

ORDINANCE NO. 2038

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MONTEREY PARK, CALIFORNIA,
AMENDING CHAPTER 21.34 OF THE MONTEREY PARK MUNICIPAL CODE
RELATIVE TO DEVELOPMENT STANDARDS IN THE
PLANNED DEVELOPMENT OVERLAY ZONE**

**THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA,
DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council hereby finds that the City’s General Plan guides future development in the downtown area of the community, and that a goal of the General Plan is to revitalize the downtown as a vibrant mixed-use district that provides opportunities for new commercial development in a pedestrian friendly environment.

SECTION 2. The City Council, in order to protect the public health, safety, and general welfare of the community, the City of Monterey Park desires to modify Title 21 of the Monterey Park Municipal Code (MPMC), specifically relative to development standards in the Planned Development (P-D) Overlay Zone, known as Chapter 21.34 of the MPMC, has been processed in accordance with State law and City ordinances and regulations and that said amendments are in the public interest and consistent with the General Plan.

SECTION 3. The City Council finds that based on the evidence of the Environmental Assessment Questionnaire, the City Council adopts the findings of said Questionnaire and determines that the project will have no significant adverse effect on the environment and adopts and affirms the submitted Negative Declaration. The Negative Declaration reflects the independent judgement of the City with respect to potential environmental impacts associated with project implementation.

SECTION 4. The City Council, based upon the evidence and staff report received at the public hearing, hereby recommends that Title 21 of the Monterey Park Municipal Code shall be amended as follows:

Chapter 21.34 - Overlay Zones – P-D – Planned Development District Zone

Sections:

21.34.010 Created; Designated; Procedure.

21.34.020 Purpose.

21.34.030 Definitions.

21.34.040 Permitted Uses.

21.34.050 Principal Uses in Mixed-Use Developments and Commercial Developments.

21.34.060 Inclusive approval of conditional uses under a Precise Plan for Mixed-Use

- 21.34.070** **Developments and Commercial Developments.**
- 21.34.080** **Accessory uses in Mixed-Use Developments and Commercial Developments.**
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- 21.34.100** **Property Development Standards for Mixed-Use Developments and Commercial Developments.**
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- 21.34.140** **Precise Plan – Application and Process.**
- 21.34.150** **Revocation.**
- 21.34.160** **Expiration.**
- 21.34.170** **Modification.**
- 21.34.170** **Failure to give notice.**

- 21.34.010** **Created; Designated; Procedure.**

(a) The minimum area for all PD designated districts shall be two acres, except for Mixed Use areas specified in the General Plan.

(b) Planned Development districts shall be created in the same manner as property is reclassified from one zone to another within the city, as set forth in Chapter 21.76 hereof. When a “PD” district has been so created, it shall be designated upon the zoning map of the city as an overlay zone by adding the parenthetically enclosed letters “PD” after the zoning symbol indicating the zone in which the subject property is included.

(c) The change of classification shall be determined pursuant to the procedure set forth in Chapter 21.76 hereof and the Precise Plan shall be merged with the PD district for the particular property so classified.

(d) A Precise Plan that is not applicable to a Mixed-Use designated Land Use Area and does not adhere to standards of development in the R, C or M zones may be approved when such plan fulfills the purpose of a PD district.

(e) A change in the Precise Plan enacted within a PD district shall constitute a reclassification of property, and such change shall be determined pursuant to Chapter 21.76.

(f) No development of the subject site shall begin and no building permit shall be issued in any case until a Precise Plan of a planned development has been approved by the Planning Commission and/or the City Council as set forth hereafter.

21.34.020 Purpose. The General Plan uses mixed-use development as a critical component of its goals to establish Monterey Park’s Downtown and other designated commercial corridors as a vibrant mixed-use districts that provide many opportunities for new commercial and residential development in a pedestrian environment. The purpose of this chapter is to encourage a creative and

more efficient approach to the use of land and to provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of zoning and planning regulations. It is the intent of a planned development district to create:

- Diversification in the location of structures and other site qualities while ensuring compliance with the General Plan and compatibility with existing and future developments in surrounding areas
- Opportunities to revitalize older commercial corridors by leveraging the strong housing market
- New housing and innovative retail that is less automobile dependent
- Housing in walking distance of existing businesses providing new customers
- Pedestrian-friendly neighborhoods and enhanced community character
- Land resources used more efficiently
- Compatibility with transit access along local corridors
- Strike a balance between services and retail uses
- A vibrant mixed-use environment that is attractive to national and regional credit retail tenants

