

**CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA**

REGULAR MEETING

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

**TUESDAY
OCTOBER 28, 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. TENTATIVE MAP NO. 072544 – 2015 POTRERO GRANDE DRIVE (TM-14-01)

The applicant, Olson Urban Housing, LLC, is requesting approval of a tentative map for the subdivision of air rights as the development of an 80-unit residential housing development at 2015 Potrero Grande Drive in the 2015 Potrero Grande Specific Plan.

This Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development). The project consists of the division of property in an urbanized area that is zoned for residential use into four or fewer parcels. The project conforms to the General Plan because, according to the Land Use Element, the Medium Density Residential land use category provides for moderate density housing either as attached or detached units at a density range of 0 to 16 units per acre. The project is the subdivision of air rights to establish and maintain an 80-unit condominium development. The project is consistent with the 2015 Potrero Grande Drive Specific Plan. No variances or exceptions are required for this project, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

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 attached Resolution approving Tentative Map No. 072544 (TM-14-01), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

1-B. CONDITIONAL USE PERMIT – 301 N. GARFIELD AVENUE, SUITE D (CU-14-05)

The applicant, Dongxiao Ou, is requesting approval to allow on-sale beer and wine (Type 41) in conjunction with a retail eating establishment (Yunnan Impressions, Inc.) at 301 N. Garfield Avenue Suite D in the C-B, P-D (Central Business, Planned Development) 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-14-05), 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	
-----------------------	---



Planning Commission Staff Report

DATE: October 28, 2014

AGENDA ITEM NO: 1-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Public Hearing regarding Tentative Map No. 072544 to subdivide air rights to establish and maintain an 80-unit condominium project within the 2015 Potrero Grande Specific Plan.

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 attached Resolution approving Tentative Map No. 072544 (TM-14-01), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Olson Urban Housing, LLC, is requesting approval of a Tentative Map for the subdivision of air rights as part of the development of an 80-unit residential housing development at 2015 Potrero Grande Drive.

BACKGROUND:

On January 23, 2014, the Planning Commission adopted Resolution No. 01-14 recommending approval of General Plan Amendment (GPA-13-02) and Specific Plan (SP-13-02) to the City Council. The General Plan Amendment changed the land use designation from Commercial to Medium Density Residential. The Specific Plan allowed for several distinct development standards, including density, setbacks, parking, and open space. On February 19, 2014, the City Council adopted Ordinance No. 2104 adopting General Plan Amendment (GPA-13-02) and 2015 Potrero Grande Specific Plan (SP-13-02). On June 3, 2014, voters approved the Potrero Grande Drive Initiative and, effective July 16, 2014, Ordinance No. 2108 was ratified approving the General Plan Amendment and Zone Change.

PROPERTY DESCRIPTION:

The subject property is located on the north side of Potrero Grande Drive, one lot east of the northeast corner of Potrero Grande Drive and Saturn Street. The property is located within the 2015 Potrero Grande Specific Plan and the General Plan designation is Medium Density Residential. The lot is 398,574 square feet (9.15 acres) in area and is currently developed with a plant nursery. The lot is accessible from Potrero Grande Drive, a principal arterial with a width ranging from 84 to 100 feet curb-to-curb within a 100- to 120-foot right-of-way. This street section typically provides for a four-lane divided roadway. North of the property are R-1 (Single-Family Residential) zoned lots and Southern California Edison right-of-way, south are Potrero Grande Drive, Southern California Edison property and Resurrection Cemetery in the City of Montebello, west are an O-P (Office Professional) zoned lot, Southern California Edison right-of-way, and a 50-foot wide water easement, and east are C-S (Commercial Services) zoned lots and a public storage facility.

PROJECT DESCRIPTION:

Per the standards established within the 2015 Potrero Grande Drive Specific Plan, a building density of 1 unit per 4,982 square feet applies to the subject property. All existing structures on the property will be demolished and replaced by 80 new detached condominium units. The property will remain as one lot. Under California law, a tentative map is required to allow for the subdivision of air space for separate ownership of each of the units.

The proposed project includes 40 detached single-family dwellings and 40 motor court units. Five plan types are proposed. Plan 1 will be 1,594 square feet, 2-stories, and 3 bedroom units. Plan 2 will be 1,692 square feet, 2-stories, and 3 bedroom units. Plan 3 will be 1,789 square feet, 2-stories, and 4 bedroom units. Plan 4 will be 1,727 square feet, 2-stories, and 3 bedroom units. Plan 5 will be 1,985 square feet, 2-stories, and 4 bedroom units. Plan 6 will be 2,161 square feet, 2-stories, and 4 bedrooms units.

The Specific Plan allows for a reduced rear yard setback of 15 feet for five units located at the northwest corner of the property. Each dwelling unit will include a two-car garage and two guest parking spaces to be located on the driveway in front of the garage. According to MPMC § 21.22.050, the parking requirement is a two-car garage plus one guest parking space per unit. The Specific Plan allows the guest parking to be provided on the driveway and along the curbside instead of providing separate stripped guest parking spaces designated for guest parking. The project includes a 36 feet wide private driveway (internal streets), which will allow for the curb side parking. Each unit will have between 390 to 500 square feet of private open space. The common open space area will be maintained by a Homeowner's Association (HOA) established through covenants, conditions and restrictions ("CC&Rs") that must be approved by the City and recorded against the property.

The City will have an easement over the internal circulation system for access and maintenance of facilities which will be maintained by the City. The City easement will

also be utilized for emergency services and solid waste collection. The HOA will maintain the on-site storm drain, lighting, and landscape and irrigation systems located on the common lots as defined by the tentative map. Private areas to be maintained by the Homeowner include areas located behind fences and walls. The front yard areas which are open to the street are to be HOA maintained. Any revisions to front yard landscaping must be approved by the HOA.

This proposal will allow for the subdivision of air rights for condominium purposes only. The proposed project is designed according the standards established in the 2015 Potrero Grande Specific Plan and Medium Density Residential General Plan land use and is consistent with the Subdivision Map Act and Title 20 of the Monterey Park Municipal Code. The project design must be approved by the Design Review Board.

