

**CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA**

REGULAR MEETING

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

**TUESDAY
FEBRUARY 9, 2016
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 Rodrigo Garcia

PLEDGE OF ALLEGIANCE

ROLL CALL – Commissioners Choi, Sullivan, Lee, and Leung

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES – October 27, 2015 and January 26, 2016

[1.] CONSENT CALENDAR - None

[2.] UNFINISHED BUSINESS

2-A. CONDITIONAL USE PERMIT – 901 CORPORATE CENTER DRIVE (CU-15-08)

The applicant, Lisa Desmond of Delta Groups Engineering, Inc., on behalf of Verizon Wireless, is requesting a Conditional Use Permit to allow a wireless telecommunication facility at 901 Corporate Center Drive in the C-P (Commercial Professional) Zone.

This project was determined to be a Class 3 (New Construction of Small Structures) Categorical Exemption pursuant to CEQA Guidelines § 15303, in that the proposed project is for the installation of a new roof mounted wireless communication facility.

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 Conditional Use Permit (CU-15-08) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

2-B. CONDITIONAL USE PERMIT – 417 NORTH GARFIELD AVENUE (CU-15-09)

The applicant, Jerry Ambrose of Eukon Group, on behalf of AT&T Wireless, is requesting a Conditional Use Permit to allow a wireless telecommunication facility at 417 North Garfield Avenue in the C-P (Commercial Professional) Zone.

This project was determined to be a Class 3 (New Construction) Categorical Exemption pursuant to CEQA Guidelines § 15303.

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 Conditional Use Permit (CU-15-09) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

[3.] NEW BUSINESS (PUBLIC HEARING)

3-A. CONDITIONAL USE PERMIT – 111 NORTH ATLANTIC BOULEVARD #349 (CU-15-11)

The applicant, Kelvin Yao, is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41) for a public eating place (Private Party Restaurant) at 111 North Atlantic Boulevard #349. The property is zoned R-S (Regional Specialty) Zone.

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 as a Class 1 categorical exemption (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 Conditional Use Permit (CU-15-11) subject to conditions of approval;
and
- (5) Taking such additional, related, action that may be desirable.

[4.] COMMISSION COMMUNICATIONS

[5.] FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION

[6.] STAFF UPDATES

[7.] CLOSED SESSION

ADJOURN

To the next regularly scheduled meeting on February 23, 2016

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: February 9, 2016

AGENDA ITEM NO: 2-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-15-08) to allow a wireless telecommunications facility – 901 Corporate Center Drive.

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 a Resolution approving the requested Conditional Use Permit (CUP-15-08) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Lisa Desmond of Delta Groups Engineering, Inc., on behalf of Verizon Wireless, is requesting a Conditional Use Permit to allow a wireless telecommunication facility on lot 21 of Tract No. 42611, in the City of Monterey Park, as per Map recorded in Book 1012, Page 21 to 27, known as 901 Corporate Center Drive. The property is zoned C-P (Commercial Professional) and is designated C (Commercial) in the General Plan.

Staff believes that the proposed project is consistent with the requirements and standards in the Monterey Park Municipal Code ("MPMC") and will not have significant impacts to the surrounding community. A wireless telecommunication facility is an allowed use subject to a conditional use permit and the proposed project is consistent with the standards established in MPMC §§ 21.34 for wireless telecommunication facilities. The proposed building roof top mounted unmanned wireless communication facility is designed and developed in a manner that is aesthetically sensitive to the subject property and the office park along Corporate Center Drive. All the antennas along with the equipment cabinets will be completely screened within the fiber reinforced plastic (FRP) screens and is designed in a manner as to eliminate the possibility of any adverse visual impacts on the neighboring uses. The proposed wireless telecommunication facility complies with all of the requirements of the federal

and State laws, regulations and orders.

Background

On January 14, 1993, the Planning Commission adopted a Resolution No. 2-93 approving Conditional Use Permit (92-016) to establish a wireless telecommunication facility (mobile radio/telecommunications antennae) on the roof top of the 5-story office building located at the subject property. This is the same roof top where the proposed wireless facility would be located. The previously existing wireless facility has since been removed.

On March 24, 2015, the Planning Commission approved a similar project on a building immediately across the street to the east of the project site at 900 Corporate Center Drive. Also, in 1996, the Planning Commission approved a similar project on a building immediately across the street to the south-east of the project site at 1000 Corporate Center Drive. The design of the wireless facility is similar to the one currently being proposed.

Property Description

The subject property known as 901 Corporate Center Drive is located on the west side of Corporate Center Drive, between Casuda Canyon Drive and Davidson Drive. North of the subject property is a vacant lot followed by a Cal Trans right-of-way. To the east and south are multi-story office buildings, and west is the Interstate 710 Highway. The subject lot is 288,802 square feet (6.63 acres) in size and is currently developed with a 5-story office building that is 129,629 square feet, constructed in 1986. The related parking is located on the adjacent parcel to the south (APN 5237-022-47) within a 3-story parking structure that is 95,821 square feet. The property is accessible from Corporate Center Drive.

Project Description

The project includes the installation of 12 roof top mounted panel antennas and its related equipment cabinets concealed behind new fiber reinforced plastic (FRP) screen box structures designed as tower extensions on the roof top of an existing 5-story office building. The FRP screen box structures will be located on three separate areas of the roof consisting of 3 sectors. Sector 1 antennas will be located approximately 7 feet 8 inches adjacent to the building west elevation parapet wall. Sector 2 antennas will be located approximately 7 feet 8 inches adjacent to the building north elevation parapet wall. Sector 3 antennas will be located approximately 7 feet 8 inches adjacent to the building east elevation parapet wall. The first and second sector antenna areas will be comprised of 4 (6 foot tall) panel antennas, 4 RRU's with A2 and 2 Raycaps. The third sector antenna area will consists of 4 (6 foot tall) panel antennas, 4 RRU's with A2, 2 Raycaps, 2 equipment cabinets and a generator.

The subject building is 5 stories, 76 feet to the top of the of the parapet wall. In addition there are two existing penthouses located on the roof top that measure 7 feet 10 inches

and 11 feet 10 inches tall above the top of the parapet wall. The proposed FRP screen box structures, as conditioned, will be no more than 10 feet above the top of the parapet wall, and will not exceed the height of the penthouses. The FRP screen structures have been designed to be in proportion with the massing of the building and will be aligned with the width of the existing building elevation curtain wall vertical screed lines. Furthermore, the FRP screen cabinets will be treated and painted to match the exterior material and color of the building for minimal visibility of the screen box structures since the building is 76 feet tall.

OTHER ITEMS:

