

**PLANNING COMMISSION OF MONTEREY PARK
AGENDA**

**REGULAR MEETING
Monterey Park City Hall Community Room
320 West Newmark Avenue**

**Tuesday
May 28, 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, Eric Brossy De Dios, Theresa Amador, and Ricky Choi

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. APPROVAL OF MINUTES

It is recommended that the Planning Commission:

- (1) Approve the minutes from the regular meetings of April 23, 2019; and
- (2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A. 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) Re-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.

3-B. CONDITIONAL USE PERMIT (CU-19-05) TO ALLOW OPERATION OF AN ESCAPE GAME ROOMS BUSINESS (INDOOR COMMERCIAL RECREATION) AT 500 NORTH ATLANTIC 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 Resolution approving the requested Conditional Use Permit (CUP-19-05), 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.

[4.] **OLD BUSINESS** - None

[5.] **NEW BUSINESS** - None

5-A. **ANNUAL RESIDENCY VERIFICATION FOR CONTINUING SERVICE WITH RESPECTIVE COMMISSION**

[6.] **COMMISSION COMMUNICATIONS AND MATTERS**

[7.] **STAFF COMMUNICATIONS AND MATTERS**

ADJOURN

Next regular scheduled meeting on June 11, 2019.

APPROVED BY:

MARK A. MCAVOY	
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Planning Commission Staff Report

DATE: May 28, 2019

AGENDA ITEM NO: 2-A

TO: Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer
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 April 23, 2019; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

Respectfully submitted,


Mark A. McAvoy
Director of Public Works/City Engineer

Attachment:

Attachment 1: April 23, 2019 Planning Commission regular meeting minutes

ATTACHMENT 1

April 23, 2019 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
APRIL 23, 2019**

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, April 23, 2019 at 7:00 p.m.

CALL TO ORDER:

Chairperson Delario Robinson called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Delario Robinson, Eric Brossy De Dios, Theresa Amador, and Margaret Leung

Board Members Absent: Ricky Choi

ALSO PRESENT: Karl H. Berger, Assistant City Attorney; Samantha Tewasart, Senior Planner; and Jeffrey Rimando, Assistant Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS:

[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

Planner Tewasart provided a brief summary of the staff report.

Chairperson Robinson opened the public hearing.

Representative Frank Fu, 5585 Stafford Court, Chino Hills, 91709 present to speak on behalf of the applicant, David Shi.

Commissioner Amador inquired about the opening date, since there is no activity in the interior. Representative Fu replied that the intent is to open the business in the next 30 to 45 days.

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Commissioner Brossy de Dios inquired about the operating hours from 7:00 to 2:00. Representative Fu replied that it starts at 10:00 for breakfast and continues into the lunch hours, then there is going to be a little bit of a break in between and then in the evening hours will be dinner and then after that to be competitive service till 1:00. Commissioner Brossy de Dios inquired if there any limitations to code regarding service hours. Planner Tewasart replied no.

Commissioner Leung inquired about the security system. Representative Fu replied that the business will be equipped with electronic monitoring devices, audible alarms and security services.

Chairperson Robinson closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 07-19** approving Conditional Use Permit (CU-17-06) to allow on-sale alcoholic beverages (beer and wine) in conjunction with a bona fide public eating place in the C-B (Central Business) Zone at 501 West Garvey Avenue #108.

Resolution No. 07-19

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.

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

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

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

Planner Rimando provided a brief summary of the staff report.

Commissioner Brossy de Dios inquired about landscaping requirements. Planner Tewasart replied that there may be a requirement adjacent to the parking stall. If required by code, it will be something that the applicant would have to provide and can also be added as a condition of approval.

Commissioner Amador stated that the property has had several challenges and shared in the concern with the landscaping.

Chairperson Robinson opened the public hearing.

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Applicant Bryan Yung, 9939 Duffy Street, Temple City, stated that he began his business in 2003 to provide T.I. services for people who do not have in-house T.I. services. They provide contract services and help to repair computers as well. They connect remotely or go out to assist with repairs.

Property Owner, Bernard Smukler, 15475 Greenleaf Street, Sherman Oaks, 91403 stated that he has owned the property for many years. He stated that he understands it was a condition with the dance studio and there would be limited space for landscaping, but the buyer.

Commissioner Amador inquired if the property is being sold. Replied yes and it is conditioned upon obtaining approval for operating the business.

Commissioner Amador inquired from the Assistant City Attorney if there is an issue with that. Attorney Berger inquired how long the Laundromat has been closed. Property owner Smukler replied that it may have closed about a year ago.

Assistant City Attorney Berger requested a continuance of the matter to find out the exact date the Laundromat closed. The concern is with § 21.30.080 that talks about the abandonment of a legal nonconforming use. Attorney Berger quoted the code section and stated that the concern is that the property owner is uncertain of exactly when the Laundromat closed. If the business has been closed more than a year ago, then there is no CUP that can be issued. The municipal code prohibits the continuance of any legal nonconforming use at that site. Property owner Smukler inquired if that is a year from when the CUP was filed. Attorney Berger replied that the legal nonconforming use has to be in continuous operation and if it is not for a year or more it has to conform to the underlying zoning and all the other applicable provisions of the code. The request is a continuance and not a denial to find out the exact date. The question was prompted by the shuttered window that appeared in the PowerPoint. Attorney Berger stated that the Commission can continue matter with the concurrence of the applicant and property owner.

