PLANNING COMMISSION OF MONTEREY PARK
AGENDA

REGULAR MEETING
Monterey Park City Hall Council Chambers
320 West Newmark Avenue

Tuesday
June 27, 2017
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.

Documents related to an Agenda item are available to the public in the Community and Economic Development Department – Planning Division located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at www.montereypark.ca.gov.

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Board Chair and Board Members may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER	Chairperson
FLAG SALUTE	Chairperson
ROLL CALL	Larry Sullivan, Delario Robinson, Theresa Amador, Ricky Choi, and Eric Brossy De Dios

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

[1.] PRESENTATIONS - None

[2.] CONSENT CALENDAR

2-A. APPROVALS OF MINUTES

It is recommended that the Planning Commission:

(1) Approve the minutes from the regular meetings of May 23, 2017; and

(2) Take such additional, related, action that may be desirable.

2-B. TIME EXTENSION (EX-17-01) FOR CONDITIONAL USE PERMIT (CU15-07) TO ALLOW A 1.0 FLOOR AREA RATIO FOR A 12-UNIT MEDICAL OFFICE CONDOMINIUM DEVELOPMENT (CITIZEN'S MEDICAL PLAZA) – 120 WEST HELLMAN AVENUE

It is recommended that the Planning Commission:

(1) Approve the requested Time Extension (EX-17-01) for Conditional Use Permit (CU-15-07); and
(2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A MODIFICATION OF CONDITIONAL USE PERMIT (CU-17-02) TO ALLOW A NEW 5-STORY MIXED-USE DEVELOPMENT AND GENERAL ON-SALE ALCOHOL USE AND TENTATIVE MAP NO. 074409 (TM-17-02) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH A HOTEL AND 84 RESIDENTIAL UNITS IN THE R-S, P-D (REGIONAL SPECIALTY, PLANNED DEVELOPMENT) ZONE – 420 NORTH ALTANTIC BOULEVARD

It is recommended that the Planning Commission:

(1) Open the public hearing;
(2) Receive documentary and testimonial evidence;
(3) Close the public hearing;
(4) Adopt the attached Resolution approving Conditional Use Permit (CUP-17-02) and Tentative Map (TM-17-02), subject to conditions contained therein; and
(5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*), a lead agency may prepare a supplement to a previously adopted MND if some changes or additions are necessary to a previously analyzed project and the conditions described in CEQA Guidelines § 15162 are met. A Supplemental MND dated May 2017 was prepared and circulated for public review for a period of 20 days (May 15, 2017 to June 3, 2017) for the amended project. The SMND determined that there were no previously unidentified, or intensified, environmental impacts that would require additional analysis or mitigation. Consequently, the mitigation measures previously required by the MND dated October 2016 were sufficient to cause the amended project to remain a less than significant impact on the environment.

3-B. CONDITIONAL USE PERMIT (CU-17-05) TO ALLOW ON-SALE (TYPE 41 – BEER AND WINE) LICENSE FOR A BONA FIDE PUBLIC EATING PLACE AT 331 WEST GARVEY AVENUE #D

It is recommended that the Planning Commission:

(1) Open the public hearing;
(2) Receive documentary and testimonial evidence;
(3) Close the public hearing;
(4) Adopt the Resolution approving the requested Conditional Use Permit (CUP-17-05), subject to conditions of approval contained therein; and

(5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act (CEQA) guidelines, the project is Categorically Exempt under § 15301, Class 1 (Existing Facilities) in that the project consist of operating and licensing of an existing establishment.

3-C CONSIDER ADOPTING A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND SPECIFIC SECTIONS OF TITLE 21 ZONING REGULATIONS OF THE MONTEREY PARK MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS

It is recommended that the Planning Commission:

(1) Open the public hearing and, after considering the evidence presented during the public hearing, adopt a Resolution recommending that the City Council adopt a draft ordinance amending the Monterey Park Municipal Code regulating Accessory Dwelling Units;
(2) In the alternative, direct staff to study potential areas of the City where Accessory Dwelling Units may be prohibited due to potential adverse impacts; and/or
(3) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

This action is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*), because it involves the adoption of an ordinance regarding accessory dwelling units in a single-family or multifamily residential zone to implement the Government Code § 65852.2 as set forth in Public Resources Code § 21080.17, pursuant to CEQA Guidelines § 15282(h).

