff recommends approval of TM-23-04 and DRB-23-28, subject to the conditions of approval contained in Exhibit A of the Resolution.

TYPE OF ACTION (QUASI-JUDICIAL)

The recommended action is to adopt a TM and DRB. In considering such actions, the Planning Commission acts in a quasi-judicial role. In 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 TM (per MPMC § 20.04.070), the Planning Commission must find that:

- Consistent with the Monterey Park General Plan;
- Consistent with applicable specific plan or planned development;
- Consistent with the provisions of this code;
- In the interest of public health and safety; and
- A necessary prerequisite to the order development of the surrounding area.

To approve the Design Review (per MPMC § 21.36.060), the project must:

- Be compatible and in keeping with the character of the neighborhood and not detrimental to the general welfare of the neighborhood in which they are located;
- Reflect the values of the community; enhance the surrounding environment; and harmonizes with its surroundings;
- Provide a visually pleasing setting for structures on the site through landscaping;

and

- The design, quality, and location of signs are consistent with the character and scale of the structures to which they are attached and are visually harmonious with surrounding development.

BACKGROUND:

The Subject Property is located on the west side of North McPherrin Avenue, approximately 215 feet north of its intersection with Emerson Avenue, is zoned R-2 (Medium-Density Residential), and designated Medium Density Residential in the General Plan. Properties located to the north, east, south, and west are R-2 zoned lots and currently developed with a mix of single-family and multi-family residential structures. The Subject Property is 50.05 feet wide and 207.62 feet deep, totaling approximately 10,391.38 square feet in area (0.24 acres).

The Subject Property is currently improved with two structures that include one single family dwelling and a detached garage. All of these structures will be demolished to facilitate a two-unit condominium development.

SITE AND ARCHITECTURAL DESIGN:

The proposed development will consist of two new two-story detached condominiums on the Subject Property, each structure will consist of a residential unit and attached 2-car garage. The Subject Property will be accessible by a single, gated, drive approach at the east side of the parcel. The units will range in size from 2,405 to 2,506 square feet. As proposed, each unit will have four bedrooms, four bathrooms, powder room, great room, loft, kitchen, and dining room and meets development standards set forth in the MPMC:

DEVELOPMENT STANDARD	MPMC REQUIREMENT	PROPOSED
Minimum Lot Size	7,200 sq. ft.	10,391.38/ sq. ft.
Maximum Density (1 unit/3,000 sq. ft.)	4	2
Front Setback	Minimum 25'	25"
Side Setback	Minimum 5'	5'
Side Setback - 2 nd Story	Minimum 10'	10'
Height	Maximum 30'	25'
Distance between Structures	Minimum 10'	21'
Driveway Width	Minimum 18'	18' - 21'
Required Parking - Enclosed (per unit)	2	2

DEVELOPMENT STANDARD	MPMC REQUIREMENT	PROPOSED
- Guest (development)	2	2
Open Space		
- Private (per unit)	250 sq. ft./unit	250-1,705 sq. ft./unit
- Common	NA	NA

The architectural design of the proposed project includes a contemporary Mediterranean style of architecture, with elements that reflects the region's architectural heritage while maintaining a modern aesthetic. The units will feature a half-barrel brown roof tile, light colored exterior stucco, cultured stone siding, and brown window shutters. The window shutters provide both functionality and visual appeal, enhancing the façade's aesthetic. Cultured stone accents will add texture to the exterior. The incorporation of crown molding with eave corbels will contribute to create visual interest and depth.

TENTATIVE MAP

The applicant is seeking approval of a TM to allow separate ownership for each dwelling unit. Condominium owners own the air space of their particular structure, but mutually own the buildings and the parcel on which the condominiums are located. Condominium owners are mutually responsible for the maintenance of the structures and landscaping.

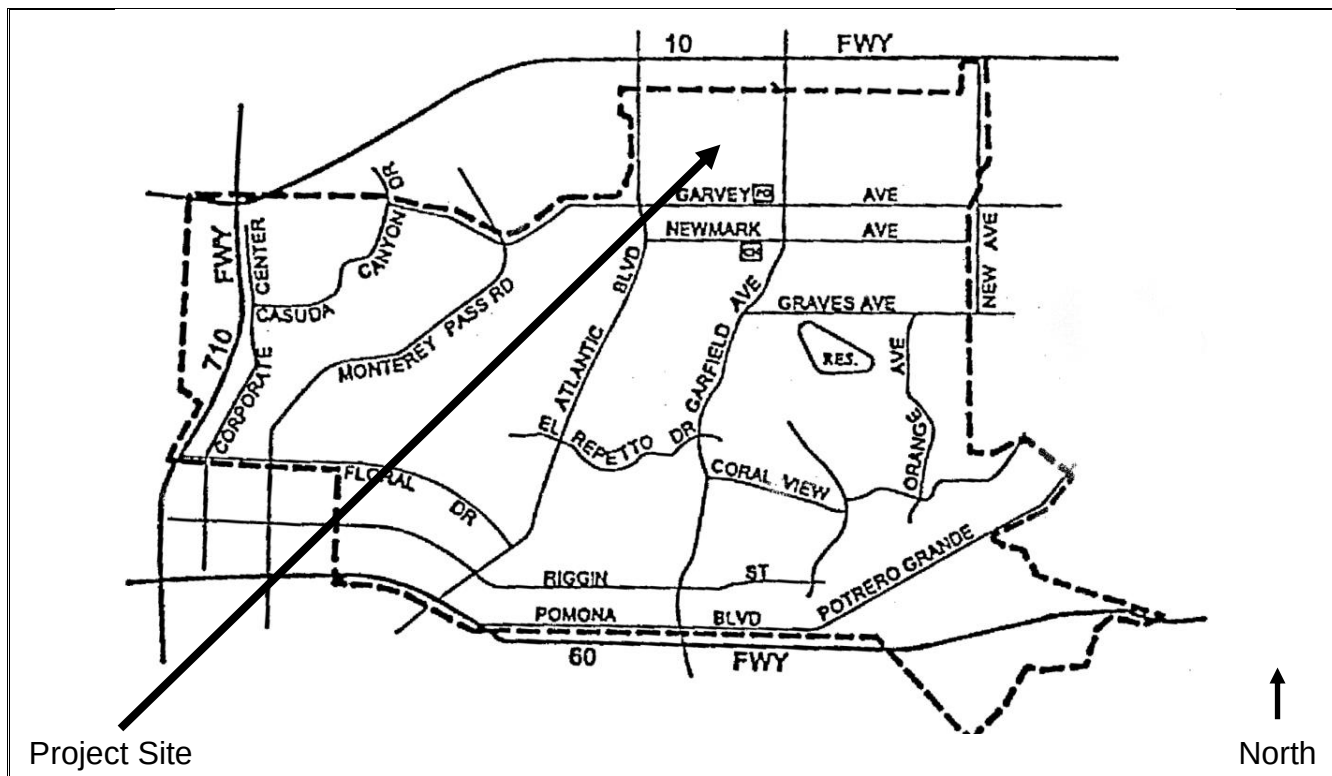
The proposed TM is consistent, in terms of density and use, with the zoning and General Plan designations. The Subject Property is zoned for multiple-family residences and the General Plan allows for a density between 8.1 and 16 dwelling units per acre. The TM will result in two condominium units with a density of 8.3 dwelling units per acre, complying with the land use designation.

The Public Works Department, Fire Department and other agencies have reviewed the tentative map and plans, have issued conditions of approval, and recommended that the project proceed to hearing. Therefore, staff recommends that the Planning Commission approve the TM. If the Planning Commission approves the TM, the applicant will be required to prepare a final map which would be reviewed and approved administratively by City staff, upon demonstrating substantial compliance with the tentative map approval.

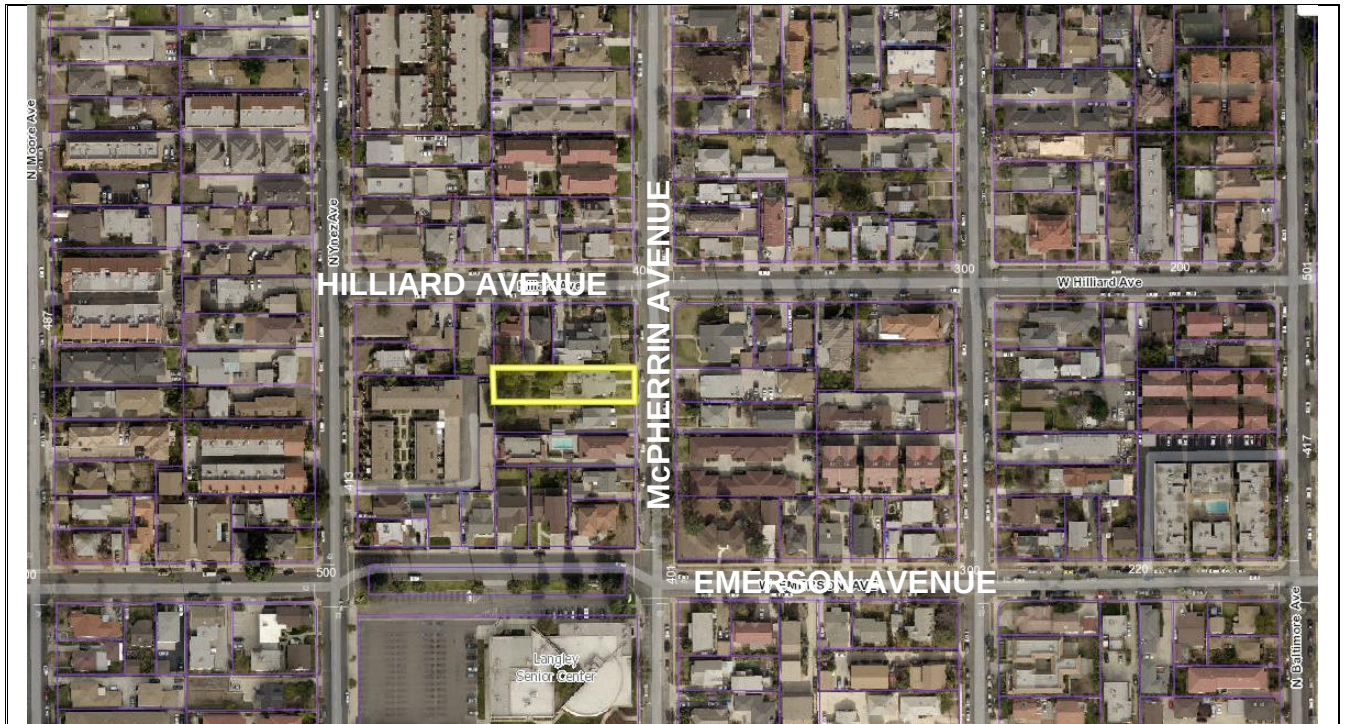
LEGAL NOTIFICATION:

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center and published in M.P. Press on March 28, 2024, with affidavits of posting on file. The legal notice of this hearing was mailed to 86 property owners within a 300-foot radius and current tenants of the property concerned on March 28, 2024.

VICINITY MAP:



Aerial Map



Respectfully submitted by:

Jessica Serrano
Director of Community
Development

Prepared by:

Kevin Tan
Assistant Planner

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

- Attachment 1: Resolution, with Exhibit A
- Attachment 2: Architectural Plans, with Materials Board
- Attachment 3: Tentative Map No. 83733 (TM-23-04)
- Attachment 4: Notice of Exemption

ATTACHMENT 1

Resolution, with Exhibit A

RESOLUTION NO. _____

A RESOLUTION APPROVING TENTATIVE PARCEL MAP NO. 83733 (TM-23-04) AND DESIGN REVIEW (DRB-23-28) TO CONSTRUCT AND SUBDIVIDE AIR RIGHTS FOR A TWO DETACHED RESIDENTIAL DWELLING UNITS AT 423 NORTH MCPHERRIN 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 August 18, 2023 and March 15, 2023, James Qiu (the “Applicant”), submitted an application requesting approval of Tentative Parcel Map No. 83733 (TM-23-04) and Design Review (DRB-23-28), respectively, to construct and subdivide air rights for two detached residential dwelling units at 423 North McPherrin Avenue (“Subject Property”);
- B. The proposed Project is located in the R-2 (Medium-Density Residential) zone;
- C. The proposed Project was reviewed by the City of Monterey Park, Community Development Department for, in part, consistency with the General Plan, conformity with the Monterey Park Municipal Code (“MPMC”) and California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA,” and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”));
- D. The Community Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for April 9, 2024;
- E. Notice of Public Hearing before the Planning Commission was duly given and published in the time, form, and manner as required by law;
- F. On April 9, 2024, 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
- G. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its April 9, 2024 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 is requesting approval of TM-23-04 and DRB-23-28 to construct and subdivide air rights for two detached residential dwelling units;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 5**

- B. The Subject Property is zoned R-2 (Medium-Density Residential) and designated Medium Density Residential in the Monterey Park General Plan. Medium Density Residential category allows a broad range of dwelling unit types which may be attached or detached;
- C. The Subject Property is located on the west side of North McPherrin Avenue, approximately 215 feet north of its intersection with Emerson Avenue. The properties located to the north, east, south, and west are zoned R-2, and are developed with a mix of single and multi-family residential units; and
- D. The Subject Property is 50.05 feet wide and 207.62 feet deep, totaling 10,391.38 square feet (0.24 acres) in area.

SECTION 3: Environmental Assessment. Pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"), this project will not have a significant effect on the environment. CEQA Guidelines § 15303 (Class 3 - New Construction) exempts new construction of up to three single family residences, and multi-family residential structures totaling no more than four dwelling units. This activity contemplates development of two detached dwelling units and the related subdivision of air rights. Accordingly, this activity is not subject to further review. A Notice of Categorical Exemption has been prepared.

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

- A. The proposed project is consistent with the City's General Plan as required by Government Code § 66474 and set forth in this Section. The construction of two detached residential dwelling units, with associated improvements and the tentative map subdividing air rights at the Subject Property are consistent with the Land Use Element's policies, including without limitation, Policy 7.3 (protect neighborhoods from the encroachment of incompatible activities or land uses that may have a negative impact on the residential living environment), Policy 8.5 (require new development to provide engaging, well-landscaped outdoor spaces that invite and support outdoor activities), Policy 8.6 (minimize the street presence and visibility of parking facilities from public streets and neighboring properties), and Policy 9.1 (create homeownership opportunities by encouraging development of smaller scale, for-sale units such as condominiums, townhomes, and duplexes);
- B. The proposed project is not located within a specific plan or planned development area, and therefore must be consistent with the requirements found within the R-2 Zone;

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

- C. As proposed, the Project satisfies all development standards of the R-2 Zone;
- D. The proposed project supports the orderly development of the surrounding area. As proposed, the location and characteristics of the residential project are consistent and compatible with the surrounding residential uses that also include other multi-family residential development; and
- E. The design of the subdivision and the proposed improvements will not cause serious public health and safety problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all federal, state, and local regulations.