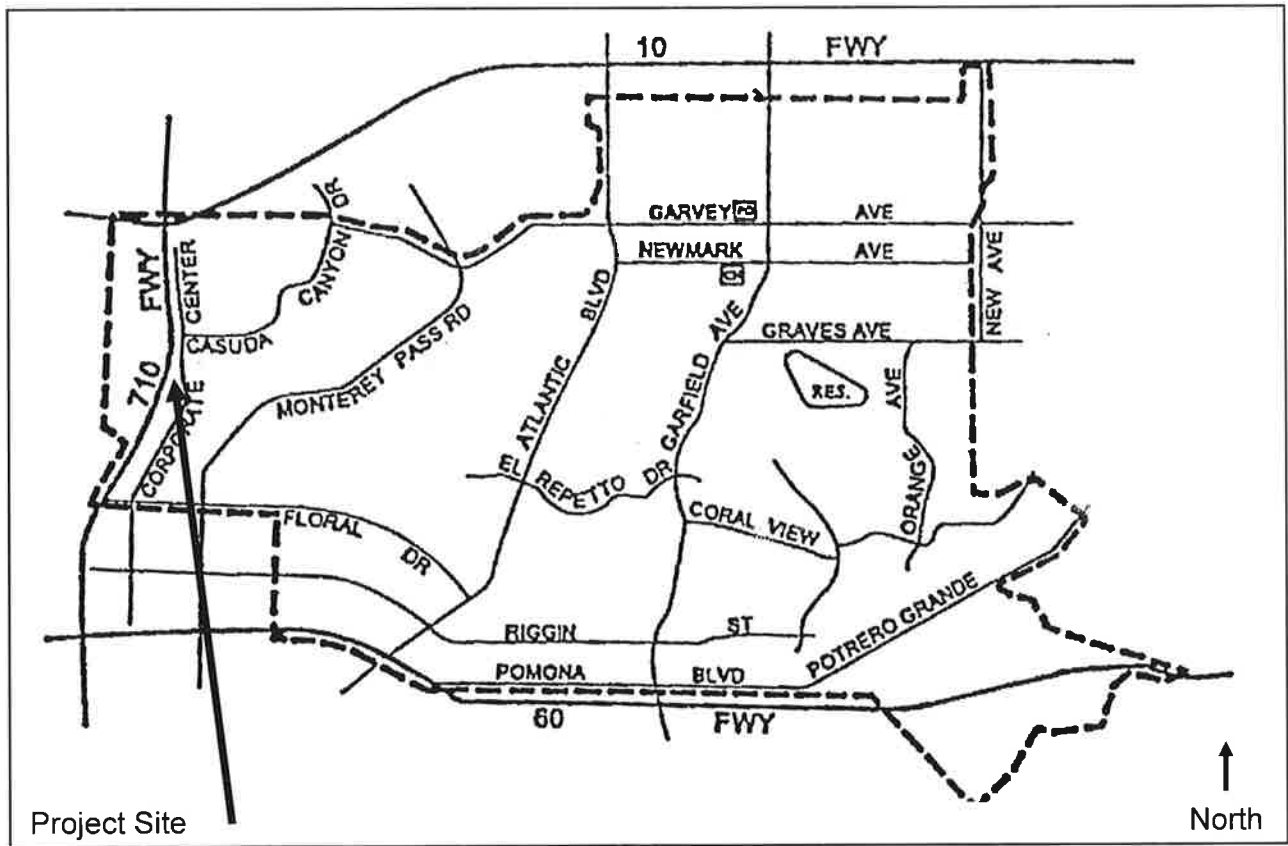
Legal Notification

In compliance with MPMC § 21.34.020 (H) (2), the legal notice of this hearing was mailed to **47** property owners and current tenants of the property concerned within a 500 foot radius on **January 8, 2016**, at least 30-days before the hearing, with an affidavit of mailing on file. A notification, three feet in height and four feet in width was posted by the applicant for 30-days at the subject site where the wireless telecommunications facility is proposed for installation. The legal notice of this hearing was also posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 8, 2016**, with affidavits of posting on file.

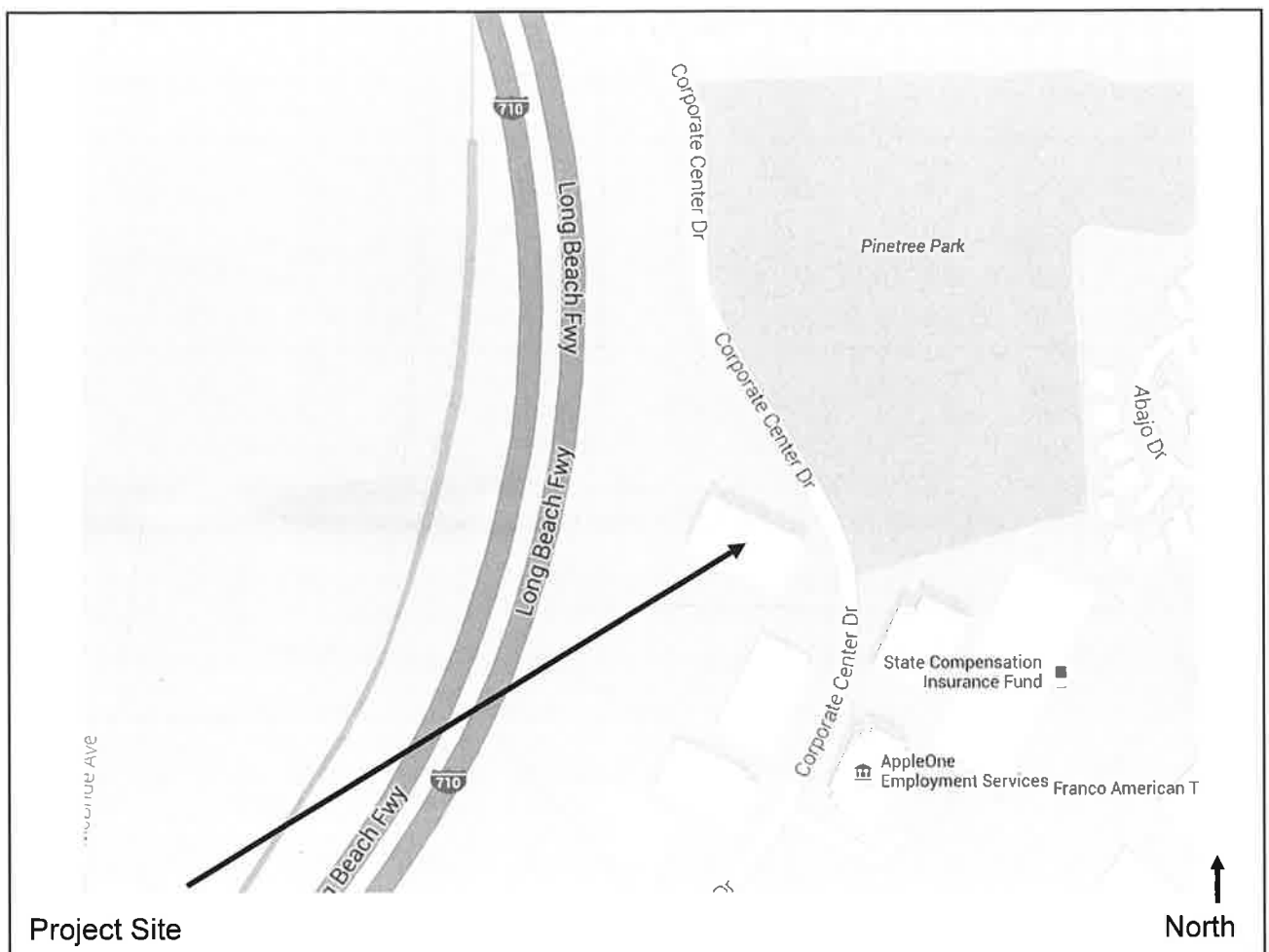
Environmental Assessment

This project was determined to be a Class 3 (New Construction of Small Structures) Categorical Exemption pursuant to CEQA Guidelines § 15303, in that the proposed project is for the installation of a new roof mounted wireless communication facility.

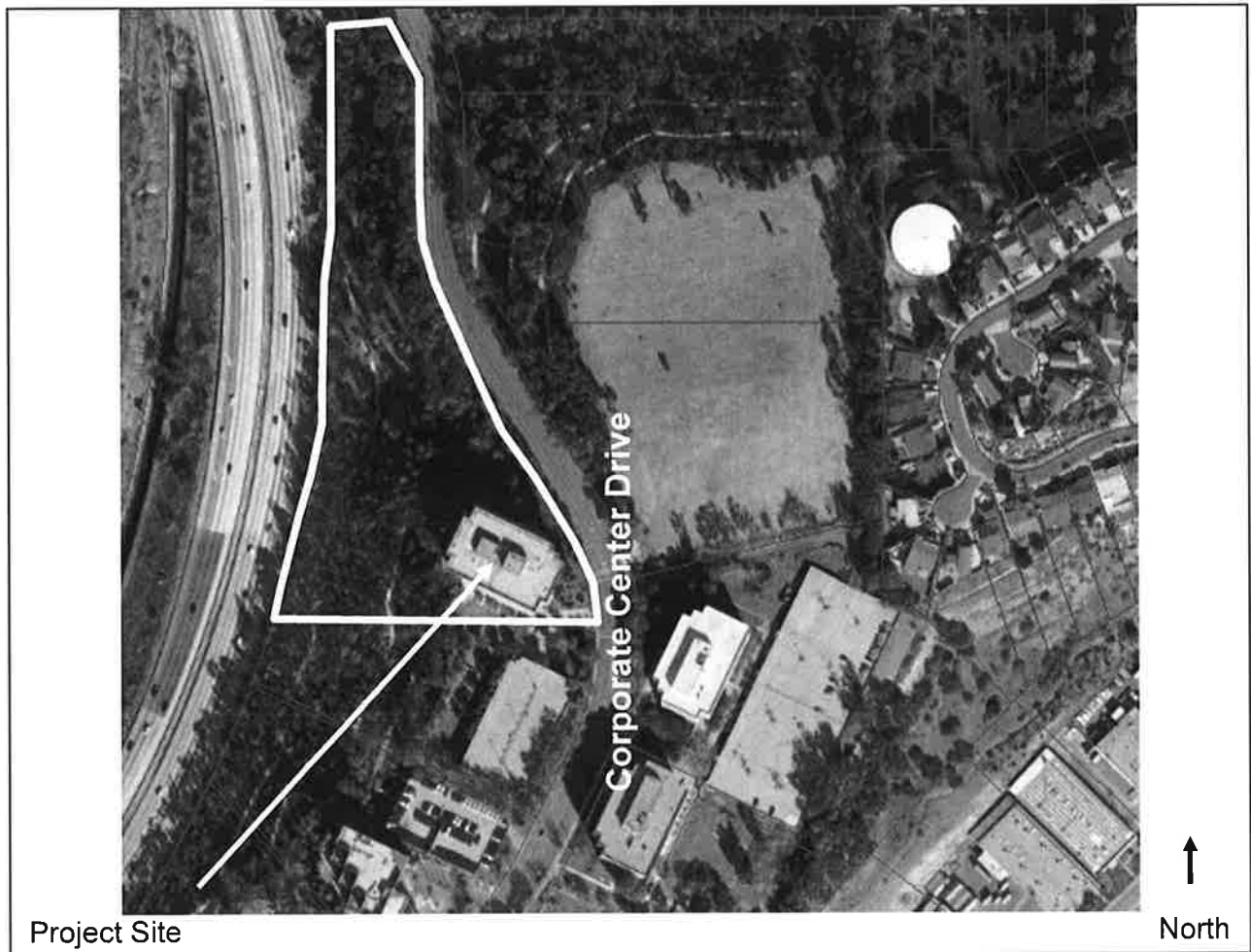
Vicinity Map



Street Map



Aerial Map



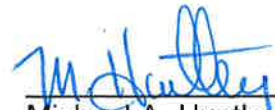
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

None.

