

**CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA**

REGULAR MEETING

**Monterey Park City Hall Council Chambers
320 West Newmark Avenue
Monterey Park, CA 91754**

**TUESDAY
SEPTEMBER 23, 2014
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Staff reports, writings, or other materials related to an item on this Agenda, which are distributed to the Planning Commission less than 72 hours before this scheduled meeting are available for public inspection in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours. Such staff reports, writings, or other materials are also on the City's website subject to staff's ability to post the materials before the meeting. The City's website is located at <http://ci.monterey-park.ca.us/home/index.asp>. Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Community and Economic Development Department – Planning Division and are available for public inspection during regular business hours.

PUBLIC COMMENTS ON AGENDA ITEMS

For members of the public wishing to address the Planning Commission regarding any item on this Agenda, including Oral Communications, please fill out a speaker card and return it to Planning staff before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Chairperson, as confirmed by the Planning Commission, may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the Community and Economic Development Department twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

CALL TO ORDER – Chairperson Larry Sullivan

ROLL CALL – Commissioners Choi, Hamner, Garcia and Lam

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES – None

[1.] PUBLIC HEARINGS

None

[2.] UNFINISHED BUSINESS

None

[3.] NEW BUSINESS

1-A. CONDITIONAL USE PERMIT – 1790 WEST GARVEY AVENUE SUITE A (CU-14-03)

The applicant, Bin Yang and Liang Ge, are requesting approval to allow on-sale beer and wine (Type 41) in conjunction with a retail eating establishment (Seoraksan Charcoal Chinese BBQ) at 1790 West Garvey Avenue Suite A in the N-S (Neighborhood Shopping) Zone.

The Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines § 15301 (Existing Facilities).

It is recommended that the Planning Commission consider taking the following actions:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CU-14-03), subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

[4.] COMMISSION COMMUNICATIONS AND MATTERS

[5.] CLOSED SESSION

ADJOURN

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: September 23, 2014

AGENDA ITEM NO: 1-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-14-03) to permit on-sale beer and wine in conjunction with a bona fide retail eating establishment – 1790 West Garvey Avenue Suite A.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-14-03) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Bin Yang and Liang Ge, on behalf of the property owner, are requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41) in conjunction with a retail eating establishment (Seoraksan Charcoal Chinese BBQ) at 1790 West Garvey Avenue Suite A. The property is zoned N-S (Neighborhood Shopping) and is designated Commercial in the General Plan. The subject property is located on the southwest corner of West Garvey Avenue and Casuda Canyon Drive. The lot is 23,960 square feet in size, and is improved with a 7,872 square foot one-story, multi-tenant commercial building. The existing commercial complex includes 8 commercial spaces on the ground floor level with accessory storage areas. The building is placed towards the rear of the property with parking and related landscaping in the front. The building has a total height of 19 feet to the highest point at the front of the building. The commercial center was originally approved as an 8 unit commercial center. The project site has 35 parking stalls located at grade. To the north is the City of Alhambra (Multi-Family Residential), to the south and east are Multi-Family Residential properties, and to the west is a commercially zoned property.

According to the floor plan, the subject unit is 1,678 square feet. The dining area is comprised of 7 fixed tables and 7 fixed booths. The remaining area includes the kitchen, service area, restrooms, and a reception area. The restaurant will serve lunch and

dinner. The business hours of operation will be Sunday through Thursday from 11:00 a.m. to 10:30 p.m., and Friday and Saturday from 11:00 a.m. to 11:30 p.m. The meal and alcohol service hours will be Sunday through Thursday from 11:00 a.m. to 9:30 p.m., and Friday and Saturday 11:00 a.m. to 10:30 p.m. Serving alcoholic beverages will complement the restaurant's meals. No separate bar area is indicated on the floor plan of the restaurant, nor is any entertainment proposed for the business. On-site parking is located at grade adjacent to the building with ingress and egress provided at two separate driveways accessible from Garvey Avenue and Casuda Canyon Drive.

