

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

Tuesday
December 12, 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 November 14, 2017; and
- (2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A CONDITIONAL USE PERMIT (CUP-17-11) TO ALLOW AN ON-SALE (TYPE 41 – BEER AND WINE) LICENSE FOR A BONA FIDE PUBLIC EATING PLACE – 168 EAST GARVEY AVENUE #B

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-17-11), 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 CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of operating and licensing of an existing establishment.

3-B CONDITIONAL USE PERMIT (CUP-17-09) TO ALLOW A MASSAGE ESTABLISHMENT – 2085 SOUTH ATLANTIC BOULEVARD #D&#G

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-17-07), 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 CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of operating and licensing of an existing establishment.

[4.] OLD BUSINESS – None

4-A CONDITIONAL USE PERMIT (CUP-17-07) TO ALLOW A MORTUARY – 1965 POTRERO GRANDE DRIVE

It is recommended that the Planning Commission:

- (1) Reconsider the adoption of a Resolution approving Conditional Use Permit (CUP-17-07), subject to conditions contained therein; and
- (2) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of operating and licensing of an existing establishment.

[5.] NEW BUSINESS – None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on January 9, 2017.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: December 12, 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 November 14, 2017; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

Respectfully submitted,



Michael A. Huntley
Community and Economic Development Director

Attachments:

Attachment 1: November 14, 2017 Planning Commission regular meeting minutes

ATTACHMENT 1

November 14, 2017 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 14, 2017**

The Planning Commission of the City of Monterey Park held a regular meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, November 14, 2017 at 7:00 p.m.

CALL TO ORDER:

Chairperson Larry Sullivan called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Larry Sullivan, Delario Robinson, Members, Theresa Amador, and Ricky Choi

Board Members Absent: Eric Brossy De Dios

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS:

Speaker David Barron stated that the City must continue to be diligent on enforcement of boardinghouses.

[1.] PRESENTATIONS: None

[2.] CONSENT CALENDAR:

2-A. APPROVAL OF MINUTES

October 10, 2017 –

Action Taken: The Planning Commission approved the minutes of October 10, 2017 with amendments.

Motion: Moved by Commissioner Choi and seconded by Commissioner Amador, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Amador, and Choi

Noes: Commissioners: None

Absent: Commissioners: Brossy de Dios

Abstain: Commissioners: None

MISSION STATEMENT

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[3.] PUBLIC HEARING:

**3-A CONDITIONAL USE PERMIT (CUP-17-07) TO ALLOW FOR A MORTUARY – 1965
POTRERO GRANDE DRIVE #K**

Planner Tewasart provided a brief summary of the staff report.

Chairperson Sullivan opened the public hearing.

Applicant Ralph Torres was present to speak on the project.

Speaker David Barron spoke in support of the business on behalf of the Greater Monterey Park Chamber of Commerce & Visitor Center.

Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **approved** the requested conditional use permit for 1965 Potrero Grande Drive #K.

Motion: Moved, by Commissioner Robinson and seconded by Commissioner Amador, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Amador, and Choi
Noes: Commissioners: None
Absent: Commissioners: Brossy de Dios
Abstain: Commissioners: None

[4.] OLD BUSINESS: None.

[5.] NEW BUSINESS: None.

[6.] COMMISSION COMMUNICATIONS AND MATTERS: None

[7.] STAFF COMMUNICATIONS AND MATTERS:

Director Huntley provided an update on projects.

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 7:30 p.m.

Next regular scheduled meeting on December 12, 2017 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

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



Planning Commission Staff Report

DATE: December 12, 2017

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-17-11) to permit on-sale (Type 41 beer and wine) license for a bona fide public eating place – 168 East Garvey Avenue Unit #B.

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-17-11), 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, Shaopend Dong of Yummy BBQ Restaurant, 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 bona fide retail eating establishment located at 168 East Garvey Avenue Unit #B. The property is zoned C-B, P-D (Central Business, Planned Development Overlay) and is designated MU I (Mixed Use I) in the General Plan.

Staff is recommending approval of Conditional Use Permit (CUP-17-11) 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 south side of East Garvey Avenue, between South Garfield Avenue and South Lincoln Avenue. The subject lot is 3,026 square feet (0.07 acres) in size and is currently developed with a two-story multi-tenant commercial

building. The subject property is built out with no on-site parking spaces. The subject tenant space is an existing restaurant that is currently in operation. Properties located to the north, south, east, and west of the subject property are commercial uses.

Project Description

According to the floor plan, the subject unit is approximately 2,113 square feet. The dining area is less than one-half (838 square feet) of the restaurant. The dining area is made up of eighteen 2-seat square tables. The remaining area includes the kitchen service area, storage, and restrooms. The business operating hours are Monday through Sunday from 11:00 a.m. to 3:00 p.m. and 5:00 p.m. to 10:00 p.m. The alcohol service hours will be the same. 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 3 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. 4822.01. Based on a population of 1,000 in the census tract, the Department of Alcoholic Beverage Control allows 3 on-sale licenses in this census tract and currently there are 5 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 special security measures, such as providing a security guard and alarm system. Staff conducted a site inspection and found that the subject property has adequate exterior lighting attached to the building walls. The existing exterior lights provide adequate lighting without disturbing the adjacent properties.