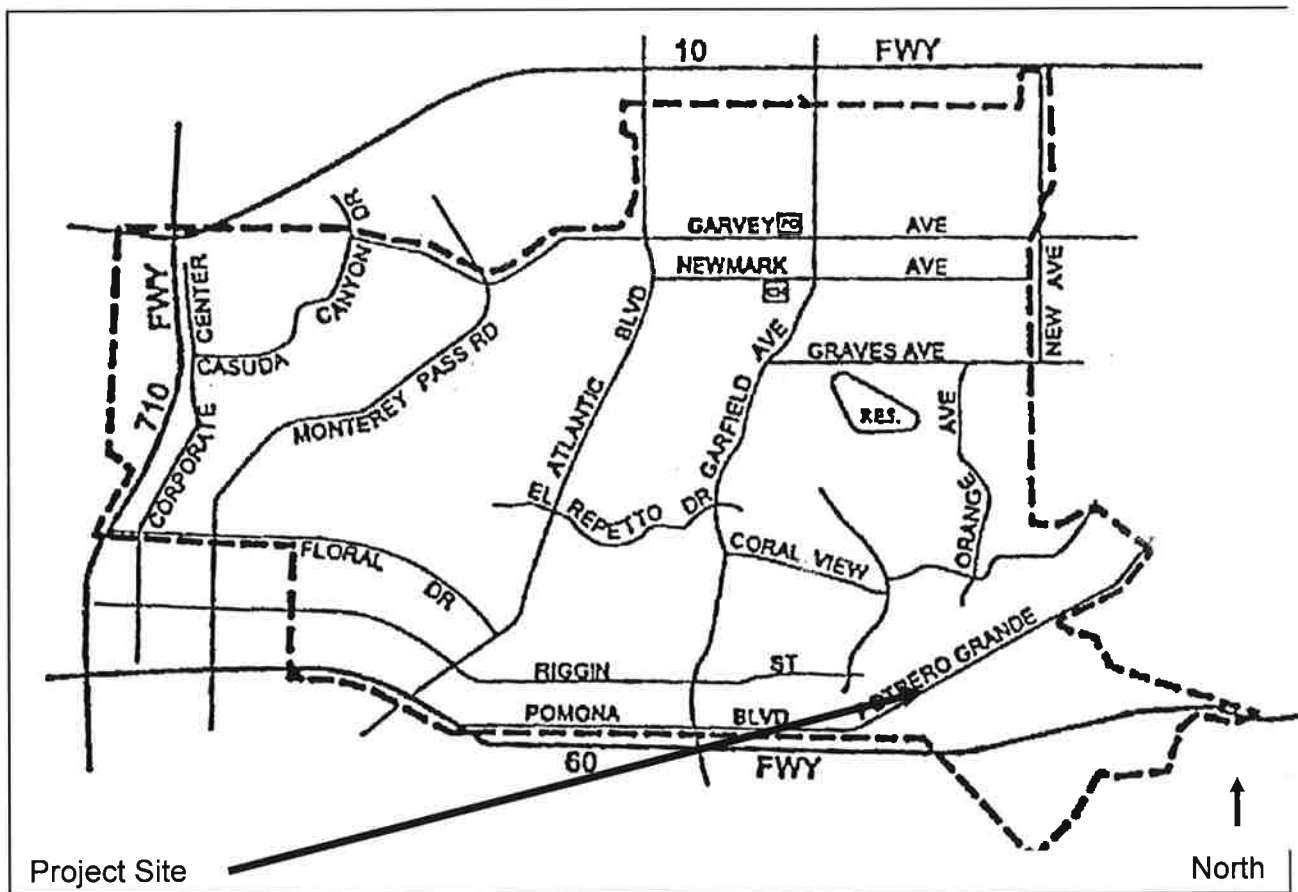
LEGAL NOTIFICATION:

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **September 25, 2014** and published in the Wave on **October 2, 2014**, with affidavits of posting on file. The legal notice of this hearing was mailed to **9** property owners within a 300 feet radius and current tenants of the property concerned on **September 25, 2014**.