Based on a population of 1,061 in the census tract, the Department of Alcoholic Beverage Control (ABC) allows 2 on-sale licenses in this census tract and currently licenses 3 establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN). Issuing a PCN is contingent upon the Planning Commission granting a conditional use permit ("CUP"). As an eating establishment, ABC assumes this responsibility and no action is required of the City in this regard other than as specified in the Monterey Park Municipal Code ("MPMC"). Based on Staff's discussion with ABC, if the CUP is approved by the City, and because this is a bona fide eating establishment, ABC will issue the PCN as a matter of routine.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. Staff conducted a site inspection and found that the subject property has adequate exterior lighting attached to the front of the building walls and parking lot area. The existing exterior lights provide adequate lighting without disturbing the adjacent properties.

The Police Department has included condition numbers 18 through 26 in the Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol must be served along with food only.

This application is for a Type 41 on-sale license for the serving of beer and wine in conjunction with a bona fide public eating place. The applicant has clearly stated that it does not wish to provide entertainment uses. However, if a request were to be submitted at any future date, the applicant would have to request a modification to the CUP.

OTHER ITEMS:

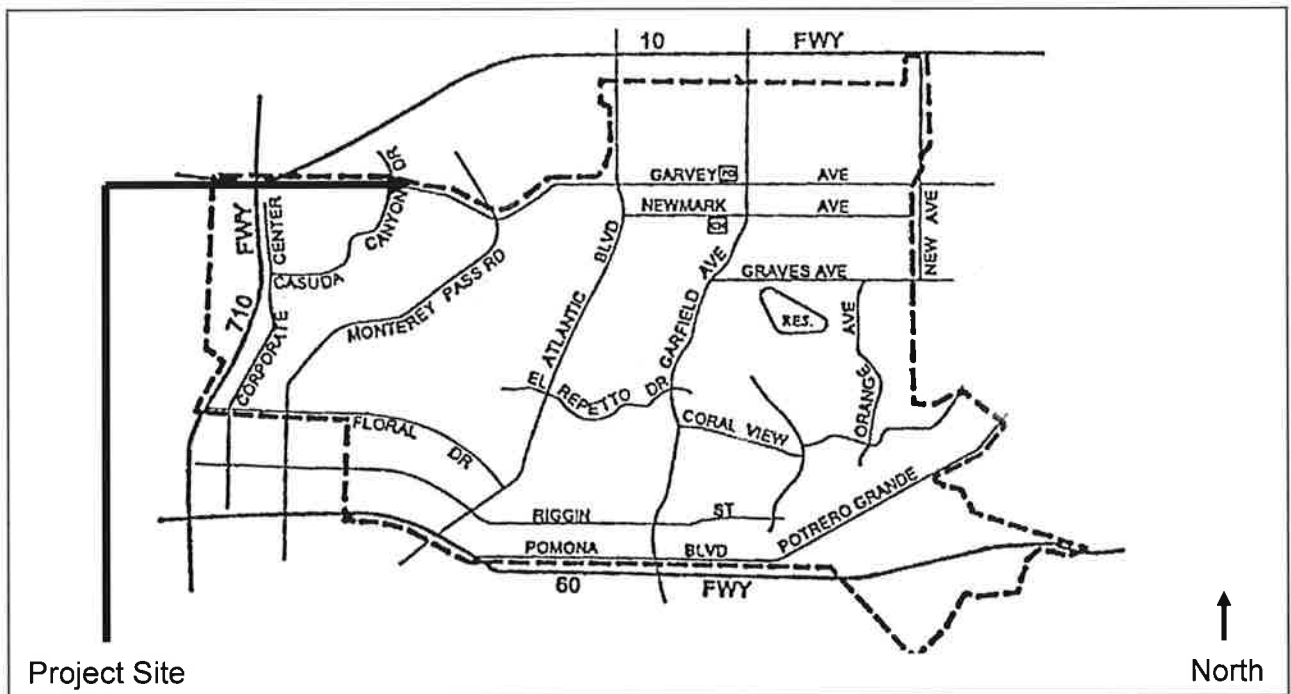
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **September 10, 2014**, with affidavits of posting on file. The legal notice of this hearing was mailed to property owners within a 300 foot radius and current tenants of the property concerned on **September 10, 2014**.