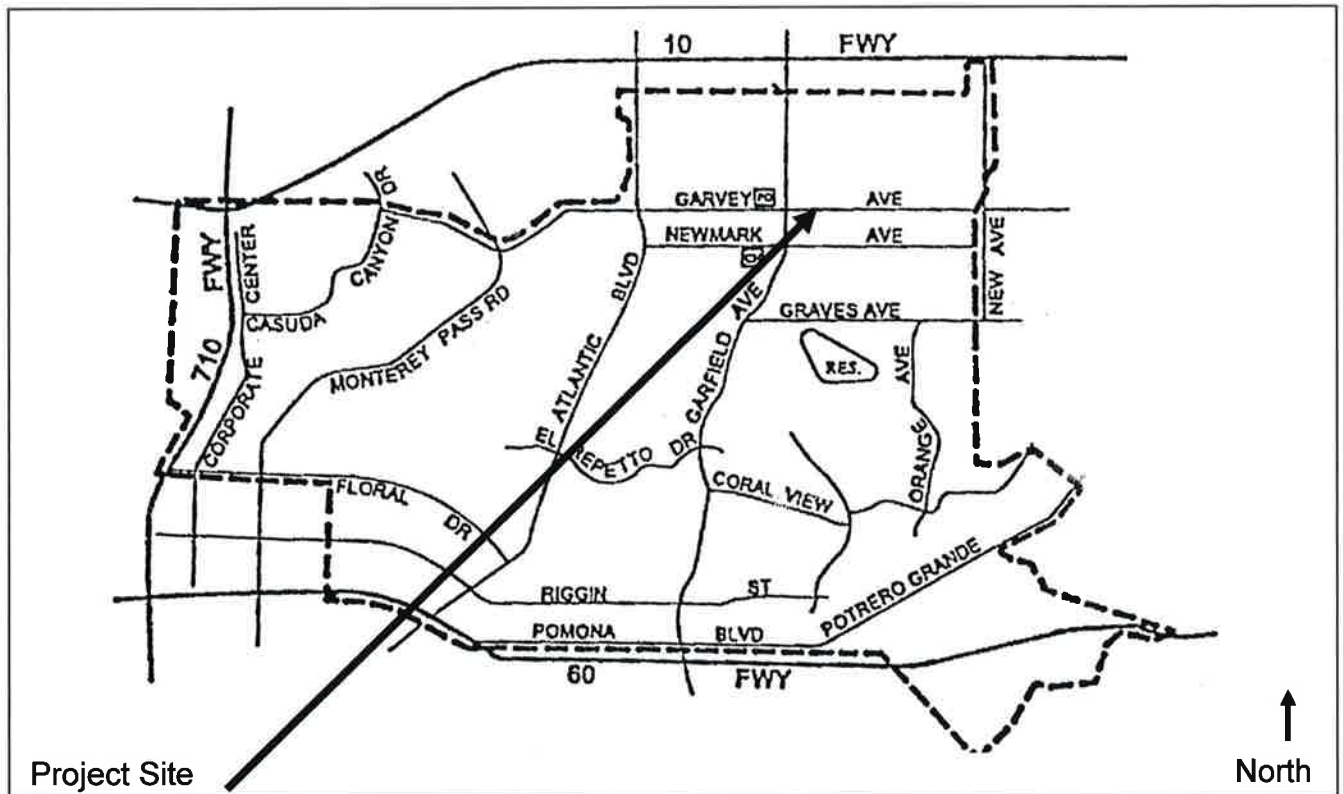
The Police Department included condition numbers 22 through 31 in the Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol must be served along with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

Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **November 13, 2017**, with affidavits of posting on file. The legal notice of this hearing was mailed to **31** property owners within a 300 feet radius and current tenants of the property concerned on **November 13, 2017**.

Vicinity Map



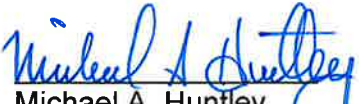
Street Map



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 A CONDITIONAL USE PERMIT (CUP-17-11) TO ALLOW ON-SALE ALCOHOLIC BEVERAGES (TYPE 41 BEER AND WINE LICENSE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE AT 168 EAST GARVEY AVENUE #B.