Commissioner Amador inquired if the property owner understands what is being requested. Property owner Smukler replied yes.

Chairperson Robinson closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **continued** Conditional Use Permit (CU-19-01) to allow the alteration of a nonconforming use from a Laundromat to a service office (computer repairs) in the R-1 (Single-Family Residential) Zone at 441 West Pomona Boulevard, to the meeting of May 14, 2019.

Motion: Moved, by Commissioner Brossy de Dios and seconded by Commissioner Amador, motion carried by the following vote:

Ayes: Commissioners: Robinson, Brossy de Dios, Amador, and Leung
Noes: Commissioners: None

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Absent: Commissioners: Choi
Abstain: Commissioners: None

[4.] OLD BUSINESS: None

[5.] NEW BUSINESS: None

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

Commission Leung stated that this will be her last meeting and the City Councilmember has been informed.

[7.] STAFF COMMUNICATIONS AND MATTERS:

Planner Tawasart introduced Assistant Planner Jeffrey Rimando.

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 7:45 p.m.

Next regular scheduled meeting on May 14, 2019 at 7:00 p.m. in the Council Chambers.

Mark A. McAvoy
Director of Public Works/City Engineer

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Planning Commission Staff Report

DATE: May 28, 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 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) Re-opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing; and
- (4) 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:

On April 23, 2019, the Planning Commission reviewed Conditional Use Permit (CU-19-01). At the meeting, the matter of the nonconforming status of the laundromat use was raised and the property owner requested a continuance to allow for additional time to confirm the information.

BACKGROUND:

A copy of the April 23, 2019 staff report and accompanying documents is included for reference and possible action. During the public hearing for this item on April 23rd, an issue arose regarding the legal nonconforming status of the land use at the project site. The property owner requested a continuance to provide the City with additional information.

At issue is Monterey Park Municipal Code ("MPMC") § 21.30.080 which states:

"[a] nonconforming use that is voluntarily discontinued or ceases operations for a continuous period of twelve (12) months or more cannot be reestablished on the site. Any further use of an existing structure onsite

must be used in conformity with all applicable provisions of this code."

During the PowerPoint presentation for this item, this picture was shown:



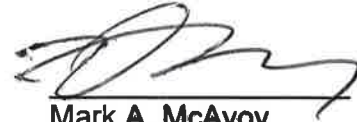
It appears to show an unused building which prompted a line of inquiry regarding the last time the property was used as a laundromat. The applicant was unsure about a date at that time. Staff's own review of the administrative record shows that the following timeline is applicable: (1) the last water usage for the laundromat occurred April 21, 2017; (2) a CUP application for a dance studio was filed November 9, 2017; (3) the Planning Commission approved that CUP on January 9, 2018; and (4) the pending CUP application was filed January 4, 2019.

As already noted, a legal nonconforming use must be voluntarily discontinued to cease operations for 12 consecutive months to lose its legal nonconforming status. Thereafter, the City Planner must determine that the legal nonconforming use was abandoned and give notice to the property owner regarding the reasons for that decision (MPMC § 21.30.150).

Here, the 12 month period ended April 21, 2018. Thereafter, the City could take action to find that the legal nonconforming use was abandoned in accordance with the MPMC. The City, however, accepted a CUP application in November 2017 and the Planning Commission approved a CUP January 9, 2018. Per MPMC § 21.32.160, a CUP is valid for one year after its approval; the pending application was filed January 4, 2019.

There is sufficient evidence demonstrating that both the legal nonconforming use and the previously approved CUP were respectively abandoned and expired. The City, however, has not taken action to either require the property owner to conform with the existing zoning nor revoke the previously approved CUP. Instead, the City accepted the pending CUP application on January 4, 2019. As a result, the Planning Commission may consider whether to approve that CUP.

Respectfully submitted,



Mark A. McAvoy
Director of Public
Works/City Engineer

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENTS:

Attachment 1: Planning Commission Staff Report and draft Resolution dated
April 23, 2019

ATTACHMENT 1

Planning Commission Staff Report dated April 23, 2019



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.

