

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
April 23, 2019
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

Delario Robinson, Theresa Amador, Ricky Choi, Eric Brossy De Dios, and Margaret Leung

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 – None

[3.] PUBLIC HEARING

3-A. CONDITIONAL USE PERMIT (CU-19-02) TO ALLOW ON-SALE (TYPE 41 – BEER AND WINE) LICENSE FOR A BONA FIDE PUBLIC EATING PLACE AT 501 WEST GARVEY AVENUE #108

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-19-02), subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

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 a use permit for the sale of alcoholic beverages at an existing private establishment. The addition of alcohol sales at an existing establishment is a negligible expansion of an existing use beyond that which currently exists. It can be seen with certainty that no special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. The project does not propose any physical improvements to the site or any physical changes to the existing building.

3-B. CONDITIONAL USE PERMIT (CUP-19-01) TO ALLOW THE ALTERATION OF A NONCONFORMING USE FROM A LAUNDROMAT TO A COMPUTER REPAIR SERVICE BUSINESS – 441 WEST POMONA 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-19-01), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

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 operating and licensing of an existing private establishment. The proposed use at an existing establishment is a negligible expansion of an existing use beyond that which currently exists. It can be seen with certainty that no special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. The project does not propose any physical improvements to the site or any physical changes to the existing building.

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on May 14, 2019.

APPROVED BY:

MARK A. MCAVOY	
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Planning Commission Staff Report

DATE: April 23, 2019

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-19-02) to permit on-sale (Type 41 beer and wine) license for a bona fide public eating place – 501 West Garvey Avenue #108.

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 Conditional Use Permit (CUP-19-02) subject to conditions ; 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 a use permit for the sale of alcoholic beverages at an existing private establishment. The addition of alcohol sales at an existing establishment is a negligible expansion of an existing use. It can be seen with certainty that no special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. The project does not propose any physical improvements to the site or any physical changes to the existing building.

EXECUTIVE SUMMARY:

The Applicant is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41 license) in conjunction with the operation of an existing bona fide public eating place located at 501 West Garvey Avenue #108. The proposed use permit for the sale of alcoholic beverages at an existing an existing bona fide public eating place is consistent with the Monterey Park Municipal Code and General Plan.

BACKGROUND AND DISCUSSION:

Mr. Jing Shi of Shen Xian Hot Pot Restaurant ("Applicant") seeks a Conditional Use Permit to allow on-sale beer and wine (Type 41 license) in conjunction with the operation of an existing bona fide public eating place located at 501 West Garvey Avenue #108. The property is zoned C-B (Central Business) and is designated Commercial in the General Plan.

Shen Xian Hot Pot Restaurant is currently undergoing an interior tenant improvement for business occupancy. The building is located on the northwest corner of West Garvey Avenue and North Ynez Avenue and is surrounded to the south, east and west by other commercial uses and a multi-unit residential development to the north. It is a completely developed 25,173 square foot lot (0.58 acres) currently improved with a 24,706 square foot, two-story multi-tenant commercial building (its tenants include a restaurant, tea shop, martial arts studio, and tutoring business). The property is accessible from North Ynez Avenue and includes 133 on-site parking spaces located in two levels of subterranean parking and on-grade parking.

Shen Xian Hot Pot Restaurant is 2,831 square feet; the dining area is less than one-half (1,400 square feet) of the restaurant. The interior dining area is made up of 22 booth seats. The remaining area includes the kitchen service area, storage and restrooms. No separate bar area is indicated on the floor plan of the restaurant.

Pursuant to the ABC's regulations, a Type 41 license authorizes the sale of beer and wine for consumption on or off the premises where sold; distilled spirits cannot be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes); and minors are allowed on the premises. Furthermore, a Type 41 licensee must operate and maintain the premises as a "bona fide eating place," must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. A "bona fide eating place" is defined by the Business and Professions Code as a restaurant maintained in good faith and used for the regular service of an assortment of foods commonly ordered at various hours of the day to patrons.¹

The proposed CUP prohibits the Applicant from selling alcoholic beverages for consumption outside or off the premises; the Applicant indicates that on-site beverage services are meant to compliment the restaurant's meals. Additionally, the Applicant clearly stated that it does not wish to provide entertainment uses (if a request were to be submitted at any future date, the applicant would have to request a modification to the CUP). The Applicant's proposed business operating, meal service hours would be from 7:00 a.m. to 2:00 a.m. Monday through Sunday and alcohol service hours would be from 11:00 a.m. to 1 a.m. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and whether alcohol is being served along with food.