21.34.030 Definitions. For purposes of this chapter, the following definitions shall apply:

(a) “Mixed-Use Development” or “Mixed-Use Developments” shall mean a development which combines residential uses with one or more of the following uses: retail, office, entertainment, restaurant, or community facilities. A Mixed-Use Development may be arranged vertically (ground-level retail, office, restaurant, entertainment, or community facility with residential uses above) or horizontally (commercial uses on a portion of the property linked by pedestrian connections to residential uses as part of an unified development project). Mixed-Use Developments shall include, but not be limited to, the following:

(1) “Mixed Use I” (MU-I)

“A broad range of commercial and residential uses can be established either within the same building or building complex, or side by side on separate legal parcels. Residential projects must be combined with a commercial use; no stand-alone residential development is permitted. No residential use shall be permitted on the ground floor on streets fronting major arterials (Atlantic Boulevard, Garvey Avenue and Garfield Avenue).”

(2) “Mixed Use II” (MU-II)

“Commercial and residential uses may be permitted as an integrated vertical Mixed-Use development or as a horizontal intra-related Mixed-Use development.

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Where a residential project does not include commercial development as a part of the development in a Mixed Use area, residential densities shall conform to the underlying General Plan designation”. However, residential-only developments shall not encroach within any commercially zoned areas.

(3) “Mixed Use III” (MU-III)

“A range of commercial and residential uses can be established either within the same building or building complex, or side by side-by-side on separate legal parcels. Residential uses may be stand-alone or may be combined with commercial uses”. However, residential-only developments shall not encroach within any commercially zoned areas.

(b) “Commercial Development” or “Commercial Developments” shall mean a development that contains two or more of the following uses: retail, office, restaurant, entertainment, or community facilities in a unified development without a residential component.

(c) “Precise Plan” shall mean a specific development schematic or plan for all or a portion of a parcel of land.

(d) “Building Frontage” shall mean the measurement of linear feet of the building or buildings that front onto a major arterial street, not including driveways and pedestrian courtyards between buildings.

(e) “Community Facilities” shall mean a public or semi-public use that serves the community and generates substantial pedestrian usage along the sidewalk, these facilities may include libraries, museums, community rooms, educational facilities, cultural institutions, post office, child-daycare facilities, fitness centers, and transit terminals.

(f) “Ground Floor” shall mean the lowest level within a building that is accessible from and within three feet above or two feet below the grade of the adjoining sidewalk. If a sloped site, the ground floor elevation is measured at the point of entry.

(g) “Key nodes” shall mean key intersections as identified in the Pedestrian Linkage Plan for Mixed-Use Developments and Commercial Developments including, but not limited to, the intersections at Garvey Avenue and Garfield Avenue, Atlantic Boulevard and Garvey Avenue, and Atlantic Boulevard and Hellman Avenue.

(h) “Live/Work Unit” or “Live/Work Units” shall mean a unit, which combines living quarters with artist studios, professional offices, software/media offices or small retail uses. Live/Work Units are typically located in a small scale, mixed-use building and help transition between a busy street and a residential area. Live/Work Units are required to have the workspace on the ground floor with living space on one or two stories above and must be occupied by the same individual(s) who occupies the living quarters. Live/Work Units may be built as attached townhomes.

(i) “Pedestrian Realm” shall mean a 12-15-foot wide area located between the face of the curb of a major arterial street and the face of the building and a 10-foot wide area between the face of the curb of transitioning minor arterial streets and the building within the Pedestrian Linkage Plan Area. The Pedestrian Realm includes any parkway, sidewalk, and landscaped areas. The Pedestrian Realm may include both public and private property where the public right-of-way is not 12-15 feet wide. Pedestrian amenities, street trees, street furniture, bus stop facilities, and other landscaping, as specified in this ordinance, shall be included in the Pedestrian Realm.

(j) “Usable Open Space” shall mean areas for active and passive recreation including landscaped and hardscaped areas. The requirement for usable open space may not be satisfied through the utilization of parking areas, driveways, service areas, or unusable slopes.

21.34.040 Permitted Uses.

(a) The following uses shall be permitted in the PD Districts:

(1) Any use permitted in any R, C or M zone, subject to regulations set forth in this part.

(2) Mixed-Use Developments and Commercial Developments, subject to compliance with the General Plan and regulations and standards set forth in this part. These include Mixed Use I, Mixed Use II and Mixed Use III, and three sub-districts within Mixed Use I: North Atlantic, Downtown, and Downtown Core.

(b) No person shall construct or maintain any building or structure for use on any lot in a PD district unless:

(1) Such building, structure or use is constructed or maintained pursuant to the regulations applicable to such lot by reason of its underlying zone classification and General Plan Designation; or

(2) Compliance is had with the provisions of this Chapter.