SECTION 5: Design Review Findings. The Commission finds as follows pursuant to and MPMC Title 21.36.060:

- A. The proposed project's architecture and mass of buildings and structures are compatible and in keeping with the character of the neighborhood and not detrimental to the general welfare of the neighborhood, in that the design of the buildings include enhanced design features such as stone veneer, shutters and siding, varied roof lines and wall offsets that help to break up the massing of the buildings.
- B. The proposed project's architecture includes a contemporary Mediterranean style of architecture, with elements that reflect the region's architectural heritage while maintaining a modern aesthetic that can be found within the surrounding neighborhood which reflects the values of the community, enhances the surrounding environment and harmonizes with its neighborhood surroundings.
- C. The proposed project's landscaping will provide a visually pleasing setting for structures on the site as the preliminary landscape plans includes a mix of plant materials that include various heights of landscaping. The combination of new landscaping and maintaining of existing mature trees at the location allows the development to better blend with the existing neighborhood.
- D. The proposed project will not propose any signage. Therefore, a consistency finding is not required for this finding.

SECTION 6: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated by reference, the Planning Commission approves Tentative Parcel Map No. 83733 (TM-23-04) and DRB-23-28.

SECTION 7: Notice of Exemption. The Director of Community Development, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062, and any other applicable law.

PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 5

SECTION 8: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9: *Construction.* This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 10: *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 11: *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 12: *Preservation.* This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 13: *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 14: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 15: This Resolution will remain effective until superseded by a subsequent resolution.

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

SECTION 16: A copy of this Resolution will be mailed to the applicant and to any other person requesting a copy.

SECTION 17: This Resolution is the Planning Commission's final decision and will become effective immediately upon adoption, and will remain effective unless the action is appealed within ten days pursuant to MPMC §21.32.060, and MPMC §1.10.

SECTION 18: The Planning Commission Chairperson, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the Planning Commission of the City of Monterey Park, and the Planning Commission Secretary is directed to attest thereto.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF MONTEREY PARK THIS 9th DAY OF APRIL 2024.

Peter Fung, Chairperson

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 9th day of April 2024, by the following vote of the Planning Commission:

**AYES:
NOES:
ABSTAIN:
ABSENT:**

Jessica Serrano, Secretary

**APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY**

By: _____
Justin A. Tamayo,
Deputy City Attorney

RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

423 NORTH MCPHERRIN AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), James Qiu (the "Permittee"), agrees to comply with the following conditions of approval ("Project Conditions") for Tentative Map No. 83733 ("TM-23-04") and Design Review ("DRB-23-28").

Unless the contrary is stated or clearly appears from the context, the construction of words and phrases used in the Project Conditions use the definitions set forth in the MPMC.

PLANNING:

1. The Permittee 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-23-04 and DRB-23-28 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-23-04 and DRB-23-28, the Permittee 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 Director of Community Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The Subject Property must be developed and/or used in the manner requested and must be in substantial conformity with the submitted plans date-stamped June 15th, 2023, unless revisions and/or additional conditions are specifically required herein.
4. This approval runs with the land. All rights and obligations of this approval, including the responsibility to comply with the Project Conditions, are binding upon the property owners' successors in interest. The Project Conditions may be modified, terminated, or abandoned in accordance with applicable law including, without limitation, the MPMC.

5. Any proposed deviations from the Exhibits, Project Description or Project Conditions must be submitted to the City Planner for review and approval. Any unapproved deviations from the Project approval will constitute a violation of the permit approval.
6. When exhibits and/or written Project Conditions are in conflict, the written Project Conditions prevail.
7. The effectiveness of this Project will be suspended for the time period that any Project Condition is appealed whether administratively or as part of a legal action filed in a court of competent jurisdiction. If any Project Condition is invalidated by a court of law, the Project must be reviewed by the City and substitute conditions may be imposed.
8. The Permittee must comply with all requirements of this Resolution, the MPMC, policies and regulations of any State, Federal or local agency with jurisdiction over the Project, and any other applicable law.
9. Anything which is not shown on the application/plans, or which is not specifically approved, or which is not in compliance with this section, is not approved. Any application and/or plans which are defective as to, but not limited to, omission, dimensions, scale, use, colors, materials, encroachments, easements, etc., will render any entitlements granted by this approval null and void.
10. Permittee must reimburse the city for all attorneys' fees expended by the City that are directly related to the processing of this Project. The City will not issue a Final Certificate of Occupancy or other final occupancy approval until all attorneys' fees are paid by the Applicant.
11. The Permittee's failure to comply with, or breach of, any condition can, in addition to any other civil or criminal action, result in modification or revocation of this permit. The City may, in accordance with applicable law, undertake action and incur costs that may be required to effect compliance. All such costs including, without limitation, attorney's fees, must be reimbursed by the Permittee or current property owners in accordance with applicable law.
12. All conditions of approval must be superimposed on the construction drawings submitted for plan check and on the construction drawings for which a building permit is issued.
13. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. 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 Community Development Department.
14. The Subject Property must be kept in a clean and safe condition by, at a minimum, performing all of the following tasks:

- a. Properly removing, storing, and disposing all trash, litter, rubbish and debris on the Subject Property.
 - b. Removing graffiti placed upon the Subject Property within forty-eight hours of its occurrence;
 - c. Keeping driveways, sidewalks, park strips, fire access roads and streets on or adjacent to the Subject Property clear and clean; and
 - d. Providing adequate lighting on the Subject Property.
15. The Permittee owner must sign and have notarized an affidavit acknowledging acceptance of the conditions of approval and return it to the Planning Division within 30 days of the effective dates of this approval, or before the issuance of a building permit.
16. All conditions of this approval must be complied with before the City will issue building permits.
17. All planting and irrigation systems must be installed and operating before building permit final inspection.
18. Landscaping/irrigation must be maintained in good condition at all times as determined by the Director of Community Development.
19. A final map must be approved and recorded before the City issues a certificate of occupancy.
20. 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.
21. To ensure all common areas (e.g., driveway, hardscape, landscape) are properly maintained, a Homeowners' Association (HOA) and Covenants, Conditions and Restrictions (CC&R's) are required for the proposed Project. The Permittee must hire a management company for the HOA. During sales of the units, the sales managers must sit on the HOA board. The Permittee's representatives can remove themselves from the HOA board only when: 1) a new HOA board is selected from the new homeowners; 2) the new homeowners are trained on how to run the HOA; and 3) the units are fully occupied. The documents related to the HOA and CC&R's must be reviewed and approved by the City Attorney before the City approves a final map. In addition, the Permittee must pay for all attorney's fees associated with the review of the document.
22. The final approved floor plan for the residential units must be incorporated into CC&R's.

23. The Homeowners Association must maintain a current and active business license with the City for the life of the project. Association dues may not be collected unless the Association has a current and active business license with the City.
24. A copy of the final recorded CC&R's must be provided to the City before issuance of a certificate of occupancy or after modifications to the CC&R's.
25. Draft covenants, conditions and restrictions ("CC&Rs"), in a form approved by the City Attorney, must be approved by the City Planner, or designee, and include the following clauses:
 - a. Payment of Municipal Charges. The amount of the assessments levied by the Association must include sums sufficient to cover the cost of all municipal charges imposed against the Property including, without limitation, sums sufficient to ensure the payment of invoices from the City of Monterey Park ("City") for water, wastewater, and solid waste charges. In addition, the Association and the Owners, and the management agent, if any, must continuously guarantee payment to the City of all such municipal charges.
 - b. Access and Entry. The Association and each Owner covenants, in favor of the City, to provide access and entry to all common areas of the Property, and all buildings, structures and units situated thereon, to any authorized Fire Inspector, Building Official and any other official charged with carrying out the laws of the City, the State of California, or the United States of America.
 - c. Signs. Except as otherwise allowed by applicable law, the Association and each Owner covenant, in favor of the City, that no sign of any kind of advertising any service, business or other commercial project or venture can be displayed on the Property.
 - d. Parking.
 - i. The Association and each Owner covenants, in favor of the City, that all automobiles used by an Owner or an Owner's invitees must be identified to a representative of the Association and subject to tow if parked in an area not designated for parking automobiles or in a guest parking space.
 - ii. All driveways and garages must be maintained in a neat and orderly condition and garage doors must be maintained in closed condition except as necessary to permit ingress and egress of authorized vehicles or to clean or work in the garage. The garages are to be used for the parking of standard authorized vehicles and may not be converted to living quarters or workshops or used for the storage of boats, trailers, campers or recreation vehicles in a way which will preclude the parking of the Owner's or occupant's authorized vehicles within the garage.

- iii. Designated guest parking areas within the Common Areas are to remain open for use by guests only and are not to be used by Owners or other residents, either permanently or temporarily, for the parking of their authorized vehicles or the storage of boats, trailers or similar items of personal property, unless expressly authorized by the Association.
 - iv. No motor vehicle can be constructed, reconstructed or repaired within the Property and no dilapidated or inoperable vehicle, including vehicles without wheel(s) or an engine, can be stored on the Property; provided, however, that the provisions of this Section does not apply to emergency vehicle repairs.
 - v. Campers, boats, trailers, motorcycles, commercial vehicles and trucks in excess of three-quarter tons cannot be parked within the Property, other than within enclosed garages except for periods not to exceed two hours for the purpose of loading and unloading.
 - vi. Personal property other than authorized vehicles cannot be stored in garages if such storage will necessitate or result in the parking of vehicles on streets within or adjacent to the Property. Parking by commercial vehicles for the purpose of making deliveries or service calls must be permitted in accordance with the Association Rules.
 - vii. Each Owner must maintain their garage or parking spaces in a manner which ensures that it is capable of accommodating not less than the number of vehicles the space was designed to contain.
- e. Graffiti. The Association and each Owner covenants and agrees to maintain, or to cause to be maintained, all buildings and structures within the Property free of graffiti. In an event that the Association or an Owner fails to remove or to cause the removal of any graffiti within 24 hours of its receipt of written notice from the City requesting such removal, the City has the right and authority to enter upon the Property and remove or mask said graffiti. Any and all costs incurred by the City in connection with the removal or masking of such graffiti must be reimbursed to the City by the Association and/or the Owner, if any, of affected building or structure.
- f. Maintenance of Property. The maintenance of all common wastewater and storm drainage facilities, and all landscaping, irrigation systems, slopes, drainage facilities and retaining walls, if any, located within the Common Area are Association's responsibility, and the maintenance of all irrigation systems, slopes, drainage, facilities and retaining walls, if any, situated within an Exclusive Use Common Area are the responsibility of the Association in the event the applicable Owner fails to provide such maintenance.
- g. Filing of Information.

- i. Filing (Unincorporated Associations Only). The Association must cause the names and addresses of the officers and members of the Association to be filed annually with the City Clerk of the City of Monterey Park during the month of July.
- ii. Filing (Incorporated Associations Only). The Association must cause the names and address of the officers and members of the Board of Directors of the Association to be filed annually with the City Clerk of the City of Monterey Park during the month of July.
- h. Amendment of CC&Rs. Notwithstanding any other provision of this Declaration the contrary, the statements and covenants set forth herein in favor of the City of Monterey Park cannot be modified and rescinded without the prior written consent of the City of Monterey Park.
- i. Third-Party Beneficiary; Enforcement Rights. City Enforcement of Declaration. Notwithstanding any other provision of this Declaration to the contrary, the city of Monterey Park has the power and the right, but not the obligation, to enforce any or all provisions of this Declaration as a third-party beneficiary to the extent this Declaration contains provisions implementing the Monterey Park Municipal Code ("MPMC") or any condition of approval adopted by City Council resolution or ordinance. Failure by the City to enforce any restriction, covenant, condition, limitation or reservation imposed by the provisions of this Declaration does not constitute a waiver of the City's right to do so. The Association agrees to pay all costs associated with such enforcement including, without limitation, reasonable attorney's fees. The City may exercise its rights of enforcement without regard to any alternative dispute resolution provision in the CC&Rs or any other restriction on enforcement otherwise applicable to owners, tenants, other residents, or the Association including, without limitation, provisions with regard to notice.

FIRE:

- 26. All conditions identified by the Fire Department are subject to review and approval by the Fire Chief for determination of applicability and extent to which any condition may be required.
- 27. Fire Flow Verification. Before fire approval and/or map recordation, the applicant shall provide to the Fire Department, verification from the water purveyor that the water purveyor can provide the required fire flow of 500 gallons per minute at 20 psi for a minimum a ½ hour duration.
- 28. In the event of any loss of power, all access gates across roadways or entrances to the development will fail in the unlocked/open position.
- 29. The Permittee or Permittee's authorized agent is responsible for the development, implementation and maintenance of an approved, written safety plan establishing a

fire prevention program at the project site applicable throughout all phases of the construction work.

30. If "As-built" plans are required, additional fees will be due for the review of the drawings.

ENGINEERING:

31. The Permittee must record the Final Map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. The developer will provide the City with one (1) transparent 4-millimeter-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.
32. The Permittee 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.
33. Permittee agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Permittee 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.*). Permittee is informed that it may protest DIFs in accordance with Government Code 66202.
34. For any future subdivision and or development, pursuant to the Los Angeles County Municipal "National Pollutant Discharge Elimination System ("NPDES") Permit," under which the City of Monterey Park is a permittee, that involves the disturbance of soils by grading, clearing and/or excavation, the applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. Additionally, the project will require the preparation of a Low Impact Development (LID) Plan. The LID plan must be reviewed and approved by City before issuance of permits. Upon approval of the NPDES documents by the City, the applicant/property owner shall submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a Building or Grading Permit.
35. 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.
36. For any future subdivision and or development, a Water Plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. A water system analysis must be provided by the developer to demonstrate that the new

development does not negatively impact the existing system. If the existing system does not have adequate pressure and fire flow to serve the development, the developer will be responsible for upgrading the water main as necessary in the public right-of-way.

37. The Permittee 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. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
38. For any future subdivision and or development, a site 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. Drainage from contiguous properties must not be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site will be required for submittal to the City Engineer for review and for approval.
39. All 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 shall be designed and constructed to Los Angeles County Department of Public Works standards and specifications, and to the satisfaction of the City Engineer before approval of the Grading and Drainage Plans.
40. For any future subdivision and or development, the developer must prepare a Street Improvement Plan which may include the full width resurfacing/reconstruction of Sierra Vista St along the development, and the rehabilitation of sidewalk, driveway approaches, and curb and gutter along the entire the property frontage. The developer must be responsible for the construction installation costs of said improvements and any incidental work thereof and plans must be approved by the City Engineer.
41. Any damage to existing street improvements and utilities during construction must be repaired before the City issues any certificates of occupancy. Pre-existing damaged, deteriorated, substandard or off grade curb, gutter, driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer.
42. All public improvements must comply with the latest standards and specifications of and/or used by the City. All public improvements must be completed and accepted by the City, or unless a public improvement guarantee and agreement is posted, before approval of the final map by the City Council.
43. For any future subdivision and or development, all electric, telephone and cable TV utility services must be installed underground according to City and public utility standards. Satisfactory provisions for all other utilities and service connections, including water, sewer, and gas, must be completed to City and public utility

standards. A Utility Plan must be prepared and submitted before approval of the Grading and Drainage Plans. The utilities may be shown on a separate plan or on the proposed Site Plan.

44. The tentative map must be in accordance with the Subdivision Map Act, adopted conditions of approval for the tentative map, and the specific criteria noted by the City Engineer. Verify and submit the correct drainage pattern of adjacent properties.