The Applicant must comply with the regulations for on-sale alcoholic beverage sales and use per MPMC § 21.10.230.² Specifically, on-site sale uses must comply with the list of requirements in MPMC § 21.10.230(C) including, without limitation, limiting the

¹ See Business and Professions Code §§ 23038 and 23787.

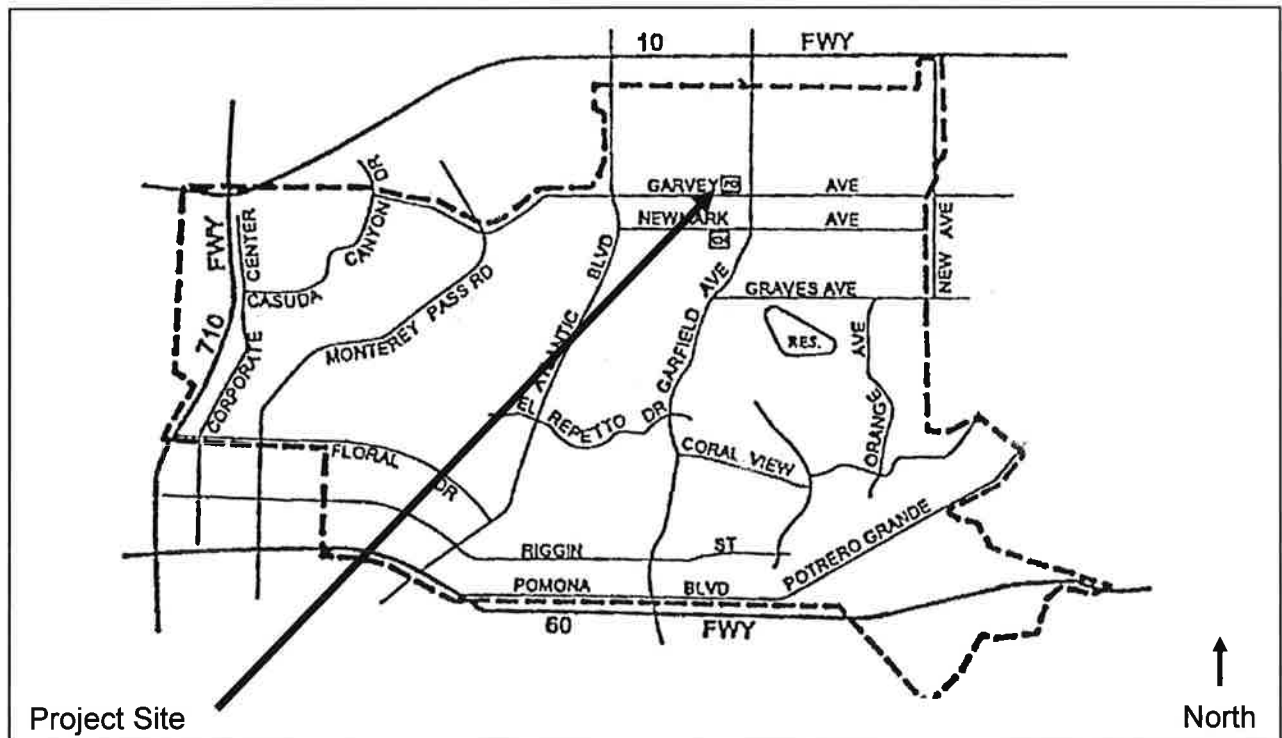
² Notably, MPMC § 21.10.230(G), does not impose distancing requirements for on-sale alcoholic beverages that are sold in conjunction with a bona fide retail eating establishment.

exterior lighting of the parking area to intensities between one and two foot-candles and special security measures. A site inspection and showed that the 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. To address security and alarm requirements, the Police Department included condition numbers 22 through 28 in the Resolution.

Legal Notification

Legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **April 11, 2019**, with affidavits of posting on file. The legal notice of this hearing was mailed to **146** property owners within a 300 foot radius and current tenants of the property concerned on **April 11, 2019**.