Environmental Assessment

This project was determined to be a Class 1 (Existing Facilities) Categorical Exemption pursuant to CEQA Guidelines § 15301.

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

No fiscal impacts.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site, floor, and elevation plans

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CU-14-03) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING ESTABLISHMENT AT 1790 WEST GARVEY 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 12, 2014, Bin Yang and Liang Ge, on behalf of the property owner, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.30.020, requesting approval of Conditional Use Permit (CU-14-03) to permit on-sale alcoholic beverages (beer and wine) in conjunction with a bona fide public eating establishment at 1790 West Garvey Avenue, ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines") and determined the proposed project to be exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines which is a Class 1 (Existing Facilities) Categorical Exemption;
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for September 23, 2014; notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On September 23, 2014, 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 Steven Chen; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its September 23, 2014 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

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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 serve beer and wine in conjunction with a retail eating establishment;
- B. 1790 West Garvey Avenue is zoned N-S (Neighborhood-Shopping) and designated Commercial (C) in the General Plan;
- C. The Project property is located on the southwest corner of West Garvey Avenue and Casuda Canyon Drive. To the north is the City of Alhambra (Multi-Family Residential), to the south and east are Multi-Family Residential properties, and to the west is a commercially zoned property. The site is accessible from West Garvey Avenue, a 100 foot wide right-of-way minor arterial street and Casuda Canyon Drive, a 60 foot wide right-of-way collector street.; and
- D. The Project property is 23,960 square feet (0.55 acre) in area and is currently developed with a one-story, multi-tenant commercial building. There are 35 parking spaces provided on the property. The nearest highway is the Interstate 10 Freeway located approximately less than a half-mile north of the subject property. The Institute of Transportation Engineers does not distinguish a difference between the classification of restaurants and restaurants with alcohol sales in the trip generation report, which indicates that trip generation is not significantly affected by the on-sale of alcoholic beverage uses. No changes are proposed to the existing layout as part of the proposed use. The properties to the west are permitted to have a retail eating establishment use and to apply for a conditional use permit for on-sale beer and wine in conjunction with a bona fide public eating establishment. Furthermore, staff conducted a site inspection and found that the subject property has adequate exterior lighting attached to the front building walls and the parking lot area.

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 §§ 15301 (Existing Facilities).

SECTION 4: *Conditional Use Permit Findings.* Pursuant to MPMC §§ 21.10.030 (B) and 21.32.020, the Planning Commission finds as follows:

- 1. That the proposed use complies with all requirements as set forth for the issuance of a conditional use permit.

The proposed use complies with all requirements for the issuance of the conditional use permit. First, the site is adequate in size, shape and topography for the proposed use because the proposed use is the addition of beer and wine sales to an existing

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restaurant. No changes are proposed to the site. Second, the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The proposed use is not expected to significantly increase traffic. Third, the proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as regional shopping demand. The proposed use is the addition of beer and wine sales to accompany meals at an existing retail eating establishment. On-sale alcoholic beverage sales are permitted in the N-S (Neighborhood Shopping) Zone with Conditional Use Permit approval. Fourth, the proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

2. That the proposed use will not present problems, including, but not limited to, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed use is the addition of on-sale beer and wine in conjunction with an existing restaurant. The property is improved with a 7,872 square foot one-story, multi-tenant commercial building. On-sale of alcoholic beverage uses is permitted with a conditional use permit.

3. That the proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

The subject property is zoned N-S (Neighborhood Shopping). A retail eating establishment is a permitted principle use in the N-S Zone. Surrounding properties include N-S zoned lots to the west, R-2 zoned lots to the south and east, and the City of Alhambra to the north. The suitability of any nearby commercial-zoned properties for commercial use will remain the same.

