

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
May 28, 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 FLAG SALUTE ROLL CALL

Chairperson Fung

Commissioner Sam

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

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 – None.

[2.] CITY OF MONTEREY PARK – CONSENT CALENDAR

2-A. APPROVAL OF MINTUES

It is recommended that the Planning Commission consider:

- (1) Approving the minutes from the regular Planning Commission meeting on December 12, 2023;
- (2) Approving the minutes from the Special Joint Planning Commission and Environmental Commission meeting on February 13, 2023; and
- (3) Taking such additional, related action that may be desirable.

[3.] PUBLIC HEARING

3-A. PUBLIC HEARING – TENTAIVE MAP NO. 84058 (TM-23-02) – TO ALLOW SUBDIVISON OF AIR RIGHTS FOR FOUR DETACHED RESIDENTIAL DWELLING UNITS FOR PROPERTY LOCATED AT 345 SOUTH SEFTON AVENUE (ASSESSOR'S PARCEL NUMBERS 529-004-044)

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-23-02), 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 §§ 15315 (Minor Land Divisions) exempts division of property into four or fewer parcels in urbanized areas. This activity contemplates the subdivision of air rights for four detached residential dwelling units in an urbanized area. Accordingly, this activity is not subject to further review.

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS

[7.] FUTURE AGENDA ITEMS

ADJOURN

Next regular scheduled meeting is on June 11, 2024.

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
December 12, 2023**

The Planning Commission of the City of Monterey Park held a meeting of the Planning Commission in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, December 12, 2023 at 6:30 p.m.

CALL TO ORDER:

Chairperson Chiang called the Planning Commission meeting to order at 6:34pm.

FLAG SALUTE:

Vice Chairperson Sam led the Flag Salute.

ROLL CALL:

Community Development Director Jessica Serrano called the roll:

Commission Members Present: Jack Chiang, Tammy Sam, Peter Fung, Jasmine Pesantes, Bethelwel Wilson

Commission Members Absent: None

ALSO PRESENT: Community Development Director Jessica Serrano, Deputy City Attorney Justin Tamayo, Interim Planning Manager Beth Chow

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS:

Item 5-A was included in the agenda, but Staff Report and background materials were not included in the posted agenda. Staff will bring Item 5-A to a future Planning Commission Meeting.

ORAL AND WRITTEN COMMUNICATIONS:

NONE.

[1.] PRESENTATIONS:

NONE.

[2.] CITY OF MONTEREY PARK - CONSENT CALENDAR:

Matters listed under consent calendar are considered to be routine, ongoing business and are enacted by one motion unless specified.

[3.] PUBLIC HEARING:

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

3-A PUBLIC HEARING – VARIANCE (V-23-01) – A REQUEST TO VARY FROM THE PD OVERLAY ZONE PROHIBITED USES BY ALLOWING A LEGAL NON-CONFORMING “AUTO SALES – USED” USE AT 849 EAST GARVEY AVENUE (ASSESSOR’S PARCEL NUMBER 5258-005-058).

Staff made a presentation regarding V-23-01.

The Planning Commission asked staff regarding background information about the existing legal non-conforming used auto sales business.

The Planning Commission expressed concern regarding the long-term redevelopment of the Garvey Avenue corridor saying that the business is not consistent with future mixed-use developments. The Commissioners suggested a condition of approval to limit how long this business can operate at this location.

The Deputy City Attorney advised against this stating that a sunset clause (automatic expiration) cannot be imposed on the Variance without a public hearing. He suggested that a condition can be included which states that this Variance will be reviewed by the Planning Commission at a defined term, at which time they may act to set a new term limit or begin the revocation process.

Action Taken: The Planning Commission voted to adopt a resolution approving the requested Variance (V-23-01), subject to modified conditions of approval:

- Hours of operation limited to Monday – Sunday, 8:00AM – 7:00PM.
- If auto sales have not been discontinued prior to 10 years from the date of approval, V-23-01 must be scheduled for review by the Planning Commission, with noticing in the same manner performed prior to the public hearing. The Planning Commission may, at that time, act to set a new term limit for review of the variance, initiate revocation proceedings, modify the variance, or take such additional, related, action that may be desirable.

Motion: Moved, by Commissioner Sam and seconded by, Commissioner Pesantes motion carried by the following vote:

Ayes:	Commissioners:	Sam, Choi, Chiang, Fung, Pesantes
Noes	Commissioners:	None
Absent:	Commissioners:	None
Abstain:	Commissioners:	None

[5.] NEW BUSINESS:

NONE.

MISSION STATEMENT

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[6.] COMMISSION COMMUNICATIONS AND MATTERS:

NONE.

[7.] FUTURE AGENDA ITEMS:

NONE.

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 7:52 p.m.

Jessica Serrano
Director of Community Development

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

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING & ENVIRONMENTAL COMMISSION
JOINT SPECIAL MEETING
February 27, 2024**

The Planning Commission and Environmental Commission of the City of Monterey Park held a joint special meeting of the Boards in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, February 27, 2024 at 7:30 p.m.

CALL TO ORDER:

Planning Commission Chairperson Fung called the Joint Special Planning and Environmental Commission to order at 7:29pm.

FLAG SALUTE:

Environmental Commission Chairperson Gallegos led the Flag Salute.

ROLL CALL:

Director Serrano called the roll:

Planning Commission Members Present: Bethelwel Wilson, Jasmine Pesantes, Peter Fung, Tammy Sam, Jack Chiang

Environmental Commission Members Present: Laura Gallegos, Danielle Sprague, Thuy Hua, Youth Member Faria Rashid Upama

Environmental Commission Members Absent: Kathy Ko

ALSO PRESENT: Community Development Director Jessica Serrano, Public Works Director Shawn Igoe, CivicSpark Fellow Olivia Williams, Interim Planning Manager Beth Chow, Deputy City Attorney Justin Tamayo

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS:

None.

PRESENTATION:

[1.] DRAFT SUSTAINABILITY PLAN

Director Serrano introduced the draft sustainability plan presentation. She indicated that no actions or decisions would be made during the meeting, but the meeting would focus on non-regulatory policies for sustainability.