Vicinity Map



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,

Mark A. McAvoy
Public Works Director/City
Engineer

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-19-02) TO ALLOW ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE AT 501 WEST GARVEY AVENUE #108.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On January 15, 2019, Jing Shi of Shen Xian Hot Pot Restaurant ("Applicant"), submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting a Conditional Use Permit (CUP-19-02) allowing on-sale alcoholic beverages (beer and wine) for a bona fide public eating place at 501 West Garvey Avenue #108 ("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 April 23, 2019. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On April 23, 2019, 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 Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its April 23, 2019 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. The addition of alcohol sales at an existing establishment is a negligible expansion of an existing use. It can be seen with certainty that no special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. The project does not propose any physical improvements to the site or any physical changes to the existing building;

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

- B. 501 West Garvey Avenue #108 is zoned C-B (Central Business) and 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 intended to meet the needs of the Monterey Park residents and businesses, as well as regional shopping demand. On-sale alcoholic beverage sales are permitted in the C-B Zone with Conditional Use Permit approval;
- C. The subject property is located on the northwest corner of West Garvey Avenue and North Ynez Avenue. Properties located to the south, west, and east of the subject property are zoned C-B. Properties located to the north are zoned R-3 (High Density Residential);
- D. The lot is 25,173 square feet (0.58 acres) in size and is currently improved with a 24,706 square feet, two-story multi-tenant commercial building.
- E. The subject property is completely developed with 133 on-site parking spaces located within two levels of subterranean parking and on-grade parking and is accessible from North Ynez Avenue.
- F. No separate bar area is indicated on the floor plan of the restaurant nor is any entertainment proposed for the business at this time.
- G. According to the Applicant, the operating hours will be from 7:00 a.m. to 2:00 a.m. The existing commercial property has adequate on-site parking and will not impact on-street parking. The building and parking areas are adequately lit. The sales and consumption of beer and wine will occur within the restaurant.

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 MPMC § 21.32.020:
 - 1. 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.
 - 2. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. North Ynez Avenue is a collector street that collects and

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 6**

distributes traffic from local streets to the arterial road network. In Monterey Park, collector streets have a width ranging from 40-foot curb-to-curb within a 60-foot right-of-way. The addition of alcohol sales at an existing establishment would result in a negligible expansion of an existing use. The proposed use is not expected to significantly increase traffic.

3. The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and MPMC zoning regulations. The 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 intended to meet the needs of the 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.
 4. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City. Properties located to the south, west, and east of the subject property are zoned C-B. Properties located to the north are zoned R-3 (High Density Residential). The properties located to the north are existing 2-story multi-unit apartment buildings. The proposed use is a request for on-sale beer and wine to compliment food at an existing restaurant in an existing multi-tenant commercial building. The proposed use does not include expanding the existing restaurant or physically altering the existing commercial building. All business activities including the sale of beer and wine will be restricted to the inside of restaurant and will not create any conditions that are atypical of a restaurant use.
 5. 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. The addition of alcohol sales at an existing establishment is a negligible expansion of an existing use. Properties located to the north, south, east, and west of the subject property are commercial uses. 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.
 6. That the use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to MPMC § 21.10.230.
- B. The proposed use will not present adverse secondary impacts including, without limitation, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 6**

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

On-sale alcoholic beverage uses are permitted with a conditional use permit. The MPMC requires properties to be adequately maintained. Condition numbers 22 and 28 are included to address security concerns. The Monterey Park 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 is consistent with nearby commercially-zoned properties for commercial use.

A retail eating establishment is a permitted principle use in the C-B Zone. Properties located to the south, east, and west of the subject property are commercial uses. The property is accessible from North Ynez 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 will be incidental to the primary use. 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. The subject unit is located within a commercial area that has other eating establishments that provide on-sale beer and wine service.

- E. The applicant bears the burden of proving that the proposed use will not adversely affect the welfare of nearby residents, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby residentially zoned communities. According to the Applicant, the operating hours will be from 7:00 a.m. to 2:00 a.m. The existing commercial property has adequate on-site parking and will not impact on-street parking. The building and parking areas are adequately lit. The sales and consumption of beer and wine will occur within the restaurant.

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-19-02).

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

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 5 OF 6**

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 Jing Shi 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 23rd day of April 2019.