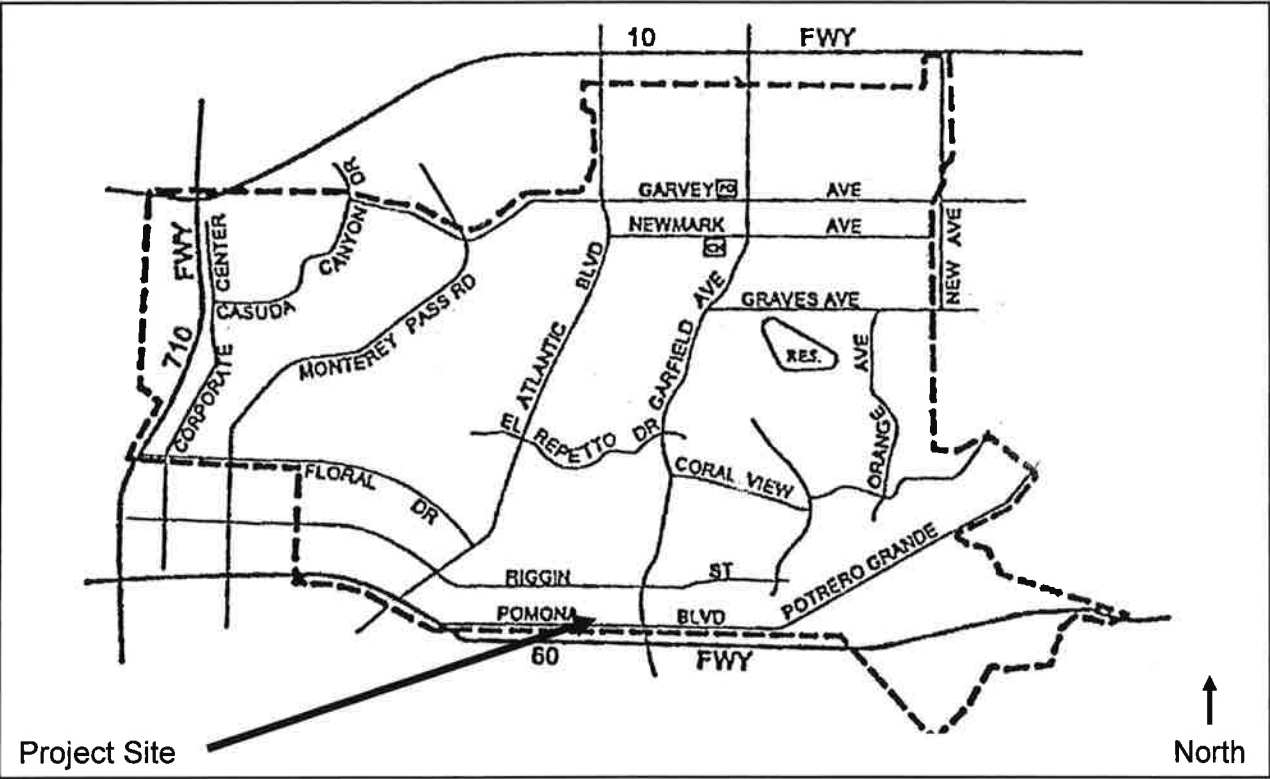
According to the applicant, the 2,400 square foot office space will allow for administrative offices; a computer repair station; and an open space contemplated for retail and computer services including classes. The business operating hours will be Monday through Saturday from 9:00 a.m. to 6:00 p.m. 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.

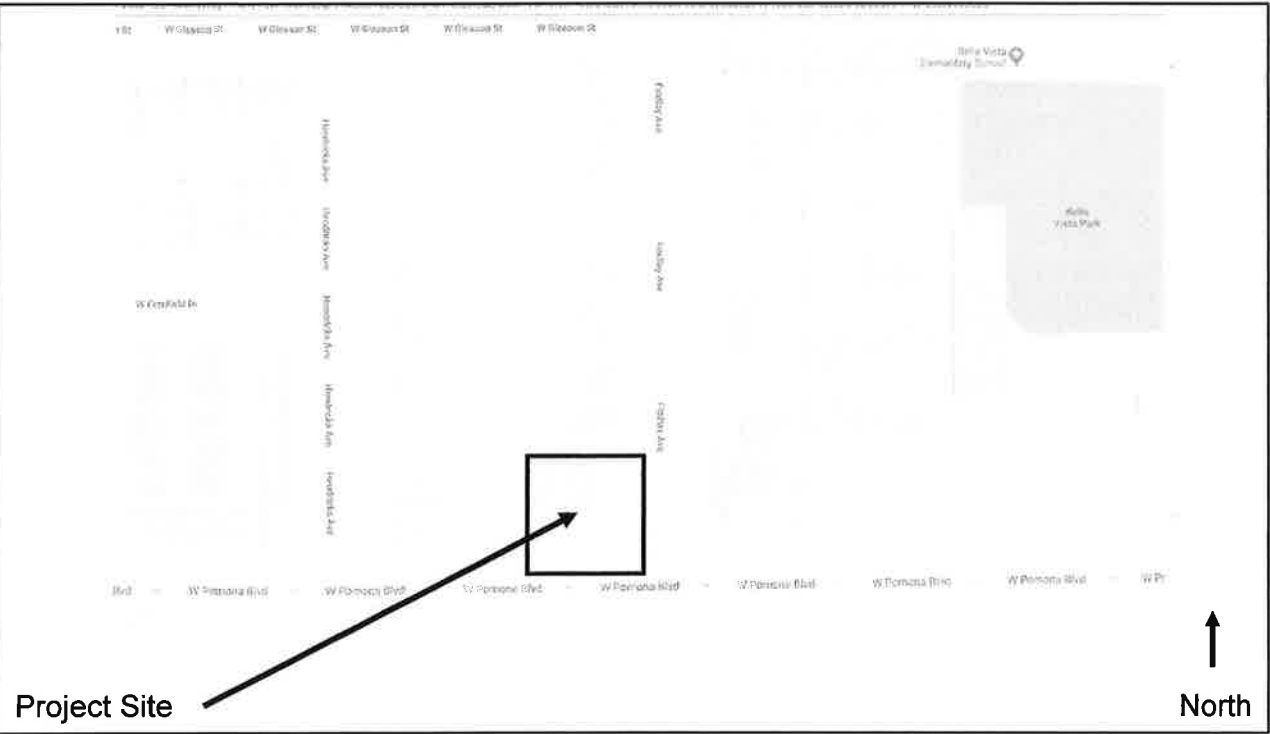
Legal Notification

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**.

