

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
October 8, 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, Ricky Choi and Antonio Salazar

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 September 10, 2019 and September 24, 2019; and
- (2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A. AMENDING RESOLUTION NO. 47-79 IN ITS ENTIRETY AND CONDITIONAL USE PERMIT (CU-19-10) TO UPGRADE AN EXISTING ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 41 LICENSE (ON-SALE BEER AND WINE – EATING PLACE) TO AN ABC TYPE 47 LICENSE (ON-SALE GENERAL – EATING PLACE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE – 755 WEST GARVEY AVENUE

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 (CU-19-10), subject to conditions of approval contained therein, as well as amending Resolution 47-79 in its entirety; and
- (5) Taking such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the increase in types of alcohol sold 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.

3-B. CONDITIONAL USE PERMIT (CU-19-10) TO ALLOW SERVICE OFFICE USE (INSURANCE) ON THE FIRST FLOOR IN THE S-C (SHOPPING CENTER) ZONE – 2085 SOUTH ATLANTIC BOULEVARD #A

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 (CU-19-10), subject to conditions of approval contained therein; and
- (5) Taking 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 CEQA Guidelines § 15301 (Class 1 – Existing Facilities) because the Project entails the leasing of tenant space within an existing private structure involving no expansion of existing or former use. No physical improvements to the site, or any physical changes to the existing building, are proposed.

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.

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

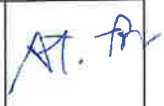
[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on October 22, 2019.

APPROVED BY:

MARK A. MCAVOY	
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Planning Commission Staff Report

DATE: October 8, 2019

AGENDA ITEM NO: 2-A

TO: Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
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 September 10, 2019 and September 24, 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/City Planner

Attachments:

- Attachment 1: September 10, 2018 Planning Commission regular meeting minutes
- Attachment 2: September 24, 2019 Planning Commission regular meeting minutes

ATTACHMENT 1

September 10, 2019 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 10, 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, September 10, 2019 at 7:00 p.m.

CALL TO ORDER:

Chairperson Eric Brossy de Dios called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Eric Brossy de Dios, Ricky Choi, Theresa Amador, Antonio Salazar, and Delario Robinson

Board Members Absent: None

ALSO PRESENT: Natalie Karpeles, Deputy City Attorney and Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS:

[1.] PRESENTATIONS: None

[2.] CONSENT CALENDAR: None

[3.] PUBLIC HEARING:

3-A. MODIFICATION OF CONDITIONAL USE PERMIT (CU-19-09) TO ALLOW FOR A MIXED-USE DEVELOPMENT IN THE R-S, P-D (REGIONAL SPECIALTY, PLANNED DEVELOPMENT) ZONE – 420 NORTH ATLANTIC BOULEVARD

Planner Tewasart provided a brief summary of the staff report.

Chairperson Brossy de Dios opened the public hearing.

Representative Ken Lee of Pacific Plaza Premier Development Group, 9661 Las Tunas Drive #A, Temple City, CA 91780, provided a brief presentation and update of the proposed project.

Commission Salazar expressed concerns about traffic on North Atlantic Boulevard and the types of restaurant uses.

Commissioner Amador inquired if there will be extended stay at the hotel. Representative Lee replied yes. Commissioner Amador inquired if breakfast will be provided or sold.

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Representative Lee replied sold. Commissioner Amador inquired if there will be three eating areas. Representative Lee replied yes. Commissioner Amador replied if it will be opened to the public. Representative Lee replied yes. Commissioner Amador inquired if there will be alcohol service in both restaurant spaces. Representative Lee replied yes; it was a part of their prior approval to serve alcohol with the restaurant uses. Commissioner Amador inquired if residents can walk from the condominium. Architect Michael Sun replied that there will be an exit gate that will allow access to the front, but vehicle access will be restricted. Commissioner Amador inquired if the project includes a swimming pool. Representative Lee replied yes; a 700 square foot pool on the second floor at northwestern portion of the project. There are brand standards to have a swimming pool.

Chairperson Brossy de Dios closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 13-19** approving Minor Modifications to a Previously-Approved Conditional Use Permit (CU-17-02) pertaining to the construction of a new mixed-use development in the R-S, P-D (Regional Specialty, Planned Development) Zone at 420 North Atlantic Boulevard.