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 24, 2017, Shaopeng Dong of Yummy BBQ Restaurant (the "Applicant"), submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting approval of a Conditional Use Permit (CUP-17-11) to allow on-sale alcoholic beverages (beer and wine) for a bona fide public eating place at 168 East Garvey Avenue #B ("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 December 12, 2017. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On December 12, 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, public testimony, and representatives of Shaopeng Dong; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Planning Commission at its December 12, 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. 168 East Garvey Avenue #B is zoned C-B, P-D (Central Business, Planned Development) and designated MU-I (Mixed-Use I) in the General Plan;

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- C. The subject property is located on the south side of East Garvey Avenue, between South Garfield Avenue and South Lincoln Avenue. Properties located to the north, south, east, and west of the subject property are commercial;
- D. The lot is 3,021 square feet (0.07 acres) in size and is currently developed with a two-story multi-tenant commercial building; and
- E. The subject property is completely built out with no on-site parking. The subject tenant space is an existing restaurant that is currently in operation.

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. The proposed use complies with all requirements as set forth for 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 MPMC zoning regulations. The subject property is designated Mixed-Use I in the General Plan. The Mixed-Use I land use category allows for retail, service, office, and entertainment and dining establishments. The proposed use is the addition of beer and wine sales to accompany meals at an existing retail eating establishment. On-sale alcoholic beverage sales are permitted in the C-B, P-D (Central Business, Planned Development) Zone with Conditional Use Permit approval. Fourth, the proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

- B. 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.

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The proposed use is the addition of on-site beer and wine sales in conjunction with an existing retail eating establishment. The MPMC require properties to be adequately maintained and conditions numbers 22 and 31 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. The proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

The property is zoned C-B, P-D (Central Business, Planned Development). A retail eating establishment is a permitted principle use in the C-B, P-D Zone. Properties located to the north, south, east, and west of the subject property are commercial uses. 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 Government Code § 23958.4, a total of 3 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. 4822.01. Based on a population of 1,000 in the census tract, ABC allows 3 on-sale licenses in this census tract and currently there are 5 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 special security measures, such as providing a security guard and alarm system. 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-17-11).

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,

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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 Shaopeng Dong 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.

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ADOPTED AND APPROVED this 12th day of December 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 12th day of December 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

168 EAST GARVEY AVENUE #B

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Shaopeng Dong of Yummy BBQ Restaurant, agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-17-11) ("Project Conditions").

PLANNING:

1. Shaopeng Dong of Yummy BBQ Restaurant (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-17-11 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-17-11, 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 (CUP-17-11) 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 one 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-17-11) 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 Control (ABC) Type 41 (On-Sale Beer and Wine – for Bona Fide Public 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 11:00 a.m. to 3:00 p.m. and 5:00 p.m. to 10:00 p.m.
13. The hours of operations for alcohol service at the restaurant are limited to the hours of Monday through Sunday from 11:00 a.m. to 3:00 p.m. and 5:00 p.m. to 10:00 p.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. The responsible party's name and phone number must also be available from restaurant the Applicant's employees 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.

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17. There cannot be any 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. 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.

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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 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 substantiated complaints 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) are received by the Monterey Park Police Department regarding disturbances caused by patrons of the restaurant whether inside or within close proximity of the restaurant 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 a modification to the Conditional Use Permit 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.

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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 and not beneficial to the overall good of the restaurant or community, the Chief must retain the right to request 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, Shaopeng Dong of Yummy BBQ Restaurant, states that he read, understood, and agrees to the Project Conditions listed in this document.

Shaopeng Dong of Yummy BBQ Restaurant, Applicant

ATTACHMENT 2

Site and Floor Plans



Planning Commission Staff Report

DATE: December 12, 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-17-09) to allow a massage establishment – 2085 South Atlantic Boulevard #D&#G.

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-17-09), subject to conditions of approval contained therein; and
- (5) Take 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 State CEQA guidelines CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation and licensing of an existing establishment.

EXECUTIVE SUMMARY:

The applicant, Amy Zhou of Magnolia Spa, is requesting approval of a Conditional Use Permit to allow a massage establishment at 2085 South Atlantic Boulevard #D&#G. The property is zoned S-C (Shopping Center) and is designated C (Commercial) in the General Plan.

Staff is recommending approval of the Conditional Use Permit (CUP-17-09) subject to the conditions contained in the Resolution to address any concerns that are typically associated with a massage use. The subject tenant space is relatively small. The tenant space is located in a commercial plaza with several other businesses that generate regular foot traffic, which helps to minimize concerns regarding safety and security. Additionally, according to City records, there are approximately 13 beauty and nail salons operating in this commercial plaza, so the proposed use is similar to the types of uses that currently exist on this property.

BACKGROUND:

The subject property is located at the corner of the South Atlantic Boulevard and Floral Drive. The subject lot is 183,823 square feet (4.22 acres) in size and is currently developed with eight detached commercial buildings and a detached 4-level parking structure. The commercial buildings vary from one to three-stories. The commercial plaza is comprised of a mixture of commercial uses, including a retail eating establishment, nail and beauty salons, dental offices, and other service offices. Properties located to the north, east and south include S-C (Shopping Center) zoned lots, and west are R-1 (Single-Family Residential) and R-3 (High Density Residential) zoned lots. There are at total of 464 parking spaces provided on the property, including 78 at-grade spaces and 386 spaces provided in the parking structure. The property is accessible from two driveways on South Atlantic Boulevard and a driveway on Floral Drive.