21.34.050 Principal Uses in Mixed-Use Developments and Commercial Developments.

(a) Mixed-Use Developments. For Mixed-Use developments in areas designated as Mixed Uses I, II, and III in the General Plan, all commercial uses in underlying zones and residential uses listed in the R3 zone shall be permitted subject to the following conditions:

(1) The ground floor building frontage at Atlantic Boulevard, Garvey Boulevard and Garfield Avenue shall be devoted to commercial uses and limited community facility uses that generate pedestrian activity such as cafes, tea shops, coffee shops, restaurants, bookstores, stationary store, food stores, floral shops, gift shops, bakeries, drug stores, hardware stores, clothing and other retail shopping, commercial recreation and entertainment uses, personal and convenience stores, travel

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agencies, barber shop, beauty parlors, childcare facilities related to the residential units or for employees of businesses within the particular mixed-use complex, art galleries and stores, photocopying, museums and other uses provided that such are determined by the Planning Commission to be appropriate and supportive of creating a dynamic retail environment. The ratio of pedestrian-oriented commercial uses to the total ground floor uses may vary depending on unique site conditions. However, in the MU-I classification, a minimum of 70% of the ground floor building frontage, excluding driveways and pedestrian entries, at a minimum depth of 25 feet on major corridors, shall be commercial ground-floor uses and limited community facilities that generate pedestrian activity. Community facilities shall be limited to 30% of the first floor building frontage. In the MU-II, the work space of live/work units shall be considered a pedestrian-oriented ground floor use.

(2) Residential uses including multi-family units, condominiums, apartments and stock cooperatives are permitted above the ground floor. Lobbies, stairwells, elevators, and entries for residential units are permitted on the ground floor. Recreation rooms for the use of both residents and visitors may also be permitted on the first floor. Residential units and live/ work uses are permitted on the ground floor of MU-II and MU-III designated areas.

(3) Offices including professional offices shall be developed only in conjunction with retail and restaurant uses. The ground floor street level of a multi-story office structure shall contain a minimum of 70% retail or restaurant uses along the building frontage. Offices requiring a high level of public access may be developed on the ground floor if determined by the Planning Commission to be appropriate and supportive of creating a dynamic retail environment.

(4) Auto sales and rentals are only permitted in the MU-II designation. Auto repairs and service are not permitted in any MU areas.

(5) All commercial activities shall be conducted wholly within an enclosed building, except that restaurants may have outdoor eating areas. Retail kiosks and wireless computer services may be permitted in outdoor plazas/public gathering spaces. Commercial activities may be permitted outdoors for special events such as Farmer's markets and community cultural fairs and other outdoor events as determined by the Planner with a Temporary Use Permit.

(6) For MU-III areas, retail, restaurant, medical facilities, and pedestrian-oriented community facilities shall be permitted on the ground floor fronting on Baltimore Avenue.

(b) Commercial Developments. For Commercial Developments that are designated in the General Plan as Mixed Uses I or II, principal uses are permitted per the underlying zone, subject to the following conditions:

(1) A portion of the ground floor frontage of Atlantic Boulevard, Garvey Boulevard, and Garfield Avenue shall be devoted to retail, restaurant and other uses that generate pedestrian activity. The ratio of pedestrian-oriented commercial uses to the total shall vary depending on unique site conditions. In the MU-I designation, a minimum of 70% of the ground floor building frontage excluding driveways, and pedestrian entries at a minimum depth of 25 feet on Atlantic Boulevard,

Garvey Avenue, and Garfield Avenue, shall be pedestrian-oriented commercial uses. Limited community facilities if determined by the Planner to be pedestrian-oriented may be located on the ground floor and no more than 30% may be counted toward these percentages.

(2) Offices including professional offices shall be developed only in conjunction with retail and restaurant uses. The ground floor street level of a multi-story office structure shall contain a minimum of 70% retail or restaurant uses along the building frontage. Office uses which share parking with other uses which operate during evening or night time uses are preferred.

(3) Auto sales and rentals are permitted only in the MU-II designation. Auto repairs and service are not permitted in any MU area.

(4) All commercial activities shall be conducted wholly within an enclosed building, except that restaurants may have outdoor eating areas. Retail kiosks and wireless computer services may be permitted in outdoor plazas/public gathering spaces. Commercial activities may be permitted outdoors for special events such as Farmer's markets, community cultural fairs and other outdoor events as determined by the Planner with a Temporary Use Permit.

21.34.060 Authorized Conditional Uses Under a Precise Plan for Mixed-Use Developments and Commercial developments.

(a) A PD overlay district for a Mixed-Use development or a Commercial development would allow for the combined consideration of all conditional use permit applications together with the Precise Plan; whereas separately considered conditional use permits would be required for other projects.