Respectfully submitted,



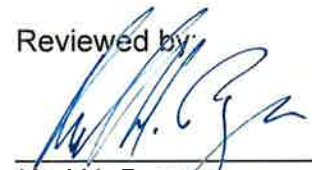
Michael A. Huntley
Community and Economic
Development Director

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 C: Photo simulations

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-15-08) FOR A WIRELESS TELECOMMUNICATION FACILITY AT 901 CORPORATE CENTER 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 October 16, 2015, Lisa Desmond of Delta Groups Engineering, Inc., on behalf of Verizon Wireless, submitted an application pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030, 21.32.020, and Chapter 21.34 requesting a Conditional Use Permit (CUP-15-08) to allow a wireless telecommunication facility at 901 Corporate Center Drive ("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 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 Project before the Planning Commission for February 9, 2016. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On February 9, 2016, 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 Delta Groups Engineering, Inc.; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 9, 2016 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 install a wireless communication facility and its related equipment on the roof top of an existing 5-story office building;
- B. 901 Corporate Center Drive is zoned C-P (Commercial Professional) and designated C (Commercial) in the General Plan;
- C. The subject property is located on the west side of Corporate Center Drive, between Casuda Canyon Drive and Davidson Drive. North of the subject property is a vacant lot

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followed by a Cal Trans right-of-way. To the east and south are multi-story office buildings, and west is the Interstate 710 Highway; and

- D. The lot is 288,802 square feet (6.63 acres) in size and is currently developed with a 5-story office building that is 129,629 square feet, constructed in 1986. The related parking is located on the adjacent parcel to the south (APN 5237-022-14) within a 3-story parking structure that is 95,821 square feet. The property is accessible from Corporate Center Drive.

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 § 15303, Class 3 (New Construction) as a small facility or structure.

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC §§ 21.10.030, 21.32.020 (B), and 21.34.020 (F) the Planning Commission finds as follows:

MPMC § 21.32.020 (B)

- A. The site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards required by the MPMC.

The site is adequate in size, shape and topography for the proposed use because the proposed use is an unmanned wireless telecommunication facility to be installed on the roof top of a 5-story office building. The proposed location for the wireless facility is an unused area not improved for any other use, except for maintenance/service equipment associated with the office building. Accordingly, the proposed wireless facility will not conflict with any existing buildings and will not reduce the number of parking spaces that are required for the site, alter landscaping, setbacks or affect compliance with other development standards. The existing office building was constructed in 1986 and no changes are proposed to the building or to the site. The proposed wireless telecommunication facility complies with all requirements for conditional use permit.

- B. 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 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 wireless telecommunication facility. The site is accessible from Corporate Center Drive and is located less than half a mile from the Interstate 710 Highway. The site is a developed property and no alterations are proposed to the existing 5-story office building or to the site. The proposed use is an unmanned wireless telecommunication

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facility and is not expected to significantly increase traffic. Aside from the monthly maintenance of the facility, there will be no other pedestrian or vehicular traffic generated by the proposed use.

- C. The proposed use is consistent with the General Plan and any applicable specific plan.

The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the MPMC 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 an unmanned wireless telecommunication facility, which is allowed in the C-P (Commercial Professional) Zone with a Conditional Use Permit approval. MPMC Chapter 21.34 establishes the standards for wireless telecommunication facilities and these standards are intended to protect the public health, safety, and general welfare, and to protect residents from any potential adverse impacts. The proposed use is consistent with the standards established by MPMC Chapter 21.34.

- D. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City.

The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood because the use is a wireless telecommunication facility and will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City. The proposed use has a design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipments are located, designed and screened to blend with the existing facilities on site in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity.

- E. The proposed use will not have an adverse effect on the public health, safety and general welfare.

The proposed use will not have an adverse effect on the public health, safety, and general welfare because the use is an unmanned wireless telecommunication facility that will be installed on the roof top of an existing 5-story office building. The proposed antenna panels will be installed behind fiber reinforced plastic (FRP) screen box structures that will be treated and painted to match the existing exterior building material and color to minimize any visual impacts to neighboring properties. Furthermore, as a licensed facility by the Federal Communications Commission (FCC) the operation of the facility will comply with all State and federal laws, regulations and

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orders, including safety. Therefore, the establishment and operation of the facility will not be detrimental to the health public health, safety and general welfare of persons residing or working in the area.

- F. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC.

The proposed use is authorized by MPMC §§ 21.10.030, 21.32.020, and Chapter 21.34. The use is consistent with the C-P Zone and will not generate a significant amount of the noise, traffic or visual impacts.

MPMC § 21.34.020 (F)

- G. To the maximum extent reasonably feasible, the proposed wireless telecommunications facility has been designed to achieve compatibility with the community.

According to MPMC § 21.04.074, the proposed use is categorized as Class 1 Antennas, which are wireless telecommunication facility antennas mounted on a building of structure and fully screened using camouflage design techniques so that the antenna panels are not visible to the general public. Typical examples may include building mounted antennas behind a visually opaque screen designed to pass radio frequency signals that match or complement existing exterior surfaces of the building, or antennas designed to be incorporated within a vertical architectural feature of a building such as a steeple, cross or other vertical elements. The proposed antennas are designed to be incorporated behind screen box structures designed as tower extensions on the roof top of the existing office building to achieve maximum compatibility with the community.

- H. Alternative configurations will not increase community compatibility or are not reasonably feasible.

The proposed use is consistent with MPMC § 21.34.040 (B) in that the proposed wireless telecommunication facility has a stealth design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipments are located, designed and screened to blend with the exterior surface of the existing office building in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity. The proposed FRP screen structures have been designed to be in proportion with the massing of the building and will be aligned with the width of the existing building elevation curtain wall vertical screed lines.

- I. Alternative locations on the site will not increase community compatibility or are not reasonably feasible.

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The proposed wireless telecommunication facility is designed and will be located on the roof top of the office building that is most reasonable on the property since it does not impact the existing office building or its related parking area on the property.

- J. The location of the wireless telecommunications facility on alternative sites will not increase community compatibility or is not reasonably feasible.

According to the applicant, other sites were considered within the surrounding three office buildings, one of the buildings being a co-location site. However due to leasing issues the site could not be considered. Installation upon any of these other buildings would not increase community compatibility as the design of these other building installations would be similar to the current design proposed.

- K. The facility is necessary to close a significant gap in coverage.

The new roof mounted wireless telecommunication facility is necessary on the subject property to meet coverage objectives, capacity for the surrounding area, and close the coverage gap. Furthermore, the facility will alleviate wireless traffic from other sites from the surrounding area. The network of Verizon wireless sites throughout the area are location dependent, meaning that there is a necessary and logical interrelationship between each site. Eliminating or relocating a single site can lead to gaps in the system and prohibit Verizon from providing uninterrupted services to customers within the coverage area. Therefore, the establishment and operation of the wireless facility will provide coverage to the surrounding area.

- L. The applicant has submitted a statement of its willingness to allow other carriers to co-locate on the proposed wireless telecommunications facility wherever technically and economically feasible and where co-location would not harm community compatibility.

The applicant, Verizon, is willing to allow other carriers to co-locate on the proposed facility wherever technically and economically feasible and where co-location would not harm community compatibility.

- M. Noise generated by the facility will be in compliance with MPMC Chapter 9.53.

The proposed wireless telecommunication use is an unmanned facility, which will not generate noise that will exceed the levels identified in MPMC Chapter 9.53.

- N. The facility complies with all of the requirements of State and federal laws, regulations and orders.

The proposed Verizon wireless telecommunication facility will operate in full compliance with the regulations and licensing requirements of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and California Public Utilities Commission (CPUC), and other applicable laws.

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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-15-08).

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

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

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

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

SECTION 10: A copy of this Resolution will be mailed to Lisa Desmond of Delta Groups Engineering, Inc., 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.