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

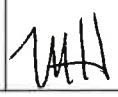
[6.] BOARD MEMBERS COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on July 11, 2017.

APPROVED BY:

MICHAEL A. HUNTLEY	

Planning Commission Staff Report

DATE: June 27, 2017

AGENDA ITEM NO: 2-A

TO: Planning Commission

FROM: Michael A. Huntley, Community and Economic Development Director

BY: Samantha Tewasart, Senior Planner

SUBJECT: Planning Commission Minutes

RECOMMENDATION:

It is recommended that the Planning Commission consider:

(1) Approve the minutes from the regular meeting of May 23, 2017; and
(2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This item was continued from the meeting of June 13, 2017 due to a lack of quorum.

Planning Commission Staff Report

DATE: June 27, 2017

AGENDA ITEM NO: 2-B

TO: The Planning Commission

FROM: Michael A. Huntley, Community and Economic Development Director

SUBJECT: Consent – Time Extension (EX-17-01) for Conditional Use Permit (CU-15-07) to allow a 1.0 floor area ratio for a 12-unit medical office condominium development (Citizen's Medical Plaza) – 120 West Hellman Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

(1) Approving the requested Time Extension (EX-17-01) for Conditional Use Permit (CU-15-07); and
(2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This item was continued from the meeting of June 13, 2017 due to a lack of quorum.

Planning Commission Staff Report

DATE: June 27, 2017

AGENDA ITEM NO: 3-A

TO: The Planning Commission

FROM: Michael A. Huntley, Community and Economic Development Director

SUBJECT: Public Hearing: Modification of Conditional Use Permit (CUP-17-02) to allow a new 5-story mixed-use development and general on-sale alcohol use and Tentative Map No. 074409 (TM-17-02) to allow for the subdivision of air-rights to establish a hotel and 84 residential units in the R-S, P-D (Regional Specialty, Planned Development) Zone – 420 North Atlantic Boulevard (Best Western).

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 Conditional Use Permit (CUP-17-02) and Tentative Map (TM-17-02), subject to conditions contained therein; and
(5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This item was continued from the meeting of June 13, 2017 due to a lack of quorum.

Planning Commission Staff Report

DATE: June 27, 2017

AGENDA ITEM NO: 3-B

TO: The Planning Commission

FROM: Michael A. Huntley, Community and Economic Development Director

SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-17-05) to permit on-sale (Type 41 beer and wine) license for a bona fide public eating place – 331 West Garvey Avenue Unit #D.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

(1) Opening the public hearing;
(2) Receiving documentary and testimonial evidence;
(3) Closing the public hearing;
(4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-17-05), subject to conditions of approval contained therein; and
(5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of operating and licensing of an existing establishment.

EXECUTIVE SUMMARY:

The applicant, Mr. Sheng Spicy House, LLC, is requesting a Conditional Use Permit to allow on-sale beer and wine (Type 41 license) in conjunction with the operation of a bona fide retail eating establishment located at 331 West Garvey Avenue Unit #D. The property is zoned C-B (Central Business) and is designated Commercial in the General Plan.

Staff is recommending approval of Conditional Use Permit (CUP-17-05) subject to the conditions contained in the Resolution to address any concerns that are typically associated with alcohol uses.

BACKGROUND:

The subject property is located on the north side of West Garvey Avenue, between North McPherrin Avenue and Huntington Avenue. The subject lot is 27,488 square feet (0.63 acres) in size and is currently developed with two detached, one-story multi-tenant

commercial buildings totaling 10,136 square feet in size. The subject property is built out with only 29 on-site parking spaces.

The subject building is comprised of a liquor store, bakery, three restaurants, and beauty salon. Properties located to the north, south, east, and west of the subject property are commercial uses. The property is accessible from West Garvey Avenue.

Project Description

Mr. Sheng Spicy House Restaurant is an existing restaurant that is currently in operation. According to the floor plan, the subject unit is 1,296 square feet. The dining area is less than one-half (617 square feet) of the restaurant. The interior dining area is made up of five 4-seat square tables and two 5-seat circular tables. The remaining area includes the kitchen service area, storage, and restrooms. The business offers meals and serves alcohol between 5:00 p.m. to 12:00 a.m. Monday through Sunday. The on-site alcoholic beverages services will complement the restaurant's meals. No separate bar area is indicated on the floor plan of the restaurant, nor is any entertainment proposed for the business at this time.