POLICE:

45. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
46. If security gates are installed on the property, a key card or key code must be provided to the police department to access the property in case of an emergency.
47. 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 areas must be planted and maintained where the height of the greenery would not easily conceal persons.
48. 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.
49. Address numbers should be illuminated during hours of darkness and positioned as to be readily readable from the street.
50. Each distinct unit within the development must have its address displayed on or directly above the front door.
51. Proper signs must be posted at the guest parking areas and in the driveway leading into the complex preventing illegal or overnight parking of unwanted guests.
52. A proper thoroughfare for residents, guests, and any necessary emergency vehicles and or personnel shall be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, the Permittee, certifies having read and understood the Project Conditions, and agrees to comply with the Project Conditions.

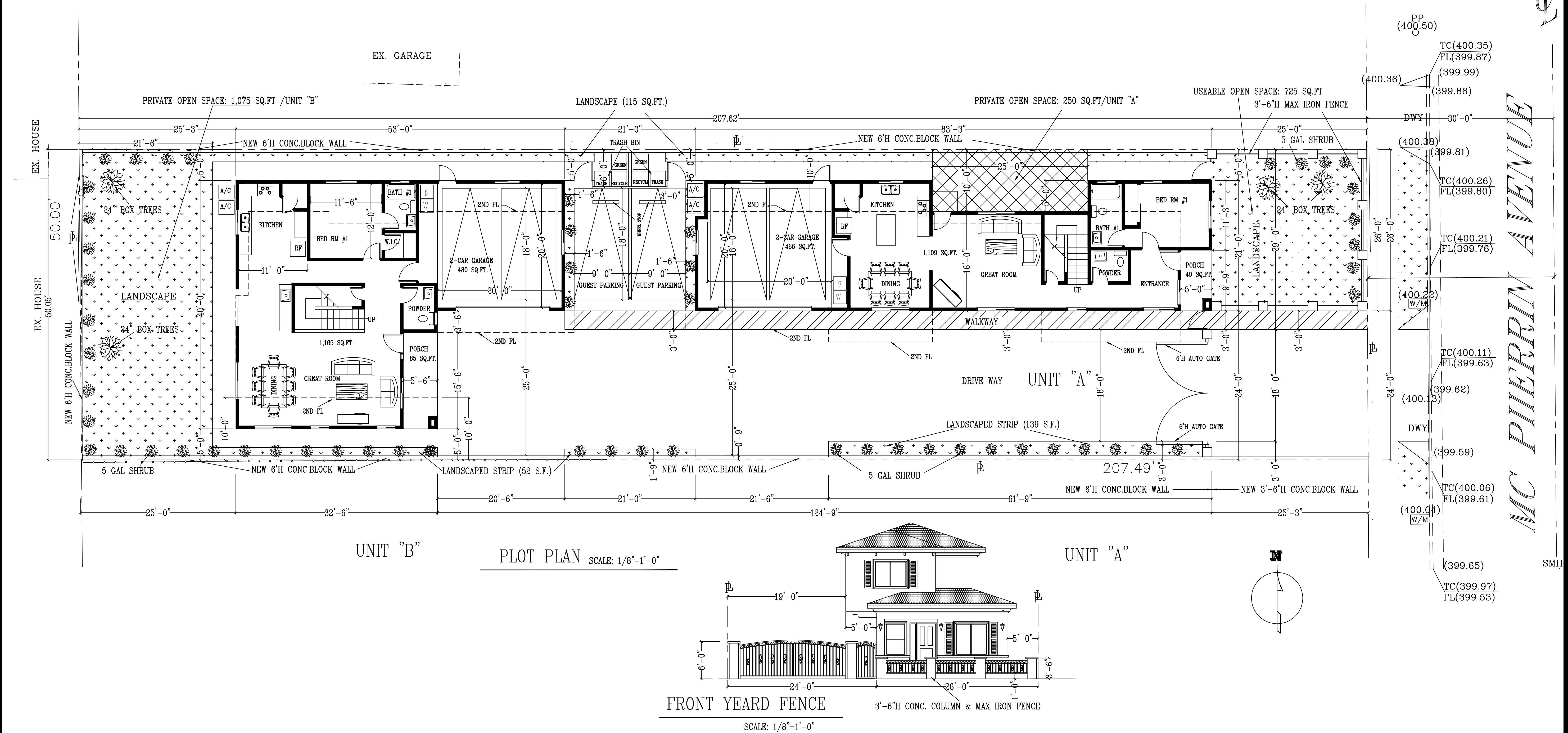
James Qiu, Permittee

ATTACHMENT 2

Architectural Plans, with Materials Board

NEW 2 UNITS CONDOMINIUM

423 N. MCPHERRIN AVE., UNIT "A" & "B" MONTEREY PARK, CA 91754



CODE ANALYSIS

BUILD'G & FIRE CODE TO USED CALIFORNIA 2019
CBC, CEC, CMC, CPC, CFC, ENERGY CODE AND 2020 LA COUNTY CODES
BUILDING USE: LIGHT MULTI FAMILY
TYPE OF CONSTRUCTION: VB ZONE: R-2
NO. OF STORY: 2 OCCUPANCY GROUP: R-3/U
FIRE SPRINKLERS: NO (FRONT HOUSE NO FIRE SPRINKLER PROVIDE)

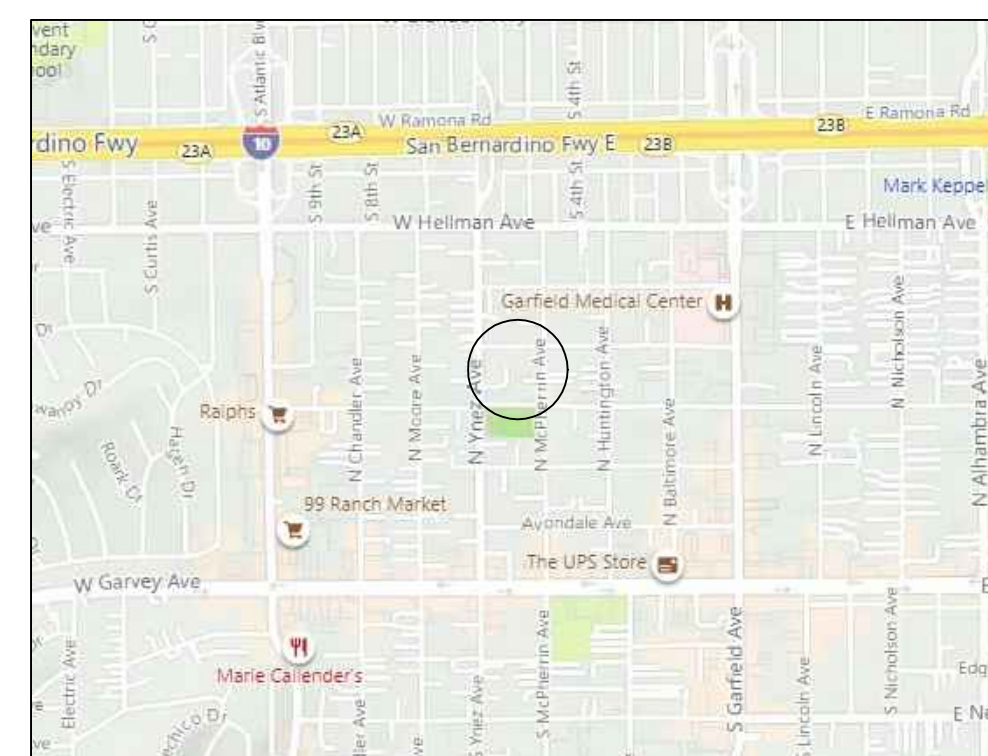
LEGAL DESCRIPTION

RAMONA ACRES PLAT NO 2. N 50.05 FT. OF
S. 95.05 FT. LOT 197

PROJECT DATA:

- LOT AREA: 50.05' X 207.62' = 10,391.38 SQ.FT.
 - BUILDING FLOOR AREA:
UNIT "A" FLOOR AREA:
FIRST FLOOR AREA: 1,109 S.F.
SECOND FLOOR AREA: 1,421 S.F.
TOTAL AREA: 2,530 S.F.
PORCH AREA: 49 S.F.
ATTACH 2 CAR GARAGE AREA: 466 S.F.
GUEST PARKING: 1
PRIVATE OPEN SPACE AREA: 250 S.F.
 - LANDSCAPING AREA:
1075+115+725+139+52=2,106 S.F.
2,106/40=53 OF 5GAL SHRUB
- a. REQUIRED 2 OF 24" BOX TREES @ UNIT
b. PROVIDED 2 OF 24" BOX TREES @ UNIT
c. REQUIRED 5GAL SHRUB @ 40 S.F.
d. PROVIDED 58 OF 5GAL OF SHRUB

VICINITY MAP



CONTACT

OWNER
PHONG BEN HONG
61 W. LEMON AVE.
ARCADIA, CA 91007
TEL: (626) 481-8168

ARCHITECTURAL DESIGN
JAMES QIU
428 PARK AVE.
MONTEREY PARK, CA 91754
TEL: (626) 260-4600

CIVIL ENGINEERING
CALLAND ENGINEERING
576 E. LANCASTER ROAD,
BREA, CA 92821
TEL: (714) 671-1050

ENERGY ENGINEERING
RAYMOND M. ZHONG
2416 W. VALLEY BLVD.
ALHAMBRA, CA 91803
TEL: (626) 289-8808

STRUCTURAL ENGINEERING
ARCTECH ENGINEERING & MANAGEMENT, INC.
411 E. HUNTINGTON DR. #107-370
ARCADIA, CA 91006
TEL: (626) 698-6191

SHEET INDEX

- | | |
|-----|------------------------------------|
| A-1 | TITLE SHEET, PLOT PLAN |
| A-2 | FIRST & SECOND FLOOR AND ROOF PLAN |
| A-3 | ELEVATION PLAN |