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ADOPTED AND APPROVED this 9th day of February 2016.

Chairperson Rodrigo Garcia

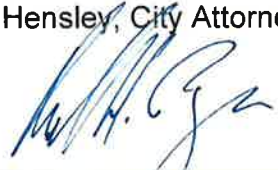
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 9th day of February 2016, by the following vote of the Planning Commission:

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

901 CORPORATE CENTER DRIVE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Verizon Wireless agrees that it will comply with the following conditions of approval for Conditional Use Permit (CUP-15-08) ("Project Conditions").

PLANNING:

1. Verizon Wireless (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-15-08 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-15-08, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Divisions. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The 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 Director, or designee (the "Director").
4. A copy of the Conditions of Approval for Conditional Use Permit (CUP-15-08) must be kept on the premises of the establishment and presented to any authorized City official upon request.

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5. All ancillary equipments must be painted to match exterior building color, subject to the review and approval of the Planner.
6. Should use of the facility be discontinued for more than 180 days, all facilities must be removed from the site.
7. No antennas, equipment cabinets or related equipment can be visible. All antennas, equipment cabinets and related equipment must be completely screened from public view.
8. The fiber reinforced plastic (FRP) screen enclosures must be formed, textured and painted to match the building exterior wall. Samples of all materials colors for the FRP screen are subject to the review and approval by the Planner.
9. The applicant/wireless communication facility operator must routinely maintain and paint the wireless communication facility's (FRP material) screen enclosures should they deteriorate or fade with the appropriate colors and materials to match the building walls.
10. Any damage caused to the exterior building wall by the installation or removal of any wireless equipment must be patched and painted to match the exterior building color and finishes, subject to the review and approval of the Planner.
11. At the time of plan check the proposed fiber reinforced plastic (FRP) screen enclosures must be designed to be to scale and in proportion with the massing of the building. The height of the (FRP) screen enclosures must not exceed 10 feet above the top of the parapet wall and the width of the (FRP) screen enclosures must be aligned with the width of the existing building elevation curtain wall vertical screed lines, subject to the review and approval of the Planner.

BUILDING:

12. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
13. All work must conform to the requirements of the 2013 California Building, Electrical, Fire, and other uniform Codes, as adopted by the MPMC.
14. Before the City issues building or electrical permits, the Director must approve all building and electrical plans.

FIRE:

15. All conditions identified by the Fire Department are subject to review and approval by the Fire Chief for Determination of applicability and extent to which any condition may be required.

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16. Emergency generator must be provided with NFPA 704 placarding indicating hazard of fuel used per the California Fire Code (CFC) 5003.5.
17. A minimum 2A:40BC fire extinguisher must be provided with a maximum travel distance of 30 feet to the generator per CFC 906.1.

POLICE:

18. The equipment/facility cannot interfere with any Police Department radio or digital communications or exchange.
19. If it is determined that the equipment/facility is interfering with any Police Department radio communications, the applicant must shut down the facility immediately upon being notified of such problems. The facility cannot become operational until the applicant has proven to the Police Department that the problem has been fixed and will not interfere with any Police Department radio communications or digital equipment.

By signing this document, Lisa Desmond of Delta Groups Engineering, Inc., certifies on behalf of Verizon Wireless, that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Lisa Desmond of Delta Groups Engineering, Inc.,
signing on behalf of Verizon Wireless, Applicant

EXHIBIT B

Site, roof, and elevation plans

EXHIBIT C

Photo simulations



SOCIAL SERVE

901 CORPORATE CENTER DRIVE MONTEREY PARK CA 91754



VIEW 1



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.
JAN 6 2016

CITY OF MONTEREY PARK
COMMUNITY DEVELOPMENT DEPT.



SOCIAL SERVE

901 CORPORATE CENTER DRIVE MONTEREY PARK CA 91754



VIEW 2



EXISTING



PROPOSED LOOKING NORTH FROM ROOF OF PARKING GARAGE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



SOCIAL SERVE

901 CORPORATE CENTER DRIVE MONTEREY PARK CA 91754



VIEW 3





SOCIAL SERVE

901 CORPORATE CENTER DRIVE MONTEREY PARK CA 91754



VIEW 4



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



Planning Commission Staff Report

DATE: February 9, 2016

AGENDA ITEM NO: 2-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-15-09) to allow a wireless telecommunications facility (AT&T) – 417 North Garfield Avenue.

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 a Resolution approving the requested Conditional Use Permit (CUP-15-09) subject to conditions of approval; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Jerry Ambrose of Eukon Group, on behalf of AT&T, is requesting a Conditional Use Permit to allow a wireless telecommunication facility at 417 North Garfield Avenue. The property is zoned C-P (Commercial Professional) and is designated Commercial in the General Plan.

Staff believes that the proposed project is consistent with the requirements and standards in the Monterey Park Municipal Code ("MPMC") and will not have significant impacts to the surrounding community. A wireless telecommunication facility is an allowed use subject to a conditional use permit and the proposed project is consistent with the standards established in MPMC Chapter 21.34 for wireless telecommunication facilities. According to MPMC § 21.34.020, the conditional use permit application also includes a request to exceed the building height limit in the C-P Zone from 40 feet to 52 feet. According to the applicant, in order to meet coverage objectives, the antenna panels cannot be obstructed by buildings or structures. The applicant made several attempts to find alternative sites and is requesting to exceed the height limit as a last resort. Staff believes that the proposed project is designed to achieve maximum compatibility with the community to the maximum extent reasonably feasible and the facility is necessary to close a coverage gap. The facility complies with all of the requirements of State and federal laws, regulations, and orders.

Property Description

The subject property is located on the west side of North Garfield Avenue, between West Emerson Avenue and Hilliard Avenue. North and south of the subject property are medical office buildings, west are residential dwelling units, and east are North Garfield Avenue and the Monterey Park Convalescent Hospital. The lot is 33,799 square feet (0.78 acres) in size and is currently developed with a 2-story church (Christ Lutheran Church) constructed in 1962. The property is accessible from North Garfield Avenue and West Emerson Avenue.

Project Description

The project includes constructing a new 52 feet tall bell tower at the south elevation of the church within a 150 square feet lease area. The tower will be 12 feet wide and 11 feet deep and will house 12 8-feet tall antenna panels and ancillary mechanical equipments. The tower design will be architecturally compatible with the existing church, including the roof style and exterior stucco finish and color. A cross will be installed on the south and east elevations of the bell tower. The existing church is 2-stories, 36 feet tall. The proposed wireless facility will be unmanned and will not generate any additional traffic to and from the property.

Conditional Use Permit

The intent of the proposed project is to provide wireless telecommunications services to the service area. Mobile devices are a necessary emergency service device and business tool, as well as being convenient for personal and family use. After comparison to other potential site locations in the surrounding area, the project site offered the most desirable location in the interest of public convenience and welfare. The proposed stealth design and compatible appearance with existing surrounding buildings will allow the facility to serve its intended function without being unsightly or causing adverse impacts to surrounding properties.

The proposed project is consistent with MPMC § 21.34.040(3) and has a design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipment are located, designed and screened to blend with the existing facilities on site in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity. The project will be unmanned and will not generate any smoke, odor, noise, or other adverse impacts to the adjacent land uses. The project will also have no impact on parking, traffic, circulation or density in the area and will not adversely affect any existing scenic or natural vistas. The project is designed to be architecturally compatible with the church. The proposed tower will be proportional to the existing building. The antennas will be hidden within an antenna support structure designed as a bell tower and compatible with existing church on the property.

Building Height

According to MPMC § 21.34.040(4), height requirements must be as specified within each respective zone or as approved by the Planning Commission. AT&T is requesting a height of 52 feet instead of the 40 feet height limit in the C-P Zone.

According to the Applicant, seven other sites were considered before the subject property. However, the property owners did not have interest in leasing space to AT&T.

- 616 North Garfield Avenue (Garfield Professional Building) – The owner is not interested in leasing space to AT&T.
- 525 North Garfield Avenue (Garfield Medical Center Hospital) – The hospital is not interested in adding another wireless carrier on their rooftop. T-Mobile is the current carrier.
- 500 & 600 North Garfield Avenue (Garfield Medical Center Office Buildings) – The owner is not interested in leasing space to AT&T.
- 420 North Garfield Avenue (Healthcare Medical Center) – This owner is interested in leasing space to AT&T, but the rooftop is too low to meet coverage objectives (signal block by surrounding buildings).
- 223 North Garfield Avenue (Sun Imaging) – This location is too far south to meet coverage objectives and the owner is not interested in leasing to AT&T.
- 210 North Garfield Avenue (Sun Medical Lab) – This location is too far south to meet coverage objectives and the owner is not interested in leasing space to AT&T.
- 311 North Rural Drive (Sierra Vista Park) – This location is too far east to meet coverage objectives and the City is not interested in leasing space to AT&T and this location.