(b) The following conditional uses may be included in a Precise Plan for projects located in MU-I and MU-II designations:

- (1) Off-site sales of alcoholic beverages are permitted with a separate conditional approval and ABC authorization.
- (2) Financial Institutions.
- (3) Bars, taverns, cocktail lounges, microbrewery, or winery with restaurant.
- (4) Hotels and motels (with or without dining facilities).
- (5) Theaters, live performance or cinema.
- (6) Game and video arcade.
- (7) Childcare centers unless for the use of project residents or employees.

- (8) Community facilities.
- (9) Commercial recreation facilities.

(10) Establishments and activities requiring a large assembly of people or automobiles including a stadium, amusement park, circus, racetrack or other similar uses.

(11) Other commercial uses deemed compatible to the designated area and further the intent of 21.034. 020.

(12) Auditoriums or meeting facilities as accessory use.

(13) Parking structure as accessory use.

(14) Authorization to implement residential density above 30 units per acre for the Mixed-Use I area only.

21.34.070 Accessory Uses in Mixed-Use Developments and Commercial Developments.

In Mixed-Use developments and Commercial developments, the following accessory uses are permitted:

(a) Auditoriums or meeting facilities. When such facility is located within 300 feet of an R-Zone, a Conditional Use Permit shall be required.

(b) Parking structure. When such facility is located within 300 feet of an R-Zone, a Conditional Use Permit shall be required.

(c) Household pets. Owners of household pets shall be subject to Title 8 of this Municipal Code, any restrictions imposed by applicable CC&R's, and any other policies or regulations by an applicable Homeowners' Association.

(d) Temporary real estate offices subject to development standards contained in Section 21.05.050 E of these regulations.

(e) Other accessory uses determined by the Planning Commission to be compatible with the designated area.

21.34.080 Prohibited Uses.

(a) The following uses shall be prohibited in all Mixed-Use Development areas:

- (1) Drives through businesses.
- (2) Gas stations.

(3) Wholesale businesses, including warehousing and distribution.

(4) Storage facilities.

(5) Bars not associated with restaurants.

(6) Manufacturing uses, except where manufacturing is directly related to the on-site retail uses occupies less than thirty percent of the gross floor area, and all goods manufactured are sold at retail on-site.

(7) Any use, when such use is determined to be hazardous in nature, either by virtue of activity or product, or through the emission of noise, pollutants or hazardous effluents.

(8) Any use which uses or stores a hazardous material that has a degree of hazardous rating in health, flammability or reactivity of Class 4 by U.F.C. standard 79-3 or succeeding standards, any use which involves the mixing or handling of hazardous or toxic chemicals, materials or products, or any use which requires the construction of any H-1 or H-2 structure, including paint booths. An exception to this prohibition is a use that handles and/or disposes of medical waste when such handling and/or disposal is in compliance with federal or state regulations. Subject to review and written approval by the City's Fire Chief, or his or her designee, additional exceptions may be permitted based upon the quantities of materials handled and/or stored at the subject premises.

(b) The following uses shall be prohibited in the following specified Mixed-Use Development areas:

(1) In the MU-I and MU-III areas, auto sales, rentals, repairs, or other commercial auto uses.

(2) In the MU-II area, auto repairs and services.

(3) In the MU-I area, residential units on the ground floor along the street frontage except lobbies and entries for residential units are permitted on the ground floor.

(4) In the MU-I and MU-II areas, medical facilities, clinics, laboratories, medical equipment or medical supplies, on the ground floor.

21.34.090 Property Development Standards for Mixed-Use Developments and Commercial Developments.

The following standards shall apply to uses designated as mixed use in the General Plan and in the PD zone.

(a) Minimum Lot Area.

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- (1) Minimum Lot Area for MU-I Developments shall be 1.5 acres.
 - (2) Minimum Lot Area for MU-II Developments shall be 0.5 acres.
 - (3) Minimum Lot Area for MU-III Developments shall be 0.5 acres
- (b) **Building Height.** The maximum building heights for Mixed-Use Developments and Commercial Developments in the MU designation and PD zone are defined in Table 1.

Table 1: Maximum Building Height					
	Sub-districts				
	MU-I			MU-II	MU-III
	Downtown Core	Downtown Perimeter	North Atlantic	East Garvey	Baltimore
Mixed-Use and Commercial Developments	75' or 5 stories	55'	75' or 5 stories ⁽¹⁾	40' ⁽²⁾	55'
All Other Developments	See underlying zoning.	See underlying zoning.	See underlying zoning.	See underlying zoning.	See underlying zoning.