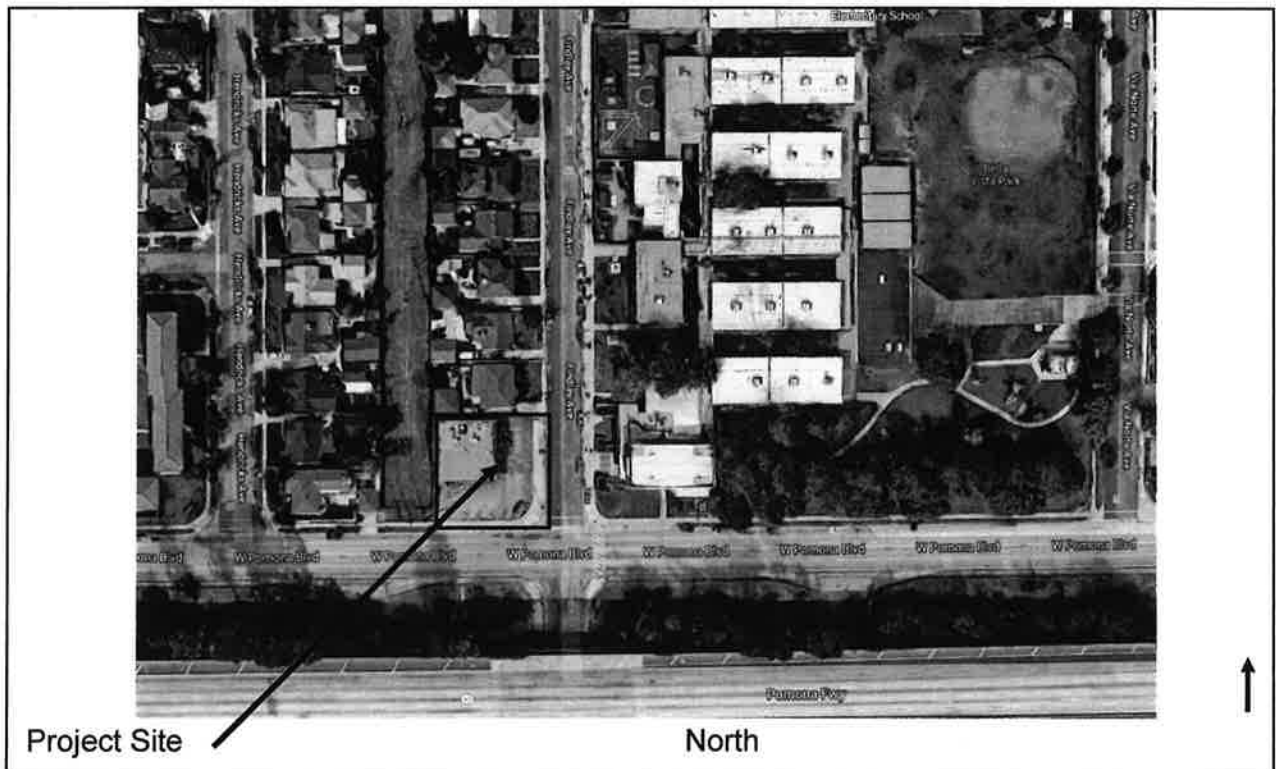
Vicinity Map



Street Map



Aerial Map



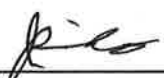
FISCAL IMPACT:

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

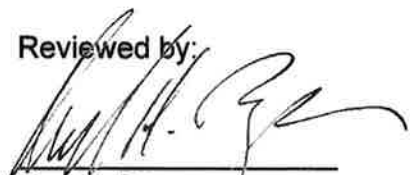
Respectfully submitted,


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;

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- 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

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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

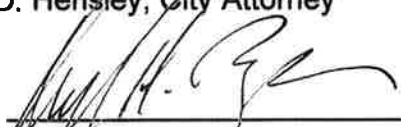
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 23rd day of April 2019, by the following vote of the Planning Commission:

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



Planning Commission Staff Report

DATE: May 28, 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 (CUP-19-05) to allow operation of an escape game rooms business (indoor commercial recreation) – 500 North Atlantic Boulevard #111.

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-19-05), 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 CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation of a private structure involving no expansion of existing or former use.

EXECUTIVE SUMMARY:

The applicant is requesting approval of a Conditional Use Permit to allow the operation of an escape game room business at 500 North Atlantic Boulevard #111. Planning staff believes that the proposed use will not adversely affect the public health, safety or general welfare and recommends that the Planning Commission approve the Conditional Use Permit (CUP-19-05) subject to the conditions contained in the Resolution.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

Quasi-judicial: The recommended action includes consideration of whether to issue a conditional use permit ("CUP"). In considering such actions, the Planning Commission acts in a quasi-judicial role. In doing so, the Planning Commission acts like a court: it applies facts gathered during a public hearing to existing law. Just like a court, the Planning Commission can only consider facts that are relevant to the case. A party appearing before the legislative body is entitled to

- Notice of the proposed action;
- Reasons for the action;
- A copy of the evidence on which the action is based; and
- The right to respond before a reasonably impartial, noninvolved reviewer.

If the Planning Commission asks irrelevant questions and bases its decision-making on such questions, a court may overturn the Planning Commission decision and hold the City potentially liable for violating the applicant's constitutionally protected due process rights.