Chairperson Delario Robinson

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 23rd day of April 2019, by the following vote of the Planning Commission:

AYES:
NOES:

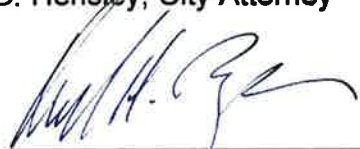
**PLANNING COMMISSION
RESOLUTION NO.
PAGE 6 OF 6**

ABSTAIN:
ABSENT:

Mark A. McAvoy, Secretary

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

By:

A handwritten signature in blue ink, appearing to read 'Karl H. Berger', is written over a horizontal line.

Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

501 WEST GARVEY AVENUE #108

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Jing Shi of Shen Xian Hot Pot Restaurant, agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-19-02) ("Project Conditions").

PLANNING:

1. Jing Shi of Shen Xian Hot Pot 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-19-02 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-19-02, 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 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 City Manager, 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-19-02) 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.

**PLANNING COMMISSION
RESOLUTION NO.**

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. Alcohol service 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 7:00 a.m. to 2:00 a.m.
13. Hours of operation for alcohol service at the restaurant are limited to the hours of Monday through Sunday from 11:00 a.m. to 1:00 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 can 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.

**PLANNING COMMISSION
RESOLUTION NO.**

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; and
 - 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 Conditional Use 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. Food service is required at all hours that the establishment is open for business.
23. 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

**PLANNING COMMISSION
RESOLUTION NO.**

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.

24. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
25. The manager/owner is responsible for maintaining the property free of litter and graffiti.
26. Three or more violations of applicable law including, without limitation, these conditions within a one-year period (as calculated starting on the resolution approval date and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
27. The restaurant must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police Department of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The restaurant manager/owner must obtain an alarm permit from the Monterey Park Police Department. The permit be my obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.
28. If the establishment is open for business past midnight (12:01 a.m.), the restaurant will employ one licensed security guard to remain on the premises during the hours of 6:00 p.m. to closing. The security guard will cooperate with the Police Department in any official police investigations or other related matters. If at any time, the Chief of Police deems that the security guard/company is inadequate, the Chief may require the owner to retain additional security guards or a new security company. If such a situation arises, the Chief of Police must notify the restaurant owner/manager in writing and the manager/owner will have 7 business days to make the necessary changes.

By signing this document, Jing Shi of Shen Xian Hot Pot Restaurant, that he read, understood, and agrees to the Project Conditions listed in this document.

Jing Shi of Shen Xian Hot Pot Restaurant, Applicant

ATTACHMENT 2

Site, floor, elevation plans



Planning Commission Staff Report

DATE: April 23, 2019

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer
SUBJECT: A Public Hearing to Consider a Conditional Use Permit No. CU-19-01 to allow the alteration of a nonconforming use from a laundromat to a service office (computer repairs) – 441 West Pomona Boulevard.

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 Conditional Use Permit (CUP-19-01); 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, Brian Yung of Vista IT, requests a conditional use permit for changing a legal nonconforming use at 441 West Pomona Boulevard from a laundromat to a service office (computer repairs) located. The property is zoned R-1 (Single-Family Residence) and is designated Low Density Residential in the General Plan.

While the proposed use will continue to be nonconforming with the R-1 zone, it is compatible with the elementary school across the street and nearby single-family dwellings. The proposed service office will not result in a significant impact to the surrounding environment; there is no evidence that the proposed use would intensify pedestrian or vehicle traffic. The proposed business will have multiple offices and a classroom and will not require extensive tenant improvements. The proposed business is also required re-stripe the existing parking lot.

BACKGROUND:

In 2018, the Planning Commission adopted Resolution No. 01-18 which approved a conversion of the laundromat into a dance studio at this location. That change did not occur.

The present application was filed on January 4, 2019. It proposes a change from laundromat use to a computer repair and information technology ("IT") training facility. Per the proposed conditions of approval for this project, the classes offered at the business are restricted to not more than two days a calendar week (i.e., seven days).

Property Description

The proposed office use is located on property on the northwest corner of West Pomona Boulevard and Findlay Avenue. The lot size is 10,050 square feet (0.24 acres) and it improved with an existing 2,400 square feet, one-story laundromat constructed in 1968. It also includes 15 on-site parking spaces.

All surrounding properties are also zoned R-1 (Single-Family Residential). The property has vehicle access from West Pomona Boulevard and Findlay Avenue.