According to Business and Professions Code § 23958.4, a total of 4 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 1,000 in the census tract, the Department of Alcoholic Beverage Control allows 2 on-sale licenses in this census tract and currently there are 18 licensed establishments.

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.

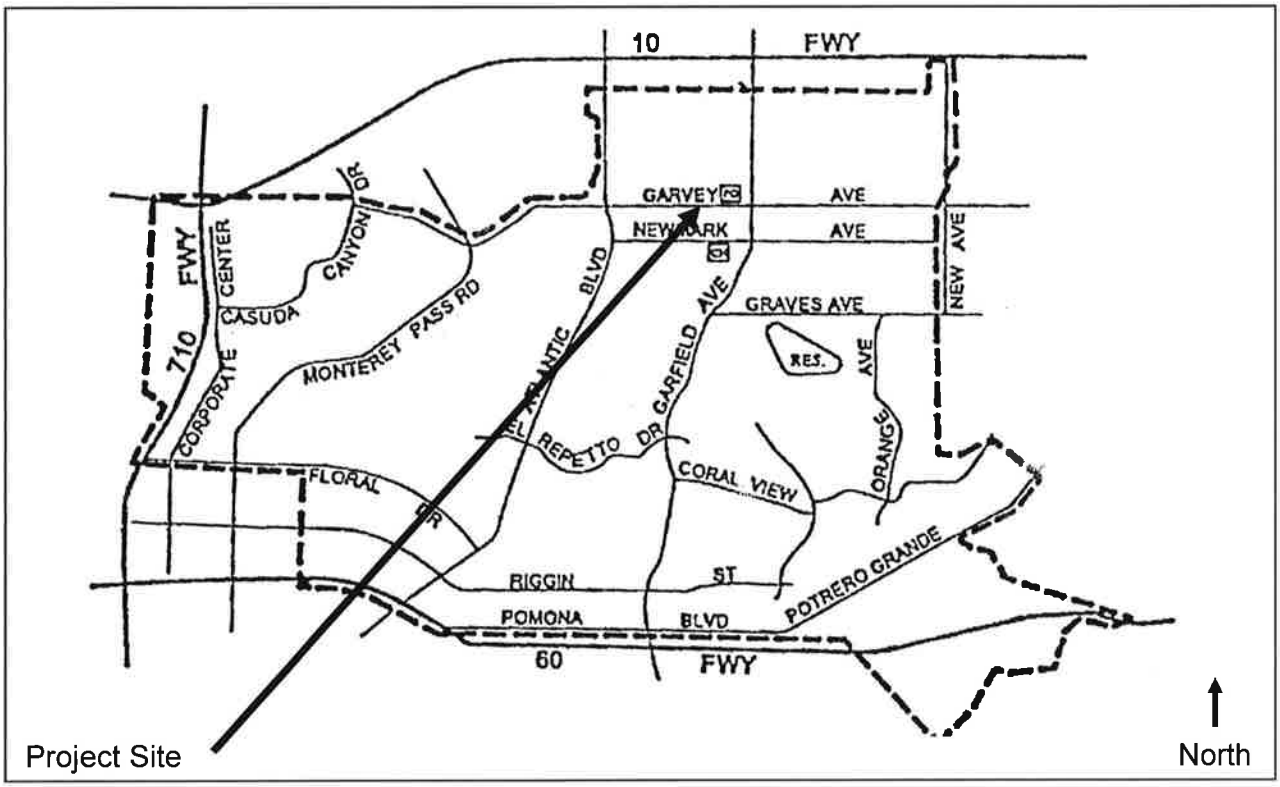
The Police Department included condition numbers 22 through 31 in the Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol must be served along with 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 retail eating establishment. 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.