In this matter, the Planning Commission must make these findings:

- That the project property 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 the Monterey Park Municipal Code ("MPMC");
- That the project property 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;
- That the proposed project is consistent with the General Plan and any applicable specific plan;
- That the proposed project 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;
- That the proposed project will not have an adverse effect on the public health, safety and general welfare; and
- That the project is properly one authorized by conditional use permit pursuant to the MPMC.

BACKGROUND AND ANALYSIS:

Nick Zeng of 528 Club Inc. seeks a conditional use permit to allow operation of an escape game rooms business at 500 North Atlantic Boulevard, Suite #111 ("project site"). The project site is zoned Regional-Specialty, Planned-Development (R-S, P-D) and is designated for Mixed-Use I (MU-I) in the General Plan. An escape game room business may only be conditionally permitted subject to the approval of a conditional use permit (see MPMC §§ 21.04.223 and 21.10.030).

The project site is located within the Atlantic Times Square mixed-use development. This 6.59-acre property is developed with a five-story, 205,000 square foot mixed-use development with two-level subterranean parking spaces. North of the subject property

are Hellman Avenue and the Interstate 10 Freeway, west is the Courtyard by Marriott hotel development, south is the Holiday Inn Express hotel development, and east is R-S, P-D zoned properties.

The project site is located on the first floor and will occupy an existing 2,631 square feet tenant space within the commercial portion of the development. The applicant proposes to have seven escape game rooms, which will accommodate up to 5 parties with 8 guests per party. The remaining space will be utilized for restrooms and a cashier-counter/lobby area. The use is described by the applicant as a gaming facility where players in groups of up to 8 guests walk through different rooms to solve puzzles. Smaller groups will be paired with teams until the capacity per room is reached. Players will receive one hour of play time per ticket and ticket prices starting at \$20. The players will be ushered into the puzzle rooms by a guide. There will be 2 to 3 staff members per shift during the weekdays and 4 to 5 staff members per shift for the weekends and holidays. Once inside the rooms, the usher will leave and watch the room from cameras. The room doors cannot be locked and the players are free to exit the room at any time. The cameras installed in each room gives the usher full view of every player. To solve the puzzle in each room, each group is given a hint card. The premise of the game is to solve puzzles. The proposed operating hours are proposed for 1:00 p.m. to 2:00 a.m., Monday through Sunday.

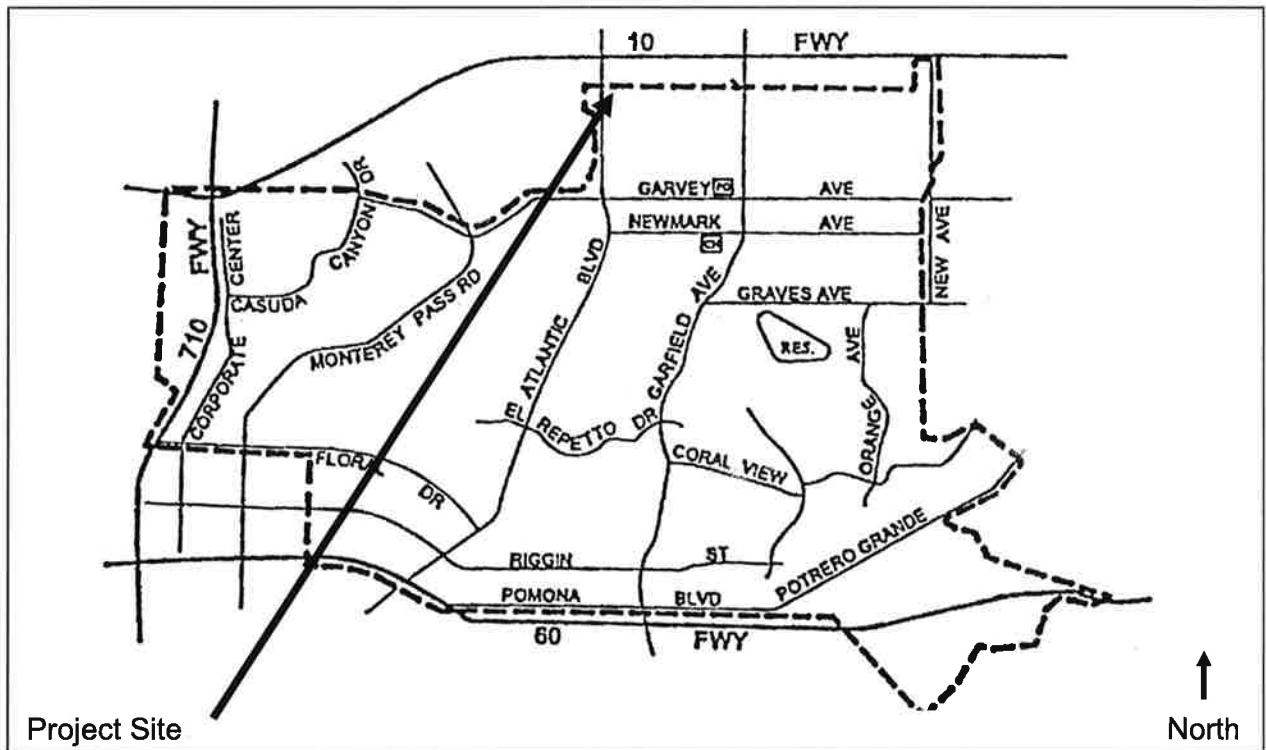
The Monterey Park Police Department ("MPPD") reviewed the application and recommends the inclusion of condition numbers 16 through 23 in the proposed Resolution to address security requirements. MPPD will monitor the project site relative to safety items such as hours of operation, and whether complaints are received.