Resolution No. 13-19

A RESOLUTION APPROVING MINOR MODIFICATIONS TO A PREVIOUSLY-APPROVED CONDITIONAL USE PERMIT (CU-17-02) PERTAINING TO THE CONSTRUCTION OF A NEW MIXED-USE DEVELOPMENT AT 420 NORTH ATLANTIC BOULEVARD.

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

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

3-B. CONDITIONAL USE PERMIT (CU-19-06) TO ALLOW FOR A BUSINESS COLLEGE (COMPUTER TRAINING) IN THE O-P (OFFICE PROFESSIONAL) ZONE – 1455 MONTEREY PASS ROAD #206

The Applicant requested a continuation of the application due to scheduling conflicts.

Action Taken: The Planning Commission **Continued** Conditional Use Permit (CU-19-06) to September 24, 2019.

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

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

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Absent: Commissioners: None
Abstain: Commissioners: None

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

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

[6.] **COMMISSION COMMUNICATIONS AND MATTERS:** None

[7.] **STAFF COMMUNICATIONS AND MATTERS:** None

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 7:52 p.m.

Next regular scheduled meeting on September 24, 2019 at 7:00 p.m. in the Council Chambers.

Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

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ATTACHMENT 2

September 24, 2019 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 24, 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, September 24, 2019 at 7:00 p.m.

CALL TO ORDER:

Chairperson Eric Brossy de Dios called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Eric Brossy De Dios, Ricky Choi, Theresa Amador, Antonio Salazar, and Delario Robinson,

Board Members Absent: None

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Mark A. McAvoy, Public Works Director/City Engineer/City Planner, and Samantha Tewasart, Senior 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-19-06) TO ALLOW FOR A BUSINESS COLLEGE (COMPUTER TRAINING) IN THE O-P (OFFICE PROFESSIONAL) ZONE – 1455 MONTEREY PASS ROAD #206**

Planner Tewasart provided a brief summary of the staff report.

Chairperson Brossy de Dios opened the public hearing.

Applicant, Jian Feng Liu, 1455 Monterey Pass Road, #206, Monterey Park, CA 91754, stated that he worked at AT&T's IT department for 12 years and then became Cisco certified and now would like to offer the same certification services to others who are looking for higher paying jobs.

Commissioner Salazar inquired about how the space will be utilized. Applicant Liu replied that the space will not be setup in the traditional sense. The business is computer training and many of the courses are offered on-line.

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Commissioner Robinson inquired if the applicant would be one of the instructors. Applicant Liu replied that he will be one of the instructors, but there will be other instructors as well. Many of the courses will be taught through WebEx.

Commissioner Amador inquired if the unit will be accessible. Property Owner, Duke Hwynn, 1455 Monterey Pass Road, Suite #206, Monterey Park, CA 91754, stated that he has been a Monterey Park resident for many years. He operated an import/export business at the location for many years and now is looking to sell the unit to the applicant. The building is older and does not have an elevator. Director McAvoy stated that there may be an occupancy change with this application which may trigger upgrades to the building. This is something the Applicant would work with the Building Official on.

Commissioner Choi inquired if the building has different property owners. Planner Tewasart replied that the building is an office condominium.

Commissioner Amador inquired if there is a management company. Owner Hwynn replied that there is an HOA with 7 board members and there is a management company that helps to maintain the property.

Commissioner Brossy de Dios inquired about the number of parking spaces. Planner Tewasart replied that there are 73 parking spaces available on the property. The parking ratio for office use is 4 per 1,000 and for a college it is 3 per 1,000. The parking requirement will be less.

Chairperson Brossy de Dios closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 14-19** approving Conditional Use Permit (CU-19-06) to allow operation of a business college in the O-P (Office Professional) Zone at 1455 Monterey Pass Road, #206, with an amended condition.

Amended:

10. If "~~as-built~~" amended plans are required, additional fees will be due for the review of the drawings.

Resolution No. 14-19

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-19-06) TO PERMIT OPERATION OF A BUSINESS COLLEGE AT 1455 MONTEREY PASS ROAD #206.

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

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

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Abstain: Commissioners: None

3-B. GENERAL PLAN UPDATE

Director McAvoy provided a brief summary of the staff report.

Consultant Stetson provided a PowerPoint presentation.

Commissioner Robinson stated that the letter submitted by Cox Castle Nicholson regarding Atlantic Square is addressed to him as the chairperson; however, he is not the current chairperson of the Planning Commission.