CivicSpark Fellow Williams presented an overview of the plan's development, including its timeline, framework, and community input received thus far. The plan aims to address climate change through specific strategies targeting major emission sources.

The presentation highlighted the Sustainability Plan's focus on five pathways: low emission development, nature-based development, circular development, resilient development, and equitable development. Each pathway includes strategies and policies to achieve emission reductions and promote sustainability.

The community's feedback, gathered through surveys and workshops, indicated strong support for climate action and specific priorities such as reducing transportation emissions, increasing urban greening, and promoting equitable access to resources.

The plan's strategies include reducing vehicle miles traveled, promoting zero-emission vehicles, transitioning to renewable energy sources, increasing water conservation, reducing landfill waste, and enhancing community resilience to extreme heat.

Participants were asked to prioritize strategies within each pathway to guide the city's focus based on available resources and community needs. The feedback collected during this meeting will be incorporated into the final plan for presentation to the City Council on March 26th, following the conclusion of the public review period. The implementation program accompanying the plan will provide detailed guidance for city staff to achieve measurable emission reductions.

Commissioners discussed various aspects of the City's Sustainability Plan and offered comments and questions for staff.

Commissioner Pesantes highlighted the importance of enhancing the safety and perceived safety of public transportation to encourage greater usage. Commissioner Sam expressed support for live, work, play communities but raised concerns about housing affordability and the need for transportation routes to serve community needs effectively.

Commissioner Wilson emphasized the low awareness (15%) among the public regarding the City's sustainability efforts and suggested strategies to boost community engagement.

Commissioner Chiang and Chairperson Fung stressed the importance of enforcement measures within the implementation plan to ensure compliance with sustainability guidelines.

Chairperson Gallegos emphasized the significance of education in driving the plan's success, particularly among young people.

Commissioner Hua raised specific questions about changes in the plan since the last meeting, implementation strategies for disadvantaged communities, progress measurement methods, and policy language clarity within the document.

Staff responded to the commissioners' queries, explaining the rationale behind certain plan elements, including the implementation plan's role as a living document subject to updates and clarifications.

Considerations were raised regarding the challenges of tree planting in relation to water conservation ordinances, highlighting the need to balance conservation efforts with tree maintenance needs, particularly during the initial growth years.

Chairperson Fung inquired about the specific expectations from the joint commission meeting, seeking clarification on whether the objective was to collect input or to make a collective recommendation to the City Council. Staff clarified that the meeting was for receiving verbal comments and suggestions to incorporate into the final draft for presentation to the City Council.

Commissioner Sprague shared insights from Long Beach's initiatives to reduce vehicle emissions, suggesting community shuttles and increased EV usage as potential strategies for Monterey Park. Staff confirmed plans to expand EV charging infrastructure and explore fleet electrification.

Chairperson Fung emphasized the importance of using drought-tolerant plants in landscaping to conserve water and suggested educating the public, especially the younger generation, on environmental issues. The idea of creating garden spaces with native California plants in parks was proposed, with staff acknowledging the feasibility challenges but expressing interest in evaluating such options.

Chairperson Fung discussed the increasing use of electric scooters and the need for safe bicycle lanes. He highlighted the success of bicycle lanes in Europe and the potential for similar measures to reduce CO2 emissions locally. Director Igoe responded that the city's spirit bus routes include stops at key locations like ELAC and are very cost-effective. He acknowledged the need for frequent public transportation services.

Commissioner Sam suggested adding vertical reflective markers to new bike lanes for safety. Director Igoe explained that the feasibility depends on street width and existing traffic codes. He mentioned the city's long-term plan to connect bike lanes as new projects develop and confirmed the existence of a bike master plan available on the city's website.

[2.] CITY OF MONTEREY PARK - CONSENT CALENDAR:

None.

[3.] Public Hearing:

None.

[4.] OLD BUSINESS:

None.

[5.] NEW BUSINESS:

None.

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

Director Serrano acknowledged Commissioner Pesantes' contributions as it was her last meeting as a Planning Commissioner.

[7.] FUTURE AGENDA ITEMS:

None.

ADJOURNMENT:

Chairperson Fung adjourned the special joint Environmental and Planning Commission Meeting at 8:50 p.m.



Planning Commission Staff Report

DATE: May 28, 2024

AGENDA ITEM NO: 3.A

TO: The Planning Commission
FROM: Jessica Serrano, Director of Community Development
SUBJECT: A public hearing to consider Parcel Map No. 84058 (TM-23-02) to subdivide air rights for four detached residential dwelling units at 345 South Sefton Avenue (Assessor's Parcel Number 5259-004-044) ("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-23-02), 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 §§ 15315 (Minor Land Divisions) exempts division of property into four or fewer parcels in urbanized areas. This activity contemplates the subdivision of air rights for four detached residential dwelling units in an urbanized area. Accordingly, this activity is not subject to further review. A Notice of Categorical Exemption has been prepared.

EXECUTIVE SUMMARY:

David Dai (the "Applicant"), on behalf of the property owner, requests approval of TM-23-02 to subdivide air rights for four detached residential dwelling units at 345 South Sefton Avenue ("Subject Property"). The Subject Property is within the R-3 (High-Density Residential) zone and High Density Residential General Plan Land Use designation, which allow multi-family residential development. The proposed development is consistent with the Monterey Park Municipal Code ("MPMC") and the General Plan. Therefore, staff recommends approval of TM-23-02, 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 Parcel Map. 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 Parcel Map (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.

BACKGROUND:

The Subject Property is currently improved with 2 detached residential units, which will be demolished and replaced by 4 residential units that have already been issued building permits. The project under consideration only involves the subdivision of air rights for the separate ownership of the units under construction.

Typically, a project being considered by the Planning Commission will include the subdivision and design of the property, but this case is unique in that the original approved parcel map expired, but the design review is active, and building permits have been issued for the construction.