OTHER ITEMS:

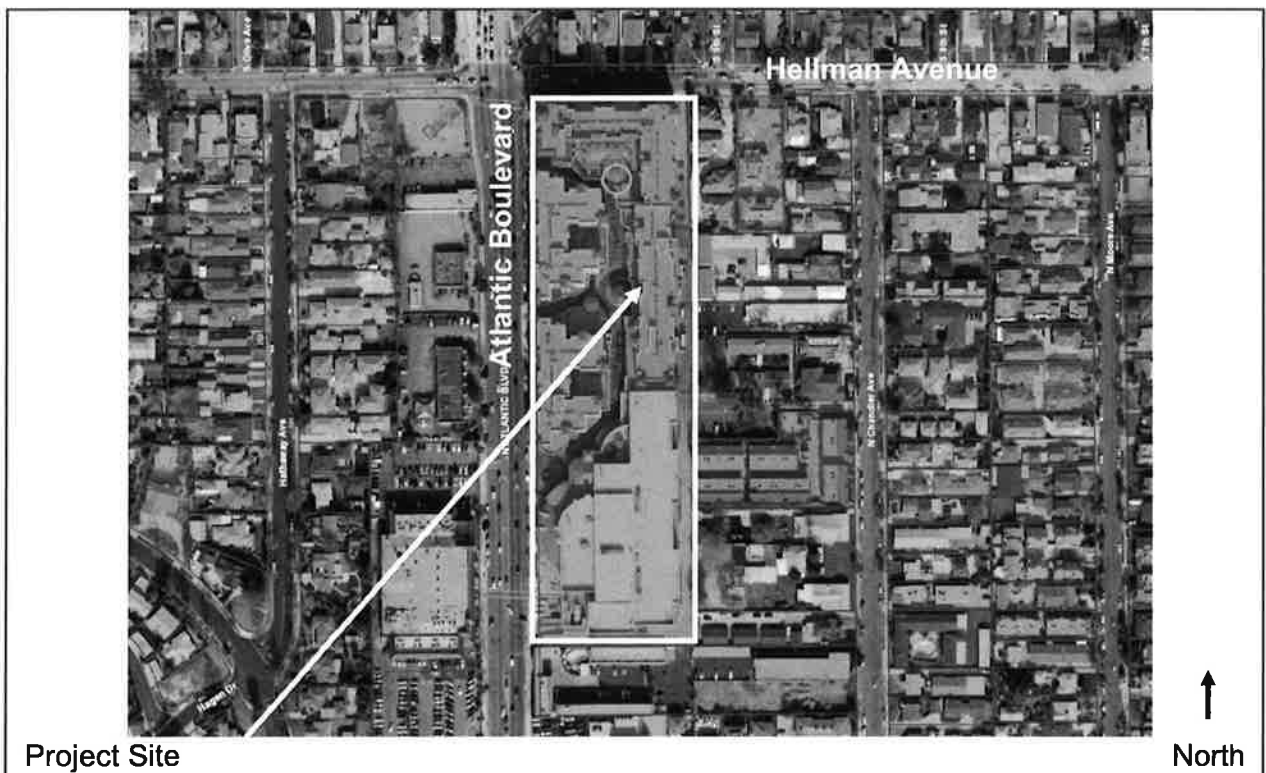
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **May 10, 2019**, with affidavits of posting on file. The legal notice of this hearing was mailed to **180** property owners within a 300 feet radius and current tenants of the property concerned on **May 10, 2019**.

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.

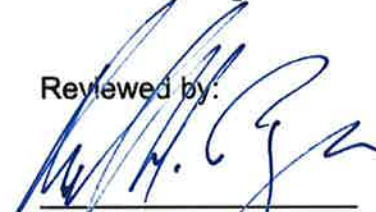
Respectfully submitted,


Mark A. McAvoy
Director of Public
Works/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 3: Business operations plan

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CU-19-05) TO ALLOW AN ESCAPE GAME ROOMS BUSINESS (INDOOR COMMERCIAL RECREATION) AT 500 NORTH ATLANTIC BOULEVARD #111.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On March 4, 2019, Nick Zeng of 528 Club Inc., submitted an application pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030 and 21.32.020, requesting approval of Conditional Use Permit (CUP-19-05) to allow an escape game rooms business (indoor commercial recreation) at 500 North Atlantic Boulevard #111, ("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 proposed Project, before the Planning Commission for May 28, 2019; notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On May 28, 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 the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its May 28, 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 the following facts exist and makes the following conclusions:

- A. The Applicant seeks to open an escape game rooms business. No new construction or additional square footage is proposed to either the building or the parking areas;
- B. 500 North Atlantic Boulevard #111 is zoned R-S, P-D (Regional Specialty, Planned Development) and designated Mixed-Use I in the General Plan;

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PAGE 2 OF 4**

- C. The lot is 287,060 square feet (6.59 acres) in area. The property is developed with a five-story, 205,000 square foot mixed-use development with two-levels of subterranean parking;
- D. The Project property is located at the southeast corner of North Atlantic Boulevard and Hellman Avenue. North of the subject property are Hellman Avenue and the Interstate 10 Freeway, west is the Courtyard by Marriott hotel development, south is the Holiday Inn Express hotel development, and east is R-S, P-D zoned properties;
- E. The Applicant seeks to occupy the existing 2,631 square feet unit at the northeastern portion of the commercial building.
- F. The Atlantic Times Square mixed-use development is comprised of a mixture of restaurant, retail, entertainment uses, and 210 residential units.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2, the proposed project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation and lease of a private structure involving no expansion of existing or former use.