Commissioner Salazar inquired if the updates looked at increasing the frequency of MTA bus services. Consultant Stetson replied that will be looked at in the Circulation Element.

Commissioner Amador inquired about the project schedule for the property located at 1688 West Garvey Avenue. She has lived in the City since the 1960s and the property has had health and safety issues for 25 years. She wanted to know if the proposed update would mean that the health and safety issues will be addressed.

Attorney Berger replied that per a settlement agreement with the property owner, the property would either be approved for a single-family subdivision by 2021 or the City would take action on its own, reimbursed by the property owner, to permanently stabilize the slope. Efforts are underway at present to “winterize” the slope.

Attorney Alfredo Fraijo Jr., SMRH, 333 South Hope Street, Los Angeles, CA 90071, stated that he is present on behalf of property owners.

Commissioner Choi inquired if policies can be included to more vigorously promote higher property maintenance standards.

Commissioner Amador inquired about the tool or mechanism to designate the Cascades Waterfalls, El Encanto, the Observatory and Historical Museum as historic properties. Consultant Stetson replied that there is an existing goal in the Resources Element that states to preserve the historical resources of Monterey Park.

Commissioner Amador inquired if the proposed updates to the Golf Course area meant that the two existing restaurants would be removed. Consultant Stetson replied that this is a policy document and no actual construction projects are proposed as part of the updates.

Commissioner Amador inquired about what buffers and transition areas mean. Consultant Stetson replied that it can either mean additional setbacks or the stepping back of building heights. The additional setback can be used for landscaping purposes or parking. The transition areas are proposed for properties that abut residential areas.

Commissioner Amador inquired about the proposed update around the Market Place area. Consultant Stetson replied that 20 years ago Southern California Edison had plans to consolidate their transmission facilities, thus leaving certain properties in Monterey Park

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available for other uses. The idea was to establish the land use for future commercial developments. However, with the decommissioning of the San Onofre Plant and construction of the MESA substation, Southern California Edison is no longer looking to sell of their property, so the proposed update is to reflect the current land use as public facility.

Commissioner Choi inquired if the proposed updates to the Atlantic Boulevard area will impact the project approved at the southwest corner of Atlantic Boulevard and Garvey Avenue. Planner Tewasart replied that the update will mostly affect the southeast corner of the Atlantic Boulevard and Garvey Avenue.

Commissioner Salazar inquired if the alleyway is the boundary of the mixed-use area on East Garvey. Consultant Stetson relied yes.

Chairperson Brossy de Dios inquired why the land use of the properties located south of Garvey Avenue was not changed from the Low Density Residential to Medium Density Residential to be more consistent with the properties located to the south. Consultant Stetson replied that a consistent comment received throughout the public outreach process was to maintain the residential areas as they exist today.

Chairperson Brossy de Dios inquired why the height was decreased in the Downtown Perimeter area. Consultant Stetson replied that it was to create a transition from the Downtown to adjacent residential areas.

Chairperson Brossy de Dios inquired if the environmental impact report can be adopted even though there are significant impacts that cannot be mitigated. Consultant Stetson replied that the California Environmental Quality Act specifically allows for this to occur with a Statement of Overriding Considerations.

Commissioner Brossy de Dios inquired if comments were received from AQMD. Consultant Lisa Brownfield replied that SCAQMD's 2016 RTP is based on the current General Plan. If a jurisdiction plans for growth beyond the existing General Plan, it is very likely that the proposed plan will exceed the 2016 RTP and SCAQMD standards. The EIR proposes a number of mitigation measures that lessen the air quality impacts but do not bring them below the threshold. The mitigation measures deal with construction emissions; paint/coating emissions; requiring some Cal Green voluntary measures for residential and mixed use developments; and requiring TDM for some non-residential development. SCAQMD provided a response to the DEIR. Many of the comments requested mitigation beyond the scope and focus of a program EIR.

Chairperson Brossy de Dios opened the public hearing.

Speaker Carlos Palafox, 4695 MacArthur Boulevard, Newport Beach, CA 92660, on behalf TRC, stated that the property ownership would like the Planning Commission to consider allowing a mixed-use land use extend over to their property east of Atlantic Boulevard. He summarized the letter addressed and provided to the Planning Commission.