Previous entitlement applications related to this site include the following:

- TM-17-08 – subdivision of air rights for 4 residential units (Attachment 4)
 - July 25, 2017 – Approved by Planning Commission
 - July 24, 2019 – Expiration of TM-17-08
- Design Review 18-16 (DRB-18-16) – construction of 4 residential units
 - August 24, 2020 - Approved by City Planner
 - COVID era general extension by City Council until April 1, 2023
 - March 27, 2023 - 1-year extension granted by City Planner; new expiration date became March 27, 2024
 - January 23, 2024 – Building permits issued for 4 residential units

Based on the history of the entitlements, the applicant re-applied for the airspace subdivision of the property under TM-23-02 to keep with their original intention to develop a project with separate ownership of the residential units.

PROPERTY DESCRIPTION:

The Subject Property located on the west side of Sefton Avenue, approximately 500 feet south of its intersection with Newmark Avenue, is zoned R-3 and designated High Density Residential in the General Plan. Properties located to the north, south, east, and west are currently developed with multi-family residential structures. The Subject Property is 57 feet wide and 300 feet deep, totaling approximately 17,100 square feet in area (0.39 acres).

Parcel Map

The Applicant is seeking approval of a Parcel Map 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 and a condition of approval is imposed requiring an owners association.

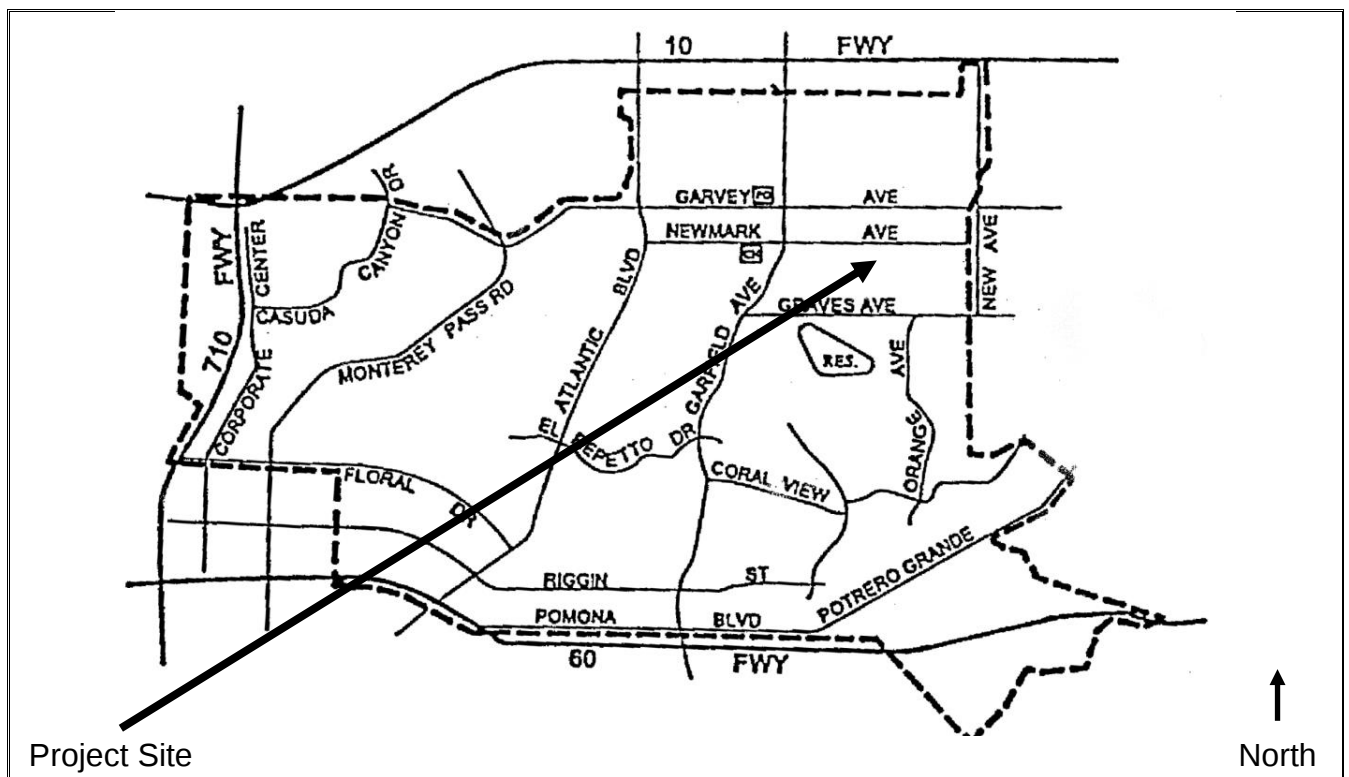
The proposed Parcel Map is consistent, in terms of density and use, with the zoning and General Plan designations. The Subject Property is zoned for multiple-family residences and the General Plan allows for a density between 8.1 and 16 dwelling units per acre. The Parcel Map will result in four condominium units with a density of 10.2 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 Parcel Map, 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.