- 1 Buildings up to 130 feet are permitted within 200 feet of Hellman Avenue.
- 2 When any portion of the structure is located within 25 feet of a R-1 Zone, that portion of the building shall not exceed 15 feet; for any portion within 35 feet of a R-1 Zone, that portion of the building shall not exceed 25 feet.

(1) Rather than a continuous maximum height, the height of buildings shall vary to provide human scale, contribute to community image and improve the pedestrian experience of mixed-use connections.

(2) To create a human scale adjacent to the Pedestrian Realm along Garvey and Garfield Avenues, 50% of the building frontage at the edge of the Pedestrian Realm shall be, as a minimum standard unless site constrictions restrict or interfere, not be higher than 40 feet on average within 20 feet of the Pedestrian Realm.

- (3) Unoccupied towers, elevator shafts, stairwells, light standards, skylights, parapets, and similar architectural features may be allowed to project an additional 15 feet beyond these height limits and should be placed to create variety in massing.
- (4) Ground floor spaces in the Mixed-Use I area shall have a minimum ceiling height of 14 feet.

(c) **Pedestrian Orientation and Setback Requirements.**

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(1) Pedestrian Realm and Minimum Setback.

(i) A minimum width of the public portion of the Pedestrian Realm is required along the frontage of all commercial, residential, and Mixed-Use Developments.

(ii) For purposes of this section, the Pedestrian Realm width is measured from the curb after any required dedication needed for street widening and is required as follows:

- I. 15 feet on Garvey Avenue (east of Atlantic Boulevard to New Avenue)
- II. 12 feet on Atlantic Boulevard
- III. 12 feet on Garfield Avenue
- IV. 12 feet on Baltimore Avenue
- V. 12 feet on Garvey Avenue (West of Atlantic Boulevard to the mid-block point before Margarita Avenue)

(iii) A 10-foot wide area between the face of the curb of transitioning minor arterial streets and the face of the building within the Pedestrian Linkage Plan Area shall be maintained.

(2) Maximum Front Setbacks and Open Space Setbacks.

(i) “Residential only” projects adjacent to the street frontage with MU-II and MU-III designations shall have a minimum setback of 5 feet and a maximum setback of 10 feet from the exterior edge of the Pedestrian Realm to allow for landscaping, stoops and entrance porches.

(ii) “Residential only” projects may be elevated above the sidewalk level 3 to 4 feet for privacy with appropriate landscaping.

(iii) Non-residential and commercial uses shall be located at or within 5 feet of the interior edge of the Pedestrian Realm at or near the same elevation as the sidewalk.

(iv) Additional setbacks up to 10 feet may be permitted for outdoor dining, pedestrian entrances, pedestrian arcades, or building articulation.

(v) Additional front setbacks beyond 10 feet may be permitted for a public gathering space, pocket parks, or open spaces oriented to the Pedestrian Realm.

(3) Side Setback.

(i) No side setback required unless the site is adjacent to an R-1 Zone, in which case a 15-foot side yard shall be maintained.

(ii) If the site is adjacent to an alley, a 15-foot side yard, measured from the centerline of the alley, shall be maintained.

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(4) Rear Setback.

(i) No rear setback required unless the rear of the site is adjacent to a public or private street and a R-1 zone, in which case a 15-foot rear yard shall be maintained.

(ii) If the site is adjacent to an alley, a 15-foot rear yard, measured from the centerline of the alley, shall be maintained.

(iii) The rear yard may be used for parking and loading.

(5) Pedestrian Entry Ways.

(i) Entrances to non-residential uses, commercial uses, and Mixed-Use Developments shall be directly from the adjoining sidewalks.

(ii) In a new Development, at-grade parking is not permitted on private property adjacent to the Pedestrian Realm.

(iii) In rehabilitation of existing development, parking shall be screened from view from the Pedestrian Realm by a 3 feet wall or decorative fence covered in vines or other similar feature.

(iv) Windows and doors of clear glass shall be provided in at least 50% of the area calculated by multiplying 10 feet times the linear ground floor of a building's frontage along Garvey Avenue, Garfield Avenue, and Atlantic Boulevard.

(v) Clearly marked pedestrian connections, which are well marked, attractive and human-scaled, shall be provided between various uses, parking, street sidewalks, and public spaces such as plazas, courtyards and recreational areas.

(d) Open Space.

(1) For Commercial Developments, the required pedestrian use open space excluding sidewalk within the public right-of-way is a minimum of 12% of the site area. The open space to be functional for pedestrian use is required to be on grade or on an upper level open to the sky or under skylights.

(2) Open space and recreation space shall be provided for each Mixed-Use Development as follows:

(i) The minimum required area of open space for a Mixed-Use Development is 200 square feet per residential unit. The minimum open space required may be met through a combination of common and private open spaces. All required open space shall be usable as defined in Section 21.34.030.