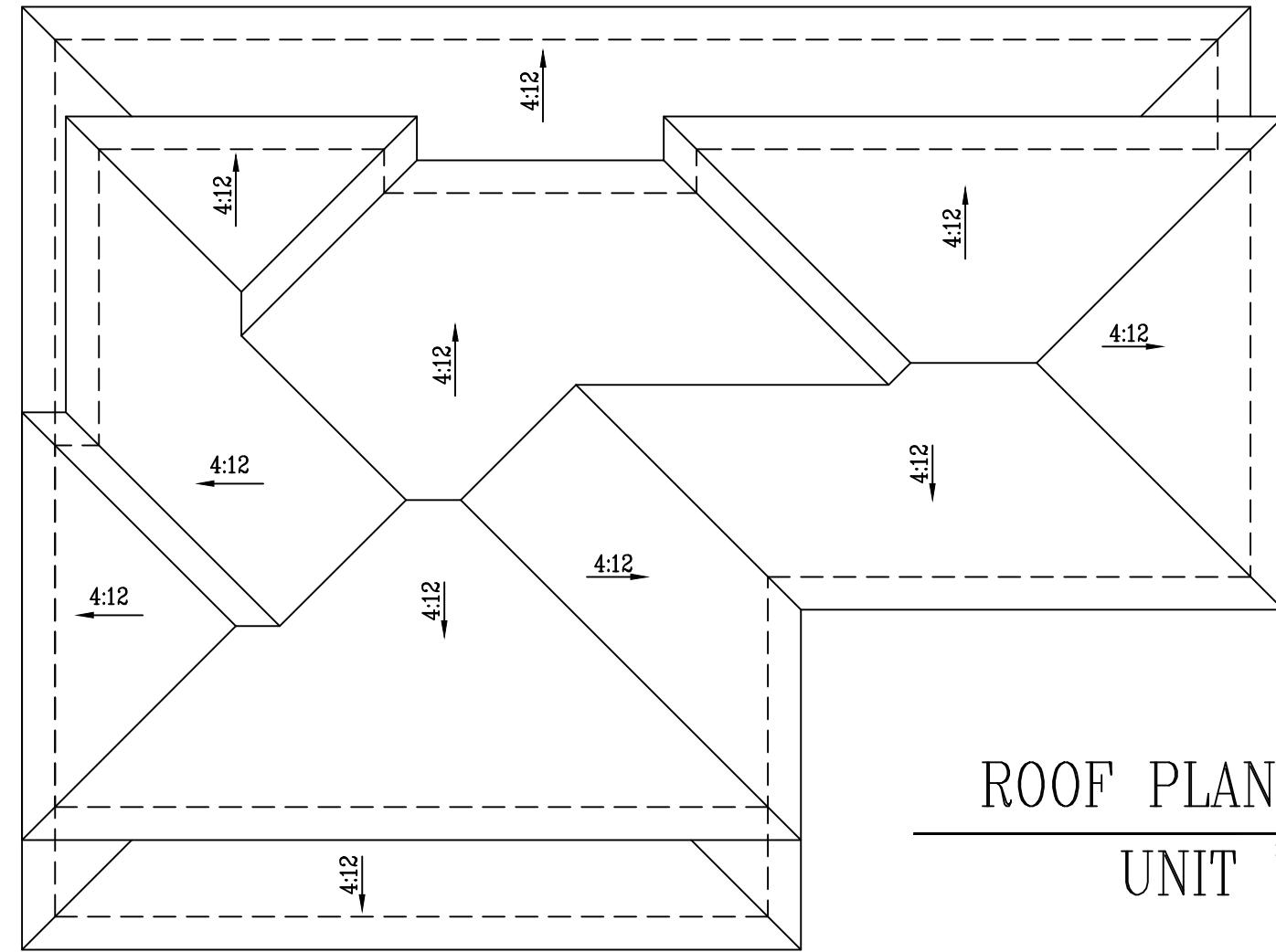
REVISIONS	BY

LEAVON DEVELOPMENT
DESIGN BY: JAMES QIU
2201 CARRIN PL.
ROSELAND, CA 91770
TEL: (626) 260-4600

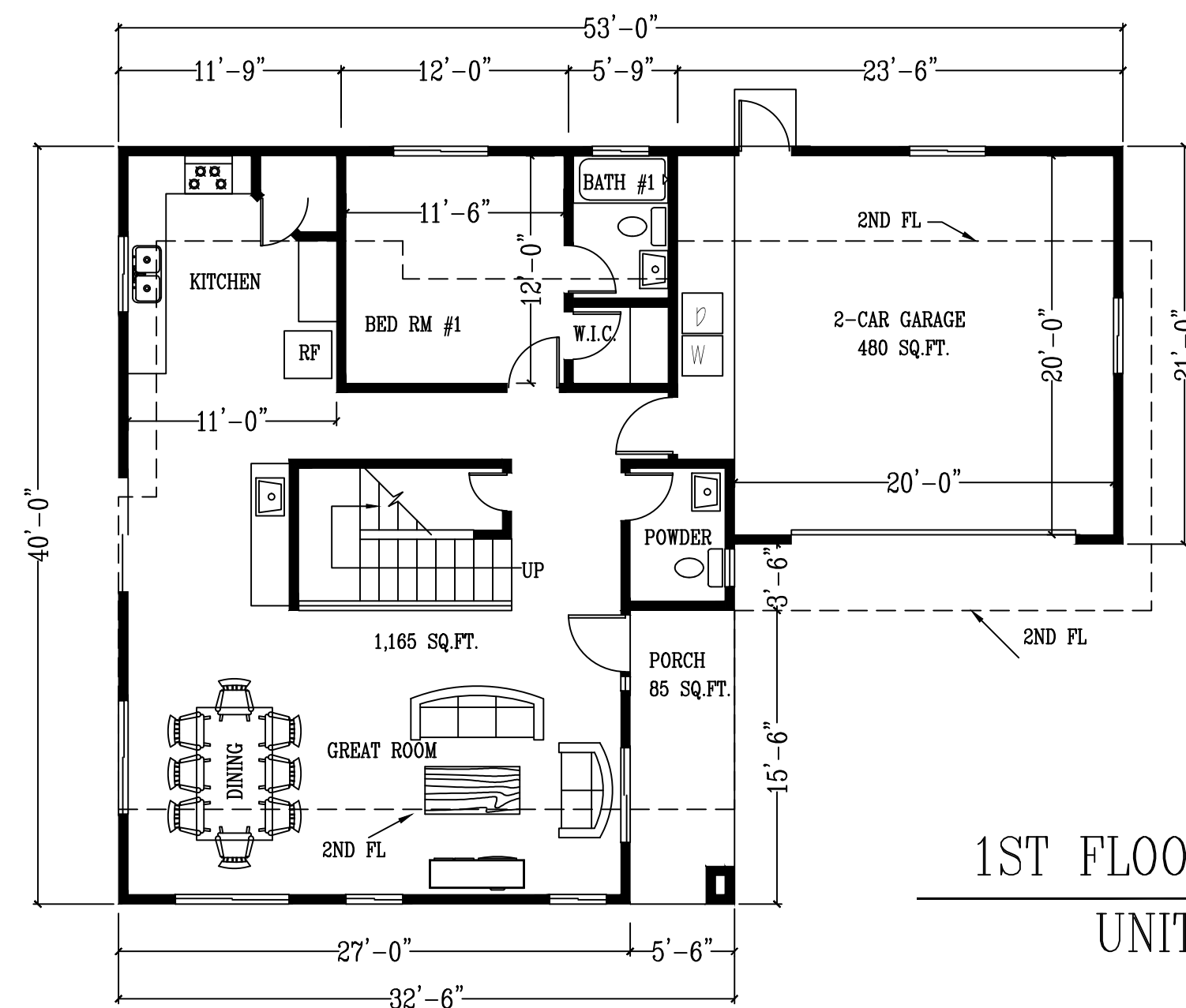
NEW 2 UNITS CONDOMINIUM
423 N. MCPHERRIN AVE.
MONTEREY PARK, CA 91754

DRAWN
CHECKED
DATE
SCALE
JOB NO.
SHEET
A-1
OF SHEETS

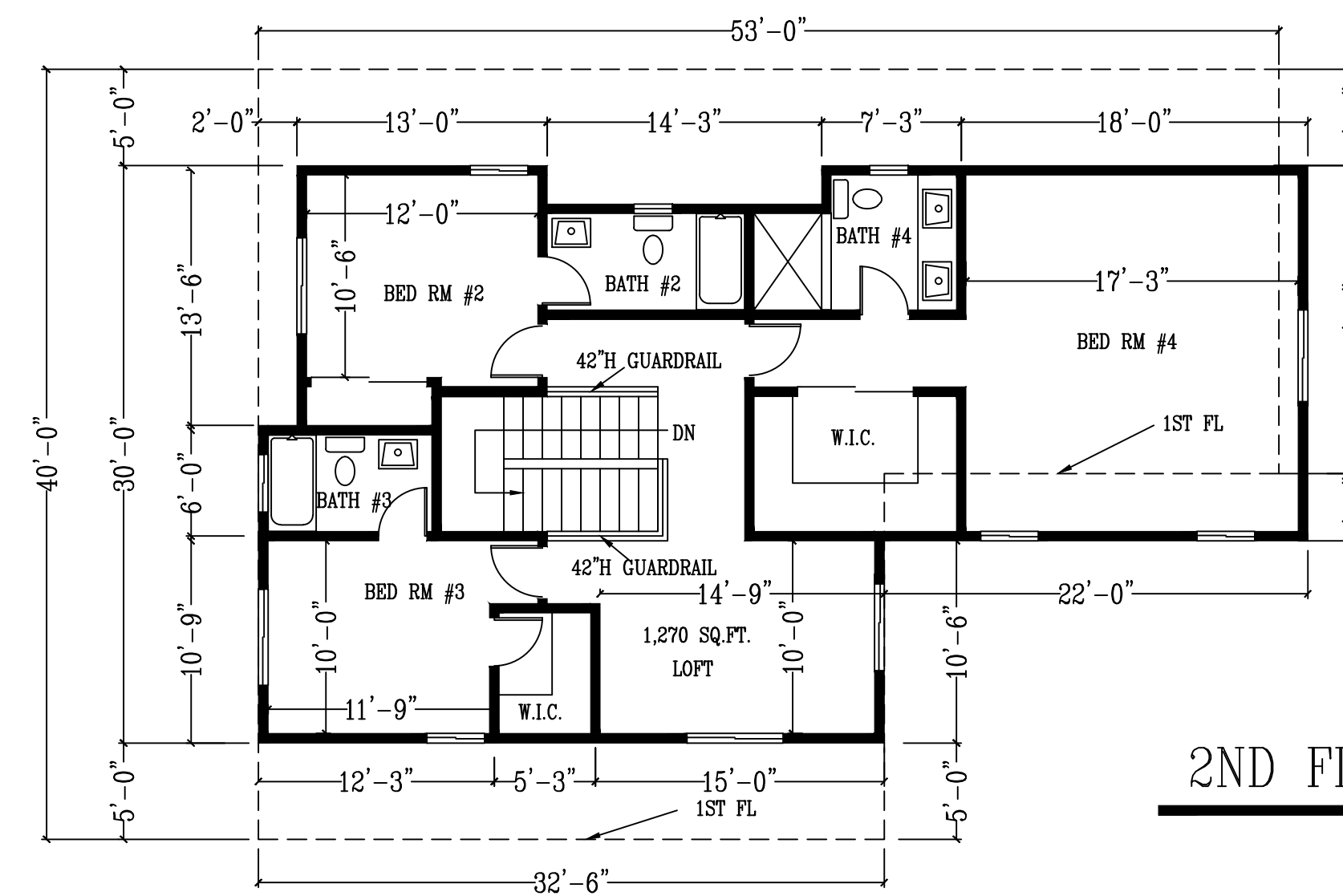
UNIT "B"



ROOF PLAN SCALE: 1/8"=1'-0"
UNIT "A"

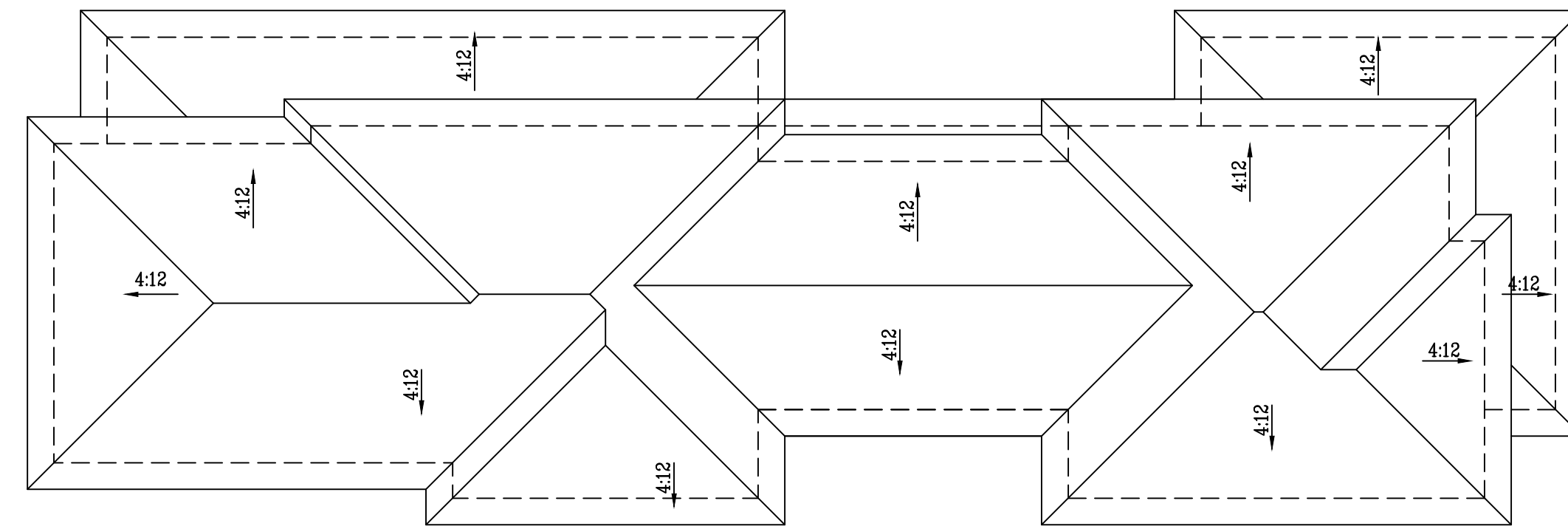


1ST FLOOR SCALE: 1/8"=1'-0"
UNIT "B"

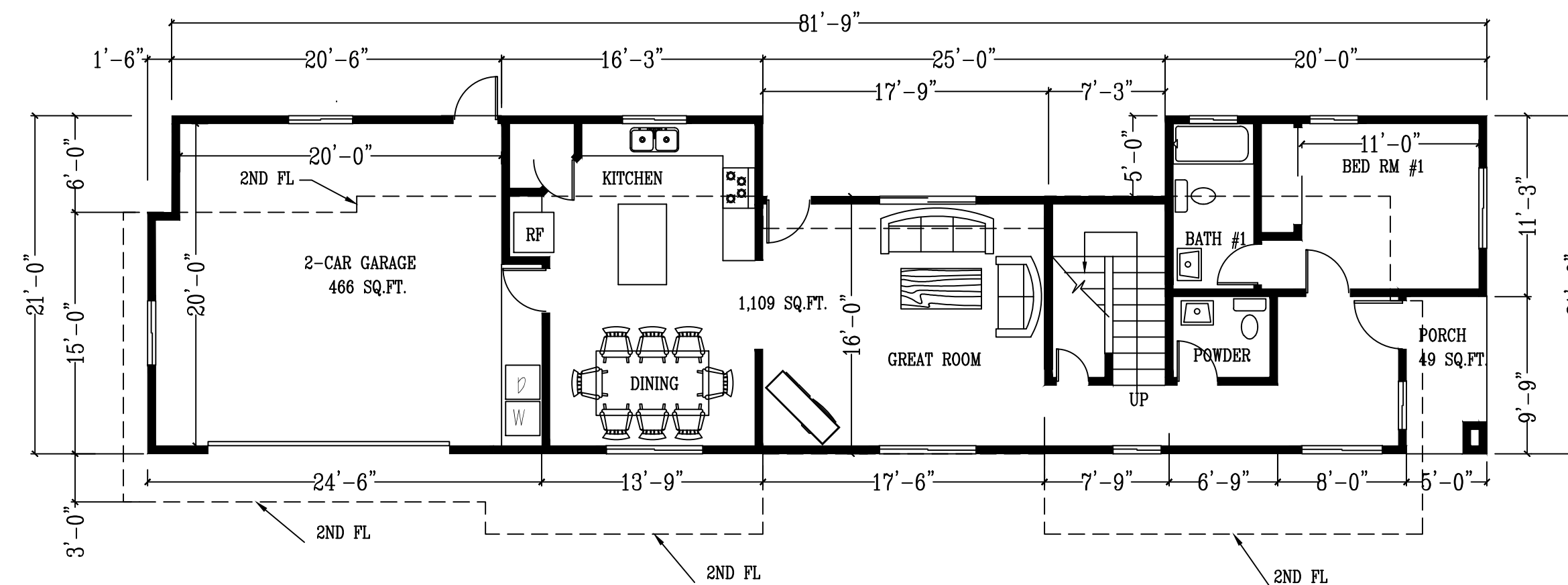


2ND FLOOR SCALE: 1/8"=1'-0"
UNIT "B"

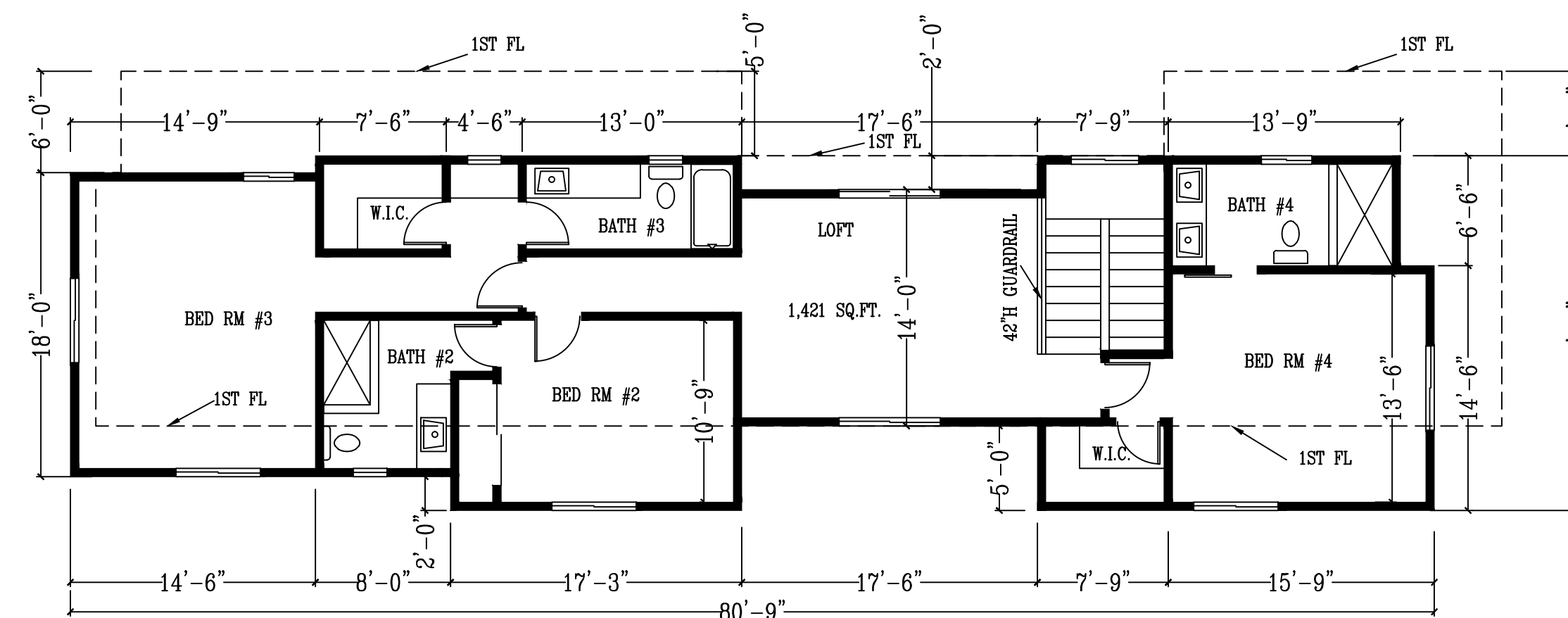
UNIT "A"