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Commissioner Amador inquired about the current condition of the property and why there were so many vacancies, in particular behind Boston Market. Speaker Palafox replied that the market is changing and with the increase of on-line purchasing, retail stores are decreasing. They are evaluating all their options.

Commissioner Choi inquired why the Housing Element was not prepared along with the Land Use Element. Director McAvoy replied that the City Council's direction was to move forward with the Land Use Element first and consider subsequent elements at a later time. Planner Tewasart added that the State has just recently released their project population numbers and methodology for distribution, and the RHNA is still being considered.

Chairperson Brossy de Dios closed the public hearing.

Commissioner Choi inquired if staff could look into the request to what impacts there may be to the current proposal and the draft environmental impact report.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 15-19** recommending that the City Council Certify the Final Environmental Impact Report, adopt Findings and a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program for the Monterey Focused General Plan Update – Monterey Park 2040, with the corrections identified on page 4 of the staff report and the proposed land use change to property located at 1688 West Garvey Avenue.

Resolution No. 15-19

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE MONTEREY PARK– MONTEREY PARK 2040.

Motion: Moved, by Commissioner Amador and seconded by Commissioner Robinson to consider an ordinance to formally recognize and designate the Cascades Waterfall, El Encanto, the observatory, and Historical Museum as historical landmarks in the City, motion carried by the following vote:

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

Motion: Moved, by Commissioner Amador and seconded by Commissioner Choi for staff to further to analyze the requested land use change from Commercial to Mixed-Use for Atlantic Square located on South Atlantic Boulevard, motion carried by the following vote:

Ayes: Commissioners: Brossy de Dios, Choi, Amador, Salazar, and Robinson

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Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

Motion: Moved, by Commissioner Choi and seconded by Commissioner Amador to consider adding policies to vigorously encourage and promote higher quality property maintenance standards, motion carried by the following vote:

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

Motion: Moved, by Commissioner Brossy de Dios and seconded by Commissioner Choi to revise on page 99 of the Land Use Element Implementation Plan, under Program 11: Climate Change Action Plan Time Frame to read, "Short and Intermediate," motion carried by the following vote:

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

[4.] OLD BUSINESS: None

[5.] NEW BUSINESS: None

[6.] COMMISSION COMMUNICATIONS AND MATTERS: None

[7.] STAFF COMMUNICATIONS AND MATTERS: None

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 9:27 p.m.

Next regular scheduled meeting on October 8, 2019 at 7:00 p.m. in the Council Chambers.

Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

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Planning Commission Staff Report

DATE: October 8, 2019

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: A Public Hearing approving Conditional Use Permit (CU-19-10) to upgrade an existing Alcoholic Beverage Control (ABC) license (from Type 41 to Type 47) in conjunction with a bona fide public eating place – at 755 West Garvey Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-19-10), subject to conditions of approval contained therein, as well as amending Resolution 47-79 in its entirety; and
- (5) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the provisions 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; no physical improvements to the site, or any physical changes to the existing building, are proposed. The increase in types of alcohol sold at an existing establishment is a negligible expansion of an existing use beyond that which currently exists. Furthermore, 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.

EXECUTIVE SUMMARY:

The Applicant currently has a conditional use permit ("CUP") which allows on-sale beer and wine (Type 41 license) in conjunction with the operation of a bona fide public eating place at 755 West Garvey Avenue (Capital Seafood Restaurant). The Applicant is requesting a new CUP (CU-19-10) to allow on-sale beer, wine and distilled spirits (Type 47 license). Approving a new CUP for this change ensures that the property is regulated by only one Resolution. Based upon the application, it appears that the proposed use

permit for the sale of alcoholic beverages at an existing bona fide public eating place is consistent with the Monterey Park Municipal Code ("MPMC") and the General Plan.

TYPE OF ACTION (QUASI-JUDICIAL)

The recommended action is to adopt a Resolution approving a CUP. In considering such actions, the Planning Commission acts in a quasi-judicial role. When 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.

The Planning Commission must base its decisions upon substantial evidence within the record. "Substantial evidence" generally means enough relevant information and reasonable inferences from information gathered during a public hearing that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts does not constitute substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. If the Planning Commission asks irrelevant questions and bases its decision-making on such questions, a court may overturn the Planning Commission's decision and potentially hold the City liable for violating the applicant's constitutionally protected due process rights.