Project Description

The existing laundromat is a legal nonconforming use; it was originally approved when the property was zoned C-2. Between 1974 and 1978, this property – and neighboring properties – were rezoned to R-1 (Single-Family Residential). Expanding a legal nonconforming use requires a conditional use permit (MPMC § 21.30.050). Based upon a review of the 1968 zoning regulations, it appears that the MPMC allowed uses that are substantially similar to the proposed computer repair service office (see Attachment 3). Off-street parking requirements for this type of use in 1968 were the same as in the current zoning regulations.

MPMC § 21.30.070(C) allows a legal nonconforming use to be changed to a less intensive legal nonconforming use. The proposed IT service office use is less intense than the laundromat operation. Among other things, the proposed use will operate fewer hours: laundromats are generally open seven days a week as late as until 11:00 P.M. and are busiest in the evenings and on the weekends. The proposed use would be open until 6:00 P.M. every day and closed on Sunday. This reduction in use would translate into less vehicle and pedestrian traffic impacts to the surrounding neighborhood.

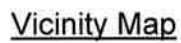
Additionally, the proposed office is compatible with existing uses on surrounding properties which include an elementary school; two religious facilities; Southern California Edison facilities; multiple higher density apartment buildings; and single-family dwellings.

According to the applicant, the 2,400 square foot office space will allow for administrative offices; a computer repair station; and an open space contemplated for retail and computer services including classes. The business operating hours will be Monday through Saturday from 9:00 a.m. to 6:00 p.m. and closed on Sundays. Anticipated IT classes would be conducted twice a week (the maximum allowed by the draft conditions of approval) with a maximum size of six students. The proposed use does not include any expansions or additional square footage to the existing building. The extent of the proposed remodel will consist of new walls to create new offices, a classroom and an open space for retail and computer services such as computer repairs and IT consulting. All computer and office services will take place inside the existing building.

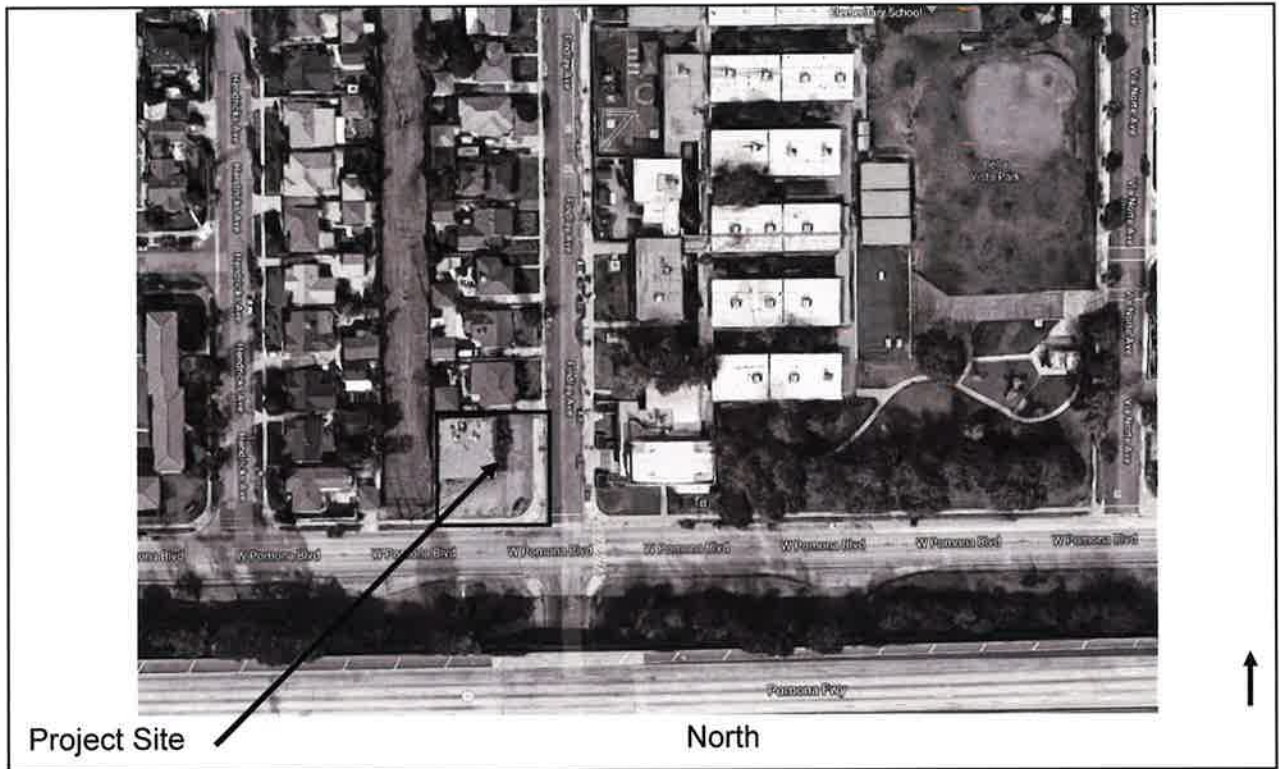
The required number of parking spaces for the service office is 10 spaces; 15 spaces will be provided after the Applicant restripes the parking lot. Based upon the City's traffic engineers, the projected vehicle trips for the proposed use will be substantially similar in volume, but will be spread throughout the day (compared to a laundromat which experiences peak traffic in the morning and afternoon). Moreover, cars would not circulate through the residential area to get to the property. Both the Findlay Avenue and Pomona Boulevard driveways are 26-feet wide and provide ingress and egress onto and off the property.

Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **April 11, 2019**, with affidavits of posting on file. The legal notice of this hearing was mailed to **17** property owners within a 300 feet radius and current tenants of the property concerned on **April 11, 2019**.



Aerial Map



FISCAL IMPACT:

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

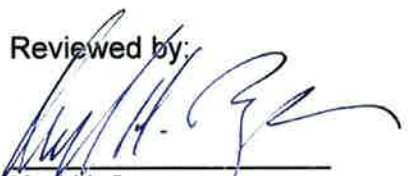
Respectfully submitted,


Mark A. McAvoy
Director of Public
Works/City Engineer

Prepared by:


Jeffrey Rimando
Assistant Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

ATTACHMENTS:

- Attachment 1: Draft Resolution
- Attachment 2: Site and floor plans
- Attachment 3: Zoning Code 1965 – C-2 Zone

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-19-01) TO ALLOW FOR THE ALTERATION OF NONCONFORMING USE AT 441 WEST POMONA BOULEVARD

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

SECTION 1: The Planning Commission finds and declares that:

- A. On January 4, 2019, Brian Yung of Vista IT, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.30.050 and 21.32.020, requesting a Conditional Use Permit (CUP-17-12) to allow for the alteration of a nonconforming use from a laundromat to a service office (computer repairs) at 441 West Pomona Boulevard ("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 April 23, 2019;
- E. On April 23, 2019, 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 Brian Yung; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its April 23, 2019 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 alter a nonconforming use from a laundromat to a service office within an existing one-story commercial building;
- B. 441 West Pomona Boulevard is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan;
- C. The subject property is located on the northwest corner of West Pomona Boulevard and Findlay Avenue;

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

- D. Properties located to the north, south, east, and west include R-1 (Single-Family Residential) zoned lots;
- E. The subject lot is 10,050 square feet (0.24 acres) in size and is currently developed with a 2,400 square feet commercial building constructed in 1968; and
- F. There are a total of 15 at-grade parking spaces. The property is accessible from West Pomona Boulevard and Findlay Avenue.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Existing Facilities).

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC §§ 21.30.050 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 service office within an existing commercial building. No physical changes are proposed to the site, except for a tenant improvement mostly to create multiple offices and a classroom. No building expansions or additional square footage is proposed as part of the project.

- 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 service office within an existing commercial building and is not expected to significantly increase traffic. The required number of parking spaces for the service office is 10 spaces and 15 spaces are provided. According to the City's Engineering Division, the Institute of Transportation Engineers (ITE) Manual does not go into that level of specificity to show the trip generation for a laundromat and service office. The trip generations are different for a laundromat and service office. The trips are spread out throughout the day for a laundromat and the trips for a service office have peaks mainly in the morning and early afternoon times. As shown in the street and aerial maps, the property is a corner property with two access driveways and immediate access to Findlay Avenue and Pomona Boulevard. Cars will not have to circulate through the residential area to get to the subject property. Both the Findlay Avenue and Pomona Boulevard driveways are 26-feet wide and provide ingress and egress onto and off the property. The subject property is also in walkable distance from

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

the school across the street and the residential area located north and west, so customers may not need to drive to the property.