According to the Applicant, the proposed use has antennas that must have a “clear line of sight” to the intended coverage area. In this particular case, a centerline antenna height of 45 feet (above grade) is necessary to achieve coverage objectives. Unlike the other locations considered and were not available to AT&T, the subject property does not have an existing building or structure for antenna attachment that allows the antennas to achieve the required height. Accordingly, a new freestanding structure is necessary at this particular property to meet coverage objectives. Without the additional 12 feet in height the AT&T will not meet the coverage objectives. AT&T must operate the proposed facility in full compliance with the regulations and licensing requirements of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and California Public Utilities Commission (CPUC), and other applicable laws.

OTHER ITEMS:

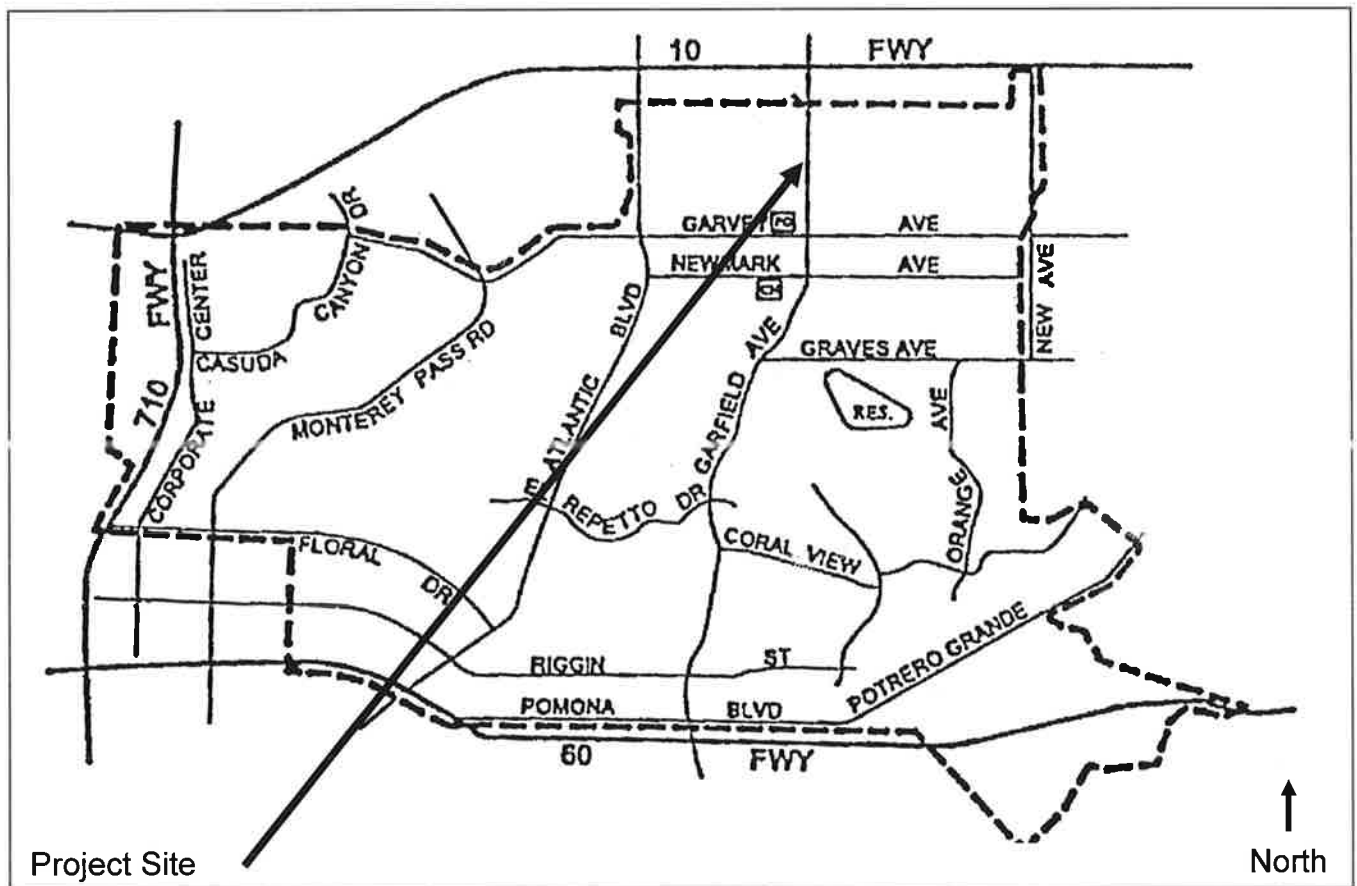
Legal Notification

In compliance with MPMC § 21.34.020(H) (2), the legal notice of this hearing was mailed to **196** property owners and current tenants of the property concerned within a 500 feet radius on **January 8, 2016**, at least 30-days before the hearing, with an affidavit of mailing on file. A notification, three feet in height and four feet in width was posted by the applicant for 30-days at the site where the wireless telecommunications facility is proposed for installation. The legal notice of this hearing was also posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 8, 2016**, with affidavits of posting on file.

Environmental Assessment

This project was determined to be a Class 3 (New Construction) Categorical Exemption pursuant to CEQA Guidelines § 15303.

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

None.

Respectfully submitted,



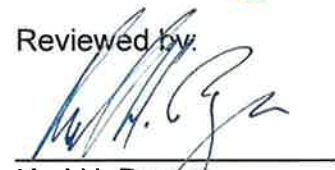
Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

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

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-15-09) FOR A WIRELESS TELECOMMUNICATION FACILITY AT 417 NORTH GARFIELD 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 October 28, 2015, Eukon Group, on behalf of AT&T, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030, 21.32.020, and Chapter 21.34 requesting approval of Conditional Use Permit (CUP-15-09) to allow a wireless telecommunication facility at 417 North Garfield 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 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 Project before the Planning Commission for February 9, 2016. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On February 9, 2016, 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 Eukon Group; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 9, 2016 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 a new 52 feet tall bell tower at the south elevation of an existing church within a 150 square feet lease area. The tower will be 12 feet wide and 11 feet deep and will house 12 8-feet tall antenna panels and ancillary mechanical equipments.
- B. 417 North Garfield Avenue is zoned C-P (Commercial Professional) and designated Commercial in the General Plan;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 6**

- C. The subject property is located on the west side of North Garfield Avenue, between West Emerson Avenue and Hilliard Avenue. North and south of the subject property are medical office buildings, west are residential dwelling units, and east are North Garfield Avenue and the Monterey Park Convalescent Hospital; and
- D. The lot is 33,799 square feet (0.78 acres) in size and is currently developed with a 2-story church (Christ Lutheran Church) constructed in 1962. The property is accessible from North Garfield Avenue and West Emerson Avenue.

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 § 15303 (New Construction) as a small facility or structure.

SECTION 4: *Conditional Use Permit Findings.* Pursuant to MPMC §§ 21.10.030 (B), 21.32.020, and 21.34.020 the Planning Commission finds as follows:

1. The site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards required by the MPMC. The subject property is 33,799 square feet (0.78 acres) in size and is currently developed with an existing 2-story, 12,679 square feet church. The proposed wireless facility will be a new 52 feet tall bell tower attached to the church within a 150 square feet lease area. The maximum floor area ratio allowed in the C-P Zone is 80 percent of the lot. The floor area ratio with the proposed tower will be 38 percent of the lot, which is less than the maximum allowed. The tower will be 12 feet wide and 11 feet deep and will house 12 8-feet tall antenna panels and ancillary mechanical equipments. The tower design will be architecturally compatible with the existing church, including the roof style and exterior stucco finish and color. A cross will be installed on the south and east elevations of the bell tower. The existing church is 2-stories, 36 feet tall. No alterations are proposed to the existing parking area. The proposed wireless facility will be unmanned and will not generate any additional traffic to and from the property. The proposed wireless telecommunication facility complies with all requirements for the issuance of the conditional use permit.
2. 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 site is accessible from North Garfield Avenue and West Emerson Avenue and is located less than half a mile from the Interstate 10 Freeway. The site is an existing developed property currently constructed with a 2-story church. The church is situated on the northern portion of the lot with parking located south of the church. The proposed use is an unmanned wireless telecommunication facility and is not expected to significantly increase traffic. Aside from the monthly maintenance of the facility, there will be no other pedestrian or vehicular traffic generated by the proposed use.