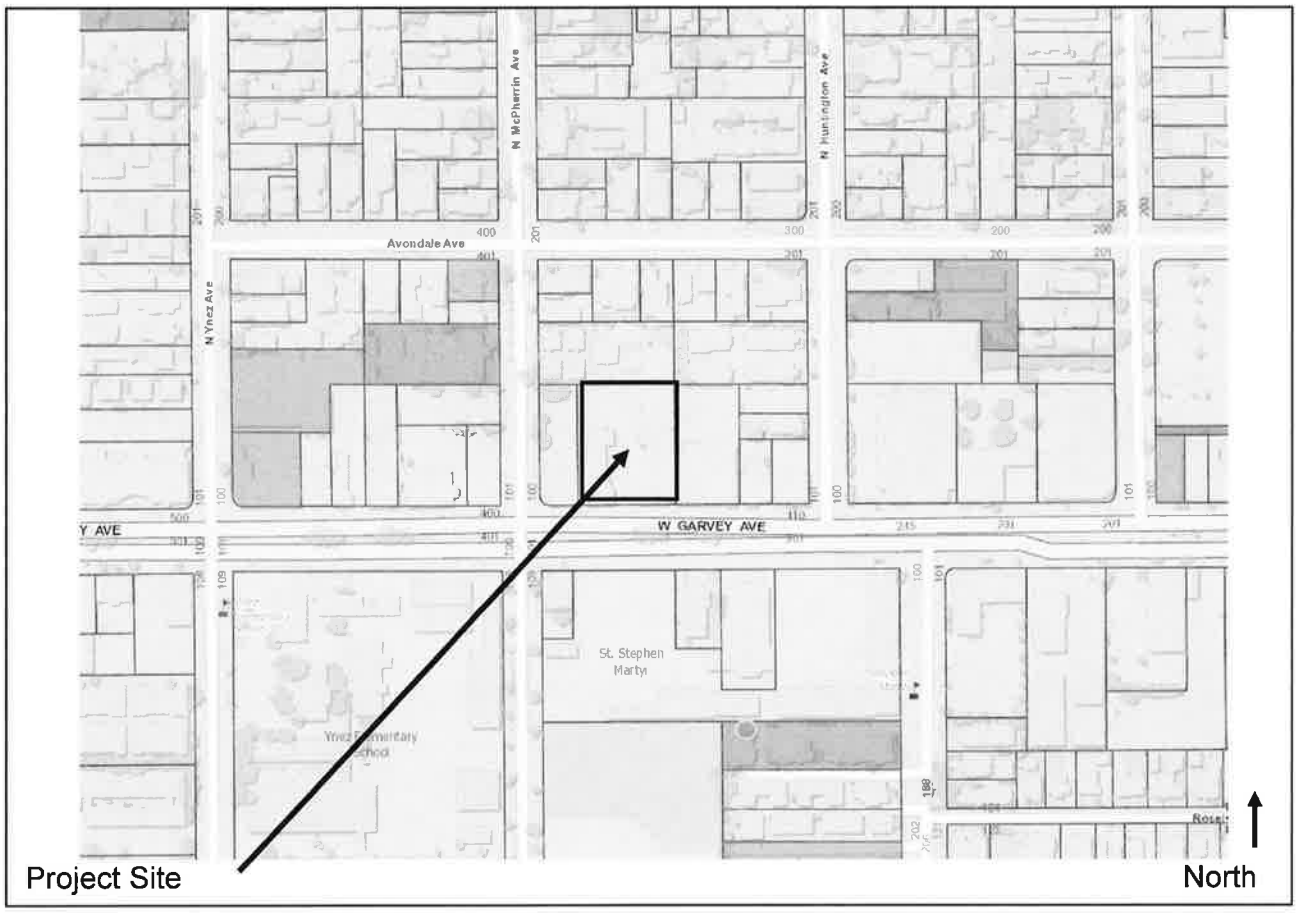
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **June 8, 2017**, with affidavits of posting on file. The legal notice of this hearing was mailed to **69** property owners within a 300 feet radius and current tenants of the property concerned on **June 8, 2017**.

