

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
MARCH 10, 2020**

The Planning Commission of the City of Monterey Park held a regular meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, March 10, 2020 at 7:00 p.m.

CALL TO ORDER:

Chairperson Eric Brossy de Dios called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Senior Planner Tewasart called the roll:

Board Members Present: Eric Brossy De Dios, Antonio Salazar, and Delario Robinson

Board Members Absent: Ricky Choi and Theresa Amador

ALSO PRESENT: Natalie C. Karpeles, Deputy City Attorney, Mark A. McAvoy, Public Works Director/City Engineer/City Planner, and Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS:

[1.] **PRESENTATIONS:** None

[2.] **CONSENT CALENDAR:** None

2-A APPROVAL OF MINUTES

July 23, 2019

Action Taken: The Planning Commission approved the minutes from the regular meeting of July 23, 2019

Motion: Moved by Member Robinson and seconded by Member Salazar, motion carried by the following vote:

Ayes: Commissioners: Brossy de Dios, Salazar, and Robinson

Noes: Commissioners: None

Absent: Commissioners: Choi and Amador

Abstain: Commissioners: None

[3.] **PUBLIC HEARING:**

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3-A. CONDITIONAL USE PERMIT (CU-19-13) TO ALLOW THE CONSTRUCTION OF A NEW RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH IN THE S-C (SHOPPING CENTER) ZONE – 1970 SOUTH ATLANTIC BOULEVARD

Senior Planner Tewasart provided a brief summary of the staff report.

Commissioner Robinson inquired about the required code amendment. Attorney Karpeles replied that the amendment will be to the 25-foot setback requirement should the Planning Commission direct staff that such an amendment is necessary. Condition number 6 contemplates that an amendment would need to be processed in order for the project to be approved.

Commissioner Salazar inquired how long the service station was vacant before being demolished. Senior Planner Tewasart replied that staff did not have the information.

Chairperson Brossy de Dios inquired about the term ultimate curb face. Director McAvoy replied that it would mean whether there was a dedication involved.

Chairperson Brossy de Dios inquired if the only way to modify this item was an amendment as opposed to a variance. Attorney Karpeles replied that the findings for a variance are particular and very specific. A variance is only granted under very extremely limited circumstances where a property cannot be developed without some type of relief from the requirements in the municipal code. In this instance the applicant has not opted for a variance rather they have opted to hope for a future code amendment with regard to the setback requirement.

Director McAvoy stated that is not how a project would be conditioned however staff has been working on some updates to the zoning code, which was held off because of the update to the Land Use Element. In the event that the Land Use Element was approved by the voters, the updates would incorporate the changes contemplated by the Land Use Element. There are plans to bring forward some minor text amendments to the zoning code. Chairperson Brossy de Dios inquired if such a revision is currently being contemplated. Director McAvoy replied yes as well updates to some of the parking standards.

Chairperson Brossy de Dios inquired if staff has studied some of the potential impact. Director McAvoy replied not yet until the County certifies the election results and then the amendments will come before the Commission sometime in the summer period.

Chairperson Brossy de Dios inquired if there are any other drive-throughs on Atlantic Boulevard. Senior Planner Tewasart replied off Collegian there is a McDonald's, Taco Bell, and Carl's Jr.

Chairperson Brossy de Dios inquired about the mechanical equipment screening. Attorney Karpeles replied that condition number 15 addresses noise and that all code requirements must be adhered to. Senior Planner Tewasart replied that when there are elevation

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differences, properties on the higher elevation typically see rooftops. However, from the street view, all roof mounted mechanical equipment will be screened.

Chairperson Brossy de Dios opened the public hearing.

Applicant, Kristen Roberts, 6800 Bishop Road, Plano, Texas 75024, provided a brief presentation and was present for questions.

Commissioner Salazar inquired if the hours are similar as other stores such as the one in Pico Rivera. Applicant Roberts replied yes, those are standard California operating hours. Commissioner Salazar inquired about security. Applicant Roberts replied that discussions have already been had with the Police Chief. On the weekends security is already provided. Attorney Karpeles stated that condition number 43 addresses security.

Commissioner Salazar inquired about the restroom availability. Applicant Roberts replied that restrooms will be provided and made available.

Chairperson Brossy de Dios inquired about the use of the corral area. Applicant Roberts replied that it functions as a delivery receiving area and space where boxes are broken down. There is no activity or use after dark.

Chairperson Brossy de Dios inquired about the queuing space. Director McAvoy replied that the six spaces are split between the two drive-through lanes. Both lanes will accommodate seven vehicles.

Engineer Lucas Teani, P.E., 765 The City Drive Suite 200 Orange, CA 92868, replied that the queuing analysis was conducted from the pick-up window to the beginning of the drive-through queue. Chairperson Brossy de Dios inquired about the queuing analysis, the five percent chance of the queue exceeding the 17 spaces, and the number maximum anticipated. Engineer Teani replied that based on existing stores, the maximum number anticipated was 17 spaces during peak hours. The five percent exceedance probability is a degree of exceeding 17 spaces. The average of the analysis of existing stores was 15 spaces and more than the average will be provided.