- 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 Low Density Residential in the General Plan. The Low Density Residential land use category allows for traditional single-family homes, but also allows for additional uses such as religious and education institutions, group homes, and community care facilities, consistent with the zoning ordinance regulations. The proposed use is a service office within an existing commercial building. The alteration of a nonconforming use is allowed with Conditional Use Permit approval.

The proposed use is considered compatible because located within the immediate vicinity of the subject property are institutional uses including an elementary school, two religious institutions, a Southern California Edison easement, multiple higher density apartment buildings, and single-family dwellings. Directly across Findlay Avenue to the east is Bella Vista Elementary School, which occupies an entire street block. Immediately west, a 50 feet wide Southern California Edison easement separates the subject property from single-family dwellings. Located north, at the northwest and southwest corners of Findlay Avenue and West Riggan Avenue are two religious institutions. One block west of the single-family dwellings is the Bella Vista Apartments comprised of 152-units spanning two blocks. Although there are single-family dwellings north and west of the subject property, this is an active community area and allowing the use to transition from a laundromat to a service office will not be a drastic change for the subject property and neighborhood. The use will be transitioning from a service use to a service use.

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

The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as the conditions of approval will minimize the potential for any negative impacts. In evaluating the proposed change in use, establishing a service office use is similar if not less intensive than that of the previous laundromat operation. Specifically, the proposed service office will operate at fewer hours than that of a laundromat. Laundromats are typically open seven days a week and are busiest in the evenings and on the weekends. As it relates to the proposed service office, it will be open only until 6:00 P.M. and closed on Sunday. Such a reduction would lessen any perceived impact to the adjacent residential use to the north of the property.

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

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

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. The proposed use will benefit the area because in addition to IT consulting and computer repair services, computer training will be offered to students of at least 18 years of age with a high school diploma or GED. The classes will be conducted twice a week with a maximum size of six students. The proposed use does not include any expansions or additional square footage to the existing building. The extent of the proposed remodel will consist of new walls to create new offices, a classroom and an open space for retail and computer services such as computer repairs and IT consulting. All computer and office services will take place inside the existing building.

- 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 alteration to a nonconforming use from a laundromat to a service office is a conditionally allowed use in the zone. The office space is 2,400 square feet, 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 No. CUP-19-01.

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

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

SECTION 8: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of 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 5 OF 5**

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

SECTION 10: A copy of this Resolution will be mailed to Brian Yung 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 23rd day of April 2019.

Chairperson Delario Robinson

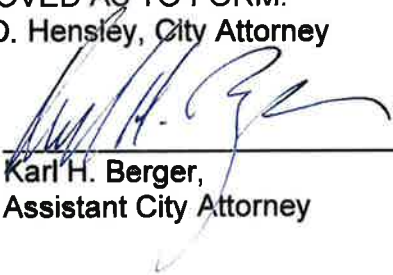
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 23rd day of April 2019, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mark McAvoy, 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

441 WEST POMONA BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Brian Yung, agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-19-01) ("Project Conditions").

PLANNING:

1. Brian Yung (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-19-01 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-19-01, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit expires 12 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 Public Works 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-19-01) must be kept on the premises of the establishment and presented to any authorized City official upon request.
6. The maximum number of students cannot exceed six students per class. Classes may only be conducted two days out of each calendar week, i.e., seven days.

**PLANNING COMMISSION
RESOLUTION NO.**

ENGINEERING:

7. Applicant must close and remove the existing eastern driveway approach on Pomona Boulevard. Before the City issues a certificate of occupancy, the Applicant must construct a new sidewalk, curb and gutter in accordance with the City's standard specifications.
8. Applicant must restripe the parking lot in accordance with the City's standard parking specifications.

POLICE:

9. The business must have security video cameras operating during all hours which the business is open. The video must be recorded on a digital storage device and be maintained for a minimum of 30 days. The video footage must be made immediately available to any law enforcement officer who is making the request as a result of official law enforcement business.

The video cameras must be installed and cover all the main areas which are accessible to the public including the entrance/exit and all interior(s) of each room. If the Police Chief, or designee, determines that additional security cameras are required, the Applicant must follow the Police Chief's direction within seven calendar days after the request. The Police Chief may also direct the Applicant to reposition video cameras to meet reasonable security needs. Such repositioning must occur within seven calendar days after the request. The picture quality of the video cameras and recording devices installed must obtain the Police Chief's approval.