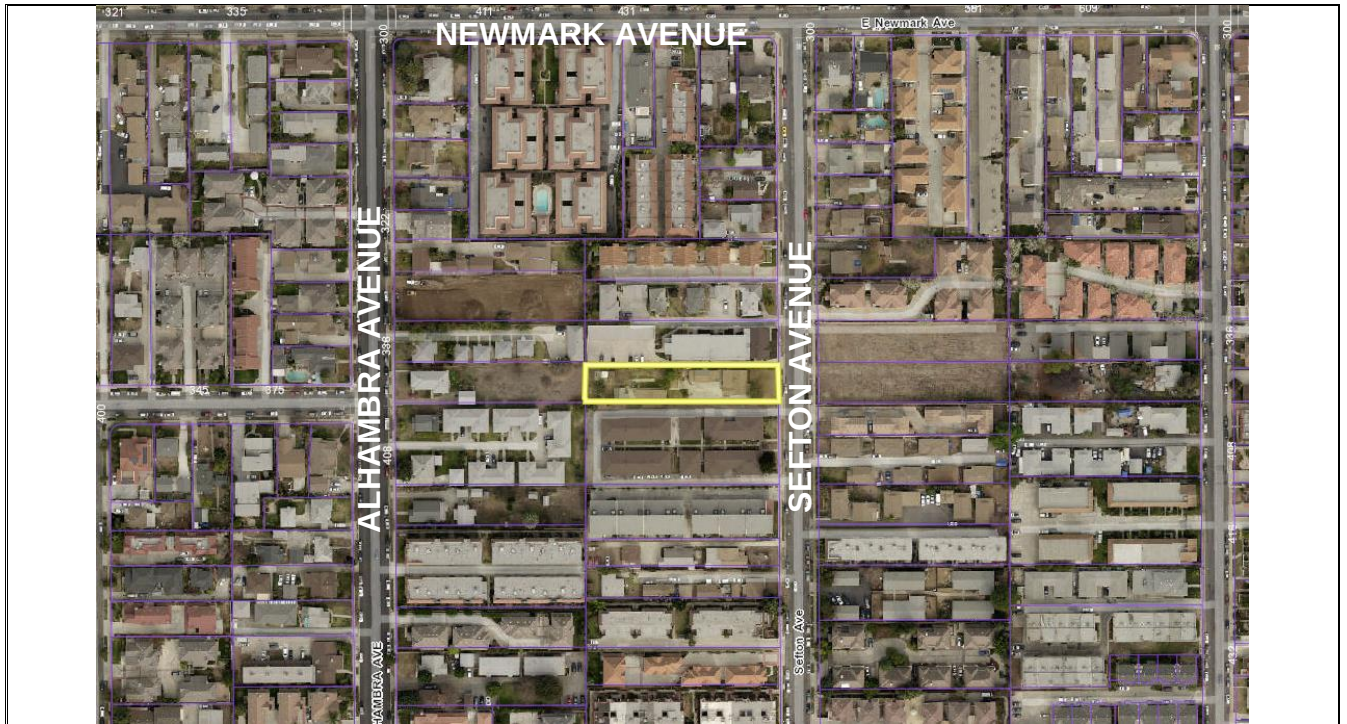
LEGAL NOTIFICATION:

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 May 16, 2024, with affidavits of posting on file. The legal notice of this hearing was mailed to 154 property owners within a 300-foot radius and current tenants of the property concerned on May 16, 2024.

VICINITY MAP:



Aerial Map



Respectfully submitted by:

Prepared by:

Jessica Serrano
Director of Community
Development

for

Kevin Tan
Assistant Planner

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

- Attachment 1: Resolution, with Exhibit A
- Attachment 2: Tentative Map No. 84058 (TM-23-02)
- Attachment 3: Notice of Exemption
- Attachment 4: TM-17-08

ATTACHMENT 1

Resolution, with Exhibit A

RESOLUTION NO. _____

**A RESOLUTION APPROVING PARCEL MAP NO. 84058 (TM-23-02) TO
SUBDIVIDE AIR RIGHTS FOR FOUR DETACHED RESIDENTIAL
DWELLING UNITS AT 345 SOUTH SEFTON 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 April 24 2023, David Dai (the “Applicant”), submitted an application requesting approval of Parcel Map No. 76061 (TM-23-02), to subdivide air rights for four detached residential dwelling units (the “Project”) at 345 South Sefton Avenue (“Subject Property”);
- B. The Project is located in the R-3 (High-Density Residential) zone;
- C. The 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 May 28, 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 May 28, 2024, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the 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 May 28, 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-23-02 to subdivide air rights for four detached residential dwelling units;
- B. The Subject Property is zoned R-3 (High-Density Residential) and designated High Density Residential in the Monterey Park General Plan. High Density Residential

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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 Sefton Avenue, approximately 513 feet south of its intersection with Newmark Avenue. Properties located to the north, east, south, and west are currently developed with multi-family residential structures; and
- D. The Subject Property is 57 feet wide and 300 feet deep, totaling 17,100 square feet (0.39 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 §§ 15315 (Minor Land Divisions) exempts division of property into four or fewer parcels in urbanized areas. This activity contemplates the subdivision of air rights for four detached residential dwelling units in an urbanized area. 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 Project is consistent with the City’s General Plan as required by Government Code § 66474 and set forth in this Section. The tentative map subdividing air rights at the Subject Property is 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 Project is not located within a specific plan or planned development area, and is consistent with the requirements of Title 20, Subdivisions of the Code and Title 21, Zoning;
- C. The Project supports the orderly development of the surrounding area. As proposed, the location and characteristics of the residential subdivision is consistent and

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compatible with the surrounding residential uses that also include other multi-family residential development; and

- D. The design of the subdivision will not cause serious public health and safety problems. The proposed subdivision will not cause any public health problems in that the Project will be constructed according to all federal, state, and local regulations.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated by reference, the Planning Commission approves Parcel Map No. 84058 (TM-23-02).

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

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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 the applicant 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 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 28th DAY OF May 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 28th day of May 2024, by the following vote of the Planning Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

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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

345 SOUTH SEFTON AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), David Dai (the "Permittee"), agrees to comply with the following conditions of approval ("Project Conditions") for Tentative Map No. 84058 ("TM-23-02").

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-23-02 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-23-02, 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 subdivision of land.
3. 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.
4. 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.
5. When exhibits and/or written Project Conditions are in conflict, the written Project Conditions prevail.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. The Permittee must keep the Subject Property 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.
13. The Permittee 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.
14. A final map must be approved and recorded before the City issues a certificate of occupancy.

15. 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.
16. 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.
17. The final approved floor plan for the residential units must be incorporated into CC&R's.
18. 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.
19. 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.
20. 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:

21. Project is subject to the review and approval of the Fire Marshal for determination of applicability and extent to which project meets the Fire Code.