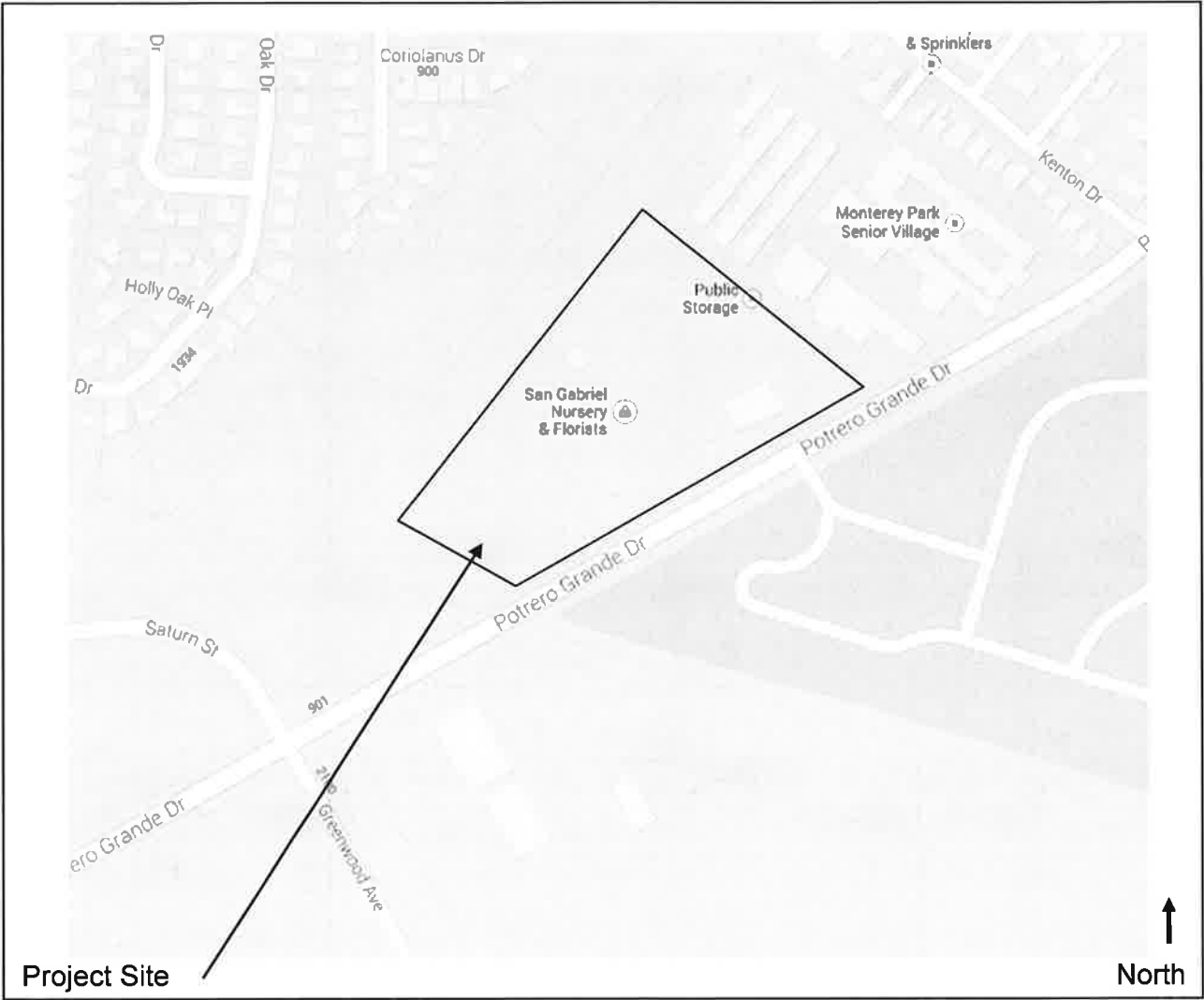
ENVIRONMENTAL ASSESSMENT:

This Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development). The project consists of the division of property in an urbanized area that is zoned for residential use into four or fewer parcels. The project conforms to the General Plan because, according to the Land Use Element, the Medium Density Residential land use category provides for moderate density housing either as attached or detached units at a density range of 0 to 16 units per acre. The project is the subdivision of air rights to establish and maintain an 80-unit condominium development. The project is consistent with the 2015 Potrero Grande Drive Specific Plan. No variances or exceptions are required for this project, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

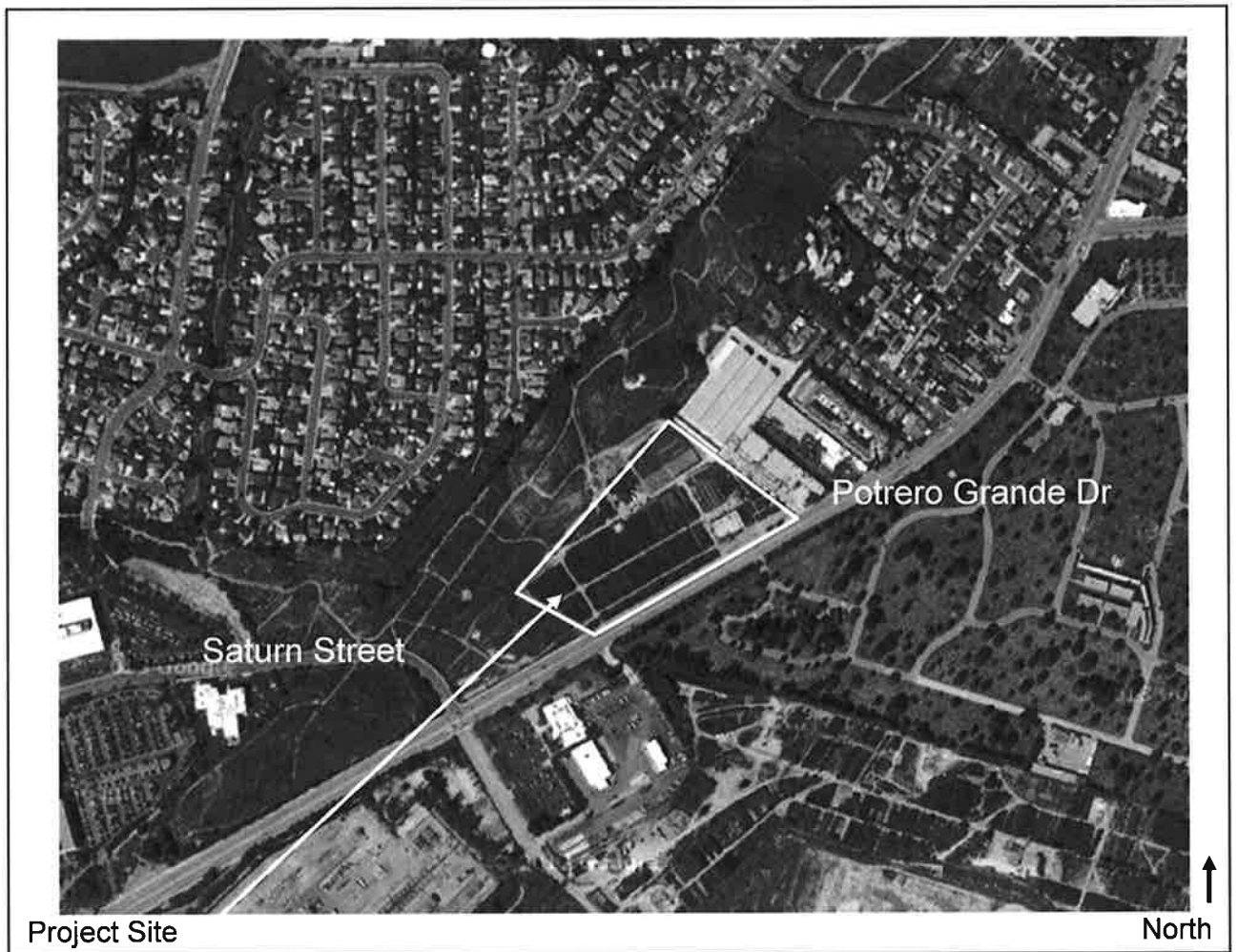
VICINITY MAP:



STREET MAP:



AERIAL MAP:



ALTERNATIVE COMMISSION CONSIDERATIONS:

None recommended.