To approve the CUP (per MPMC §§ 21.10.230 and 21.32.020), the Planning Commission must find that:

- 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 the MPMC;
- 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 consistent with the General Plan and any applicable specific plan;

- 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 will not have an adverse effect on the public health, safety and general welfare;
- The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC;
- The proposed use will not present adverse secondary impacts, including, without limitation, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime, interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures;
- The proposed use is consistent with any nearby commercially-zoned properties for commercial use;
- 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. (Consideration must be given regarding whether the proposed use will detrimentally affect nearby residentially-zoned communities, considering distances to residential buildings, churches, schools, hospitals, public playgrounds and other establishments dispensing alcoholic beverages); and
- 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.

These findings are included in the draft Resolution.

BACKGROUND AND DISCUSSION:

Guo's Fortune, Inc. (the "Applicant") is requesting a CUP to allow on-sale beer, wine and distilled spirits in conjunction with the operation of an existing bona fide public eating place located at 755 West Garvey Avenue (Capital Seafood Restaurant). The property is zoned R-S, P-D (Regional Specialty, Planned Development) and is designated MU-I (Mixed-Use I) in the General Plan.

Capital Seafood Restaurant is located on the northeast corner of North Atlantic Boulevard and West Garvey Avenue – within a commercial plaza. This commercial plaza is 129,370 square feet (2.97 acres) in size and is currently developed with a one-story multi-tenant commercial building and 180 at-grade parking spaces. Parking within the commercial plaza is located west, south, and east of the one-story multi-tenant building. The commercial plaza is accessible from three two-way driveways off of Atlantic Boulevard and two two-way driveways off of Garvey Avenue; specifically, Garvey Avenue is to the south of Capital Seafood Restaurant and Atlantic Boulevard is to the west. Located to the north of the commercial plaza is a vacant lot, to the south is

a one-story multi-tenant commercial plaza, and to the east and west are one-story multi-tenant commercial buildings.

Capital Seafood Restaurant is 2,493 square feet, and the dining area is less than one-half (960 square feet) of the restaurant. The interior dining area is made up of 12 round tables and 12 smaller square tables. The remaining area includes the kitchen service area, storage, an employee break room, entry/waiting area, and restrooms.

On May 15, 1979, the Planning Commission adopted Resolution No. 47-79 which granted a CUP for on-sale beer and wine at 749-755 West Garvey Avenue. On June 17, 2015, the Department of Alcohol Beverage Control ("ABC") issued a Type 41 alcohol license to Capital Seafood Restaurant. Now the Applicant would like to "upgrade" the existing Type 41 license to a Type 47 license.

Pursuant to the ABC's regulations, a Type 47 license allows for the sale of beer, wine and distilled spirits for consumption on the licensed premises; beer and wine may be consumed off-premises; and minors are allowed on the premises. Furthermore, a Type 47 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 meal and alcohol service hours would be from 8:00 a.m. to 10:00 p.m. Monday through Sunday. 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. Specifically, on-site sale uses must comply with the list of requirements in MPMC § 21.10.230(C) including, without limitation, limiting the exterior lighting of the parking area to intensities between one and two foot-candles and special security measures. A site inspection 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.