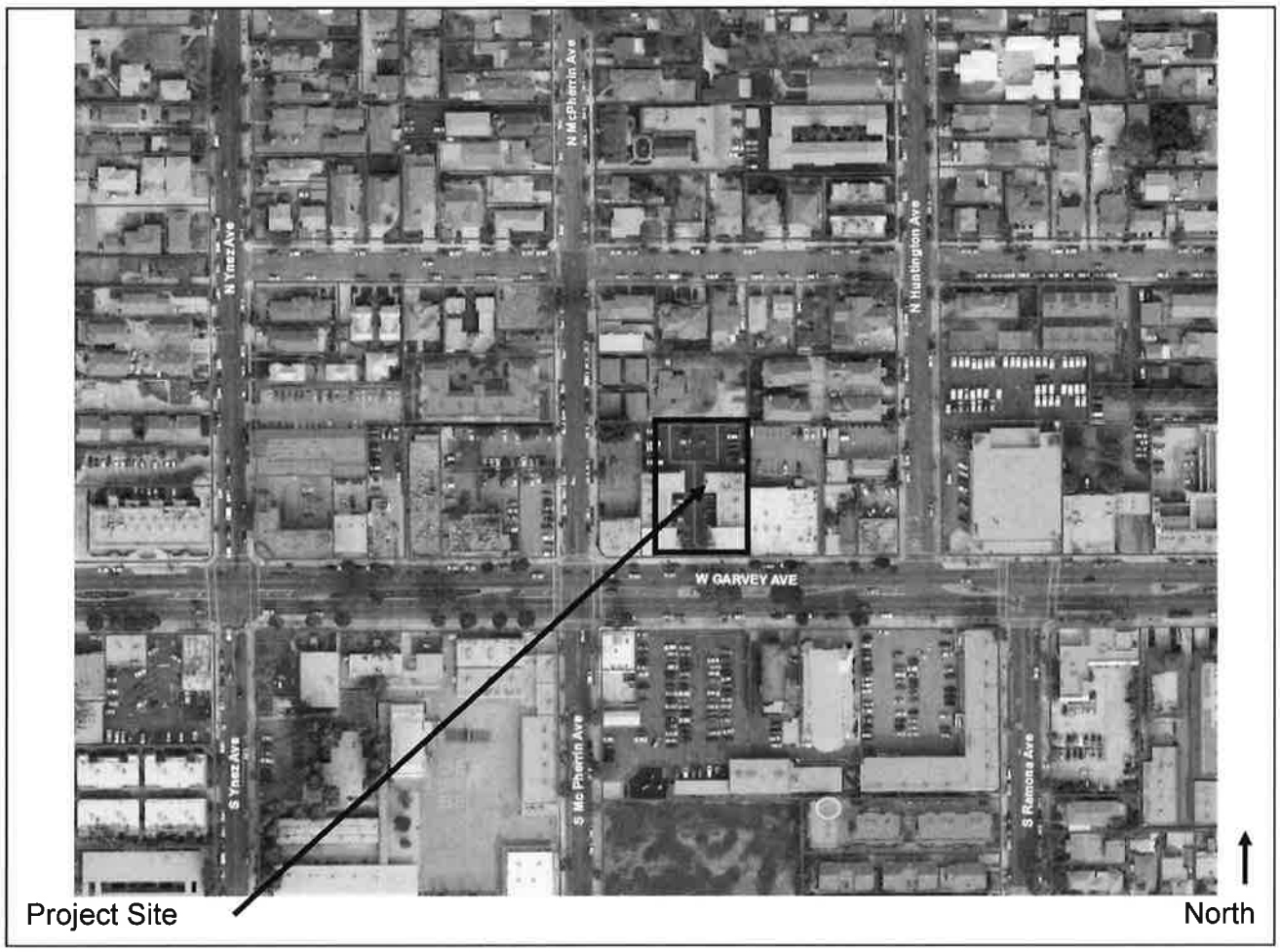
Vicinity Map



Street Map


N McPherrin Ave
N Huntington Ave
Avondale Ave
N Ynez Ave
W GARVEY AVE
St. Stephen Martyr
Project Site
North

Aerial Map



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:

Samantha Tewasart
Senior Planner

Reviewed by:

Karl H. Berger
Assistant City Attorney

ATTACHMENTS:

Attachment 1: Draft Resolution
Attachment 2: Site and floor plans

ATTACHMENT 1
Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-17-05) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE RETAIL EATING ESTABLISHMENT AT 331 WEST GARVEY AVENUE #D.

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

SECTION 1: The Planning Commission finds and declares that:

A. On May 4, 2017, Mr. Sheng Spicy House LLC, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting approval of Conditional Use Permit (CUP-17-01) to permit on-sale alcoholic beverages (beer and wine) for a bona fide retail eating establishment at 331 West Garvey Avenue #D ("Project");

B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the 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 June 27, 2017. Notice of the public hearing was posted and mailed as required by the MPMC;

E. On June 27, 2017, 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 Mr. Sheng Spicy House LLC; and

F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its June 27, 2017 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. 331 West Garvey Avenue #D is zoned C-B (Central Business) and designated Commercial in the General Plan;