FISCAL IMPACT:

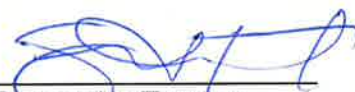
No identifiable fiscal impacts.

Respectfully submitted,



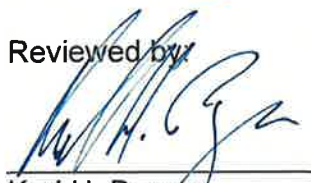
Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Tentative Map No. 072544
- Exhibit C: Site, floor, and elevation plans

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 072544 (TM-14-01) TO SUBDIVIDE AIR RIGHTS FOR AN 80-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 2015 POTRERO GRANDE DRIVE

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

SECTION 1: The Planning Commission finds and declares that:

- A. On August 20, 2014, Olson Urban Housing, LLC., submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC"), requesting approval of Tentative Map No. 072544 (TM-14-01) to subdivide air rights to establish and maintain an 80-unit condominium project at 2015 Potrero Grande Drive ("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 October 28, 2014. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On October 28, 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 Olson Urban Housing, LLC.; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its October 28, 2014 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 80 new detached residential dwelling units and subdivide the air rights for condominium purposes;
- B. 2015 Potrero Grande Drive is located within the 2015 Potrero Grande Specific Plan area and designated Medium Density Residential in the General Plan;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 4**

- C. The subject property is located on the north side of Potrero Grande Drive, one lot east of the northeast corner of Potrero Grande Drive and Saturn Street. North of the property are R-1 (Single-Family Residential) zoned lots and Southern California Edison right-of-way, south are Potrero Grande Drive, Southern California Edison property and Resurrection Cemetery in the City of Montebello, west are an O-P (Office Professional) zoned lot, Southern California Edison right-of-way, and a 50-foot wide water easement, and east are C-S (Commercial Services) zoned lots and a public storage facility;
- D. The lot is 398,574 square feet (9.15 acres) in area and is currently developed with a plant nursery.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development). The project consists of the division of property in an urbanized area that is zoned for residential use into four or fewer parcels. The project conforms to the General Plan because, according to the Land Use Element, the Medium Density Residential land use provides for moderate density housing either as attached or detached units at a density range of 0 to 16 units per acre. The project is the subdivision of air rights to establish and maintain an 80-unit condominium development. The project is consistent with the 2015 Potrero Grande Specific Plan. No variances or exceptions are required for this project, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

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

1. The proposed map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The proposed Tentative Map is consistent with the General Plan in that the subject property is proposed to be developed at a maximum density of 9 dwelling units per acre, which will not exceed the maximum allowed standard of 16 dwelling units per acre for medium density residential uses. The lot is accessible from Potrero Grande Drive, a principal arterial with a width ranging from 84 to 100 feet curb-to-curb within a 100- to 120-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development.
2. 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 an 80-unit condominium project, which is compatible with the medium density housing either attached or detached allowed in the medium density residential category.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 4**

3. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 398,574 square feet (9.15 acres) and adequate in size to accommodate an 80-unit condominium project because within the 2015 Potrero Grande Specific Plan area, one dwelling unit is allowed for every 4,982 square feet of lot area.
4. 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.
5. 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.
6. 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 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. 072544 (TM-14-01).

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

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 4**

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 Olson Urban Housing LLC 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 28th day of October 2014.

Chairperson Larry Sullivan

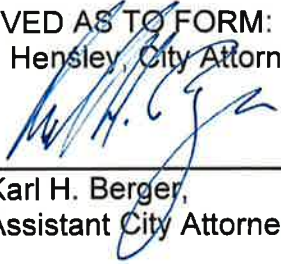
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 28th day of October 2014, by the following vote of the Planning Commission:

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

2015 POTRERO GRANDE DRIVE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Olson Urban Housing, LLC agrees that he will comply with the following provisions as conditions for the City of Monterey Park's approval of Tentative Map No. 072544 (TM-14-01) ("Project Conditions").

PLANNING:

1. Olson Urban Housing, LLC (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-14-01 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-14-01, 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 Division. 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 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.
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.

**PLANNING COMMISSION
RESOLUTION NO.**

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. The real property subject to TM-14-01 must remain well-maintained and free of graffiti.
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.

BUILDING:

11. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
12. A valid building permit does not allow excavations to encroach into adjacent property. Requirements for protection of adjacent property are defined in Civil Code § 832.
13. 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.
14. A soils and geology report is required as part of plan check submittal.
15. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
16. 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:

17. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," 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

**PLANNING COMMISSION
RESOLUTION NO.**

Construction Activity Storm Water” Permit, and the City of Monterey Park will condition the issuance of the grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. 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, prior to the issuance of a building or grading permit.

18. The applicant must record the Final Map after the City Council approves the final map and the City Council accepts any applicable bonds or agreements.
19. 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.
20. The developer/owner is responsible for paying all applicable City development impact fees as required by the MPMC.
21. Covenants Conditions & Restrictions (“CC&Rs”) conforming to these conditions of approval must be filed the Public Works Director, or designee, for approval. The CC&Rs must be approved as to form by the City Attorney; the applicant must pay for all costs associated with such review. A copy of the approved recorded CC&Rs must be submitted before final inspection and clearance of the building permit.
22. 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.
23. San Gabriel Valley Water Company governs the water lines that feed to the project site. Contact the agency for additional requirements. A water plan must be submitted for review and approval from both San Gabriel Valley Water Company and the Public Works Director, or designee. Title block shown on the plans must include approval signature blocks for both agencies. All comments and surveys by San Gabriel Valley Water Company must be completed before the approval of the grading and drainage plan.
24. 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 unless approval is granted by the City Engineer. 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.
25. 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

**PLANNING COMMISSION
RESOLUTION NO.**

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.