10. The business must be equipped with an alarm system that monitors break-ins and robberies. The alarm must be monitored by an alarm monitoring company that 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 manager/owner must obtain an alarm permit from the Monterey Park Police Department. The permit may be obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.
11. The business should participate in the Monterey Park Police Department's Business Watch Program, a free service designed to educate businesses about minimizing criminal activity.
12. The manager/owner is responsible for maintaining the property free of litter and graffiti. Any litter or graffiti must be removed within 24-hours of its identification or following the City's direction for removal.

By signing this document Brian Yung certifies that he read, understood, and agrees to the Project Conditions listed in this document.

**PLANNING COMMISSION
RESOLUTION NO.**

Brian Yung, Applicant

ATTACHMENT 2

Site, floor, elevation plans

ATTACHMENT 3

Zoning Code 1965 – C-2 Zone

MONTEREY PARK MUNICIPAL CODE

SECTION 9211-A. 5. Same. Side Yard. No side yards shall be required.

SECTION 9211-A. 6. Same. Rear Yard. No rear yard shall be required.
(Ord. 1157, Effective October 12, 1966)

SECTION 9212. "C-2" General Commercial Zone. The following regulations shall apply in the "C-2" General Commercial Zone unless otherwise provided in this Chapter. Buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the front, side and rear yard regulations of the "R-3" Zone.

SECTION 9212. 1. Same. Use. The following uses are permitted in the C-2 Zone:

1. Any use permitted in the C-1 Zone, but excluding therefrom any and all dwelling units, living quarters and housekeeping uses, except where a valid Special Use Permit has been obtained pursuant to Subsection 14 of Section 9226.
(Ord. 968, Effective February 7, 1962)

2. Retail stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises and provided that not more than five persons are employed in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibrations or other similar causes, and provided also that unless otherwise permitted all such uses shall be conducted inside of buildings; but excluding "Planned Developments" as set forth in Section 9226 (11).

3. Advertising signboards or structures provided that the same shall comply with the requirements of Chapter 6 of Article VIII of the Monterey Park Municipal Code; provided further that the provisions of said Chapter 6 shall be subject to the variance procedure as set forth in Section 9225.
(Ord. 1025, Effective July 10, 1963)

4. Antique stores.

5. Automobile service stations. (Repealed by Ord. 1149, Effective 8/4/66)

6. Bank.

7. Baths, turkish and the like.
(Ord. 1068, Effective November 12, 1964)

8. Bowling alleys.
(Ord. 1158, Effective October 12, 1966)

9. Blueprinting and photostating.

10. Bird store or pet shop.

11. Church, temporary revival.

MONTEREY PARK MUNICIPAL CODE

Sec. 9212.1
12. Cleaning and pressing establishments using non-inflammable and non-explosive cleaning fluid.

13. Conservatory of Music.

14. Dance Halls.

15. Electrical appliance stores and repairs.

16. Electrical distributing sub-stations.

16. a. Equipment--sale and rental of small equipment incidental to the operation of another business on the same lot.

16. b. Equipment, repair of, when conducted inside of building.

17. Frozen food locker plants (excluding wholesale processing or cold storage).

18. Funeral Parlor.

19. Furniture store.

20. Furniture warehouse for storing personal household goods, provided ground floor front is devoted to stores.

21. Garage, public, provided that the same shall comply with the provisions of Part 13 of Chapter 4 of Article VI hereof. (Ord. 1068, Effective Nov. 12, 1964)

22. Governmental buildings.

23. Ice storage house of not more than five ton capacity.

24. Interior decorating store.

25. Medical laboratory.

26. Motels and auto courts, provided that the same are processed pursuant to, and are subject to, the provisions of Section 9226 of the Zoning Code, and that before any such use shall be permitted, a Special Use Permit, pursuant to the provisions of Section 9226, shall be issued thereon.

27. Music, dancing or vocal instruction.

28. Music store.

29. News stand.

30. Nursery, flower or plants (with or without buildings).

31. Public parking area--when located and developed as required in Section 9218 and Part 13 of Chapter 4 of Article VI hereof; provided, however, that no vehicle rated one ton or more