Project Description

According to the floor plan, the subject unit is 1,296 square feet. The tenant space will have four foot massage chairs and five massage rooms. The remaining areas include a restroom, men and women changing room, employee break room, and storage/utility room. The business operating hours will be Monday through Sunday from 10:00 a.m. to 8:30 p.m. and closed on Wednesday.

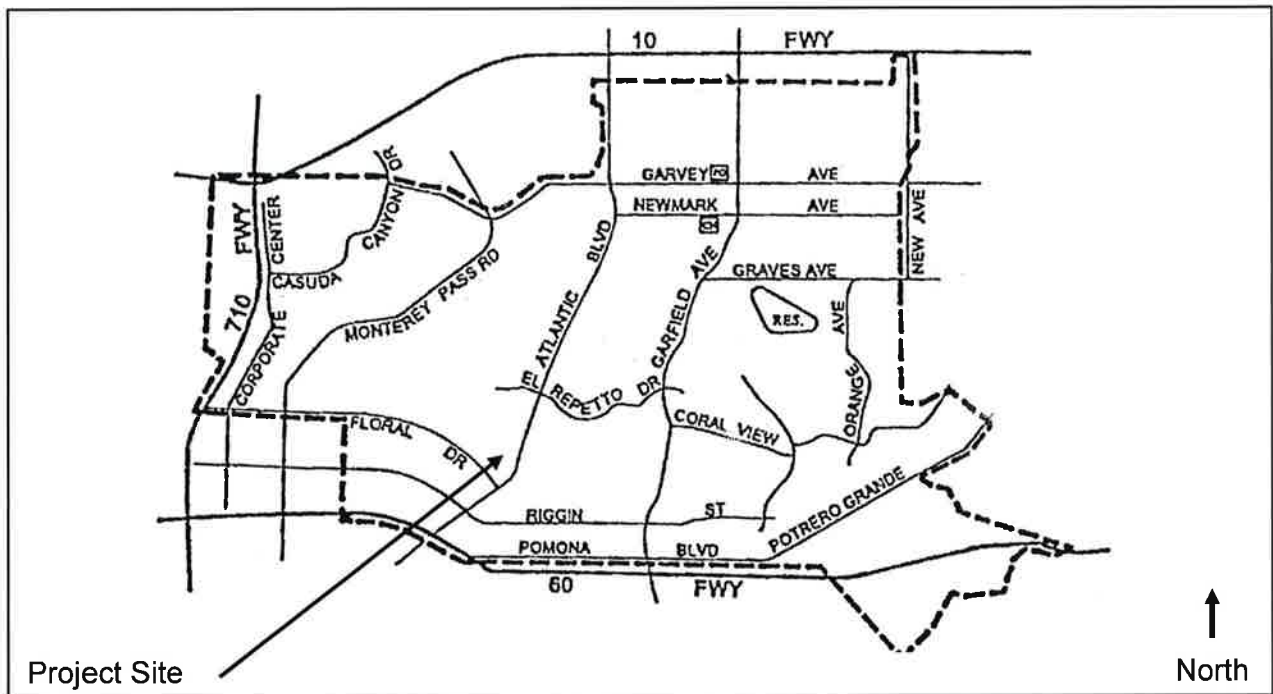
With past conditional use permit applications, the Planning Commission has inquired about calls for service for existing massage businesses, to which the Police Department responded that no complaints have been received for any of the existing massage establishments. The Crime Impact Team has been conducting routine, random checks to ensure compliance.

According to MPMC § 21.12.030, a massage establishment is subject to the approval of a conditional use permit and must comply with regulations set forth in MPMC Chapter 5.28. According to MPMC § 5.28.110 Facilities and Operations, a massage business must comply with a list of specified requirements. Some of the requirements include minimum lighting, ventilation, and restroom to be provided in accordance with the California Building Code. The Police Department included condition numbers 6 through 12 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 and required certifications.

Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **October 30, 2017**, with affidavits of posting on file. The legal notice of this hearing was mailed to **79** property owners within a 300 feet radius and current tenants of the property concerned on **October 30, 2017**.