26. 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. The City Engineer must approve all plans for such design and construction before the Public Works Director, or designee, approves grading and drainage plans.
27. The applicant must prepare a street lighting/photometric plan for review and approval by the City Engineer. Streetlights must be installed along the frontage of the project site. The plans must be designed using Los Angeles County standards.
28. The applicant must provide a street improvement plan for Potrero Grande Drive up to the street centerline. The street improvement must consist of pavement grinding and rubberized asphalt overlay and may require localized pavement repairs depending on the conditions of the streets. The new curb and gutter, main entry driveway, 5-foot wide sidewalk and 5-foot wide parkway must be constructed with landscape and irrigation. The improvements must be along the entire property frontage must be approved by the City Engineer.
29. The applicant must prepare landscaping and irrigation plans and all parkway tree types must be reviewed and approved by the Recreation and Community Services Director, or designee.
30. 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 the applicant must enter into a public improvement agreement, in a form approved by the City Attorney that is secured by an appropriate surety before a final map may be approved by the City Council.
31. All electric, telephone and cable TV utility services must be installed fully underground and in accordance with City standards. A utility plan must be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
32. The applicant must provide a Wastewater Study for existing wastewater contributory flow and sewer connection. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit in accordance with the provisions of Chapter 14.06 of the Monterey Park Municipal Code.

**PLANNING COMMISSION
RESOLUTION NO.**

33. Construct ADA Compliant wheelchair ramp(s) in proposed curb returns at main driveway entrance to site.
34. The grading and drainage plan must be submitted by the first plan check and must incorporate all pertinent site development comments from the approved geotechnical report. The removals of any onsite pesticide contaminated soil must be included as part of the grading and drainage plan for the site.
35. The Tentative Map must incorporate the adopted conditions of approval and any specific criteria noted by the City Engineer. The tentative map must also show existing drainage patterns of all properties adjacent to the site, including relevant topographic elevations from the adjacent properties.

FIRE:

36. The applicant must submit plans to the Fire Chief, or designee, for approval before the City issues a building permit.
37. The applicant must provide a minimum unobstructed driveway width of 20 feet, except for approved security gates in the accordance with California Fire Code (CFC) § 503.6, as adopted by the Monterey Park Municipal Code (MPMC), and an unobstructed vertical clearance "clear to sky" for Fire Department vehicular access to within 150 feet of all portions of the exterior building walls according to CFC § 503.2.1, as adopted by the MPMC.
38. Dead-end fire apparatus access roads exceeding 150 feet in length must be provided with an approved Fire Department turnaround according to CFC § 503.2.5, as adopted by the MPMC.
39. Fire Department vehicular access roads must be installed and maintained in a serviceable manner before and during the time of construction according to CFC § 501.4, as adopted by the MPMC.
40. A minimum 5 foot wide firefighter access walkway leading from the fire apparatus access road to the building exterior openings must be provided for fire fighting and recue purposes according to CFC § 504.1, as adopted by the MPMC.
41. When security gates are provided, maintain a minimum access width of 20 feet. The security gate must be provided with an approved means of emergency operations, and must be maintained operational at all times. Electric gate operators, where provided, must be listed in accordance with Underwriters Laboratories (UL) 325 standard. Gates intended for automatic operation must be designed, constructed and installed to comply with the requirements of ASTM F220 per CFC § 503.6, as adopted by the MPMC.

**PLANNING COMMISSION
RESOLUTION NO.**

42. Manual and electrically operated gates and barriers must have a weather resistant Knox-key box and/or Knox-key switch per CFC § 506, as adopted by the MPMC.
43. Provide approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE. Signs must be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof per CFC § 503.3, as adopted by the MPMC.
44. The Fire Department vehicular access roads must be hardscaped for all weather access in according with the All Weather Access Requirements per CFC § 503.2.3, as adopted by the MPMC. The applicant must provide written proof that any new roadway meets the 80,000 pound all weather requirement.
45. The Fire Department vehicular access roads must be installed and maintained in a serviceable manner before and during the time of construction per CFC § 501.4, as adopted by the MPMC.
46. The fire apparatus access road must be identified with approved signs. Temporary signs must be installed at each street intersection when construction of new roadway allows passage by vehicles. Signs must be an approved size, weather resistant and be maintained until replaced by permanent signs per CFC § 505.2, as adopted by the MPMC.
47. The required fire flow from fire hydrants at this location is based on the type of construction and occupancy classification per CFC Table B105. Plan submittal must include fire flow test data to be obtained within one year of the submittal date per CFC Table B105.
48. The applicant must show all existing public fire hydrants within 250 feet of the lot frontage on both sides of the street. The applicant must specify the size of the fire hydrant(s) and dimensions to the property lines. Additional fire hydrant requirements may be necessary after this information is provided per CFC Table B105.
49. All fire hydrants must measure 6 inches by 4 inches by 2 ½ inches, brass or bronze, conforming to American Water Works Association Standard C53, or approved equal per CFC § 507.5, as adopted by the MPMC.
50. Approved numbers or addresses must be placed on the front elevation of all new or existing buildings in such a position that is plainly visible and legible from the street or road on which the property is addressed. Addressed must not be located where they have the potential of being obstructed by signs, awnings, vegetation or other building/site elements. Numbers must be a minimum of 4 inches high with a minimum stroke width of 0.5 inch per CFC § 505 and CBC § 501.2, both as adopted by the MPMC.

**PLANNING COMMISSION
RESOLUTION NO.**

51. If all building addresses are not clearly visible or legible from the public road serving the structures, an address monument must be provided at the entry points to the site indicating the range of addressed accessible from that entrance per CFC § 505, as adopted by the MPMC.
52. Provide an approved automatic fire sprinkler system as set forth by CFC § 903 and 907, as adopted by the MPMC.