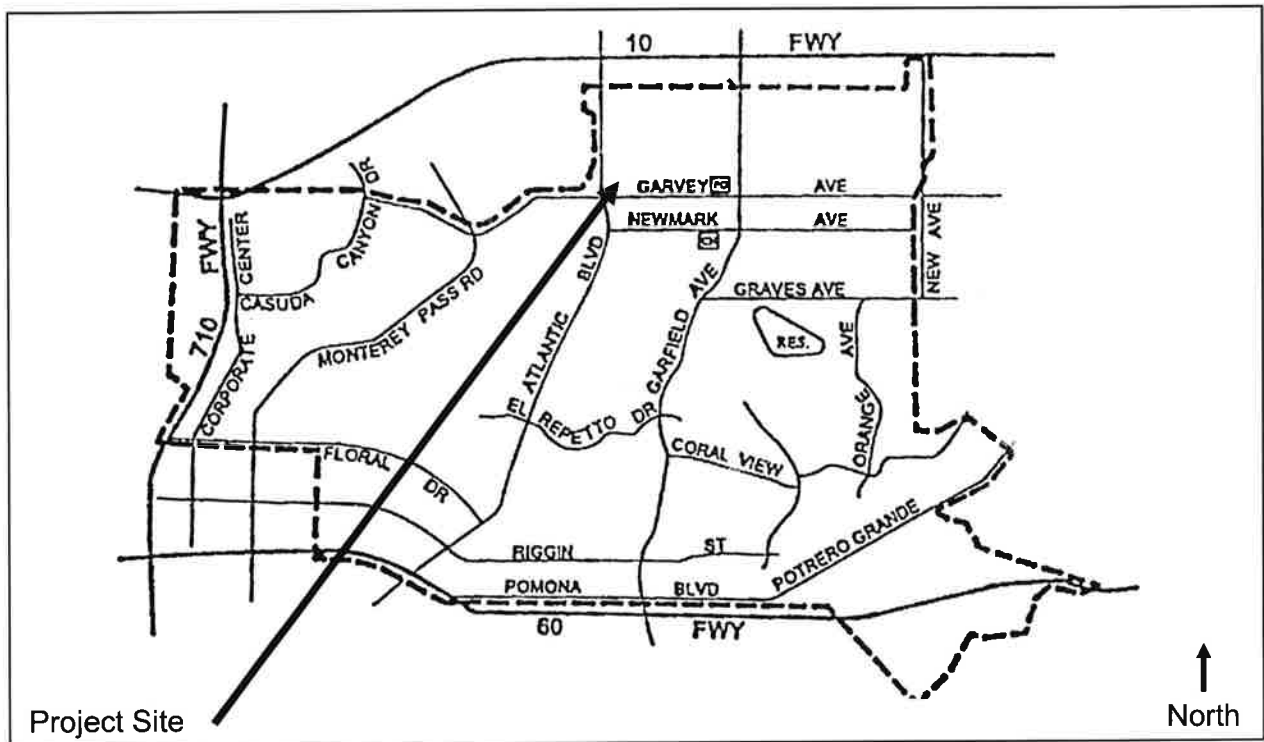
¹ See Business and Professions Code §§ 23038 and 23787.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **September 26, 2019**, with affidavits of posting on file. The legal notice of this hearing was mailed to **71** property owners within a 300 foot radius and current tenants of the property concerned on **September 26, 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/City
Planner

Staff Report
Page 7

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

Attachments:

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

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION AMENDING RESOLUTION NO. 47-79 IN ITS ENTIRETY AND APPROVING CONDITIONAL USE PERMIT (CUP-19-10) TO UPGRADE AN EXISTING ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 41 LICENSE (ON-SALE BEER AND WINE – EATING PLACE) TO AN ABC TYPE 47 LICENSE (ON-SALE GENERAL – EATING PLACE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE AT 755 WEST GARVEY AVENUE.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On August 15, 2019, Guo's Fortune, Inc. (the "Applicant" or Capital Seafood Restaurant) submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting approval of a conditional use permit (CUP-19-10) to allow on-site sale of beer, wine and distilled spirits (Type 47 license).
- B. A CUP was already granted for 755 West Garvey Avenue (Resolution No. 47-79) which allows Capital Seafood Restaurant to serve alcohol pursuant to a Type 41 license. The Applicant seeks to "upgrade" its ABC license to a Type 47 (the "Project");
- C. The proposed Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the MPMC;
- D. 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");
- E. The City Planner completed review and scheduled a public hearing regarding the Project before the Planning Commission for October 8, 2019. Notice of the public hearing was posted and mailed as required by the MPMC;
- F. On October 8, 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
- G. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its October 8, 2019 hearing including, without limitation, the staff report submitted by the City Planner.

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, wine, and distilled spirits in conjunction with an existing retail eating establishment. 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. 755 West Garvey Avenue is zoned R-S, P-D (Regional Specialty, Planned Development) and designated MU-I (Mixed-Use I) in the General Plan. The Mixed-Use I land use category allows for retail, service, office, and entertainment and dining establishments. On-sale alcoholic beverage sales are permitted in the R-S, P-D Zone with Conditional Use Permit approval;
- C. Capital Seafood Restaurant is located on the northeast corner of North Atlantic Boulevard and West Garvey Avenue within a commercial plaza. Located to the north of the commercial plaza is a vacant lot, to the south is a one-story multi-tenant commercial plaza, and to the east and west are one-story multi-tenant commercial buildings – all of which are also zoned R-S;
- D. The commercial plaza is 129,370 square feet (2.97 acres) in size and is currently developed with a one-story multi-tenant commercial building and 180 at-grade parking spaces. Capital Seafood Restaurant is 2,493 square feet. The commercial plaza is accessible from three two-way driveways off of Garvey Avenue and two two-way driveways off of North Atlantic Boulevard. The existing commercial plaza has adequate on-site parking; and
- E. Operating hours will be from 8:00 a.m. to 10:00 p.m. The sales and consumption of beer, wine and distilled spirits will occur entirely 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 (Class 1 – Existing Facilities) because the increase in types of alcohol sold 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.