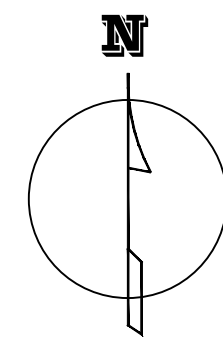
ROOF PLAN SCALE: 1/8"=1'-0"
UNIT "A"



1ST FLOOR SCALE: 1/8"=1'-0"
UNIT "A"



2ND FLOOR SCALE: 1/8"=1'-0"
UNIT "A"



REVISIONS	BY

LEAVON DEVELOPMENT
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ROSEMEAD, CA 91770
TEL: (626) 260-4600

NEW 2 UNITS CONDOMINIUM
423 N. MCPHERRIN AVE.
MONTEREY PARK, CA 91754

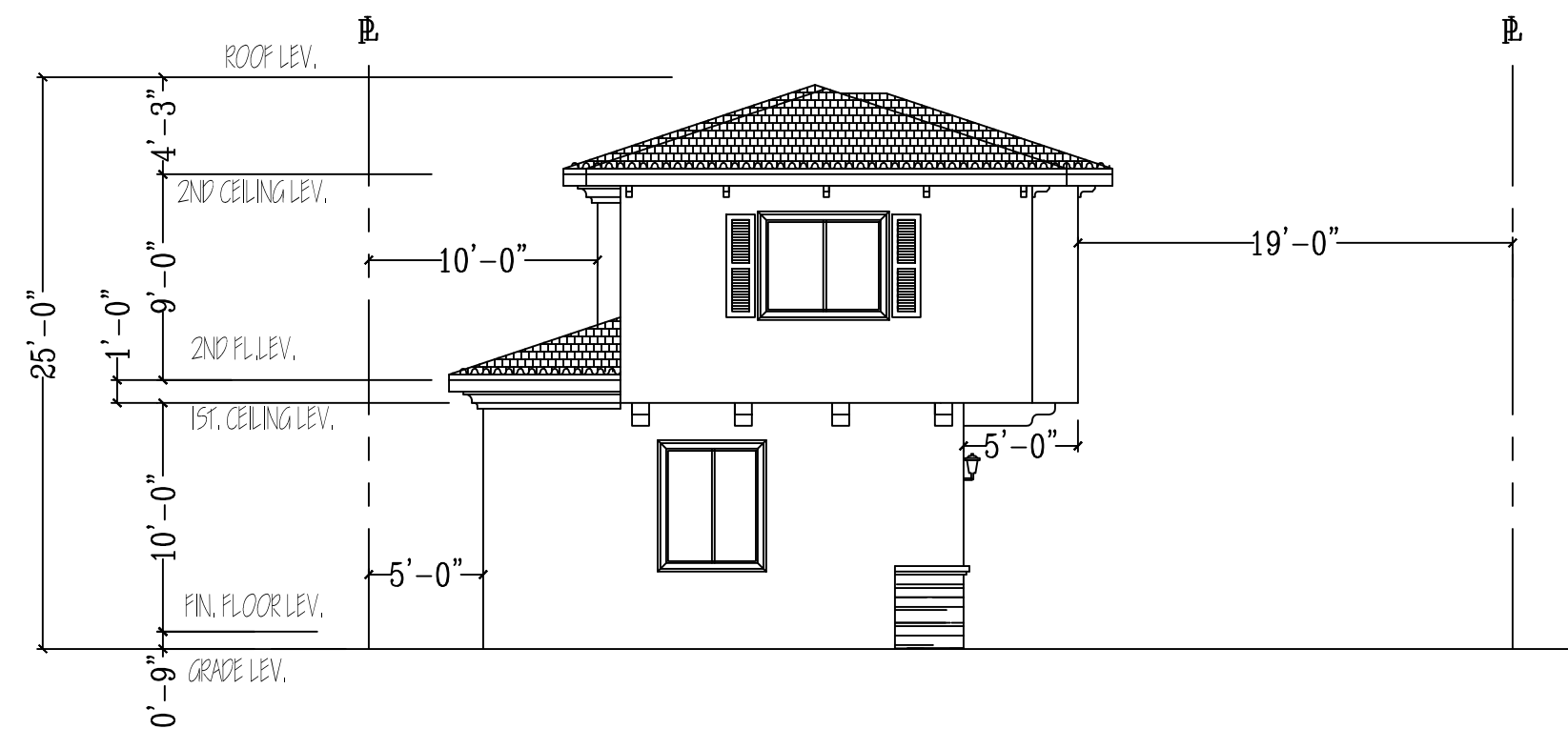
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SHEET
A-2
OF
SHEETS

UNIT "A"



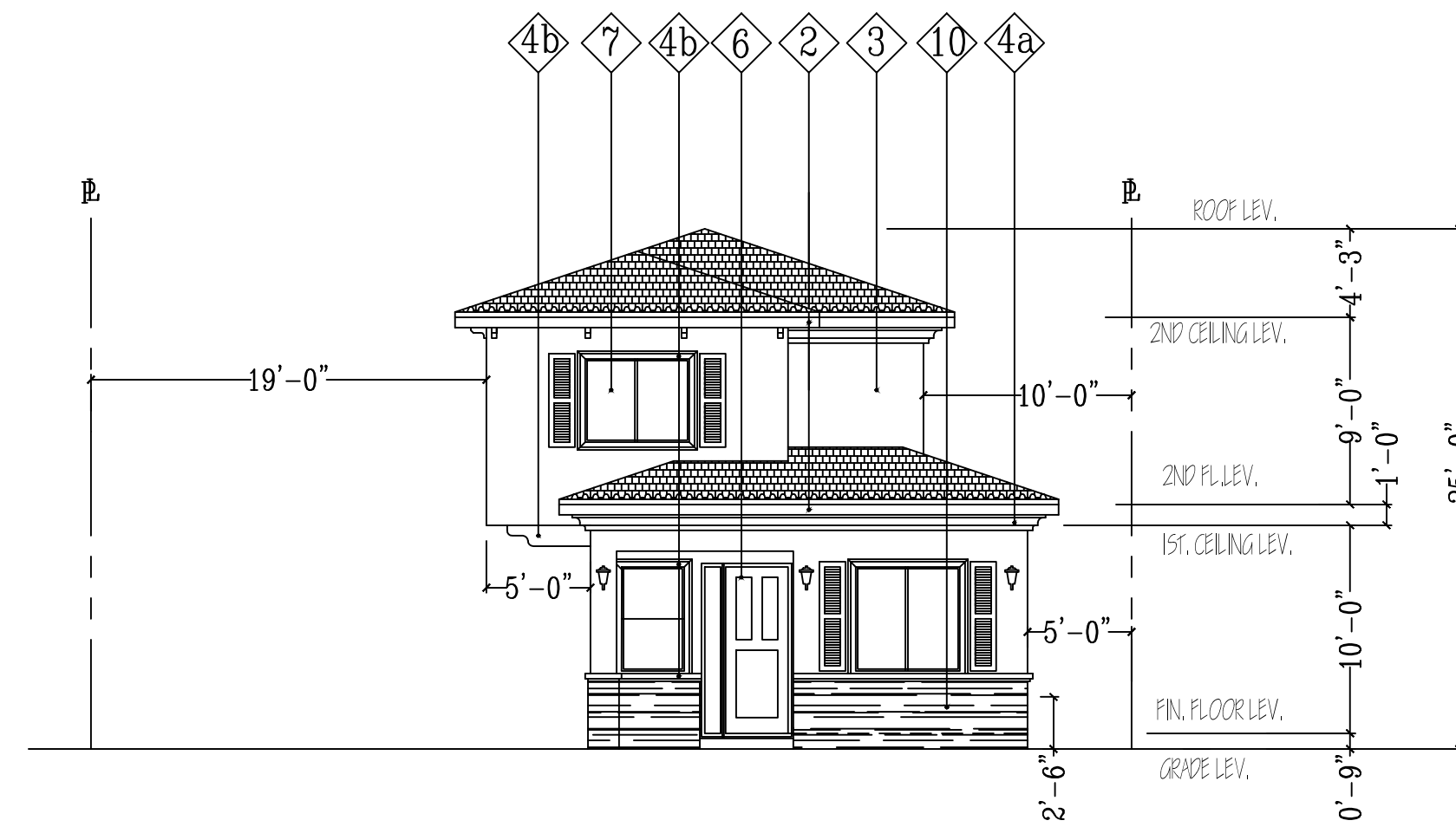
SOUTH ELEVATION SCALE: 1/8"=1'-0"

UNIT "A"



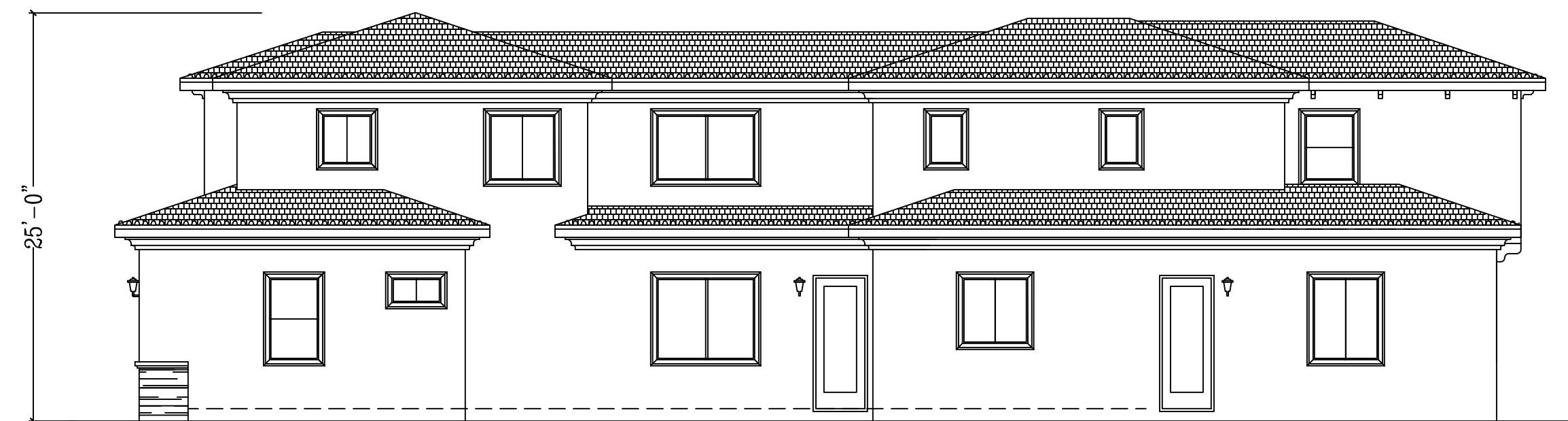
WEST ELEVATION SCALE: 1/8"=1'-0"

UNIT "A"



EAST ELEVATION SCALE: 1/8"=1'-0"

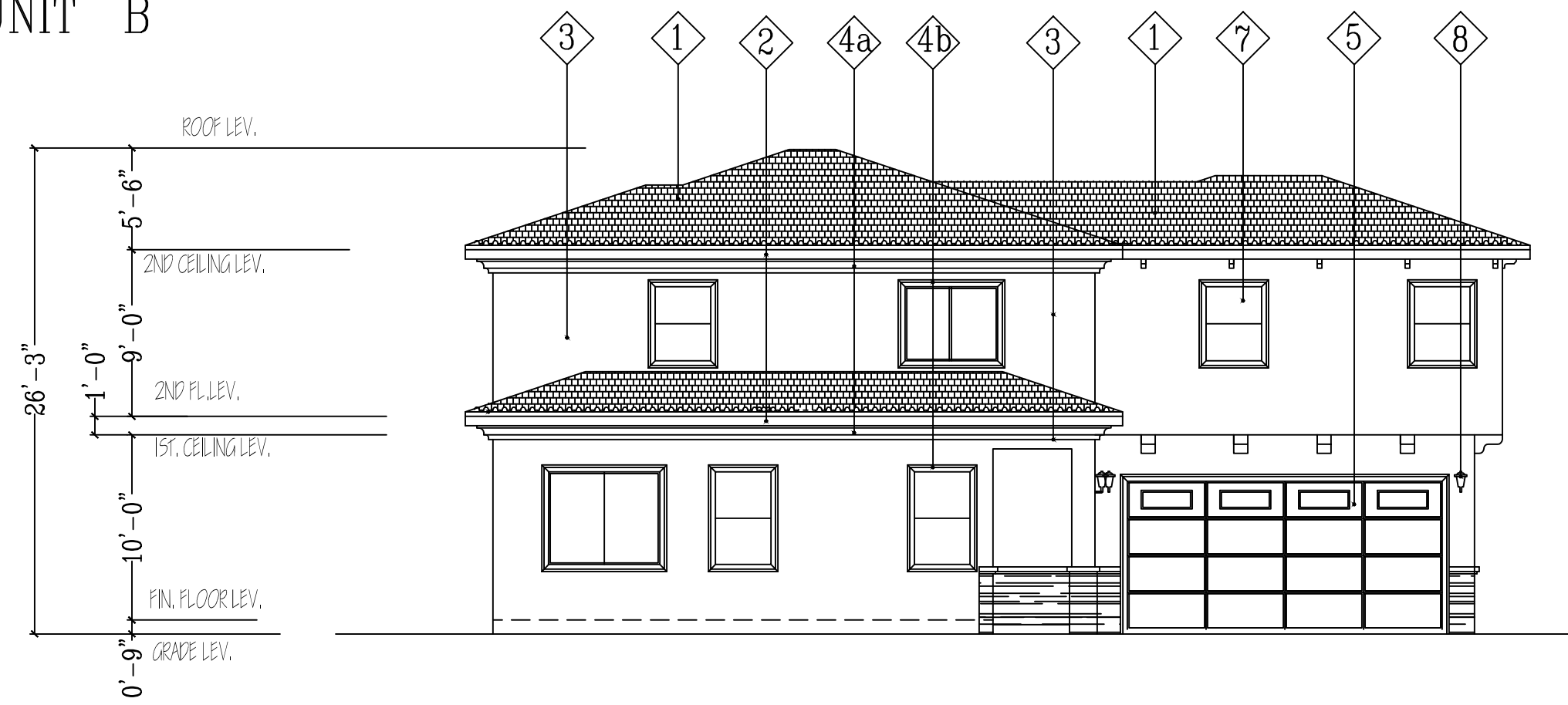
UNIT "A"



NORTH ELEVATION SCALE: 1/8"=1'-0"