Vicinity Map



Aerial Map



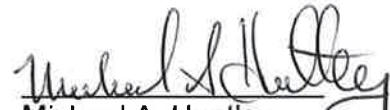
ALTERNATIVE COMMISSION CONSIDERATIONS:

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:


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-17-09) TO ALLOW A MESSAGE ESTABLISHMENT AT 2085 SOUTH ATLANTIC BOULEVARD #D&#G

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 2, 2017, Ms. Amy Zhou, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting approval of Conditional Use Permit (CUP-17-09) to allow a massage establishment at 2085 South Atlantic Boulevard #D&#G ("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 December 12, 2017;
- E. On December 12, 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 Amy Zhou; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its December 12, 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 establish a massage business within an existing multi-tenant commercial plaza;
- B. 2085 South Atlantic Boulevard #D&#G is zoned S-C (Shopping Center) and designated Commercial in the General Plan;
- C. The subject property is located at the corner of the South Atlantic Boulevard and Floral Drive;

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

- D. The subject lot is 183,823 square feet (4.22 acres) in size and is currently developed with eight detached commercial buildings and a detached 4-level parking structure. The commercial buildings vary from one to three-stories;
- E. The commercial plaza is comprised of a mixture of commercial uses, including a retail eating establishment, nail and beauty salons, dental offices, and other service offices. Properties located to the north, east and south include S-C (Shopping Center) zoned lots, and west are R-1 (Single-Family Residential) and R-3 (High Density Residential) zoned lots; and
- F. There are at total of 464 parking spaces provided on the property, including 78 at-grade spaces and 386 spaces provided in the parking structure. The property is accessible from two driveways on South Atlantic Boulevard and a driveway on Floral 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 § 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. The site is adequate in size, shape and topography for the proposed use in that the proposed use is a massage business within an existing commercial plaza with multiple tenant spaces. No physical changes are proposed to the site;
- 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 proposed use is a massage business within an existing commercial plaza and is not expected to significantly increase traffic;
- C. 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 allows for a broad range of retail and service commercial and professional office uses. The proposed use is a massage establishment within an existing commercial plaza. A massage establishment is allowed in the S-C (Shopping Center) Zone with Conditional Use Permit approval;
- D. 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.
- E. 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.

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

- F. The proposed massage establishment is a conditionally allowed use in the zone. The subject space is 1,296 square feet, which will be relatively small and generate minimal impacts to traffic and parking demands. Conditions have been included in the Resolution to address concerns relating to safety and security.

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-17-09).

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.

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

SECTION 10: A copy of this Resolution will be mailed to Amy Zhou 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 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

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

ADOPTED AND APPROVED this 12th day of December 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 12th day of December 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

ATTACHMENT 2

Site and floor plans



Planning Commission Staff Report

DATE: December 12, 2017

AGENDA ITEM NO: 4-A

TO: Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
BY: Samantha Tewasart, Senior Planner
SUBJECT: Reconsideration of a Conditional Use Permit (CU-17-07) to allow a mortuary – 1965 Potrero Grande Drive #K.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Reconsider adoption of a Resolution approving the requested Conditional Use Permit (CUP-17-07), subject to conditions of approval contained therein; and
- (2) Take 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 State CEQA guidelines CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consist of the operation and licensing of an existing establishment.

EXECUTIVE SUMMARY:

The Planning Commission adopted Resolution No. 13-17 at its November 14, 2017 meeting. At that time, Commissioner Robinson was informed that his home's proximity to the project site did not create a conflict. Since that time, the matter was reexamined and staff recommends that, in an abundance of caution, the Planning Commission reconsider Resolution No. 13-17 without Commissioner Robinson being part of the quorum.

According to the State Fair Political Practices Commission (FPPC) and Political Reform Act ("Act"), a public official has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

Since evidence was already received during the public hearing on November 14, 2017, the Planning Commission may simply reconsider whether to adopt Resolution No. 13-17 without Commissioner Robinson's participation. No additional evidence is required. A copy of the staff report from the November 14, 2017 meeting is included for reference.

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: Planning Commission Staff Report, dated November 14, 2017

ATTACHMENT 1

Planning Commission Staff Report, dated November 14, 2017



Planning Commission Staff Report

DATE: November 14, 2017

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 (CU-17-07) to allow a mortuary – 1965 Potrero Grande Drive #K.

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-17-07), subject to conditions of approval contained therein; and
- (5) Take 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 State CEQA guidelines CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation and licensing of an existing establishment.

EXECUTIVE SUMMARY:

The applicant, Ralph Torres, is requesting approval of a Conditional Use Permit to allow a mortuary at 1965 Potrero Grande Drive. The property is zoned C-S (Commercial Service) and is designated C (Commercial) in the General Plan.

Staff is recommending approval of the Conditional Use Permit (CUP-17-07) subject to the conditions contained in the Resolution to address any concerns that are typically associated with a mortuary use. The subject tenant space is relatively small and provides space for limited services. The tenant space is located in a commercial plaza with several other businesses that generate regular foot traffic, which helps to minimize concerns regarding safety and security.

BACKGROUND:

The subject property is located on the north side of Potrero Grande Drive, west of Kenton Drive. The subject lot is 71,002 square feet (1.63 acres) in size and is currently

developed with a one-story commercial strip center situated on the eastern portion of the lot with parking located west of the building. The commercial plaza is comprised of a mixture of commercial uses, including a retail eating establishment, flower shop, pet grooming, bakery, offices, and warehousing. Properties located to the north and west include C-S (Commercial Service) zoned lots, to the south is the City of Montebello Resurrection Cemetery, and east is a R-3 (High Density Residential) zoned lot developed with 114-unit senior housing development. There are a total of 85 at-grade parking spaces. The property is accessible from Potrero Grande Drive.