4. The use does not adversely affect the welfare of area residents or result in undue concentration in the neighborhood of establishments dispensing alcoholic beverages including beer and wine.

Based on a population of 1,061 in the census tract, the Department of Alcoholic Beverage Control (ABC) allows 2 on-sale licenses in the tract and currently licenses 3

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establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN) which is determined by the Department of ABC.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. The existing exterior lights provide adequate lighting without disturbing the adjacent properties. The Police Department has included conditions numbers 18 through 26 in the Resolution to address security and alarm requirements.

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 Conditional Use Permit (CU-14-03).

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.

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

SECTION 10: A copy of this Resolution will be mailed to Bin Yang and Liang Ge and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 23rd day of September 2014.

Larry Sullivan, Chairperson

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 9th day of September 2014, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

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

By: _____
Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

220 WEST GARVEY AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Richard Wong and Lily Chung Leong Wong, agree that they will comply with the following conditions of approval for Conditional Use Permit (CU-14-03) ("Project Conditions").

PLANNING:

1. Richard Wong and Lily Chung Wong (the "Property Owner"), 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 CU-14-03 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 CU-14-03, 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 conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a year extension 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.
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.

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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.
6. Building permits are required for any interior tenant improvements.
7. Landscaping/irrigation must be installed and maintained in good condition at all times.
8. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
9. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.
10. A copy of the Conditions of Approval for the Conditional Use Permit must be kept on the premises of the establishment and presented to any authorized City official upon request.
11. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
12. The applicant/owner of the establishment must comply with all applicable law. The applicant must obtain and maintain a valid Alcoholic Beverage License for On-Sale Beer and Wine – Eating Place. All conditions of the Alcoholic Beverage Control license must be maintained at all times and failure to do so will be grounds for revocation.
13. The service of alcohol is intended for consumption with food service only. Therefore, no separate bar area is permitted.
14. No entertainment uses including, without limitation, karaoke, dancing, or live music, are permitted at this location unless a modification to the Conditional Use Permit is approved for such use.
15. The restaurant business hours of operation will be from 11:00 a.m. to 10:30 p.m. Sunday through Monday and 11:00 a.m. to 11:30 p.m. Friday through Saturday.
16. The alcohol service hours will be from 11:00 a.m. to 9:30 p.m. Sunday through Monday and 11:00 a.m. to 10:30 p.m. Friday through Saturday.

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LICENSING:

17. Additional business license tax must be paid upon approval of license from Alcoholic Beverage Control (ABC) pursuant to MPMC § 5.12.230 (29)(B).

POLICE:

18. The sale of alcoholic beverages for consumption off the premise is prohibited.
19. Food service is required at all hours that the establishment is open for business.
20. The restaurant must have security video cameras operating during all hours that the business is open. All cameras must record onto a videotape or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, all areas of the cash register/cashier and all areas where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.
21. All conditions of the Alcoholic Beverage Control Board must be adhered at all times.
22. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
23. The manager/owner is responsible for maintaining the property free of litter and graffiti.
24. Three or more violations of applicable law including, without limitation, these conditions within a one year period (as calculated starting on September 9, 2014 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
25. The restaurant must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police Department of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The restaurant manager/owner must obtain an alarm permit from the Monterey Park

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Police Department. The permit be my obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.

26. If the establishment is open for business past midnight (12:01 a.m.), the restaurant will employ one licensed security guard to remain on the premises during the hours of 6:00 p.m. to closing. The security guard will cooperate with the Police Department in any official police investigations or other related matters. If at any time, the Chief of Police deems that the security guard/company is inadequate, the Chief may require the owner to retain additional security guards or a new security company. If such a situation arises, the Chief of Police must notify the restaurant owner/manager in writing and the manager/owner will 7 business days to make the necessary changes.

By signing this document, Richard Wong and Lily Chung Leong Wong, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Richard Wong and Lily Chung Leong Wong, Applicants

EXHIBIT B

Site, floor, and elevation plans