SECTION 4: *Conditional Use Permit Findings.* Pursuant to the MPMC § 21.32.020, the Planning Commission finds as follows:

- A. The site will be adequate in size, shape and topography for the proposed escape game room business. The lot is 287,060 square feet (6.59 acres) in area, rectangular shaped, and relatively flat. The property is developed with an existing five-story mixed-use development with two-levels of subterranean parking spaces accessible from North Atlantic Boulevard and West Hellman Avenue. The proposed escape game rooms business will occupy an existing 2,631 square feet tenant space within the building.
- B. The site has sufficient access to streets and highways and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed medical clinic. The site is accessible from North Atlantic Boulevard, a principal arterial street and Hellman Avenue, a minor arterial. The required number of parking spaces for an indoor commercial recreation use is 1 per 4 guest according to MPMC § 21.10.030. Adequate parking is provided at the two subterranean parking levels on the property and the project does not include new construction or additional square footage. No changes are proposed to the buildings or parking area.
- C. The proposed use is consistent with the General Plan and any applicable specific plan. MPMC § 21.10.030 allows an indoor commercial recreation use subject to a conditional use permit in the R-S, P-D (Regional Specialty, Planned Development) Zone. The subject property is designated Mixed-Use I (MU-I) in the General Plan Land Use Element, and the MU-I land use category provides opportunities for complementary service and retail commercial businesses, professional offices, and residential uses to

**PLANNING COMMISSION
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PAGE 3 OF 4**

locate within the City's core business districts. The property is located in the North Atlantic Focus Area and one of the goals (Goal 3.0) of the Focus Area is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed use is consistent with the uses encouraged by the Focus Area.

- D. The proposed use will not have an adverse effect on the public health, safety and general welfare. The proposed use will occupy an existing tenant space in a mixed-use development with multiple commercial tenant spaces. No new construction or addition of square footage is proposed. The Police Department has included conditions numbers 16 through 23 in the Resolution to address security requirements.
- E. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the Zoning Code. MPMC § 21.10.030 allows an indoor commercial recreation use (escape game rooms business) subject to a conditional use permit in the R-S, P-D (Regional Specialty, Planned Development) Zone.

SECTION 5: Approvals. 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-19-05).

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

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

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

**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 Nick Zeng 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 Sections 9 and 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 28th day of May 2019.

Chairperson Delario Robinson

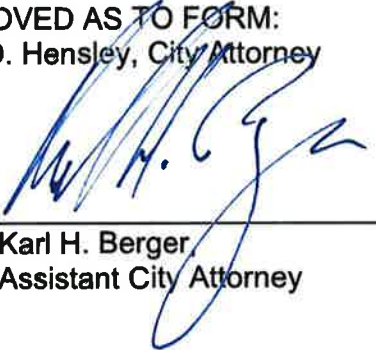
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 28th day of May 2019, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mark A. 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

500 N ATLANTIC BOULEVARD #111

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Nick Zeng agrees that he will comply with the following provisions as conditions for the City of Monterey Park's approval of Conditional Use Permit (CU-19-05) ("Project Conditions").

PLANNING:

1. Nick Zeng of 528 Club Inc. (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 CU-19-05 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out the City approval of CU-19-05, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee.
3. A copy of the Conditions of Approval for Conditional Use Permit (CUP-19-05) must be kept on the premises of the establishment and presented to any authorized City official upon request.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Building permits are required for any interior tenant improvements. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 3**

6. The property must remain well maintained and free of graffiti. Failure of the Applicant 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.

FIRE:

7. All comments identified by the Fire Department are subject to the review and approval of the Fire Chief, or designee, for determination of applicability and extent to which any condition may be required.
8. The applicant must obtain separate fire permits for, among other things, fire sprinklers and fire alarms, from the Fire Chief, or designee in accordance with CFC § 104.2, as adopted by MPMC § 17.01.010.
9. The City Building Official will determine the occupancy classification based on the proposed activities and occupancy load calculation per CBC § 104.1, as adopted by the MPMC.
10. A door schedule must be included to clarify how required egress doors are to be locked and if using delayed egress tied to fire life safety systems. This will be considered I-3 occupancy per CBC § 308.5, as adopted by the MPMC. All conditions of CBC § 408 apply, specifically construction type, fire sprinkler, fire alarm, and egress requirements. If delayed egress is proposed and the total occupant load is less than 50 persons, then CBC § 1008.1.9.7 requirements apply.
11. Fire extinguishers must be installed per CFC § 906, as adopted by the MPMC, and approved by the Fire Chief, or designee.
12. If emergency illumination exists and/or required, additional fixtures maybe required to be installed (verify the requirement with the plans). The lighting must provide a minimum of one-foot candle at the floor level throughout the exit path. Testing of the fixtures will be required at final inspection. The Fire Chief, or designee, may require a nighttime test at his or her discretion to confirm the minimum requirement of one-foot change at the floor level per CFC § 1006.3, as adopted by the MPMC.
13. An approved Knox box must exist on the building or a Knox box must be provided for the building per CFC § 506, as adopted by the MPMC.