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3. The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the MPMC zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category provide 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 an unmanned wireless telecommunication facility, which is allowed in the C-P (Commercial Professional) Zone with a Conditional Use Permit approval. Mobile devices a necessary emergency service device and business tool, as well as being convenient for personal and family use. MPMC Chapter 21.34 establishes the standards for wireless telecommunication facilities and these standards are intended to protect the public health, safety, and general welfare, and to protect residents from any potential adverse impacts. The proposed use is consistent with the standards established by MPMC Chapter 21.34.
4. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City. The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood because the use is a wireless telecommunication facility and will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City. The propose use has a design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipments are located, designed and screened to blend with the existing facilities on site in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity.
5. The proposed use will not have an adverse effect on the public health, safety, and general welfare. The proposed use is unmanned and will not generate any smoke, odor, noise, or other adverse impacts to the adjacent land uses. The proposed project will also have no impact on parking, traffic, circulation or density in the area and will not adversely affect existing scenic and natural vistas. The project is designed to be architecturally compatible with the church. The antennas will be hidden within an antenna support structure designed to be compatible with existing development on the property.
6. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC. The proposed use is authorized by MPMC §§ 21.10.030, 21.32.020, and Chapter 21.34. The use is consistent with the C-P Zone and will not generate a significant amount of the noise, traffic or visual impacts.
7. To the maximum extent reasonably feasible, the proposed wireless telecommunications facility has been designed to achieve compatibility with the community. According to MPMC § 21.04.074, the proposed use is a Class 7 wireless telecommunication facility, which is a facility with antennas mounted on the interior of a

**PLANNING COMMISSION
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PAGE 4 OF 6**

freestanding structure for the predominant purpose of housing a wireless telecommunications facility. The structure will be compatible with other surrounding structures and facilities, will be built solely for the purpose of supporting the wireless telecommunications facility, will use camouflage design techniques so that the wireless telecommunications facility is fully enclosed within the structure; and designed so that no antenna panels are visible. Typical structures used to enclose the freestanding facilities may, include clock towers, lighthouses, water towers, bell towers, windmills, or other similar vertical structures. The proposed use is designed to be incorporated within a bell tower at the south elevation of an existing church.

According to MPMC § 21.34.020, heights exceeding the height limitation of the requested zoned must be presented to the Planning Commission. According to MPMC 21.10.070, the maximum height allowed in the C-P Zone is 40 feet. Due to the site location on North Garfield Avenue, properties located to the north, south, and east of the subject property are developed with buildings constructed to the maximum height allowed in the zone, including multi-story medical office buildings and the Garfield Medical Hospital. Thereby, obstructing the proposed use, which requires an unobstructed coverage area, which is unique from other land uses. If the proposed use were to be constructed within the height limitation, the proposed use will be obstructed by the existing buildings within the vicinity.

8. Alternative configurations will not increase community compatibility or are not reasonably feasible. The proposed use is consistent with MPMC § 21.34.040(3) and has a stealth design that is not unsightly or causing adverse impacts to the surrounding area. The facility structures and equipments are located, designed and screened to blend with the existing facilities on site in such a manner as to alleviate any adverse impacts to adjacent uses and structures in the vicinity. The project is designed to be architecturally compatible with the church. The proposed tower will be proportional to the existing building. The antennas will be hidden within an antenna support structure designed as a bell tower and compatible with existing church on the property.
9. Alternative locations on the site will not increase community compatibility or are not reasonably feasible. The proposed use is designed at a location that is most reasonable on the property since it does not impact the existing church or parking area on the property. The proposed use is designed on an existing grass area.
10. The location of the wireless telecommunications facility on alternative sites will not increase community compatibility or is not reasonably feasible. According to the Applicant, seven other sites were considered before the subject property. However, the property owners did not have interest in leasing space to AT&T.
11. The facility is necessary to close a significant gap in coverage. The subject property does not have an existing building or structure for antenna attachment that allows the antennas to achieve the required height. Accordingly, a new freestanding structure is

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necessary on the subject property to meet coverage objectives and close the coverage gap. The coverage area is requirement of all wireless telecommunication companies, not just the applicant. A lower antenna height in this area would prevent the antennas from functioning properly.

12. The applicant submitted a statement of its willingness to allow other carriers to co-locate on the proposed wireless telecommunications facility wherever technically and economically feasible and where co-location would not harm community compatibility.
13. Noise generated by the facility will be in compliance with MPMC Chapter 9.53. The proposed use is an unmanned wireless telecommunication facility, which will not generate noise that will exceed the levels identified in MPMC Chapter 9.53.
14. The facility complies with all of the requirements of State and federal laws, regulations and orders. AT&T will operate the proposed facility in full compliance with the regulations and licensing requirements of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and California Public Utilities Commission (CPUC), and other applicable laws.

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-15-09).

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.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 6 OF 6**

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

SECTION 10: A copy of this Resolution will be mailed to Cortel Inc. 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 9th day of February 2016.

Chairperson Rodrigo Garcia

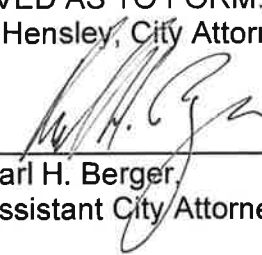
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 9th day of February 2016, by the following vote of the Planning Commission:

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

417 NORTH GARFIELD AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Eukon Group on behalf of AT&T, agrees that AT&T will comply with the following conditions of approval for Conditional Use Permit (CUP-15-09) ("Project Conditions").

PLANNING:

1. AT&T (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-15-09 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-15-09, 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 Director, or designee (the "Director").
4. A copy of the Conditions of Approval for Conditional Use Permit (CUP-15-09) must be kept on the premises of the establishment and presented to any authorized City official upon request.
5. Should use of the facility be discontinued for more than 180 days, all facilities must be removed from the site.

**PLANNING COMMISSION
RESOLUTION NO.**

6. Any damage caused to the exterior building wall by the installation or removal of any wireless equipment must be patched and painted to match the exterior building color and finish, subject to the Director's approval.

BUILDING:

7. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
8. All work must conform to the requirements of the 2013 California Building, Electrical, Fire, and other uniform Codes, as adopted by the MPMC.
9. Before the City issues building or electrical permits, the Director must approve all building and electrical plans.

POLICE:

10. The equipment/facility cannot interfere with any Police or Fire Department radio or digital communications or exchange.
11. If it is determined that the equipment/facility is interfering with any Police or Fire Department radio communications, the applicant must shut down the facility immediately upon being notified of such problems. The facility cannot become operational until the applicant has proven to the Police Department that the problem has been fixed and will not interfere with any Police or Fire Department radio communications or digital equipment.

By signing this document, Eukon Group, certifies on behalf of AT&T that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Eukon Group, signing on behalf of AT&T, Applicant

EXHIBIT B

Site, floor, and elevation plans

EXHIBIT C

Photo simulations



Planning Commission Staff Report

DATE: February 9, 2016

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-15-11) to permit on-sale beer and wine for a bona fide public eating place – 111 North Atlantic Boulevard #349.

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-15-11) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Kelvin Yao, is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41 license) in conjunction with the operation of a public eating place (Forever Young Friends Group Corporation, doing business as, Private Party Restaurant) at 111 North Atlantic Boulevard #349. The property is zoned R-S (Regional Specialty) Zone and is designated C (Commercial) in the General Plan. Staff is recommending approval of the Conditional Use Permit subject to the conditions contained in the Resolution to address any concerns that are typically associated with alcohol uses.

Property Description

The subject property is located on the northwest corner of the North Atlantic Boulevard and West Garvey Avenue. The subject lot is 82,324 square feet (1.89 acres) in size and is currently developed with a three-story commercial building "Atlantic Place Shopping Center" totaling 116,654 square feet and its related parking. To the north of the subject property is a one-story, multi-tenant commercial building (Mar Center), south is West Garvey Avenue and a vacant lot, east are North Atlantic Boulevard and a vacant gas station, west are single-family dwellings in the City of Alhambra. The property is accessible from Atlantic Boulevard and Garvey Avenue.

There are 30 tenant spaces in total, including 18 units on the first floor, 12 units on the second floor, and 6 units on the third floor. A total of 396 parking spaces are provided on two levels, including 79 at-grade uncovered spaces, 88 at-grade covered spaces, and 229 subterranean level spaces. The property is accessible from North Atlantic Boulevard from a single two-way driveway and two driveways off of West Garvey Avenue. Atlantic Place Shopping Center is comprised of a mixture of service office, professional office, indoor commercial recreational and restaurant uses.

According to the floor plan, the subject unit is 7,290 square feet and is occupied by a restaurant (Forever Young Friends Group Corporation, doing business as, Private Party Restaurant). The dining area is approximately 5,500 square feet. The remaining area includes the kitchen, service area, and restrooms. The business operating hours are Monday through Sunday, from 11:00 a.m. to 10:30 p.m. The meal service hours will be from 11:00 a.m. to 10:30 p.m., and the alcohol service hours will be from 12:00 p.m. through 10:30 p.m. The on-site alcoholic beverages services will complement the restaurant's meals. No entertainment is proposed for the business at this time.