POLICE:

53. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
54. 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.
55. 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.
56. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.
57. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
58. All common open areas must be well lit during the hours of darkness.
59. Signs must be posted at the guest parking areas and in the driveway leading into the complex.
60. 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, Olson Urban Housing, LLC, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Olson Urban Housing, LLC, Applicant



Planning Commission Staff Report

DATE: October 28, 2014

AGENDA ITEM NO: 1-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-14-05) to permit on-sale beer and wine in conjunction with an existing bona fide retail eating establishment – 301 North Garfield Avenue, Suite D.

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-14-05) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Dongxiao Ou, is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41) in conjunction with an existing retail eating establishment (Yunnan Impressions, Inc., DBA Yunnan Restaurant) at 301 North Garfield Avenue, Suite D. The property is zoned C-B (P-D) (Central Business Commercial, Planned Development) zone and is designated C (Commercial) in the General Plan. To the north is multi-family residential property, to the west is a single-family residential property and to the south and east are commercial properties. The subject property is located on the northwest corner of North Garfield Avenue and Garcelon Avenue. The lot is 32,770 square feet in size and is improved with a 9,488 square foot one-story, multi-tenant commercial building. The existing commercial complex includes 6 commercial spaces on the ground floor level. The building is placed towards the front of the property with parking and related landscaping in the rear. The commercial center was originally approved as an 9 unit commercial building. The project site has 54 parking stalls located at grade.

According to the floor plan, the subject unit is 4,992 square feet. The dining area is comprised of 30 tables and 6 fixed booths. The remaining area includes the kitchen, service area, restrooms, and storage area. The restaurant will continue to serve lunch and dinner while maintaining its current hours of operation, seven days a week from

11:00 a.m. to 9:30 p.m. The alcohol service hours would be seven days a week from 4:30 p.m. to 9:30 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 Garfield Avenue and Garcelon Avenue.

According to the guidelines established by the California Department of Alcoholic Beverage Control (ABC), a total of 2 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 1,061 in the census tract, ABC allows 2 on-sale licenses in this census tract; currently there are 15 licensed 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"). After contacting ABC on August 11, 2014, it is staff's understanding that if the CUP is approved by the City, and because this is a bona fide eating establishment, ABC will issue the PCN as a routine matter.

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-site 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 included condition numbers 20 through 28 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:

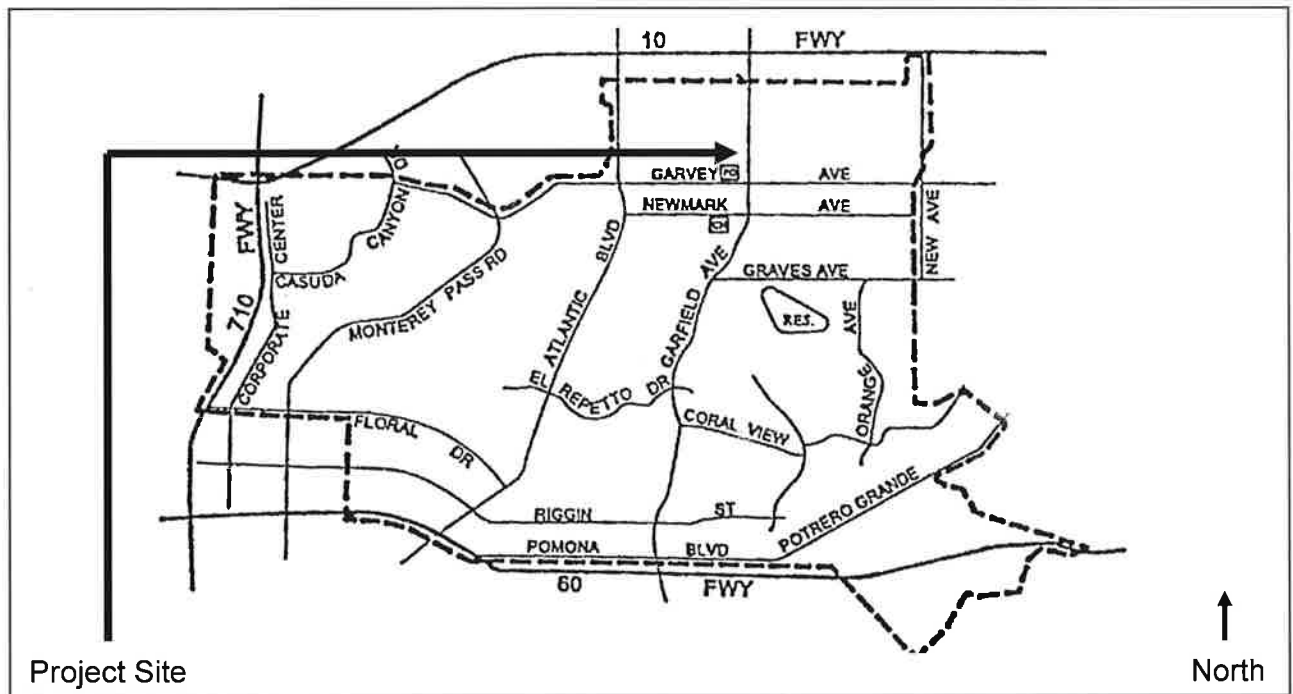
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **October 15, 2014**, with affidavits of posting on file. The legal notice of this hearing was mailed to property owners within a 300 feet radius and current tenants of the property concerned on **October 15, 2014**.