ENGINEERING:

22. Record the final map after approval of the map by the City Engineer and acceptance of required bonds and agreements by the City Council. A refundable \$187 cash deposit is to be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which shall be filed with the City Engineer's Office within three (3) months of recordation. If recorded copy is not submitted by the end of the three month time period, developer will forfeit the \$187 cash deposit.
23. Prior to submittal of final map for City approval, the property owner shall provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments; and submit L.A. County tax bill, tax payment receipt, and copy of cancelled check.
24. All improvement plans, including grading and public improvement plans shall be based upon City approved datum. Benchmark references to be obtained from the Engineering Division.
25. A Water Plan shall be submitted for review and approval by the City Engineer. This plan shall substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. A water system analysis shall 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. The substantiation of adequate water services shall be verified by the City Engineer prior to setting of Planning Commission hearing date.

26. The domestic water demand should be provided to the city in the form of (Average Hourly Demand) and (Peak Hourly Demand). If it is determined that the surrounding infrastructure is inadequate to meet the additional demand of the project, the developer must provide recommendations to improve the system to a level needed to meet the additional demand. This should include hydraulic modeling and calculations supporting the recommendation. The proposed system improvements will be reviewed and validated by the City's Water Division and the City Engineer.
27. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include upsizing of water meter and water services. All upgrade costs are the responsibility of the property owner and shall be completed prior to approval of the grading and drainage plans.
28. 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 will not be permitted. Whenever possible, lot lines shall be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
29. A site Drainage Plan shall be prepared for review and approval by the City Engineer. The property drainage shall 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 shall not be blocked and shall be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
30. All drainage facilities serving the development shall accommodate a 50- year storm. If existing storm drain facilities are inadequate, they shall 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 prior to approval of the Grading and Drainage Plans.
31. Any damage done to existing street improvements and utilities during construction shall be repaired before acceptance of the project. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must also be repaired or replaced to the satisfaction of the City Engineer.
32. All public works improvements shall comply with the City's standards and specifications, and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City, or a public works improvement guarantee and agreement shall be posted prior to approval of the final map by the City Council.

33. All electric, telephone and cable TV utility services shall be installed underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be completed to City and public utility standards. A Utility Plan shall be prepared and submitted prior to approval of the Grading and Drainage Plans. The utilities may be shown on a separate plan or on the proposed Site Plan.
34. The Grading and Drainage Plan shall be submitted. The plans shall include the removal and reconstruction of sidewalk, driveway approach, and curb and gutter along the entire property frontage on Sefton Avenue
35. Modify and/or correct the tentative map in accordance with the adopted Conditions of Approval for the tentative map and the specific criteria noted by the City Engineer. Verify and submit correct drainage pattern of adjacent properties.
36. Parkways shall be irrigated and landscaped per plans submitted for review and approval by the City Engineer, prior to approval of the Grading and Drainage Plans. The need for preserving existing street trees and/or planting additional street trees shall be reviewed and approved by the City Recreation and Parks Department.

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

David Dai, Permittee

ATTACHMENT 2
Parcel Map No. 84058 (TM-23-02)

TENTATIVE PARCEL MAP NO. 84058

IN THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

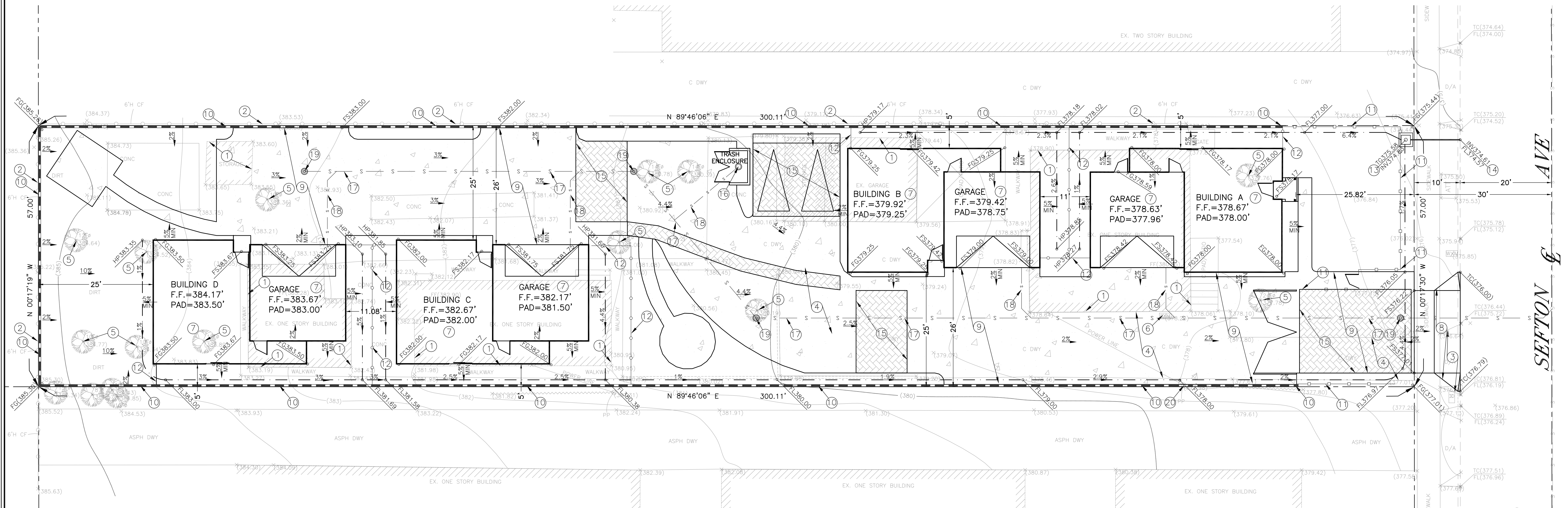
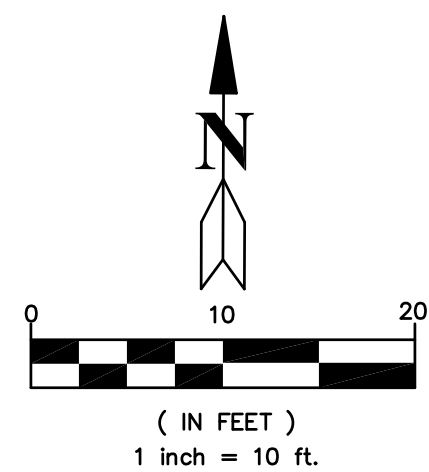
LOT 24 BLK O OF TRACT NO 786, IN THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
AS PER MAP RECORD IN BOOK 16 PAGES 58 AND 59 OF MAPS, IN THE OFFICE OF COUNTY RECORDED OF SAID COUNTY.