According to the regulations promulgated 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 1,048 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"). A letter of public convenience or necessity (PCN) is required, to be filed with the Department of Alcohol Beverage Control, from the applicant to comply with ABC licensing requirements. 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 discussions with ABC for this project, 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 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 22 through 30 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:

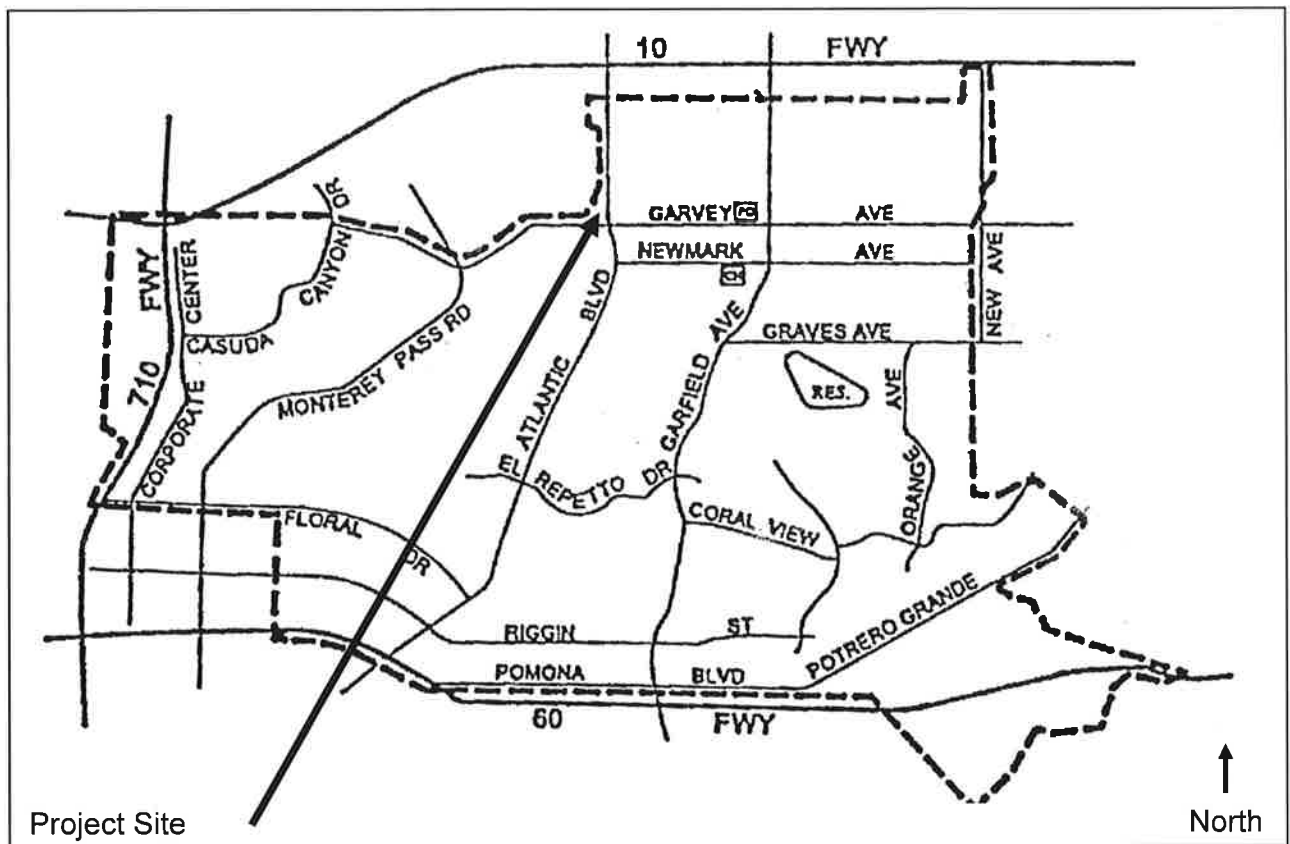
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 27, 2016**, with affidavits of posting on file. The legal notice of this hearing was mailed to **108** property owners within a 300 feet radius and current tenants of the property concerned on **January 27, 2016**.