Chairperson Brossy de Dios stated that the level of service was E at the alley and Atlantic, assuming that some of the cars were diverting to the alley, some of them were exiting through the driveway. Engineer Teani replied yes. Chairperson Brossy de Dios inquired that with the drive lane terminating directly adjacent the exit path, if the alley is anticipating a level of service of E, is a level of service E anticipated at the driveway as well. Engineer Teani replied that it is not expected. There is either a level of service E at the driveway or the alley, all the traffic flow was concentrated to one point. If they are split, it is anticipated to be less.

Chairperson Brossy de Dios stated that if one car is waiting to exit, it is potentially blocking the exit of the drive-through aisle. Engineer Teani replied that is why the analysis is focused on vehicles coming out from the alleyway. Traffic flow on-site is controlled by the operations team. The operations team works diligently on making sure that traffic flows through the

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site and is not impacted especially as they are trying to speed up service and serve more customers at a faster rate; it is important that the exit is not blocked and that is why the focus on traffic flow was through the alleyway. Director McAvoy added that condition number 26 requires a traffic management plan.

Chairperson Brossy de Dios inquired about screening the restroom. Applicant Roberts replied that it can be addressed with an architectural feature, but they are going to be cognizant of the extent of the screening from a security reason and providing areas for people to hide behind.

Speaker Raphael Casillas, 1973 Bradshaw Avenue, Monterey Park, stated that he is a 27 year resident of Monterey Park and a registered civil engineer with over 30-years of experience working for local municipalities in the San Gabriel Valley as well as the Gateway COG and SGV COG. The project does not meet the development standards. The project has many deficiencies and requires a code amendment. It creates many public nuisances as defined by the codes. The project failed to meet the findings such as noise, outdoor activities, speaker box from the menu board, the roof mounted equipment, car radios, and the hours of operations are not consistent with the residential or commercial areas. The Atlantic Square center is closed by 9:00 p.m. Traffic collisions occur between Brightwood and Floral from vehicles turning in and out. At minimum left-turn movements should be restricted in and out both entrances, and on-site circulation is bad and will block vehicles from getting out. There will be high levels of emissions from idling vehicles and orders.

Speaker Gina Casillas, 1973 Bradshaw Avenue, Monterey Park, stated that she is a city planner and has processed land use entitlements and evaluated projects for compliance with the California Environmental Quality Act. Drive-throughs should not be located adjacent to residential areas. All drive-throughs should be located within a contained shopping center. She has lived in her residence for over 30 years. Her house fronts on Bradshaw Avenue and her rear yard overlooks Atlantic Boulevard. She expressed concerns about noise from the speaker box, car radios, outdoor dining area, and construction, traffic, and air quality from vehicle emissions. She stated that a code amendment does not provide a solution for tonight's vote.

Chairperson Brossy de Dios inquired about the hours of operations. Applicant Roberts replied that those are the standard California operating hours, but that is up to the discretion of the Planning Commission. She stated that the speaker boxes are turned down at 10:00 p.m. Chairperson Brossy de Dios inquired if it would be feasible to restrict the left-turn. Applicant Roberts replied that if it is a requirement of the City. Attorney Karpeles clarified that the noise limit between 7:00 a.m. and 10:00 p.m. is 65 and 10:00 p.m. to 7:00 a.m. is 55.

Chairperson Brossy de Dios closed the public hearing.

Commissioner Robinson stated that the State of California is requiring the City to plan for 5,000 homes, so the city will be expanding and there will be growing pains. There has to be adjustability and be expansive and broad in our thinking and acceptability.

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Commissioner Salazar stated that he remembers Atlantic Square, the gas station, and Paul's Kitchen and those places were always full and things have been slowly dying. He respects the Casillas' concerns because in many respects it has become a ghost town. In order for the City to survive there needs to be revenue and businesses that cater to the surrounding areas and that would be East LA College and the youth that is there. This is a business that would do well at that location. He hopes Raising Canes will take into consideration their neighbors and make adjustments if need be to address those concerns and serve the community together.

Chairperson Brossy de Dios stated that he feels the application is premature to be put before the Commission in its current state given the state of the municipal code. He is not accustomed to granting conditional use permits in conflict with the code as it is currently set and they are not in the position to make an exception to that. Once the code is amended it may be something to consider as a re-submittal. He is also concerned with the traffic flow on-site and the potential conflict with the drive aisle. The ability of a car to exit and make a left hand turn onto Atlantic is highly constrained. The hours requested is also a concern and are rather unusual.

Action Taken: Motion to adopt **Resolution No. 01-20** approving Conditional Use Permit (CU-19-13) to allow a retail eating establishment with a drive-through in the S-C (Shopping Center) Zone failed.

Motion: Moved, by Commissioner Robinson and seconded by Commissioner Salazar, motion failed by the following vote:

Ayes: Commissioners: Salazar and Robinson
Noes: Commissioners: Brossy de Dios
Absent: Commissioners: Choi and Amador
Abstain: Commissioners: None

Deputy City Attorney Natalie C. Karpeles advised that, due to the absence of Commissioners Choi and Amador, the motion cannot pass without unanimous approval from the three presiding Commissioners

[4.] OLD BUSINESS: None

[5.] NEW BUSINESS: None

[6.] COMMISSION COMMUNICATIONS AND MATTERS: None

[7.] STAFF COMMUNICATIONS AND MATTERS: None

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 8:23 p.m.

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Next regular scheduled meeting on March 24, 2020 at 7:00 p.m. in the Council Chambers.

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

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