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC §§ 21.10.230(B) and 21.32.020, the Planning Commission finds as follows:

- A. That the proposed use complies with all requirements as set forth for the issuance of a conditional use permit, pursuant to MPMC § 21.32.020:
 - 1. The site is adequate in size, shape and topography for the proposed use because the proposed use would not alter the existing physical condition of 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. The site is completely built out with 180 on-site parking spaces accessible from Atlantic Boulevard and Garvey Avenue. Atlantic Boulevard is a principal arterial street that serves as a regional travel route, accommodating

**PLANNING COMMISSION
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through trips and linking the local street system to through routes. In Monterey Park, Principal Arterials have a width ranging from 84 to 100 feet curb-to-curb within a 100- to 120-foot right-of-way. Garvey Avenue is a minor arterial roadway that provides a 64- to 68-foot curb-to-curb width within an 80- to 88-foot right-of-way. 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 the Monterey Park Municipal Code zoning regulations. The subject property is designated Mixed-Use I in the General Plan. The Mixed-Use land use category provides opportunities for complementary service and retail commercial businesses, professional offices, and residential uses to location within the City's core business districts. The proposed use is the addition of distilled spirits to the existing beer and wine sales to accompany meals at an existing retail eating establishment. On-sale alcoholic beverage sales are permitted in the R-S, P-D 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. Located to the north of the commercial plaza is a vacant lot, to the south is a one-story multi-tenant commercial plaza, and to the east and west are one-story multi-tenant commercial buildings. The proposed use is a request for on-sale beer, wine, and distilled spirits 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 include the sale of beer, wine, and distilled spirits will be restricted to the inside of the 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. Located to the north of the commercial plaza is a vacant lot, to the south is a one-story multi-tenant commercial plaza, and to the east and west are one-story multi-tenant commercial buildings. The addition of alcohol sales at an existing establishment is a negligible expansion of an existing use. 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 the zoning regulations. MPMC § 21.10.230 allows for the consideration of a Conditional Use Permit.

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PAGE 4 OF 6**

- B. That the proposed use will not present adverse secondary impacts, including, without limitation, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed use adds on-site beer, wine and distilled spirits sales in conjunction with a retailing eating establishment. On-sale of alcoholic beverage uses is permitted with a conditional use permit. The on-sale general will be complimentary to the existing restaurant use and will not have significant changes to ordinary restaurant operations. The restaurant will not have a separate bar or lounge area and entertainment uses are not permitted with this approval. The MPMC requires properties to be adequately maintained. Condition of Approval Nos. 22 and 28 are included to address security concerns. The Police Department will monitor the site.

- C. That the proposed use is consistent with nearby commercially-zoned properties for commercial use.

The subject property is zoned R-S, P-D. An eating establishment is a permitted principle use in the R-S Zone. Adjacent properties include R-S zoned lots to the north, south, east, and west. 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.

- E. The applicant's request to add beer, wine and distilled spirits sales ABC (Type 47 on-sale general – eating place) 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, wine, and distilled spirits sales, as mentioned, 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. Capital Seafood Restaurant is located within a commercial area that has other eating establishments that provide on-sale beer and wine services. There is substantial evidence in the recording demonstrating 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 8:00 a.m. to 10:00 p.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, wine, and distilled spirits will occur entirely 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

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

Use Permit (CUP-19-10). Resolution No. 47-79 is amended in its entirety to conform with this Resolution.

SECTION 6: *Continuing Effectiveness.* Repeal or amendment of any resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 7: *Validity of Previous Resolution.* If this entire Resolution or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of a previous Resolution will be rendered void and cause such previous Resolution to remain in full force and effect for all purposes.

SECTION 8: *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 9: *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 10: *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 11: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 12: A copy of this Resolution will be mailed to Guo's Fortune, Inc. and to any other person requesting a copy.