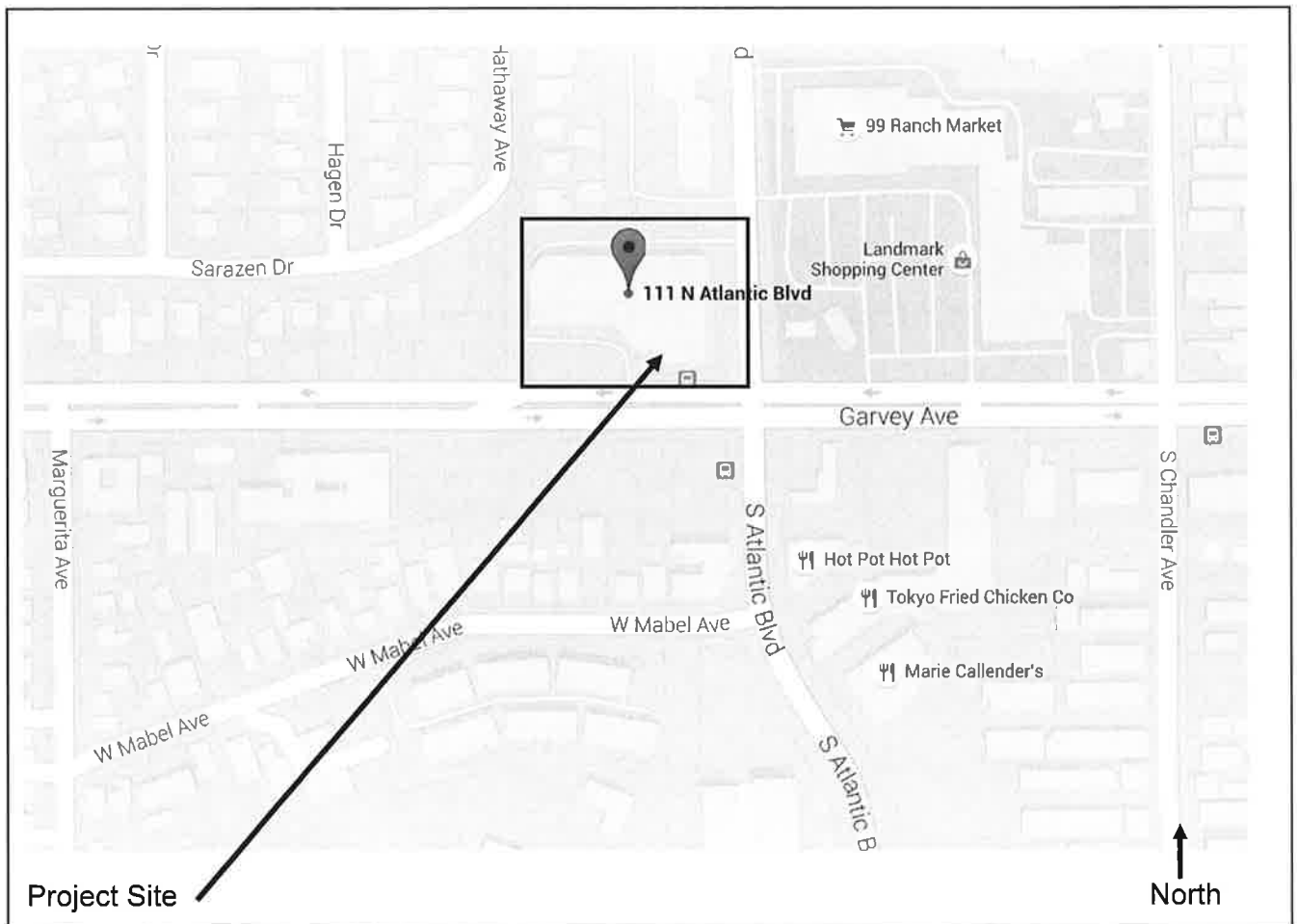
Environmental Assessment

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

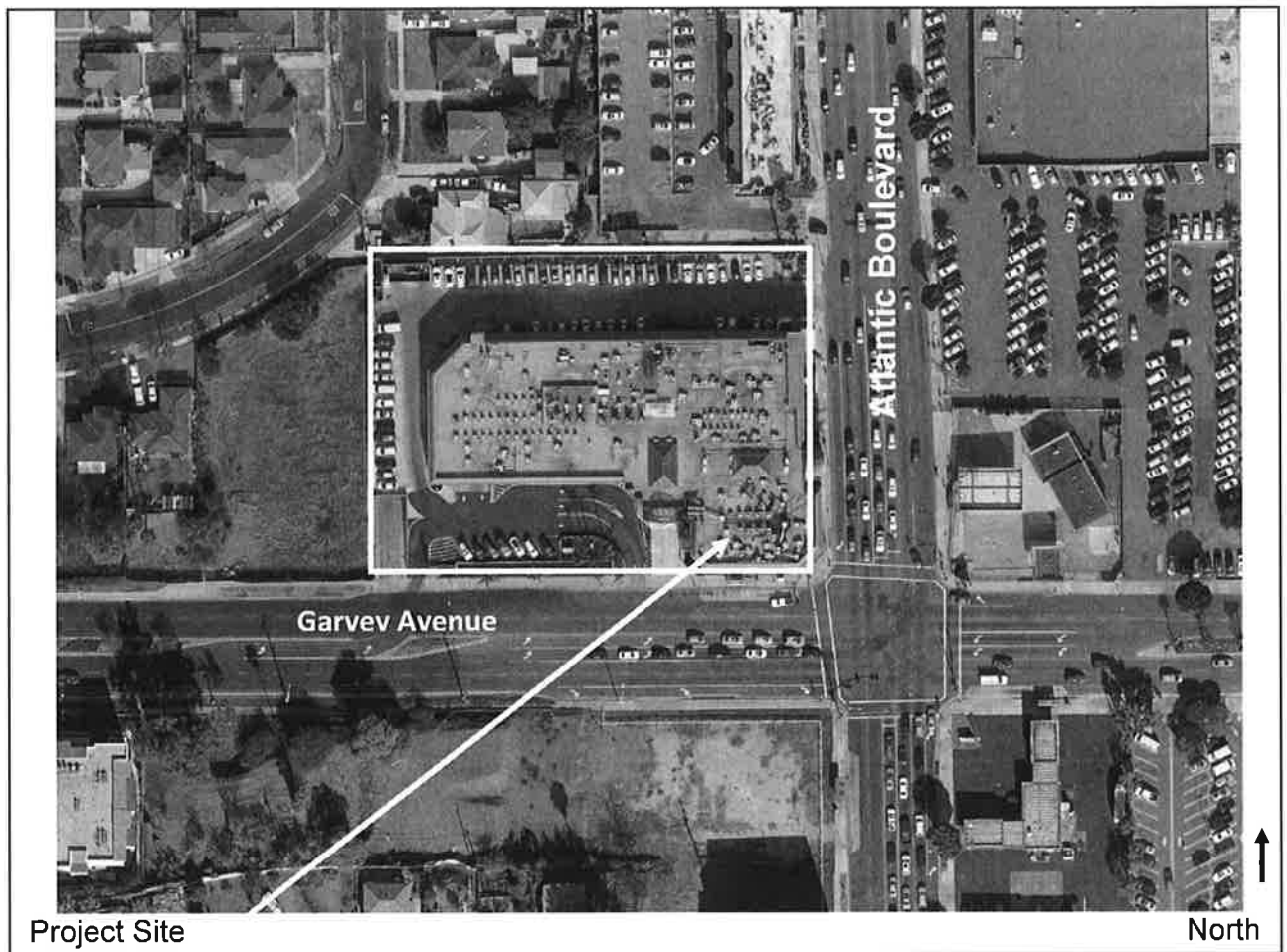
Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,



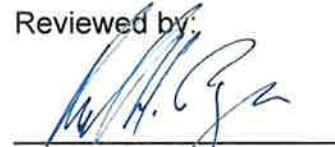
Michael A. Huntley
Community and Economic
Development Director

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-15-11) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE AT 111 NORTH ATLANTIC BOULEVARD #349.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On December 7, 2015, Kelvin Yao, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting approval of Conditional Use Permit (CUP-15-11) to permit on-sale alcoholic beverages (beer and wine) for a bona fide public eating place (Forever Young Friends Group Corporation, doing business as, Private Party Restaurant) at 111 North Atlantic Boulevard #349 ("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 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 Project before the Planning Commission for February 9, 2016. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On February 9, 2016, 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 Kelvin Yao; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 9, 2016 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 serve beer and wine in conjunction with an existing retail eating establishment;
- B. 111 North Atlantic Boulevard #349 is zoned R-S (Regional Specialty) and designated C (Commercial) in the General Plan;

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RESOLUTION NO.
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- C. The subject property is located in Atlantic Place Shopping Center, on the northwest corner of West Garvey Avenue and North Atlantic Boulevard. The property is zoned R-S (Regional Specialty) and designated C (Commercial) in the General Plan. To the north of the property is a one-story, multi-tenant commercial building (Mar Center), south is West Garvey Avenue and a vacant lot, east are North Atlantic Boulevard and a vacant gas station, west are single-family dwellings in the City of Alhambra; and
- D. The lot is 82,324 square feet (1.89 acres) in size and is developed with a three-story commercial building totaling 116,654 square feet. There are 30 tenant spaces in total, including 18 units on the first floor, 12 units on the second floor, and 6 units on the third floor. A total of 396 parking spaces are provided on two levels, including 79 at-grade uncovered spaces, 88 at-grade covered spaces, and 229 subterranean level spaces. The property is accessible from North Atlantic Boulevard and two driveways off of West Garvey Avenue. Atlantic Place Shopping Center is comprised of a mixture of service office, professional office, commercial recreational and restaurant uses.

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 §§ 21.10.230 (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 a 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 for on-site consumption to an existing restaurant. No physical 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 R-S (Regional Specialty) 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

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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 adds on-site beer and wine sales in conjunction with a retailing eating establishment. The property is currently developed with a three-story commercial building totaling 116,654 square feet. On-sale of alcoholic beverage uses are 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 R-S (Regional Specialty). An eating establishment is a permitted principle use in the R-S Zone. Adjacent properties include R-S zoned lots to the north, south, and east. To the west are single-family dwelling units in the City of Alhambra. 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 alcohol license) 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 ABC regulations, 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 1,048 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.

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

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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 22 through 30 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-15-11).

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 Kelvin Yao 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.

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ADOPTED AND APPROVED this 9th day of February 2016.

Chairperson Rodrigo Garcia

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 February 2016, 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

111 NORTH ATLANTIC BOULEVARD #349

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Kelvin Yao, on behalf of Forever Young Friends Group Corporation doing business as Private Party Restaurant, agrees that Forever Young Friends Group Corporation will comply with the following conditions of approval for Conditional Use Permit (CUP-15-11) ("Project Conditions").

PLANNING:

1. Forever Young Friends Group Corporation (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-15-11 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-15-11, 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. 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 Director, or designee.
3. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. 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.
5. A copy of the Conditions of Approval for Conditional Use Permit (CUP-15-11) must be kept on the premises of the establishment and presented to any authorized City official upon request.

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6. 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.
7. 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.
8. The service of alcohol is only allowed with the consumption of food.
9. 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.
10. Alcoholic beverages must be served in non-disposable containers and distinguishable from containers used for non-alcoholic beverages.
11. The sale of alcoholic beverages for consumption outside or off the premises is 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.
12. The restaurant business hours of operation will be Monday through Sunday from 11:00 a.m. to 10:30 p.m.
13. Hours of operations for alcohol service at the restaurant are limited to the hours of 12:00 p.m. to 10:30 p.m. daily.
14. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*). The applicant must obtain and maintain a Type 41 license.
15. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise at the restaurant. Said contact's name and phone number must also be available through restaurant staff at all times.
16. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") within the dining room lobby at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non*-drinking driver.
17. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of

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alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to public view from the exterior constitute a violation of this condition.

18. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.
19. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:
 - a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered *Leadership and Education in Alcohol and Drugs* (LEAD) Program in the form of an ABC-issued certificate; or
 - b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then the ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Director's decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.
 - c. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.
20. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the hotel, the city may, in its discretion, take action to review the Conditional Use Permit, including without limitation, adding conditions or revoking the permit.

LICENSING:

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

POLICE:

22. The sale of alcoholic beverages for consumption off the premise is prohibited.
23. Food service is required at all hours that the establishment is open for business.
24. The restaurant must have security video cameras operating during all hours that the business is open. All cameras must record onto a media device, such as a

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videotape, digital storage CPU, DVR 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.

25. All conditions of the Alcoholic Beverage Control Board must be adhered at all times.
26. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
27. The manager/owner is responsible for maintaining the property free of litter and graffiti.
28. Three or more violations of applicable law including, without limitation, these conditions within a one year period (as calculated starting on February 9, 2016 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
29. 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.
30. 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,

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the Chief of Police must notify the restaurant owner/manager in writing and the manager/owner will have 7 business days to make the necessary changes.

FIRE:

31. The business owner/manager must complete the fire clearance inspection as required by the Monterey Park Fire Department prior to the operation of the restaurant.

By signing this document, Kelvin Yao, certifies on behalf of Forever Young Friends Group Corporation, doing business as, Private Party Restaurant, that he read, understood, and agrees to the Project Conditions listed in this document.

Kelvin Yao signing on behalf of Forever Young
Friends Group Corporation, doing business as,
Private Party Restaurant, Applicant

EXHIBIT B

Site and floor plans