C. The subject property is located on the north side of Garvey Avenue, between North McPherrin Avenue and Huntington Avenue. Properties location to the north, south, east, and west of the subject property are commercial uses;

D. The lot is 27,488 square feet (0.63 acres) in size and is currently developed with two detached, one-story multi-tenant commercial buildings totaling 10,136 square feet in size; and

E. The subject property is completely built out with 29 on-site parking spaces.

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:

A. 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 service commercial and professional office uses intended to meet the needs of 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 C-B (Central Business) Zone with Conditional Use Permit approval. Fourth, the proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

B. That the proposed use will not present adverse secondary impacts, including, without limitation, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime

interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed use is the addition of on-site beer and wine sales in conjunction with an existing retail eating establishment. On-sale alcoholic beverage uses are permitted with a conditional use permit. The MPMC require properties to be adequately maintained and conditions numbers 22 and 31 of the conditions of approval are included to address security concerns. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol to be served along with food only.

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

The subject property is zoned C-B (Central Business). A retail eating establishment is a permitted principle use in the C-B Zone. Properties located to the north, south, east, and west of the subject property are commercial uses. The property is accessible from West Garvey Avenue. The suitability of any nearby commercial-zoned properties for commercial use will remain the same.

D. 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 Business and Professions Code § 23958.4, a total of 4 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 1,000 in the census tract, ABC allows 2 on-sale licenses in this census tract and currently there are 18 licensed establishments.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. The existing exterior lights provide adequate lighting without disturbing the adjacent properties. The Police Department has included conditions numbers 22 through 31 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-17-05).

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

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

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

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

SECTION 10: A copy of this Resolution will be mailed to Mr. Sheng Spicy House LLC and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within ten (10) 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 27th day of June 2017.

Chairperson Larry Sullivan

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 27th day of June 2017, 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

331 WEST GARVEY AVENUE #D

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Mr. Sheng Spicy House LLC, agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-17-05) ("Project Conditions").

PLANNING:

1. Mr. Sheng Spicy House LLC (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-17-05 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-17-05, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.

2. 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-17-05) must be kept on the premises of the establishment and presented to any authorized City official upon request.

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 Control (ABC) Type 41 (On-Sale Beer and Wine – Eating Place) License. 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 containers that are 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 5:00 p.m. to 12:00 a.m.

13. Hours of operations for alcohol service at the restaurant are limited to the hours of Monday through Sunday from 5:00 p.m. to 12:00 a.m.

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

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), Monrovia 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, Monrovia District Office to ensure proper distribution of beer, and wine 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 Community and Economic Development 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 restaurant, 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

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 implemented 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 the resolution approval date and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.

29. The restaurant must not be used as a place of entertainment unless application is approved by the City.

30. 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.

31. If the establishment is open for business past midnight (12:01 a.m.), the restaurant will employ one licensed security guard to remain on the premises during the hours of 6:00 p.m. to closing. The security guard will cooperate with the Police Department in any official police investigations or other related matters. If at any time, the Chief of Police deems that the security

guard/company is inadequate, the Chief may require the owner to retain additional security guards or a new security company. If such a situation arises, the Chief of Police must notify the restaurant owner/manager in writing and the manager/owner will have 7 business days to make the necessary changes.

By signing this document, Mr. Sheng Spicy House LLC, that it read, understood, and agrees to the Project Conditions listed in this document.

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Mr. Sheng Spicy House LLC, Applicant

ATTACHMENT 2
Site, floor, elevation plans

Planning Commission Staff Report

DATE: June 27, 2017

AGENDA ITEM NO: 3-C

TO: The Planning Commission

FROM: Michael A. Huntley, Director of Community and Economic Development

SUBJECT: Consider adopting a Resolution recommending that the City Council amend specific sections of Title 21 (zoning regulations) of the Monterey Park Municipal Code relating to Accessory Dwelling Units.

RECOMMENDATION:

It is recommended that the Planning Commission:

(1) Open the public hearing and, after considering the evidence presented during the public hearing, adopt a Resolution recommending that the City Council adopt a draft ordinance amending the Monterey Park Municipal Code regulating Accessory Dwelling Units;

(2) In the alternative, direct staff to study potential areas of the City where Accessory Dwelling Units may be prohibited due to potential adverse impacts; and/or

(3) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This item was continued from the meeting of June 13, 2017 due to a lack of quorum.