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(ii) Fifty percent of the open space area required may be provided in private open space such as patios and balconies; however, such private open space must have a minimum area of 75 square feet and a minimum dimension of 7 feet.

(iii) A minimum of 25 percent of the common open space shall be planted area with trees, shrubs, and gardens. Planters and planting containers may be counted toward this requirement.

(iv) Common open space shall have a minimum width of 10 feet and be a minimum area of 200 square feet. Common open space may be located on roofs, podiums, and decks.

(v) For Development of 5 residential units or less, 100% of the open space requirement may be satisfied by private open space.

(vi) Up to 10% of the common open space may be provided in an indoor recreational area such as a gymnasium or a community room.

(e) Off-street Parking and Loading.

Detailed parking standards are contained in Chapter 21.40 of these regulations, including regulations for shared parking analysis for mixed-use and joint-use development except:

(1) For the residential portion of a Mixed-Use Development, a minimum of two (2) spaces per unit shall be provided except for senior housing for which the requirements of Chapter 21.40.020 of the Zoning Code shall apply.

(2) As the mixed-use designated areas are on transit corridors, and are planned to be walkable, a reduction in the total number of parking spaces required in Chapter 21.40 may be permitted for Mixed-Use Developments and Commercial Developments that contain retail, restaurant, entertainment, and/or neighborhood services on the ground floor if supported by shared parking and parking demand studies. However, the total parking requirement for retail, restaurants, entertainment and neighborhood service uses combined shall not be less than 3 spaces/gross 1,000 square feet.

(3) If two parking spaces are assigned exclusively to one residential unit, spaces may be provided in tandem.

(4) For every two spaces that are assigned to the use of a residential unit, an additional 0.25 parking spaces per unit shall be provided for guest parking. In a Mixed-Use Development, this additional guest parking may be shared with the parking for the non-residential use if supported by a shared parking analysis study.

(5) Residential parking assigned to individual units shall be secured and shall be located or assigned in such way as to distinguish it from guest parking and parking for non-residential

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uses.

(6) For live/work units which include live/work flex space on the ground floor and residential above the ground floor, the total number of parking spaces provided shall be 2 spaces per unit plus 0.5 work/guest spaces per unit.

(7) Parking along arterial streets shall not be located within the area between the back of the Pedestrian Realm and a new building fronting on the arterial street.

(8) Loading space requirements shall be based on underlying zone; however, if there is no commercial space on the ground floor of a residential building, a loading space may not be required.

(9) No parking, including the storage of trucks or other similar types of vehicles or equipment, shall be permitted on unpaved areas.

(10) The initial project developer, and any and all subsequent owners of units within the development, shall participate in the construction or funding of traffic improvements based on its proportional impact share and long-term funding of a shuttle service in the Downtown area.

(f) Building Intensity and Residential Development Density.

(1) For Mixed-Use Developments and Commercial Developments, the maximum base floor area ratio (FAR) and the incentive bonuses for developments with additional amenities are defined in Table 2 and Table 3.

(2) If no amenities are provided, the maximum Floor Area Ratios in Table 2 may be allowed and are reserved for projects that meet the basic Planning Commission development standards and Design Review Board design guidelines as determined herein.

(3) FAR's do not distinguish between non-residential and residential development to allow for flexibility. The square footage devoted to parking structures shall not apply to calculations of floor area ratios.

Table 2: Maximum Floor Area Ratios (FAR) without amenities by Sub-district For Basic Mixed-Use Developments and Commercial Developments					
Maximum Floor Area Ratios Without Amenities	Sub-districts				
	MU-I			MU-II	MU-III
	Downtown Core	Downtown Perimeter	North Atlantic	East Garvey	Baltimore
Mixed-Use Developments					
• For lots over 21,780 SF	Not Applicable	Not Applicable	Not Applicable	.075	0.65
• For lots 65,340 SF or over with Residential	1.25	0.90	1.75	0.75	0.65
Commercial Developments					
• For lots over 21,780 SF	Not Applicable	Not Applicable	Not Applicable	0.50	0.65
• For lots 65,340 SF and over	1.00	0.65	1.50	0.50	0.65

(4) The maximum residential density for non-amenity Mixed-Use Developments is 30 dwelling units per acre for MU-I and MU-II designations.

(5) The maximum residential density for a residential only project in the MU-II designation is 12 dwelling units per acre.

(6) The maximum residential density for the MU-III designation is 25 dwelling units per acre.

(g) Maximum Size of Residential Units in Mixed-Use Developments.