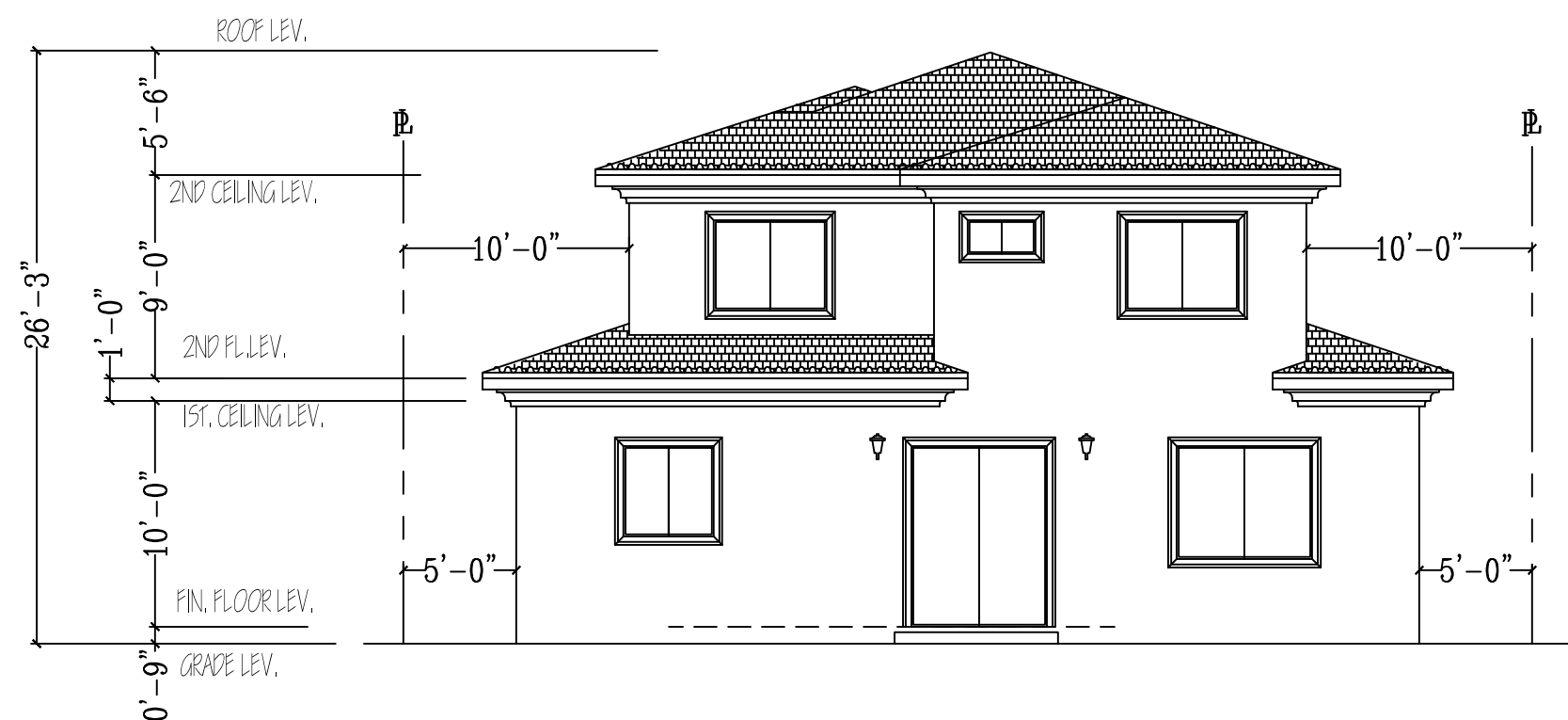
UNIT "A"

UNIT "B"



SOUTH ELEVATION SCALE: 1/8"=1'-0"

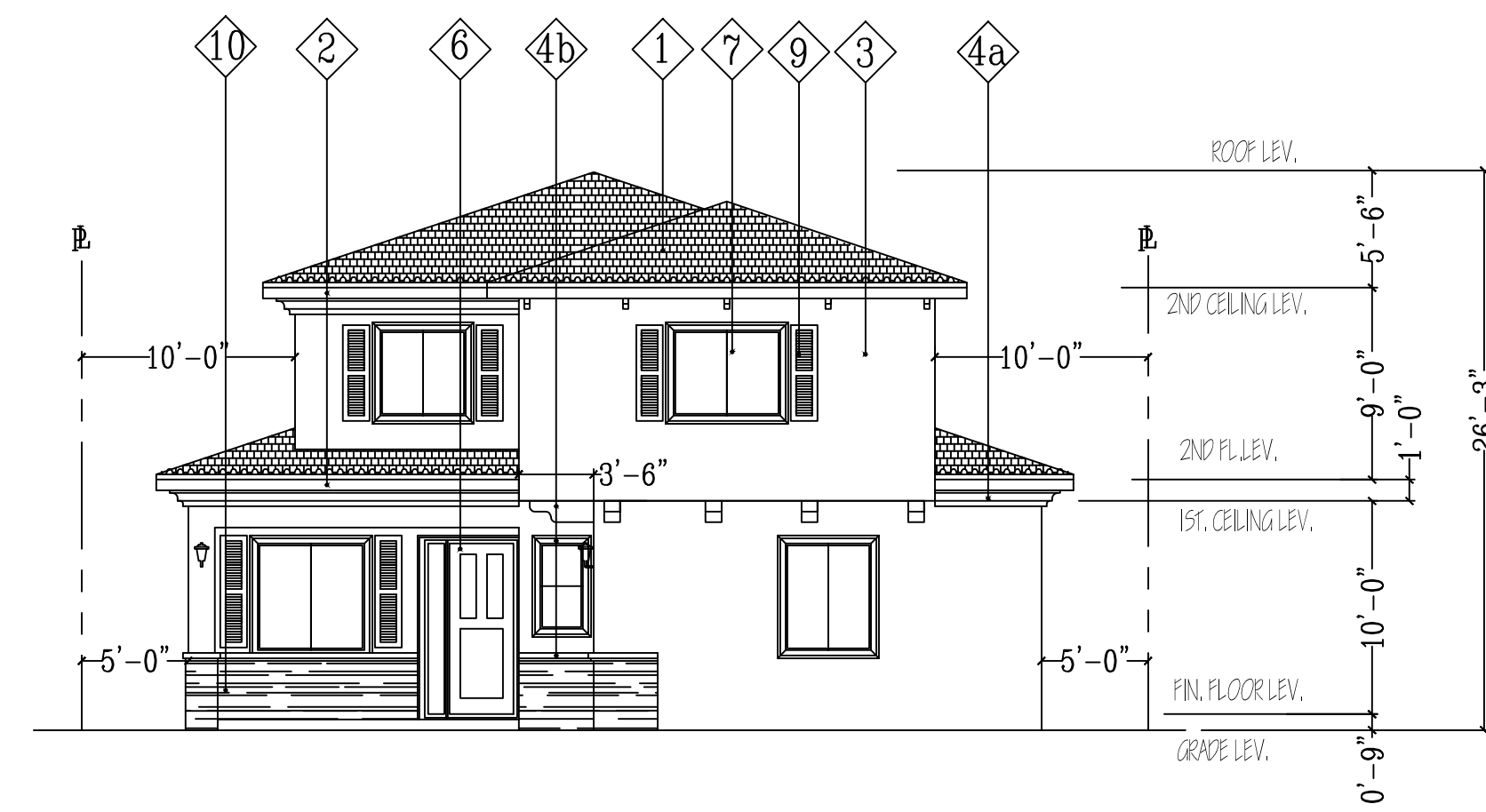
UNIT "B"



WEST ELEVATION SCALE: 1/8"=1'-0"

UNIT "B"

EXTERIOR FINISH SCHEDULE				
#	MATERIAL	FINISH	COLOR	MANUF.
1	ROOF TILE	CAPISTRANO	3887 BROWN GRAY RANGE	EAGLE (ICC-ES ESR-1900) CRRCA 0918-0093
2	FACIAL BOARD	WOOD	#MS-41 Sandstone Beige	BEHR
3	CEMENT PLASTER (STUCCO)	SMOOTH	X-82 HACIENDA	LAHABRA
4a	CROWN MOLDING (FORM STUCCO)	SAND	X-82 HACIENDA	LAHABRA
4b	WINDOWS & DOOR TRIM & CORBELS	PRECAST CONCRETE	X-97 PACIFIC SAND	LAHABRA
5	GARAGE DOOR W/ LITES	GARAGE SECTION DOOR ALUM. / WOOD STYLE	BROWN	WAYNE DALTON
6	FRONT DOOR VINYL / FIBERS	SMOOTH	WHITE	TRIMLITE
7	VINYL WINDOW	VINYL / GLASS FIBERS	WHITE	VALUE WINDOWS & DOORS
8	EXTERIOR LIGHT	PLASTIC	DARK BROWN	EMART INC
9	EXTERIOR SHUTTER	LOUVERED VINYL	BROWN	HOME DEPOT
10	CULTURED STONE	COUNTRY LEDGESTONE	ASPEN	Westlake Royal Stone



EAST ELEVATION SCALE: 1/8"=1'-0"

UNIT "B"



NORTH ELEVATION SCALE: 1/8"=1'-0"

UNIT "B"

REVISIONS	BY

LEAVON DEVELOPMENT
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ROSEMEAD, CA 91770
TEL: (626) 260-4600

NEW 2 UNITS CONDOMINIUM
423 N. MCPHERRIN AVE.
MONTEREY PARK, CA 91754

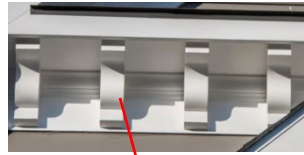
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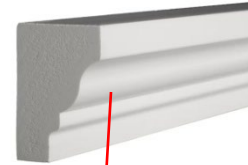
ROOF TILE



FACIAL BOARD



EAVES CORBELS



CROWN MOLDING



WINDOW SHUTTER



EXTERIOR WALL



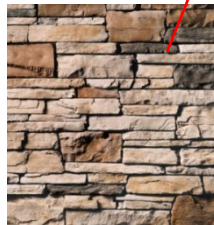
TRIM & MOLDING
& CORBELS



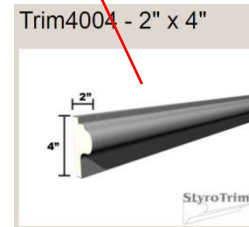
WINDOWS



GARAGE DOOR



CULTURED STONE



TRIM



LIGHT



FRONT DOOR

ATTACHMENT 3
Tentative Map No. 83733 (TM-23-04)

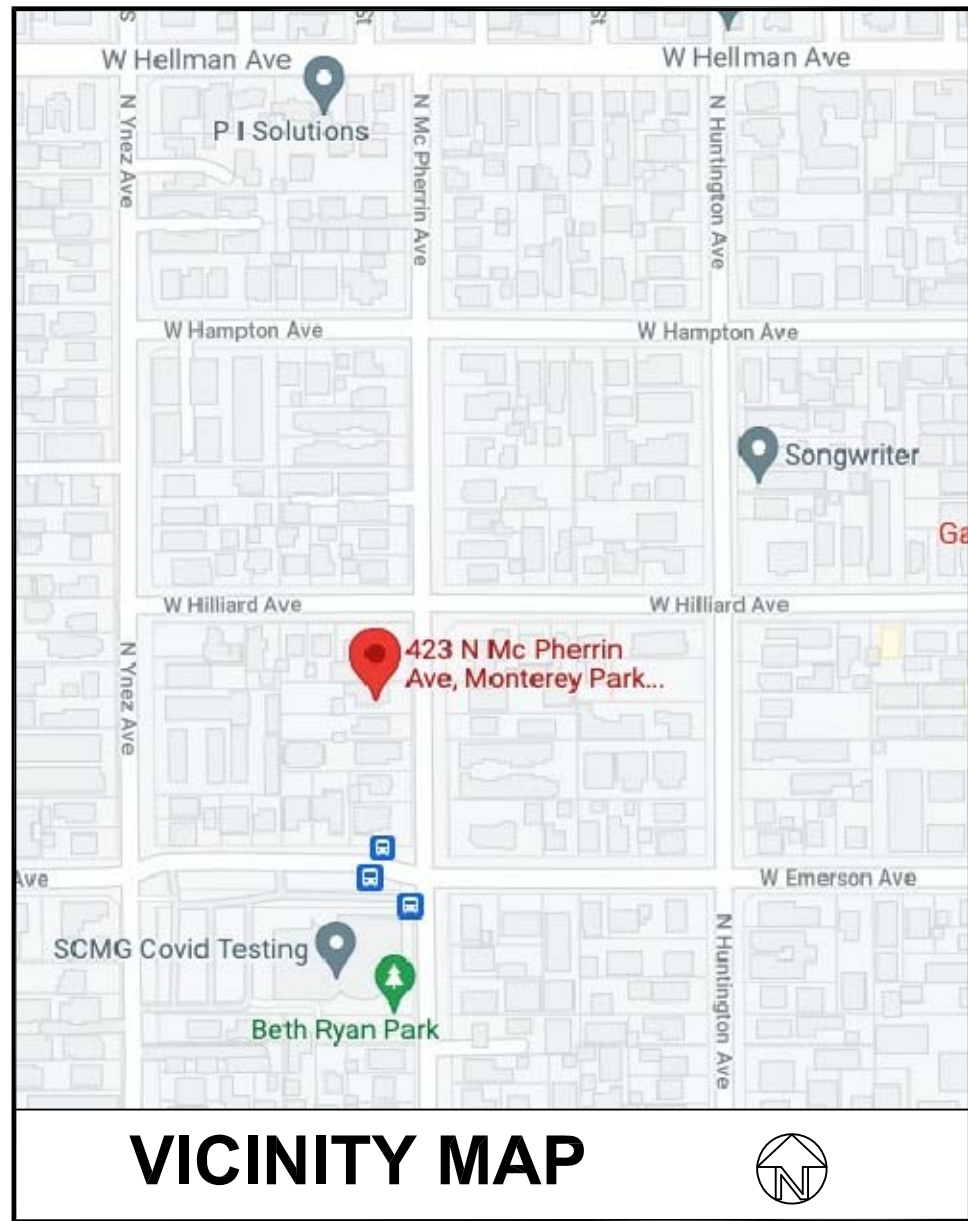
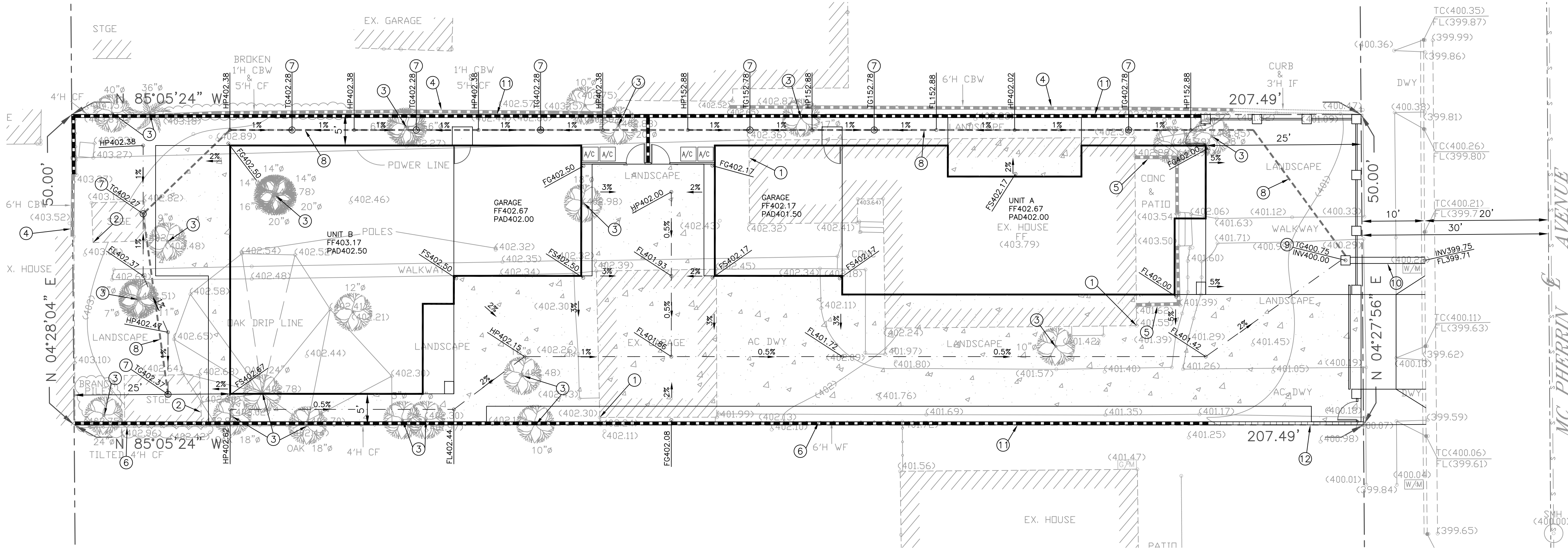
TENTATIVE TRACT MAP NO.83733