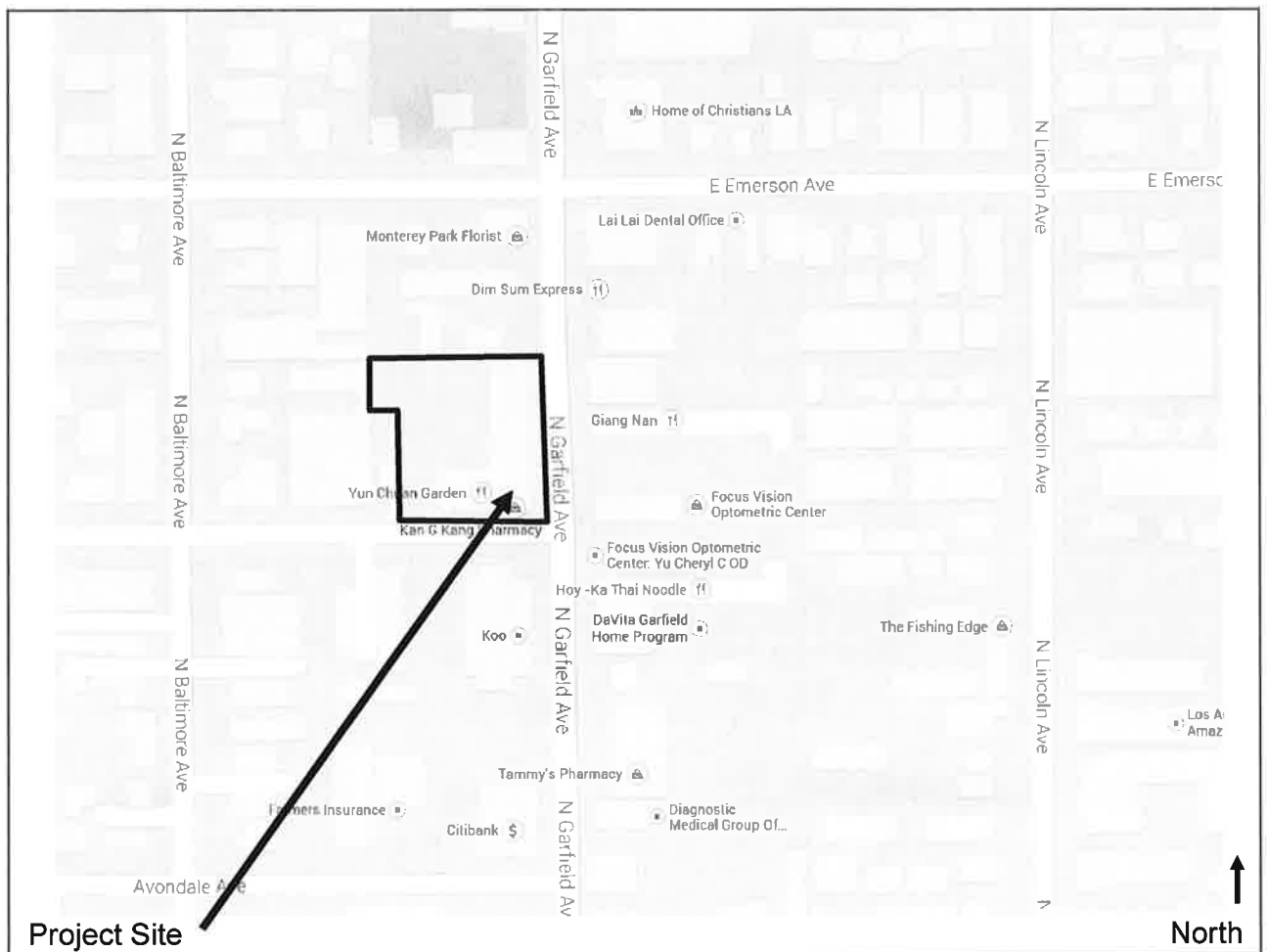
Environmental Assessment

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

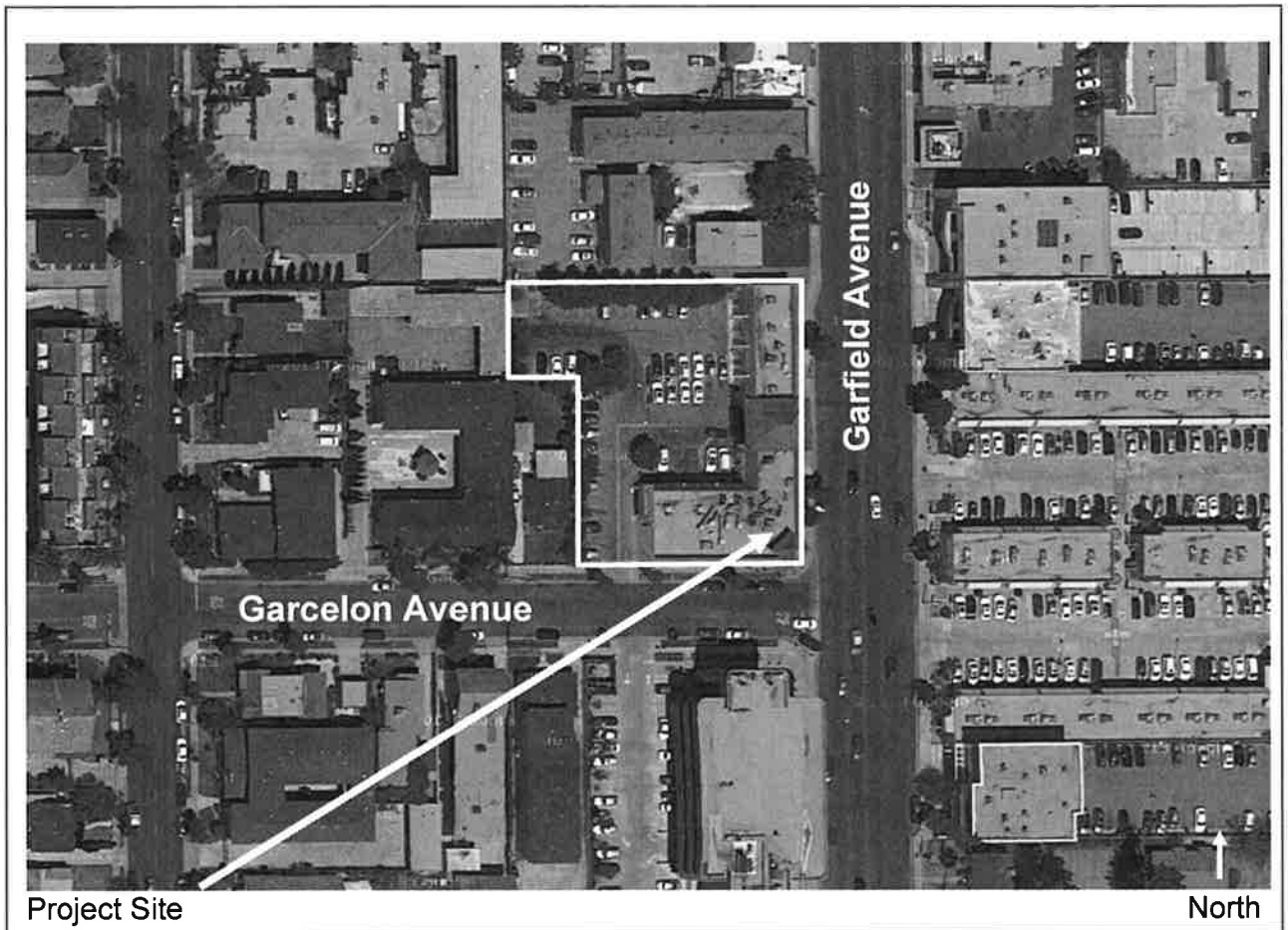
Vicinity Map



Street Map



Aerial Map



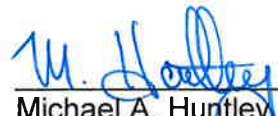
ALTERNATIVE COMMISSION CONSIDERATIONS:

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 and floor plans

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-14-05) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING ESTABLISHMENT AT 301 NORTH GARVEY AVENUE, SUITE D.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On July 23, 2014, Dongxiao Ou submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.30.020, requesting approval of Conditional Use Permit (CUP-14-05) to permit on-sale alcoholic beverages (beer and wine) in conjunction with a bona fide public eating establishment (Yunnan Impressions, Inc., DBA Yunnan Restaurant) at 301 North Garfield Avenue, Suite D ("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 October 28, 2014; notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On October 28, 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 Dongxiao Ou; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its October 28, 2014 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

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

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 an existing retail eating establishment;
- B. 301 North Garfield Avenue is zoned C-B, (P-D) (Central Business Commercial, Planned Development) and designated C (Commercial) in the General Plan;
- C. The Project property is located on the northwest corner of North Garfield Avenue and Garcelon Avenue. To the north is a multi-family residential property, to the west is a single-family residential property and to the south and east are commercial properties; and
- D. The Project property is 32,770 square feet (0.75 acre) in area and is currently developed with a one-story, multi-tenant commercial building. There are 54 parking spaces provided on the property. No changes are proposed to the existing layout as part of the proposed use. 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 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

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

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 C-B, P-D (Central Business Commercial, Planned Development) 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 9,488 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 C-B, P-D (Central Business Commercial, Planned Development). An eating establishment is a permitted principle use in the C-B Zone. Surrounding properties include R-3 zoned lots to the west, C-B zoned lots to the north, south and east. 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.

The applicant's request to add beer and wine sales (Type 41) for on-site consumption in conjunction with the existing eating establishment will enhance the business and will not adversely affect the welfare of area residents since the addition of beer and wine sales, as mentioned, will be incidental to the primary use. According to the guidelines established by the California Department of Alcoholic Beverage Control (ABC), a total of 2 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 1,061 in the census tract, ABC allows 2 on-sale licenses in the tract and currently licenses 15 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.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 5**

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 (CUP-14-05).