The maximum size for any residential unit, including a live-work unit, in a Mixed-Use Development project shall be 2,000 square feet. For live-work units, the 2,000 square foot limitation shall include both the allotted live space and work space areas.

21.34.100 Deviation from Property Development Standards.

(a) Mixed Use Developments and Commercial Developments shall comply with the property development standards set forth in Section 21.34.090 herein. However, if a project applicant provides substantial amenities needed in the area beyond what may be required, the Planning Commission shall have reasonable discretion to reduce the minimum lot area to not less than 1.0 acre. The term substantial amenities shall have the same meaning as set forth in section 21.34.110(a) herein.

(b) Mixed-Use Developments and Commercial Developments that request an increased FAR or increased residential density above basic Mixed Use standards shall follow the use requirements and all the property development standards herein including providing additional

amenities described in Section 21.34.110.

21.34.110 Incentives for Additional Pedestrian Linkage Plan Amenities.

(a) The maximum residential density permitted in the General Plan is 30 dwelling units per acre for projects that contain commercial and residential uses. This density may be increased up to 50 units per acre by providing multiple substantial amenities needed in areas designated MU-I. Substantial amenities shall mean amenities which are significantly great enough to provide benefit, not only to the project itself, but to the greater community. Substantial amenities include, but are not limited to:

(1) The provision of a substantial number of additional parking spaces for public use which is in excess of those required for uses on the site provided that the project site is located in an area with a deficiency of public spaces (that is, there are a number of adjacent businesses with little or no parking), provided that these spaces are available at no or nominal cost through a metered or a validation system and adequate signage is provided directing patrons to this parking. A parking study is required to demonstrate that public parking is needed in the area, in addition to the required on-site parking.

(2) The construction of a public parking structure off the project site in the Downtown area, or participation in an in-lieu fee program which contributes to the construction of a parking structure, to provide parking beyond the demand of the project.

(3) The provision of a major public gathering space located adjacent to the sidewalk with ample pedestrian amenities for downtown patrons or other major pedestrian amenities, which results in substantial open space greater than what is required in this Chapter.

(4) The provision of major transit improvements adjacent to the site including an increase in sidewalk width at bus stops, new transit shelters, bicycle racks, special paving, and other pedestrian amenities.

(5) All or a major portion of the required parking on site is located underground.

(6) The inclusion of key national tenants which the City wishes to attract to provide a wide range of goods and services in downtown. A roster of key national tenants shall be adopted by the Board of the Monterey Park Redevelopment Agency, and amended from time to time.

(7) The inclusion of a community facility in the project that may be used by residents and others from the community through a reservation system.

(8) Affordable residential units, which shall mean residential units offered at a sales price for which the income of at least a moderate income household would qualify for purchase of a dwelling unit as determined on the basis of applicable federal and/or state underwriting standards of mortgage financing available for the housing development.

(9) In lieu- affordable residential unit fees.

(10) The project integrates common open space throughout the project.

(b) As an incentive to include additional amenities needed in the area, additional FAR for Mixed-Use Developments and Commercial Developments with Pedestrian Linkage Plan amenities may be permitted at intensities up to those shown in Table 3 through the provision of substantial, i.e. significantly great enough to provide benefit, not only to the project itself, but to the surrounding community:

Table 3: Maximum Floor Area Ratios (FAR) by Sub-district For Mixed-Use Developments and Commercial Developments Qualifying for Pedestrian Linkage Amenities					
Maximum Floor Area Ratios With Additional Amenities	Sub-districts				
	MU-I			MU-II	MU-III
	Downtown Core	Downtown Perimeter	North Atlantic	East Garvey	Baltimore
Mixed-Use Developments					
• Developments with additional amenities per Section 21.34.040G	(2.25)	(1.75)	2.25	(1.25)	(1.25)
Commercial Developments					
• Developments with additional amenities per Section 21.34.040G	(2.00)	(1.50)	2.00	(1.00)	(1.25)

(c) It is anticipated that larger projects will make a greater contribution to the surrounding community than smaller projects in order to achieve the maximum FAR or density through a combination of additional amenities significantly great enough to provide benefit not only to the project itself but to the community.

(11) Substantial public right-of-way dedication for purposes of promoting the Pedestrian Linkage Plan.

21.34.120 Design Review. To encourage flexibility, creativity and quality design that is sensitive to the surrounding context and unique site conditions, any proposed development in areas designated MU-I, MU-II and MU-III, under this chapter shall require design review pursuant to Chapter 21.72. For design guidelines to use in this design review, refer to the Mixed-Use and Pedestrian Linkage Plan Chapters 3, 4, 5.2, 5.3, 5.4 and 5.5.