IN THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES

STATE OF CALIFORNIA

A PORTION OF LOT 197 OF RAMONA ACRES PLAT NO 2, IN THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
AS PER MAP RECORDED IN BOOK 11, PAGE 50, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 5256-016-043
FOR CONDOMINIUM PURPOSE



ABBREVIATIONS

CBW..... CONC. BLOCK WALL
C&G..... CURB AND GUTTER
D/A..... DRIVEWAY APRON
DWY..... DRIVEWAY
EP..... EDISON POLE
EX..... EXISTING
FH..... FIRE HYDRANT
FL..... FLOW LINE
GM..... GAS METER
MH..... MAN HOLE
FF..... FINISH FLOOR
S/W..... SIDEWALK
SD..... STORM DRAIN
FS..... FINISH SURFACE
TC..... TOP OF CURB
TW..... TOP OF WALL
WV..... WATER VALVE

LEGENDS:

(527.63).....EXISTING ELEVATION
520.00.....PROPOSED ELEVATION
---(530)---.....EXISTING COUNTOUR
---(530)---.....PROPOSED COUNTOUR
---(530)---.....BLOCK WALL
SW.....SIDE WALK
G.....LIGHT
C.....CENTER LINE
P.....PROPERTY LINE
①.....CONSTRUCTION NOTES
E.....EXISTING FIRE HYDRANT
W.....WATER LINE
S.....SEWER LINE
G.....GAS

BENCH MARK:

CITY B.M. NUMBER 40
CHISELED ON CURB 3' SOUTH OF E.C. AT
S.W. CORNER OF YNEZ AVENUE AND HARDING
AVENUE.

ELEVATION: 360.80' (NAVD 1988)

BASIS BEARING:

CENTERLINE OF MC PHERRIN AVENUE N04°27'56"E
PER RECORD OF SURVEY, R.S. 289-23

PREPARED BY:

CALLAND ENGINEERING, INC.
576 E. LAMBERT RD.,
BREA, CA 92821
TEL. NO.: (714) 671-1050
JACK LEE, R.C.E., G.E.

TOPO MAP BY:

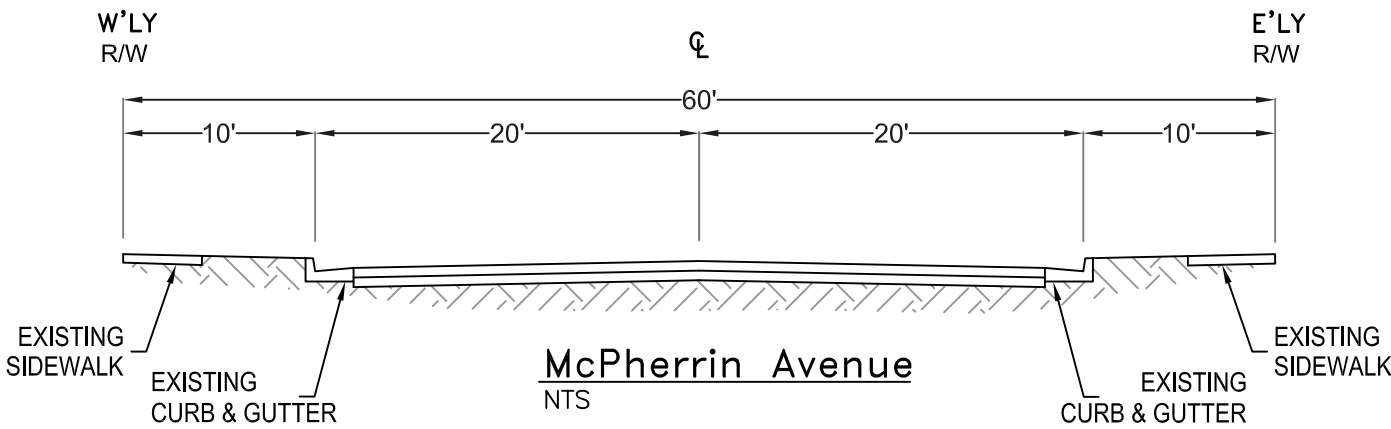
CALLAND ENGINEERING, INC.
576 E. LAMBERT RD.,
BREA, CA 92821
TEL. NO.: (714) 671-1050
JACK LEE, R.C.E., G.E.
DATE: 08/09/2021

OWNER/SUBDIVIDER:

PIONG BEN HONG
61 W. LEMON AVE.
ARCADIA, CA 91007
TEL: (626) 487-8168

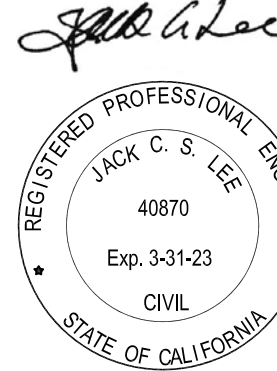
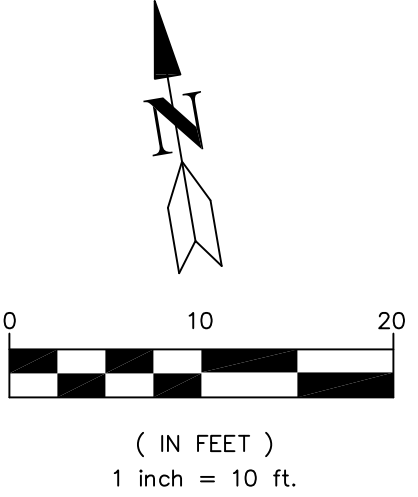
NOTES:

EXISTING ZONE: R-2
LOT SIZE: 10374.75 SF/0.238 AC
NO. OF EXISTING UNIT: 1
NO. OF PROPOSED UNIT: 2
SEWERAGE DISPOSAL: BY GRAVITY SEWER PIPES TO STREET MAIN



CONSTRUCTION NOTES:

- EXISTING STRUCTURE TO BE REMOVED
- EXISTING STORAGE TO BE REMOVED
- EXISTING TREE TO BE REMOVED
- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- EXISTING FENCE TO BE REMOVED
- INSTALL 6" AREA DRAIN
- PROPOSED PIPE
- PROPOSED CATCH BASIN
- PROPOSED PARKWAY DRAIN
- PROPOSED 6' H WALL
- PROPOSED 3' H WALL



PROJECT LOCATION:

423 Mc Pherrin Avenue,
Monterey Park, CA 91754

DRAWN: AS
CHECKED: AS
DATE: 01-24-2022
JOB. NO.: 21-095-003
SCALE: 1" = 10'
FILE NAME:

T-1

SHEET 1 OF 1

CALLAND ENGINEERING, INC.

dba QUARTECH CONSULTANTS

576 E. LAMBERT RD., BREA, CA 92821
TEL. NO.: (714) 671-1050 • FAX: (714) 671-1090

ATTACHMENT 4

Notice of Exemption

Notice of Exemption

From: City of Monterey Park Planning
320 W. Newmark Avenue
Monterey Park, CA 91754

To:

☐

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒

Los Angeles, County Clerk
Environmental Filings
12400 Imperial Highway #1201
Norwalk, CA 90650
Attn: Business Filings and Registration

Project Title: Tentative Map (TM 23-04) and Design Review (DRB-23-28)
Project Location - Specific: 423 North McPherrin Avenue
Project Location - City: Monterey Park
Project Location - County: Los Angeles

Description of Project:

Approval to construct and subdivide air rights for two detached residential dwelling units at 423 North McPherrin Avenue.

Name of Public Agency Approving Project: City of Monterey Park
Name of Person or Agency Carrying Out Project: City of Monterey Park

Exempt Status: *(check one)*

☐

Ministerial (Sec. 21080(b)(1); 15268);

☐

Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒

Categorical Exemption. State type and section number: § 15303 (Class 3 – New Construction)

☐

Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Class 3 exempts new construction of up to three single family residences, and multi-family residential structures totaling no more than four dwelling units. This activity contemplates development of two detached dwelling units and the related subdivision of air rights. Accordingly, this project is not subject to further review.

Lead Agency Contact Person: Kevin Tan Telephone (626) 307-1302

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: Assistant Planner

☐

Signed by Lead Agency Date received for filing at OPR:

☐

Signed by Applicant



Planning Commission Staff Report

DATE: April 9, 2024

AGENDA ITEM NO: 5-A

TO: The Planning Commission
FROM: Jessica Serrano, Director of Community Development
SUBJECT: **RECEIVE AND FILE** - Discussion of Land Use Regulations and future uses at McCaslin Business Park

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Receiving and filing this staff report as background information; and
- (2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This staff report provides the historical context regarding land use considerations in McCaslin Business Park to be used in discussing future uses of the area.

BACKGROUND:

McCaslin Business Park is named after Lowry B. McCaslin (a former All-American [1929] who played for USC) who owned the area between 1937 and his death in 1995. It was originally a quarry for mining decomposed granite. Mr. McCaslin eventually developed the sand and gravel pit into a 73-acre business and industrial park. Residential neighborhoods adjacent to the Business Park were developed during the years 1947 to 1954.

In 1956, the Monterey Park City Council adopted an ordinance that effectively zoned the gravel operations out of business after persons in the residential neighborhoods complained of noise and dust. Mr. McCaslin succeeded in invalidating these restrictions as unconstitutional (*McCaslin v. City of Monterey Park* (1958) 163 Cal.App.2d 399). He began building the industrial park in 1970.

In 1996, the City Council adopted a moratorium on the use and storage of certain hazardous materials within the Business Park. This was in response to Alpha Photonics, Inc.'s proposal to include crystal growing operations as part of their electronics component manufacturing business. The moratorium indicated that:

“an application for a project at 2019 Saturn Street, Monterey Park, located in the McCaslin Industrial Park. The initial building permit application and plans did not disclose the use or storage of hazardous materials on site. The City subsequently became informed that the proposed use will handle and store certain quantities of hazardous materials. The use and storage of hazardous materials can pose a danger to the City and the City began investigating the

regulation of the use and storage of these materials. Because of their potential danger, current law provides extensive State and County regulations for the handling and storage of hazardous materials.”

The moratorium was extended throughout 1997 until the City Council placed a proposition onto the 1998 ballot (on December 17, 1997) that was later identified as “Measure D.” Measure D was approved by voters on April 14, 1998 (Ordinance No. 1933, Attachment 1). Measure D added the “Office Professional” or “O-P” zone to the Monterey Park Municipal Code (“MPMC”) as Chapter 21.14.

Most recently, the Measure D regulations were publicly discussed in 2018. At that time, the City discovered that the voter approved regulations in MPMC Chapter 21.14 were improperly changed by Ordinance No. 2097 that was adopted in 2013. This apparently occurred based upon a 2009 internal memorandum from the (then) Community Development Director to the (then) City Manager that asserted the City Council could make changes to MPMC Chapter 21.14 based upon its own authority. Measure D, however, did not delegate authority to the City Council to make any changes to MPMC Chapter 21.14.

The voter approved zoning restrictions in the Business Park are challenging to businesses wishing to locate to that area (see Attachment 2, e.g., letter from 2019 regarding 1977 Saturn). Currently, approximately 75% of the available building space is vacant.

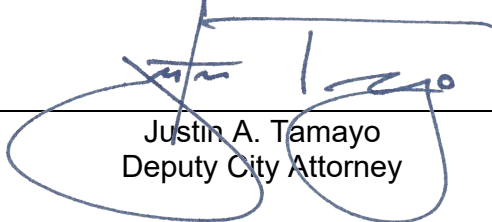
Measure JJ was adopted by voters in 2020 (Ordinance No. 2198). Section 3(A) of Measure JJ provides that the City Council may “implement [Measure JJ] including, without limitation, adopting all zoning regulations needed to effectuate [Measure JJ] by ordinance.” Measure JJ designates McCaslin Business Park as “Innovation/Technology” (Land Use Element – Figure LU-3: Land Use Policy Map, Attachment 3). Uses for this designation include research and development; light manufacturing; service commercial; professional offices; entertainment; and breweries/ wineries/distilleries; trade and technical schools; public utilities, and similar uses “per zoning regulations.” Prohibited uses are warehousing, freight terminals, vehicle storage, and heavy manufacturing.