POLICE:

14. Exterior lighting must be in full operation at all times.
15. The business will hire and provide private security during hours of operation. The private security company will be properly licensed and met all the criteria and

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legal obligations to operate a private security company. There must be a minimum of on security guard on the premises at all times. The Chief of Police may increase or decrease the number of security guards in his or her discretion.

16. All major common areas of the location must be covered by security video cameras. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. Security video cameras must be installed at all the entrance/exits and must be positioned to capture the faces of people entering and exiting. All 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. 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.
17. A comprehensive security plan must be submitted to the Police Chief, or designee, for final review and approval before a certificate of occupancy is issued.
18. Access to the roof, if any, will be locked and secured. Access to the roof will be restricted to maintenance personnel, building management, or other authorized personnel.
19. The business is encouraged to join and participate in the Monterey Park Police Department's Business Watch Program; a free service designed to educate businesses about minimizing criminal activity. The Community Relations Bureau can be contacted at (626) 307-1215.
20. The business must comply with federal, state, and local laws governing business licensing and noise levels. The business must obtain the appropriate license(s) from the regulating agency in order to conduct business in the City of Monterey Park.

By signing this document, Nick Zeng, certifies that the he has read, understood, and agrees to the Project Conditions listed in this document.

Nick Zeng, Applicant

ATTACHMENT 2

Site and floor plans

ATTACHMENT 3

Business operations plan

528 Club Business Operational Plan

Executive Summary

528 Club provides an exclusive peer to peer interaction experience many people not able to experience in their digital worlds of smartphones and tablets. It provides a friendly and safe community for all ages, young and old, to enjoy the group activities, starting from the classic board games of Monopoly, Werewolf, Clue to the most popular and demanding live acting and role play games with exclusive script to 528 Club (Original game is known as Murder Mystery Dinner Party Game), participants are able to live out the characters in a selected script and start their journey when they enter 528 Club.

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528 Club

528 Club is started by a group of young professionals looking to create a safe and experiential gathering location for those who enjoy and share their passion for table top board games, the community of interested participants grew larger and demands grew with reputation. The official business of 528 Club was formed within 6 months from the initial gathering. Currently, 528 Club has two stores located in Los Angeles, an upcoming store is opening in San Jose and we have identified a location in City of Monterey Park at the Atlantic Times Square as our third Los Angeles location. Expansion plan has scheduled for the next three years for four to five more stores in Southern California. Monterey Park store will be one of the important store for our strategic goals. Patrons have been asking for 528 Club to open a location in Monterey Park, San Gabriel Area.

CITY OF MONTEREY PARK
COMMUNITY DEVELOPMENT DEPARTMENT

Currently, many customers have to spend about half an hour of travel time to the City of Industry store to join the community with their friends. The Monterey Park store will serve local customers with better experience and convenience they ask for.

Market

528 Club is pioneering in this market, competitors and copycats are following as this community is new to the concept, just like the demand and growth of We Work, the market is still in it's infancy and is full of potentials.

Products & Services

528 Club provides a range of table top board games for the customer to experience with either friends, family or first time acquaintance which accounts about 35% of customer demand. Live Acting and Role Play offers many different types of scripts accompanied with themed costumes. The themes include ancient time, historical periods, Walking Dead, Future Si-Fi, and more. More than 50 Scripts are exclusive to 528 Club only in California, and 100 more scripts available to choose from to ensure repeating customers. All services during weekends or holidays are appointment only as demand is exceeding the allowable spaces.

Management & Organization

At this moment, 528 club have ten employees in city of Industry store. The training of the new employees for Monterey Park will partially be conducted in the City of Industry store,

therefore new employees will be well trained for the grand opening at the Monterey Park store.

Operations

528 Club plans to open daily from 1:00 p.m. to 2:00 a.m. at Atlantic Times Square. There will be 2 to 3 employees per shift during weekdays and 4 to 5 employees per shift for weekends and holidays. This location can accommodate up to 5 parties with 8 quests per party.

Parking Impact

528 Club identified Atlantic Times Square for their Monterey Park store because of the co-tenancy of existing restaurants, retail shops and entertainment. 528 Club can draw on the patrons from other businesses in the center, therefore sharing the trip and not intensifying the parking demand. Further, 528 Club will not have any food preparation in this location and the customers will be shared with the eateries in the center. The space we identified is suite 111, approximately 2,630 square feet and with our peak demand of 40 patrons and 5 employees, only 15 spaces are required, less than restaurant parking requirements for the same space.

Financial

The range of service charge vary from board games to scripts but the general price guide line is from \$20-\$80 per person. 528 Club currently enjoy the success in using current strategy in City of Industry store which is positive profit making, and intend to fully utilize this strategy in all the upcoming stores.

Projection for the break-even is 8 months from the opening date. Nick is the current chief of financial and market operator.

Summary

528 Club's vision is to provide a safe and passionate community for all the table top board game lovers and those who are seeking a friendly stage to live out their actor/actress dreams with scripts where there is no time, no age, no space limitation.