FOR CONDOMINIUM PURPOSES

BENCH MARK:
CITY BENCHMARK NO. 10
CHISELED ON TOP OF CURB 3' EAST OF E.C. AT N.E.
CORNER OF GRAVES AVENUE AND ALHAMBRA AVENUE.
ELEVATION: 440.51'

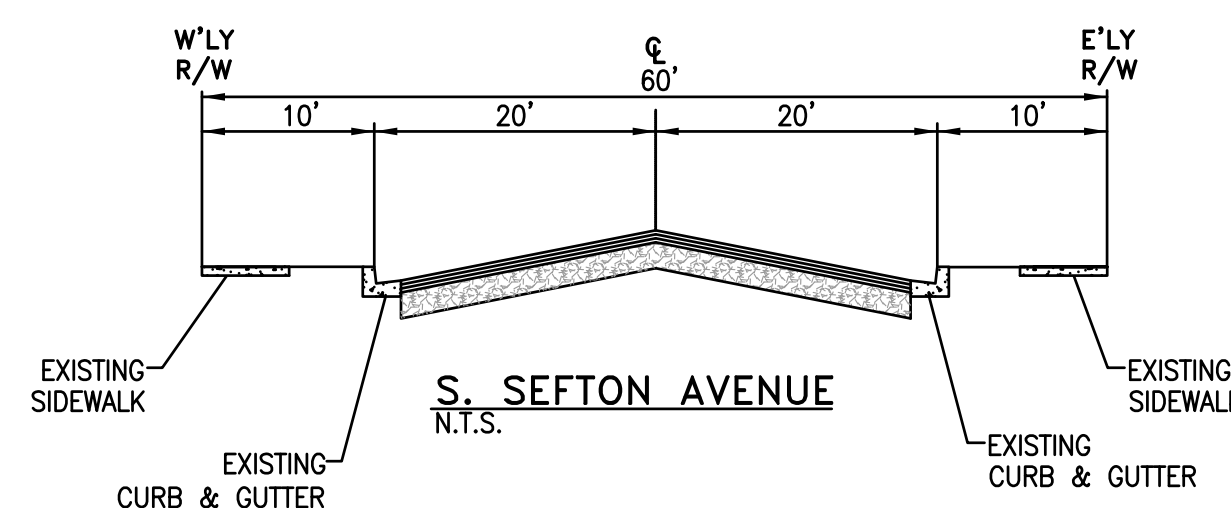
OWNER:
LDJ INVESTMENT GROUP LLC/
ATTN: DAVID DAI
2935 LOMBARDY DR.,
PASADENA, CA 91107
PHONE: (626) 636-5595
EMAIL: davidlula@gmail.com

CIVIL ENGINEER:
CAL LAND ENGINEERING
& ASSOCIATES, INC.
576 E. LAMBERT ROAD
BREA, CA 92821
TEL: 714-671-1050
FAX: 714-671-1090



UTILITY SERVICES:
WATER - CITY OF MONTEREY PARK WATER DEPARTMENT
SEWER - COUNTY OF LOS ANGELES SANITATION DISTRICT
GAS - SOUTHERN CALIFORNIA GAS
ELECTRICAL - SOUTHERN CALIFORNIA EDISON
TELEPHONE - PACIFIC BELL
SCHOOL - GARVEY SCHOOL DISTRICT
FIRE - CITY OF MONTEREY PARK FIRE DEPARTMENT
SHERIFF - CITY OF MONTEREY PARK POLICE

NOTES:
ZONE: R-3 (PRESENT)
ZONE: R-3 (PROPOSED)
APN: 5259-004-044
AREA OF EX. LOT: 17,071 SF (0.392 AC)
GROSS AREA OF PROPOSED LOT: 17,071 SF (0.392 AC)
NET AREA OF PROPOSED LOT: 6368 SF (0.146 AC)
NO OF EX. UNITS: 3
NO OF PROP. UNITS: 4
NO OF EX. LOTS: 1
NO OF PROP. LOTS: 1
NO OF PROPOSED PARKINGS: 8 (RESIDENT) + 2 (GUEST)
SEWERAGE DISPOSAL: BY GRAVITY SEWER PIPES TO STREET MAIN.



CONSTRUCTION NOTES:

- EXISTING BUILDING, GARAGE, AND STORAGE TO BE REMOVED, PER SEPARATE PERMIT
- EXISTING FENCE TO REMAIN
- EXISTING DRIVEWAY APPROACH TO BE REMOVED, PER SEPARATE PERMIT
- EXISTING DRIVEWAY TO BE REMOVED
- EXISTING TREE TO BE REMOVED
- EXISTING GAS METER TO BE REMOVED
- NEW BUILDING, PER ARCHITECTURAL PLAN, PER SEPARATE PERMIT
- CONSTRUCT NEW DRIVEWAY APPROACH PER CITY STD. 110-2, PER SEPARATE PERMIT
- CONSTRUCT NEW CONCRETE DRIVEWAY 4" P.C.C. WITH WIRE MESH OF 6X6/10X10,
- 6" BLOCK WALL, PER ARCHITECTURAL PLAN, PER SEPARATE PERMIT
- 3" FENCE, PER ARCHITECTURAL PLAN
- 5" FENCE, PER ARCHITECTURAL PLAN, PER SEPARATE PERMIT
- INSTALL 12"x12" BOTTOMLESS CONCRETE CATCH BASIN.
- INSTALL PARKWAY DRAIN, PER SEPARATE PERMIT
- INSTALL INTERLOCKING PAVERS, PER ARCHITECTURAL PLAN
- INSTALL AREA DRAIN (AT TRASH ENCLOSURE AREA)
- INSTALL 6" PVC SDR 26 SEWER LATERAL WITH 2% SLOPE
- INSTALL 4" PVC SDR 26 SEWER LATERAL WITH 2% SLOPE
- INSTALL 4" SEWER CLEAN-OUT
- EXISTING POWER POLE TO PROTECT IN PLACE