Respectfully submitted by:



Jessica Serrano
Director of Community Development

Reviewed by:



Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

1. Ordinance No. 1933 – Measure D
2. August 14, 2019 Letter - 1977 Saturn
3. Land Use Element - Figure LU-3: Land Use Policy Map

Staff Report
April 9, 2024

ATTACHMENT 1

Ordinance No. 1933 – Measure D

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
Page 8 of 8

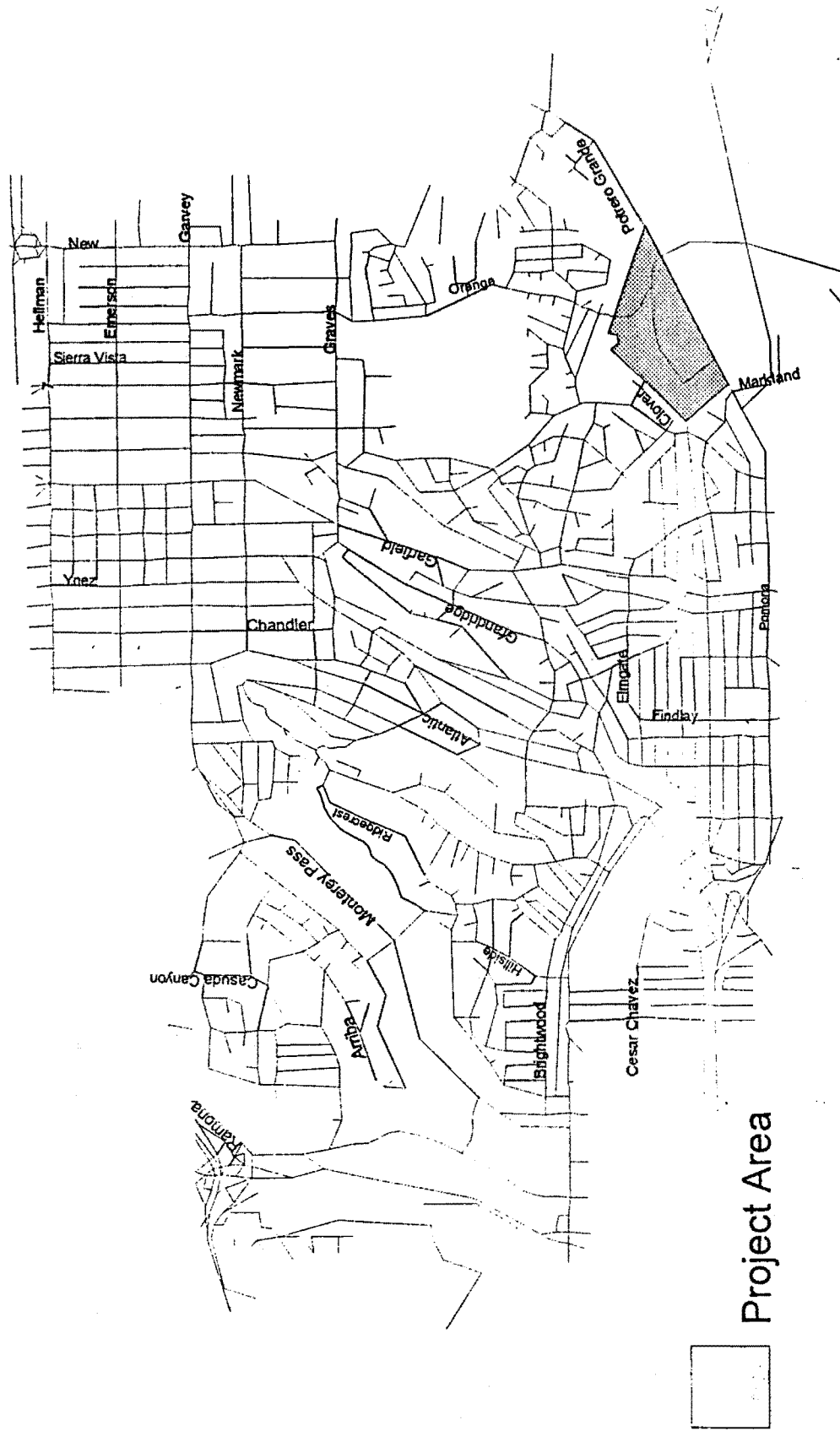
SECTION 5. The People **APPROVE** the Zone Change to change the land use classification from M to O-P for the area set forth in the attached map incorporated herein by this reference.

(1997\OP-.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



Staff Report
April 9, 2024

ATTACHMENT 2

August 14, 2019 Letter - 1977 Saturn

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

August 14, 2019

Lindsay M. Tabaian
Allen Matkins Leck Gamble Mallory & Natsis LLP
865 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-2543
ltabaian@allenmatkins.com

Re: Letter dated June 25, 2019

Dear Ms. Tabaian:

Thank you for your letter dated June 25, 2019 (the "Letter"). As you know, the Letter contains an analysis regarding the potential zoning regulations affecting real property at 1977 Saturn Street within the City of Monterey Park (the "Property"). Further, the Letter requests that the City respond to that analysis so that your client, Apprentice & Journeymen Training Trust Fund ("A&J"), can determine whether to file a development application.

The City Planner is authorized to make interpretations regarding zoning regulations set forth in the Monterey Park Municipal Code ("MPMC").¹ Accordingly, this response to the Letter (the "Response") provides a general interpretation of the MPMC and how it affects the project proposed in the Letter. Nothing in this Response, however, constitutes an approval of a project or a prediction about whether the City would approve any application – whether filed by A&J or another person – affecting the Property. The Planning Commission and City Council are the only decision-making bodies that are legally authorized to make discretionary decisions. Accordingly, nothing in this Response should be relied upon in any transaction or by any person. This Response does not extend to, and may not be used, quoted, referred to, or relied upon by any person, firm, corporation or entity.

➤ *Only Measure D regulates the Property*

At the outset, please note that the Letter's analysis incorrectly relies upon certain provisions of the MPMC that were codified as a result of the City Council's adoption of Ordinance No. 2097 in 2013. On August 8, 2019 the City Attorney's office provided you with a copy of a staff report dated May

¹ MPMC § 21.02.090.

31, 2018, portions of which are relevant to these parts of the Letter. Specifically, that staff report states this (emphasis is added):

“Measure D ... was approved by voters in 1998. Measure D adopted Ordinance No. 1933 which added Chapter 21.14 to the ... MPMC ... and established regulations for the “Office Professional” or “O-P” zone. **Measure D does not delegate authority to the City Council to make any changes to MPMC Chapter 21.14.**”

“In 2013, the City Council adopted Ordinance No. 2097. That Ordinance made substantial revisions to the MPMC’s land use regulations including renumbering and substantially revising MPMC Chapter 21.14 (as added by Measure D). **In accordance with the well established “equal dignities” rule generally applicable to legislation, however, MPMC Chapter 21.14 cannot be amended, repealed or suspended by an action of the City Council; it can only be changed by a voter approved ballot measure. [The City Attorney’s] office has not identified a voter approved ballot measure after 1998 that amended MPMC Chapter 21.14.**”

The Letter (on p.2) purports to quote from Measure O (approved by voters in 2001) to support an assertion that voters delegated authority to the City Council to approve amendments to Measure D upon its own authority, i.e., without further need of voter approval. The quoted language, however, is from the City Attorney’s Impartial Analysis for Measure O; it is not part of Measure O and does not constitute the voter’s delegation of authority. Consequently, the Letter’s reliance upon the current MPMC as to its regulation of the O-P zone is misplaced. The only relevant zoning regulations governing the Property are those set forth in Measure D. Accordingly, this Response only reviews the Letter’s analysis as it relates to Measure D.

➤ *The Project set forth in the Letter*

The Letter describes a proposed project (the “Project”) for the Property using the following Project Components (“PC”):

- PC 1. This would be a “vocational college for the Southern California Pipe Trades.” The Project would “include i) a school building with several types of training areas (classrooms, hands-on training areas, shops, an auditorium, meeting rooms); ii) administrative offices for various unions, agencies and personnel (housed within the same building); and iii) a large outdoor yard for additional training activities and some storage.”
- PC 2. The “large outdoor yard for additional training activities” would include “a rigging structure, areas for crane operation/site work, welding stations, sheds and an area for large pipe storage.”
- PC 3. The Project also proposes to include “several materials that are “hazardous” (per the Fire Code). They will be stored and utilized safely in accordance with all City and Fire Code regulations, and appropriate permits will be obtained from the Fire Department. **Two of these materials-propane and acetylene are “Class 4” substances as referenced in Measure D.**”²

² Emphasis added.

➤ *MPMC and Measure D Regulations*

As noted above, the land uses authorized for the Property are governed by Measure D only. The codified version of the MPMC may only be used to the extent it does not supplant voter's intent as expressed in Measure D. With these principles in mind, the following sections of the MPMC and Measure D are relevant to consideration of the Project³:

MPMC § 21.02.090: "The City Planner has the authority to interpret the use provisions applicable to each zone district identified in this title. In the event that a specific use or type of use is not listed, the City Planner has the authority to determine which listed use is most similar to the proposed use and thereby determine whether the use is permitted, permitted subject to conditional use permit review and approval, permitted as a temporary use, or prohibited. In determining "similarity," the City Planner must make all of the following findings:

- (1) The proposed use must meet the intent of, and be consistent with the goals, objectives and policies of the general plan;
- (2) The proposed use must meet the stated purpose and general intent of the district in which the use is proposed to be located;
- (3) The proposed use cannot adversely impact the public health, safety and general welfare of the City's residents; and
- (4) The proposed use must share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the permitted uses section."

Measure D⁴ § 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 ... **[a]dministrative and professional offices....**"

§ 21.14.050: "**Conditional uses.** Conditional uses shall be uses specifically enumerated in **Section 21.70.030.**"

§ 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, **except for those uses which are customarily**

³ Text may be emphasized for discussion.

⁴ References to sections other than those cited to the "MPMC" are to those set forth in Measure D.

conducted in the open, as determined pursuant to Section 21.06.060⁵ or Section 21.74.030.⁶ Those uses conducted in the open shall be no closer than one hundred feet to any R zoned lot, except for parking.... **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.”

§ 21.70.030: “The People amend Section 21.70.030 ... by adding the following **conditionally permitted uses ... [a]uditorium, not within 300 feet of a R-zone ... [b]usiness college (office or medical, dental)....**”

➤ *Project Overview*

Applying the above regulations to the PCs shows the following:

PC 1: It does not appear that the overall Project could be approved as part of a conditional use permit (“CUP”) application pursuant to § 21.70.030. While an “auditorium” use is specifically listed as a conditional use, the type of “business college” is restricted to “office or medical, dental.” The Project is a vocational college that does not fit into the category of “business college.”⁷ For reasons explained more fully below (for PC 3), the City declines to utilize a different interpretation since doing so would be contrary to voter direction.

PC 2: The proposed outdoor activities are not those that would be “customarily conducted in the open” were the Project a “business college.” Since, as noted in PC 1, the Project is not a “office or medical, dental” type of business college, the proposed vocational activities, e.g., welding, are not associated with the type of “office professional” use required for the O-P zone.

PC 3: Per the Letter, the Project proposes to store and use hazardous materials that are specifically identified in Measure D. Such use would directly violate § 21.14.190 and the voter’s intent in enacting that section. The legislative history preceding Measure D’s approval demonstrates that the City Council and voters specifically intended to prohibit the storage and use of hazardous materials on the Property and to discontinue the previously allowed manufacturing uses. On December 11, 1996, the City Council adopted Urgency Ordinance No. 1917 which prohibited the storage and use of hazardous materials at the Property. The City Council directed that this moratorium be extended on January 15, 1997; it subsequently adopted Urgency Ordinance No. 1920 on February 5, 1997 to extend the moratorium. The prohibitions contained in Ordinance Nos. 1917 and 1920 were thereafter incorporated into Measure D at § 21.14.190(h).

⁵ This section is for “[c]larification of ambiguity” in the 1998 MPMC.

⁶ This section was recodified to MPMC § 21.02.090, authorizing interpretations of the MPMC.

⁷ If the Project is proposed only for professional offices, such would be allowed as a matter of right per § 21.14.040.

August 14, 2019

Page 5

In sum, the Project is not a "business college" as defined by Measure D; the proposed outdoor activities are not those "customarily adopted in the open" for a business college; and storing/using the types of hazardous materials in the Letter would violate Measure D.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. McAvoy', with a stylized, sweeping flourish extending to the right.

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

ATTACHMENT 3
Land Use Element -
Figure LU-3: Land Use Policy Map

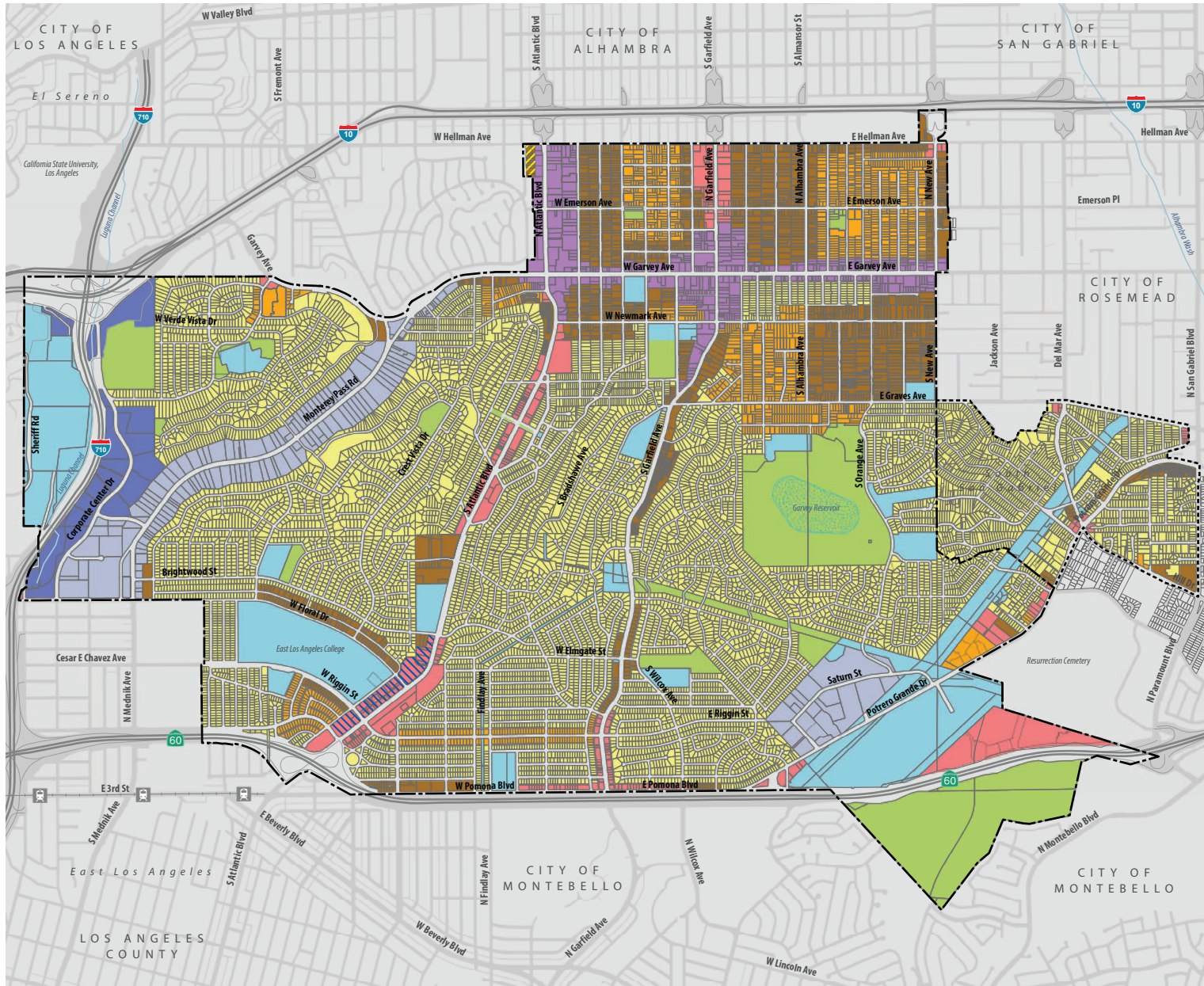


FIGURE LU-3:
LAND USE POLICY MAP

Land Use Designations

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Mixed Use
- Corporate Center
- Innovation/Technology
- Public Facilities
- Open Space
- Housing Overlay I
- Housing Overlay II

Base Map Features

- Monterey Park Boundary
- Sphere of Influence Boundary
- M

 Metro Gold Line and Stations
- Watercourses and Channels
- Garvey Reservoir

Note: Also see Regulating Plan

October 2019
Sources: City of Monterey Park and MIG, 2019.