Project Description

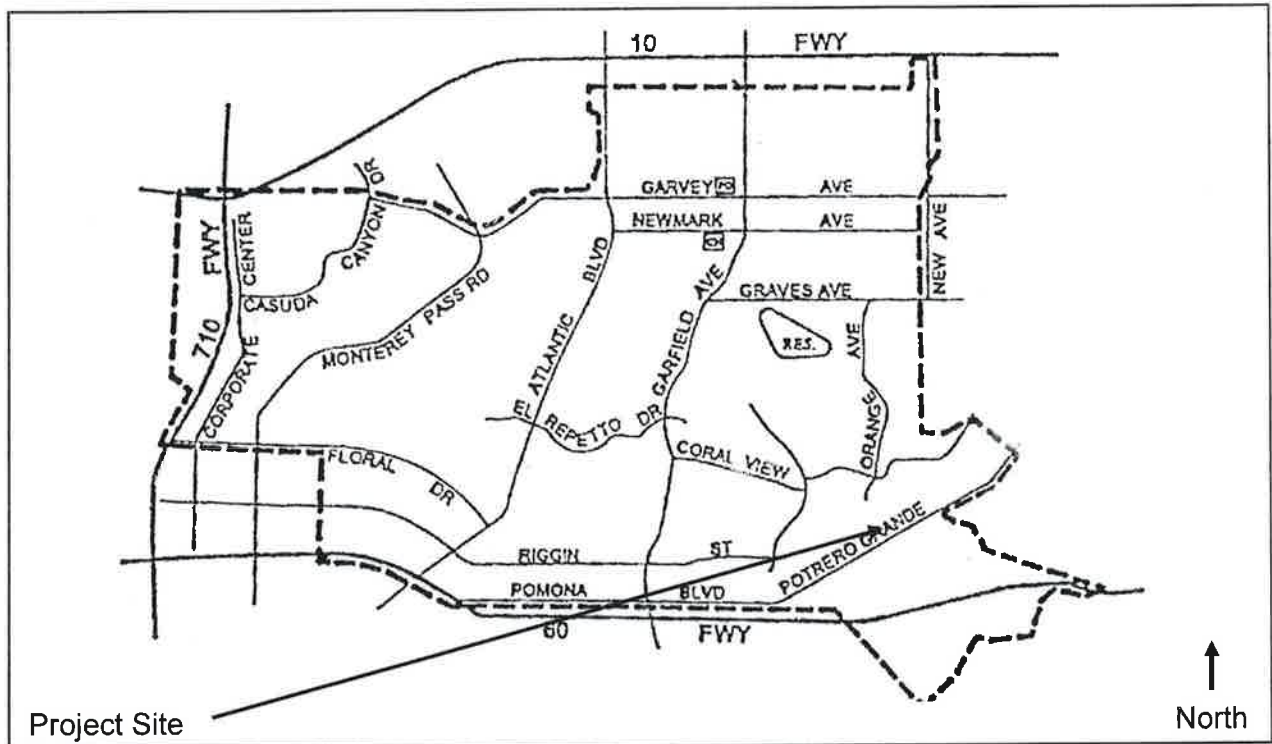
According to the Applicant, Torres Mortuary is a family owned and operated business and currently occupies Unit #C at the same property for administrative purposes only. The subject unit, Unit #K, will be used for mortuary purposes. According to the floor plan, the subject unit is 2,115 square feet. The tenant space will have casket storage racks, space for a hearse and van parking, portable refrigerator, restroom, and 97 square feet preparation room. The preparation room will be used for embalming and storage purposes. According to the Applicant, the proposed use responds to the initial call after a death and the deceased is transferred into their care. If a family requests embalming of the body, the body can be embalmed. Embalming is the addition of chemical preservatives for the temporary preservation of the body. Embalming is not required by law unless requested by a family. Once the embalming process is complete then the deceased is dress with clothing provided by the family, then placed inside the chosen casket to be placed inside the hearse and transported to the place of worship and then to the cemetery for burial. If cremation is chosen as a final disposition then the body will be transferred to All Caring Crematory located in the City of Van Nuys. The proposed use does not include viewings.

According to MPMC § 21.12.030, a mortuary is subject to the approval of a conditional use permit. According to MPMC § 21.32.020(B), before any conditional use permit is granted, the applicant must show, to the satisfaction of the Planning Commission, the existence of six findings as outlined in the attached resolution (Attachment 1). Staff believes that based on the findings, the proposed use is compatible with other existing and permitted uses located in the general area of the proposed use pursuant to the conditions of approval. The proposed use is considered compatible because across Potrero Grande Drive is a 96.5 acre cemetery and businesses within the vicinity and on the same property include flower shops, headstone retail businesses, and offices that provide funeral services. The proposed use does not include any new construction.

Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **October 11, 2017**, with affidavits of posting on file. The legal notice of this hearing was mailed to **42** property owners within a 300 feet radius and current tenants of the property concerned on **October 11, 2017**.

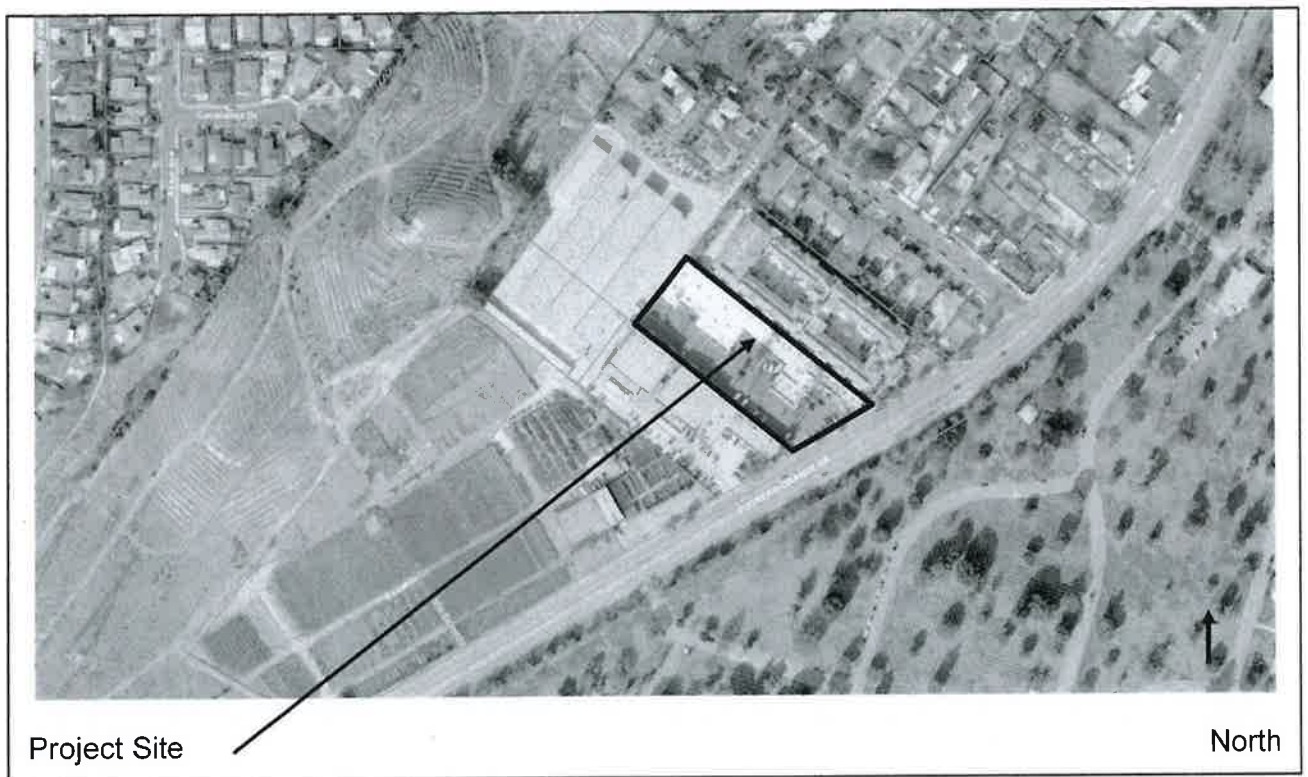
Vicinity Map



Street Map



Aerial Map



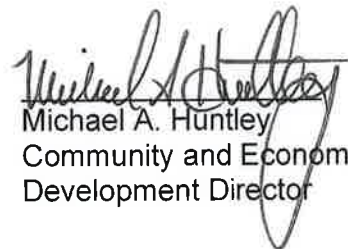
ALTERNATIVE COMMISSION CONSIDERATIONS:

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.

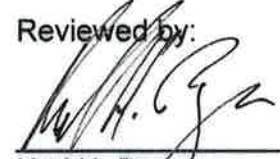
Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


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-17-07) TO ALLOW A MORTUARY AT 1965 POTRERO GRANDE DRIVE #K

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

SECTION 1: The Planning Commission finds and declares that:

- A. On August 29, 2017, Ralph Torres, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030 and 21.32.020, requesting a Conditional Use Permit (CUP-17-07) to allow a mortuary at 1965 Potrero Grande Drive #K ("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 November 14, 2017;
- E. On November 14, 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 Ralph Torres; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its November 14, 2017 hearings 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 establish a mortuary business within an existing multi-tenant commercial plaza;
- B. 1965 Potrero Grande Drive #K is zoned C-S (Commercial Services) and designated Commercial in the General Plan;
- C. The subject property is located on the north side of Potrero Grande Drive, west of Kenton Drive;
- D. The commercial plaza is comprised of a mixture of commercial uses, including a retail eating establishment, flower shop, pet grooming, bakery, offices, and warehousing. Properties located to the north and west include C-S (Commercial Service) zoned lots,