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 Dongxiao Ou, Yunnan Impressions Inc. and to any other person requesting a copy.

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

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 28th day of October 2014.

Larry Sullivan, Chairperson

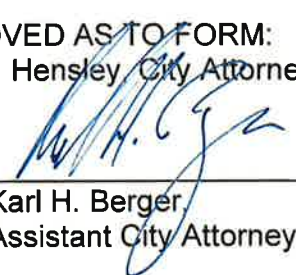
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 28th day of October 2014, by the following vote of the Planning Commission:

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

301 NORTH GARFIELD AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Dongxiao Ou, agrees that he will comply with the following conditions of approval for Conditional Use Permit (CUP-14-05) ("Project Conditions").

PLANNING:

1. Dongxiao Ou (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-14-05 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-14-05, 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.
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.

**PLANNING COMMISSION
RESOLUTION NO.**

6. Building permits are required for any interior tenant improvements.
7. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
8. 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.
9. 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.
10. 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.
11. 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.
12. The service of alcohol is only allowed with the consumption of food. Therefore, no separate bar area is permitted.
13. 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.
14. The restaurant business hours of operation will be seven days a week from 11:00 a.m. to 9:30 p.m.
15. The alcohol service hours will be seven days a week from 4:30 p.m. to 9:30 p.m.
16. The approval is for a bona-fide restaurant with the on-site sale of alcohol (beer and wine). The kitchen must be open and serving food from a full menu that is available to all patrons during all hours of operation in all areas of the establishment. Alcohol must not be served to persons except those intending to purchase meals.
17. Alcoholic beverages must be served in non-disposable containers and distinguishable from containers used for non-alcoholic beverages.

**PLANNING COMMISSION
RESOLUTION NO.**

18. The sale of alcoholic beverages for consumption outside or off the premises must be prohibited. Signs must be posted at all entrances and exits of the premises indicating that the sale of alcoholic beverages for consumption outside or off the premises is prohibited.

LICENSING:

19. 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:

20. The sale of alcoholic beverages for consumption off the premise is prohibited.
21. Food service is required at all hours that the establishment is open for business.
22. 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.
23. All conditions of the Alcoholic Beverage Control Board must be adhered at all times.
24. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
25. The manager/owner is responsible for maintaining the property free of litter and graffiti.
26. Three or more violations of applicable law including, without limitation, these conditions within a one year period (as calculated starting on October 28, 2014 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.

**PLANNING COMMISSION
RESOLUTION NO.**

27. 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 Police Department. The permit be my obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.
28. 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, Dongxiao Ou, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Dongxiao Ou, Applicant