LEGEND:

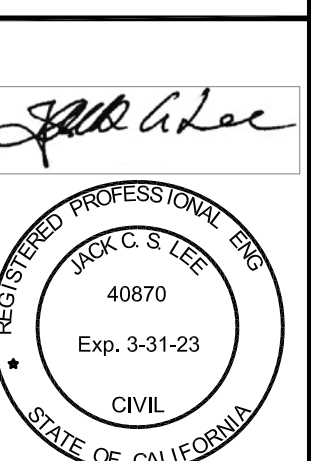
- (527.63).....EXISTING ELEVATION
520.00.....PROPOSED ELEVATION
-(530)-.....EXISTING COUNTOUR
.....DRAINAGE PATTERN
.....PROPOSED STRUCTURE
.....PROPOSED 6' BLOCK WALL
SW.....SIDE WALK
.....LIGHT
.....CENTER LINE
.....PROPERTY LINE
.....CONSTRUCTION NOTES
.....SANDBAG LINE
.....HARDSCAPE AREA
- T.C.....TOP OF CURB
F.L.....FLOW LINE
F.G.....FINISH GRADE
F.S.....FINISH SURFACE
F.F.....FLOOR FINISH
H.P.....HIGH POINT
P.P.....POWER POLE
D.W.....DRIVEWAY
W.M.....WATER METER
I.N.V.....INVERT ELEVATION
T.G.....TOP OF GRATE



PROJECT LOCATION:
345 S. SEFTON AVE.,
MONTEREY PARK, CA 91755

CALLAND ENGINEERING, INC.
dba QUARTECH CONSULTANTS
576 E. LAMBERT ROAD, BREA, CA 92821
TEL: (714) 671-1050 FAX: (714) 671-1090

DRAWN: N.T.
CHECKED:
DATE: 11/16/2022
JOB NO.: 17-023-061
SCALE: 1" = 10'
FILE NAME:



T-1

SHEET 1 OF 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: Parcel Map (TM 23-02)
Project Location - Specific: 345 South Sefton Avenue
Project Location - City: Monterey Park
Project Location - County: Los Angeles

Description of Project:

Approval to subdivide air rights for four detached residential dwelling units at 345 South Sefton 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: § 15315 (Class 15 – Minor Land Divisions)

☐

Statutory Exemptions. State code number: _____

Reasons why project is exempt:

CEQA Guideline Section 15315 exempts division of property into four or fewer parcels in urbanized areas. This activity contemplates the subdivision of air rights for four detached residential dwelling units in an urbanized area. 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

ATTACHMENT 4

TM-17-08

RESOLUTION NO. 08-17

A RESOLUTION APPROVING TENTATIVE MAP NO. 76061 (TM-17-08) TO SUBDIVIDE AIR RIGHTS FOR A FOUR-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 345 SEFTON 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 June 2, 2017, Jiandong Dai, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 76061 (TM-17-08) to subdivide air rights to establish and maintain a 4-unit residential condominium project at 345 Sefton Avenue ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for July 25, 2017. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On July 25, 2017, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its July 25, 2017 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

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

- A. The Applicant seeks to construct four new residential dwelling units and subdivide the air rights for condominium purposes;
- B. 345 Sefton Avenue is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan;

PLANNING COMMISSION
RESOLUTION NO. 08-17
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- C. The Project property is located on the west side of Sefton Avenue. The properties to the north, south, east, and west are zoned R-3; and
- D. The Project property is 17,100 square feet (0.39 acres) in area and is currently developed with older detached residential dwelling units.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

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

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would allow four residential condominium units to be constructed on the site. This is less than the maximum density of 25 dwelling units per acre for this site. Consequently, the project complies with the General Plan. The property is located on Sefton Avenue, a local street with a 60-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a 4-unit residential condominium project, which is compatible with the high density housing either attached or detached allowed in the high density residential category. There is no specific plan adopted for this area.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 17,100 square feet (0.39 acres) and adequate in size to accommodate a 4-unit residential condominium project because in the R-3 Zone, one dwelling unit is allowed for every 3,000 square feet of lot area on lots of 7,000 square feet or more and having a front lot line of at least fifty feet.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.

**PLANNING COMMISSION
RESOLUTION NO. 08-17
PAGE 3 OF 4**

- E. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all City, State, and Federal regulations and specifications.
- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. There are no public easements for access within the proposed development.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 76061 (TM-17-08).

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

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

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

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

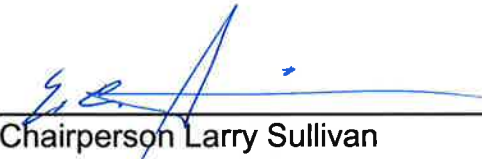
SECTION 10: A copy of this Resolution will be mailed to the applicant, Jiandong Dai and to any other person requesting a copy.

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

**PLANNING COMMISSION
RESOLUTION NO. 08-17
PAGE 4 OF 4**

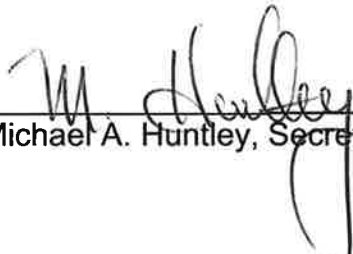
SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 25th day of July 2017.