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

to the south are the City of Montebello Resurrection Cemetery, and east is a R-3 (High Density Residential) zoned lot developed with 114-unit senior housing development;

- E. The subject lot is 71,002 square feet (1.63 acres) in size and is currently developed with a one-story commercial strip center situated on the eastern portion of the lot with parking located west of the building; and
- F. There are a total of 85 at-grade parking spaces. The property is accessible from Potrero Grande 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 § 15301 (Existing Facilities).

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

- 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 prescribed in this code.

The site is adequate in size, shape and topography for the proposed use in that the proposed use is a mortuary business within an existing commercial plaza with multiple tenant spaces. No physical changes are proposed to the site.

- 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 use. The proposed use is a mortuary business within an existing commercial plaza and is not expected to significantly increase traffic.

- 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 Monterey Park Municipal Code zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category allows for a broad range of retail and service commercial and professional office uses. The proposed use is a mortuary business within an existing commercial plaza. A mortuary is allowed in the C-S (Commercial Services) Zone with Conditional Use Permit approval;

- 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.

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RESOLUTION NO.
PAGE 3 OF 4**

The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as the conditions of approval will minimize the potential for any negative impacts.

- 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 conditions of approval and the limited size of the use will limit any potential adverse effects to neighboring properties.

- 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 mortuary is a conditionally allowed use in the zone. The subject space is 2,115 square feet and only 97 square feet of the tenant space will be used for preparation purposes, which will be relatively small and generate minimal impacts to traffic and parking demands. Conditions are included in this Resolution to mitigate the effects resulting from the proposed use.

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-17-07).

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 4 OF 4**

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

SECTION 10: A copy of this Resolution will be mailed to Ralph Torres 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 14th day of November 2017.

Chairperson Larry Sullivan

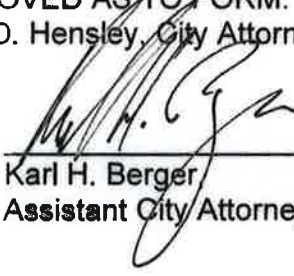
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 14th day of November 2017, by the following vote of the Planning Commission:

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

1965 POTRERO GRANDE DRIVE #K

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Ralph Torres, agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-17-07) ("Project Conditions").

PLANNING:

1. Ralph Torres (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-17-07 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-17-07, 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 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.
4. A copy of the Conditions of Approval for Conditional Use Permit (CUP-17-07) must be kept on the premises of the establishment and presented to any authorized City official upon request.

FIRE:

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

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6. A permit must be obtained from the Fire Department prior to engaging in activities, operations, practices or functions as indicated in California Fire Code (CFC) §§ 105.6 and 105.7.
7. All fire safeguards by California Fire Code Chapter 33 must be adhered to and maintained during the course of construction.
8. Automatic fire sprinkler system must be modified as necessary as set forth by CFC § 903 under deferred submittal.
9. A Knox box must be provided at an approved location, per CFC § 506.1.
10. An approved number or address must be provided on the building frontage in such a position as to be plainly visible and legible from the street or road fronting the property. Number must be a minimum of 6-inch high by ½ inch stroke and be a contrasting background, per CFC § 505.1.
11. Portable fire extinguishers must be installed, per CFC § 906.
12. A minimum 1-hour occupancy separation is required between occupant and adjacent F-1 occupancy. A detail of the wall must be provided upon architectural submittal, per CBC § 508.4.
13. If "As-Built" plans are required, additional fees will be due for the review of the drawings.

POLICE:

14. Any outside ladders leading to the rooftop must be secured to prevent unauthorized access to the roof.
15. The landscaping on site must be maintained by the property owner in a manner that would permit maximum visibility of the facility and the people on-site.
16. Address numbers must be illuminated during hours of darkness and positioned as to be readily readable from the street. The address number must also be painted on the roof of the building. Rooftop addressing (for Police helicopter) must be applied in a contrasting color with a minimum size of 1-foot by 4 feet.
17. Each distinct unit within the building must have its address displayed on or directly above both the front and rear door.
18. Comprehensive security alarm systems should be provided for the perimeter building and access route protection and high valued storage areas.
19. CCTV security cameras are required to cover the building perimeter, parking lot/structure, and exterior entrance. All CCTV cameras will record onto a video tape or similar storage device and will be kept on file for a period of no less than

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90 days. All recordings must be made readily available to law enforcement officials when an official request is made.

By signing this document, Ralph Torres, that he read, understood, and agrees to the Project Conditions listed in this document.

Ralph Torres, Applicant

ATTACHMENT 2

Site and floor plans