21.34.130 Precise Plan – Application and Process.

(a) The application for approval of a Precise Plan shall be filed with the planning

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department, on a form furnished by the city, and shall be accompanied by a fee in the amount set by resolution of the council.

(b) The application shall contain the following:

(1) A total development plan, which shall show all the dimensions and locations of proposed structures, buildings, streets, parking, yards, playgrounds, school sites, open spaces and other public or private facilities, and shall include a statement of all uses proposed to be established and the location of each use;

(2) Engineering site plans and landscaping plans;

(3) Architectural drawings or sketches showing the design and character of the proposed structures, uses and facilities and the physical relationship of all elements;

(4) Other pertinent information as may be deemed desirable to justify applying regulations and requirements differing from those ordinarily applicable, including all conditional uses;

(5) A tenant mix/marketing plan for commercial retail office/spaces including basic tenant types with estimated square footage including, but not limited to:

- (i) National, regional, and local retail.
- (ii) Sit Down Restaurants.
- (iii) Fast Food Restaurants.
- (iv) Professional Offices.
- (v) Financial Institutions.

(6) An independent Shared Parking Analysis Study.

(7) An independent traffic study.

(c) Hearing. The planning commission shall conduct a public hearing on the proposed Precise Plan pursuant to the procedure set forth in Sections 21.70.070, 21.70.080, 21.70.090, 21.70.100 and 21.70.110.

(d) Appeals. The procedure for appeals shall be the same as set forth in Sections 21.70.100, 21.70.110, 21.70.120 and 21.70.130.

(e) City Council action. Upon the filing of an appeal, the secretary of the commission shall forward to the city clerk the commission's files with regard to such proposed Precise Plan. Upon receipt of the same, the city clerk shall promptly set the matter for a public hearing before the City Council. The City Council shall conduct a de novo public hearing upon the matter, and thereafter shall determine whether the proposed Precise Plan shall be approved, conditionally approved or denied. In its discretion, the City Council may refer, prior to its decision, such matter to the commission for a

further report, with or without further public hearings before the commission. The decision of the council shall be by resolution and shall be final and conclusive in all cases. Within five days following the adoption of the resolution by the council, the city clerk shall mail a copy thereof to the applicant and any other person requesting the same

21.34.140 Revocation.

(a) Upon recommendation by the Planner, the body which granted final approval of a Precise Plan shall conduct a noticed public hearing to determine whether such Precise Plan approval should be revoked. If the granting body finds any one of the following facts to be present, it shall revoke the approval:

- (1) That the approval was obtained by fraud; or
- (2) That the Precise Plan is being implemented contrary to any conditions imposed upon approval of the plan, or in violation of any law.

(b) If the revocation hearing is conducted by the planning commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Sections 21.34.140(d) and 21.34.140(e).

21.34.150 Expiration. Any Precise Plan approval permit shall be null and void if it is not exercised within the time specified in the resolution approving such Precise Plan, or, if no time is so specified, if the same is not exercised within one year from the date the approval becomes final, provided that if litigation is filed prior to the exercise of such rights, attacking the validity of such approval, the time for exercising such rights shall be automatically extended pending a final determination of such litigation. The granting body, upon good cause shown by the applicant, may extend the time limitations imposed by this section once, for a period of not to exceed one year without a public hearing.

21.34.160 Modification. Any condition imposed upon the approval of a Precise Plan, may be modified or eliminated, or new conditions may be added, provided that the granting body shall first conduct a public hearing hereon, in the same manner as is required for the granting of the same. No such modification shall be made unless the granting body finds that such modification is necessary to protect the public peace, health and safety, or, in case of deletion of such a condition, that such action is necessary to permit reasonable development under the Precise Plan as approved. If the modification hearing is conducted by the commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Sections 21.34.140(d) and 21.34.140(e).

21.34.170 Failure to give notice. Failure to give notice in the manner herein prescribed shall have no effect upon any proceeding before the commission or the council.

INTRODUCED this 18th day of January, 2006.

PASSED, APPROVED, AND ADOPTED this 1st day of February, 2006.

Benjamin "Frank" Venti
Mayor of the City of Monterey Park, California

ATTEST:

CITY CLERK OF THE CITY OF
MONTEREY PARK, CALIFORNIA

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF MONTEREY PARK)

I, DAVID M. BARRON, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. _____ was introduced, and placed upon its first reading at a meeting of the City Council of the City of Monterey Park, held on [the 18th day of January, 2006](#). That thereafter on [the 1st day of February, 2006](#), said Ordinance was duly passed, approved and adopted by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

[Dated this 1st day of February, 2006.](#)

David M. Barron
City Clerk of the City of Monterey Park, California