Chairperson Larry Sullivan

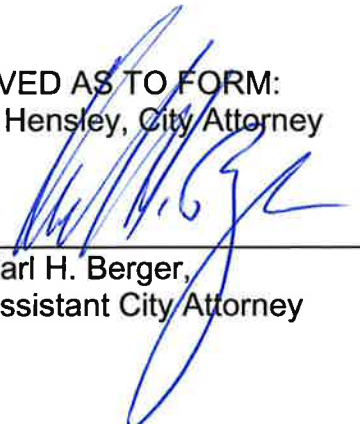
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 25th day of July 2017, by the following vote of the Planning Commission:

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


Michael A. Huntley, Secretary

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

By:


Karl H. Berger,
Assistant City Attorney

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Exhibit A

CONDITIONS OF APPROVAL

345 SEFTON AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Jiandong Dai agrees that it will comply with the following conditions for approval of Tentative Map No. 76061 (TM-17-08) ("Project Conditions").

PLANNING:

1. Jiandong Dai (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-17-08 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-17-08, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Divisions. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The Tentative Map No. 76061 (TM-17-08) 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 and Economic Development Department before the expiration date.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

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6. The real property subject to TM-17-08 must remain well-maintained and free of graffiti. Any graffiti must be removed within 24 hours after discovery.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. 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.
11. The ownership must retain the services of a professional property management company to oversee the maintenance of the property.

BUILDING:

12. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
13. A building permit does not permit excavations to encroach into adjacent properties. Requirements for protection of adjacent properties are defined in the Civil Code § 832.
14. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
15. A soils and geology report is required as part of plan check submittal.
16. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
17. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.

ENGINEERING:

18. Pursuant to the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," under which the City of Monterey Park is a permittee, this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its

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requirements. Compliance information is available in the office of the City Engineer. The project will require the preparation of a Low Impact Development (LID) Plan. The LID Plan must be reviewed and approved by the City's storm water consultant prior to issuance of permits. Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.

19. The applicant must record the final map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$187 cash deposit must be submitted to guarantee that developer will provide the City with one transparent 4 mil thick mylar tracing; one electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems; and two copies of the recorded final map which must be filed with the City Engineer within three months of recordation. If a recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$187 cash deposit.
20. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
21. Applicant agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Applicant takes notice pursuant to Government Code § 66020(d) that City is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
22. Covenants Conditions & Restrictions must establish a homeowner's association to address common maintenance and utilities, and must be prepared to the satisfaction of the City Attorney and the City Engineer. Developer/owner is responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.
23. 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.
24. 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

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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.

25. A domestic water demand must be provided to the city in the form of (Average Hourly Demand) and (Peak Hourly Demand). If it is determined that the surrounding infrastructure is inadequate to meet the additional demand of the project, the developer must provide recommendations to improve the system to a level needed to meet the additional demand. This must include hydraulic modeling and calculations supporting the recommendation. The proposed system improvements will be reviewed and validated by the City's Water Division and the City Engineer.
26. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner and must be completed prior to approval of the grading and drainage plans.
27. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted. 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.
28. The applicant must provide a site drainage plan 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 may be required for submittal to the City Engineer for review and approval.
29. All storm drainage facilities serving the development must accommodate a 50-year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also the satisfaction of the City Engineer before approving grading and drainage plans.
30. Any damage done to existing street improvements and utilities during construction must be repaired before the City issues 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.

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31. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.
32. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities prior to approval of the Grading and Drainage Plans. The utilities may be shown on either a separate plan or on the proposed site plan.
33. A sewer study must be provided to demonstrate that the new development does not negatively impact the existing sewer system. If existing sewer does not have adequate capacity to serve the development, the developer will be responsible for upgrading the sewer main as necessary in the public right-of-way. A sewer connection reconstruction fee will be assessed at the time the building permit is issued, in accordance with Chapter 14.06 of the Monterey Park Municipal Code.
34. The Grading and Drainage plan must be submitted by the first plan check and include the removal and reconstruction of sidewalk, driveway approach, and curb and gutter along the entire property frontage on Sefton Avenue.
35. The tentative map must be in accordance with the 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.
36. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer, prior to approval of the Grading and Drainage Plans. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the City Recreation and Parks Department.

FIRE:

37. All conditions identified by the Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
38. All structures must be fully sprinklered per National Fire Protection Association (NFPA) 13D and local amendments.
39. Fire flow for the entire project is 1,000 gallons per minute (gpm) at 20 (pounds per square inch (psi) for two-hour duration. Verification of water supply available must be provided by the water purveyor upon building plan submittal. A reduction

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in the required fire flow up to 50 percent is allowed by a written request to the Monterey Park Fire Department per California Fire Code (CFC) Appendix B/C.

40. A fire hydrant must be provided to ensure all points of all structures are within 600 feet of a hydrant. The hydrant must be in place and operational before construction commencing per CFC 507.5.1.
41. Front gate must be provided with a knox switch per CFC 506.
42. The driveway must be capable of supporting a 80,000 lb load up to a point where all points of all structures are within 150 feet distance per CFC 503.1.1.
43. Address numbers must be provided on the street curb. Numerals must be 4 inches in height, two and one-half inches in width with a stroke width of approximately three-fourths inch. The house number must be centered on a six-inch by sixteen-inch rectangular background per MPMC 13.17.050.

POLICE:

44. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
45. Provide an access control system such as a keypad, card reader, or electric latch retraction device for ingress and egress gates and doors in order to control and deter unwanted access onto the property. A key card or key code must be provided to the police department to access the property in case of an emergency.
46. A camera surveillance/security system must be installed in the common areas of the property such as the common walkways, exterior storage areas, building perimeters, and stairwells. The camera security system must operate 24 hours a day, seven days a week. All cameras should record onto a recording medium and all recording should be maintained in a secure and locked enclosure. It is recommended that the recordings be maintained for a minimum of 30 days and made readily available for any law enforcement official who requests the recordings for official purposes.
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 and in the courtyard 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. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.

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50. Address numbers must be illuminated during hours of darkness and positioned as to be readily readable from the street.
51. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
52. All common open areas must be well lit during the hours of darkness.
53. Signs must be posted at the guest parking areas and in the driveway leading into the complex to prevent illegal or overnight parking of unwanted guests..
54. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

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



Jiangdong Dai, Applicant