SECTION 13: This Resolution may be appealed within 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.

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

SECTION 14: 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 8th day of October 2019.

Chairperson Eric Brossy de Dios

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 8th day of October 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:



Natalie C. Karpeles, Deputy City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

755 WEST GARVEY AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Ting Cong Guo, on behalf of Guo's Fortune, Inc., doing business as Capital Seafood Restaurant, agrees that Guo's Fortune, Inc. will comply with the following conditions of approval for Conditional Use Permit (CU-19-10) ("Project Conditions").

PLANNING:

1. Guo's Fortune, 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-19-10 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 CU-19-10, 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 City Planner, 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 (CU-19-10) 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/property owner of the establishment must comply with all applicable law. The applicant/property owner must obtain and maintain a valid Alcoholic Beverage Control (ABC) Type 47 (On-Sale General – 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 non-disposable containers and distinguishable from containers used for non-alcoholic beverages.
11. The sale of alcoholic beverages for consumption outside or off the premises is prohibited. Signs must be posted at all entrances and exits of the premises indicating that the sale of alcoholic beverages for consumption outside or off the premises is prohibited.
12. The restaurant business hours of operation will be Monday through Sunday from 8:00 a.m. to 10:00 p.m.
13. Hours of operations for alcohol service at the restaurant are limited to the hours of 8:00 a.m. to 10:00 p.m.
14. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*). The applicant must obtain and maintain a Type 47 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 cannot be any exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to public view from the exterior constitute a violation of this condition.
18. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of

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Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.

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

LICENSING:

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

POLICE:

22. 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 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

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the business must comply with the request within seven 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 seven 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 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, Ting Cong Guo, on behalf of Guo's Fortune, Inc., doing business as Capital Seafood Restaurant, that she read, understood, and agrees to the Project Conditions listed in this document.

Ting Cong Guo signing on behalf of Guo's Fortune, Inc.,
doing business as Capital Seafood Restaurant, Applicant

ATTACHMENT 2

Site, floor, elevation plans



Planning Commission Staff Report

DATE: October 8, 2019

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-19-08) to allow service office use on the first floor of an existing single-story commercial building in the S-C (Shopping Center) zone – 2085 South Atlantic Boulevard #A.

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 (CU-19-08), subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities) because the Project involves no expansion of an existing or former use. The Project consists of a conditional use permit for operating a service office within an existing commercial office building; no physical improvements to the site, or any physical changes to the existing building, are proposed. Furthermore, 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.

EXECUTIVE SUMMARY:

The Applicant is requesting approval of a conditional use permit ("CUP") to allow service-office use (insurance agent) on the first floor of a one-story commercial building located at 2085 South Atlantic Boulevard #A, in the S-C zone. Pursuant to Ordinance No. 2131, service offices in the S-C zone may be permitted on the first floor with a conditional use permit. Based upon the application, it appears that the proposed use permit to operate an insurance office on the first floor of an existing single-story commercial building is consistent with the Monterey Park Municipal Code ("MPMC") and the General Plan.

TYPE OF ACTION (QUASI-JUDICIAL)

The recommended action is to adopt a Resolution approving a CUP. In considering such actions, the Planning Commission acts in a quasi-judicial role. When 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.

The Planning Commission must base its decisions upon substantial evidence within the record. "Substantial evidence" generally means enough relevant information and reasonable inferences from information gathered during a public hearing that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts does not constitute substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. If the Planning Commission asks irrelevant questions and bases its decision-making on such questions, a court may overturn the Planning Commission's decision and potentially hold the City liable for violating the applicant's constitutionally protected due process rights.

To approve the CUP (per MPMC § 21.32.020), the Planning Commission must find that:

- 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 the MPMC;
- 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 consistent with the General Plan and any applicable specific plan;
- 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 will not have an adverse effect on the public health, safety and general welfare; and
- The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC.

These findings are included in the draft Resolution.

BACKGROUND AND DISCUSSION:

Antonio Berango (the "Applicant") is requesting a CUP to operate a service office (insurance agent) on the first floor of an existing single-story commercial building at 2085 South Atlantic Boulevard #A (the "Project"). The property is zoned S-C and is designated Commercial in the General Plan. According to Ordinance No. 2131, service offices are only allowed on the first floor, subject to a conditional use permit – otherwise they must be located on the second floor or above.

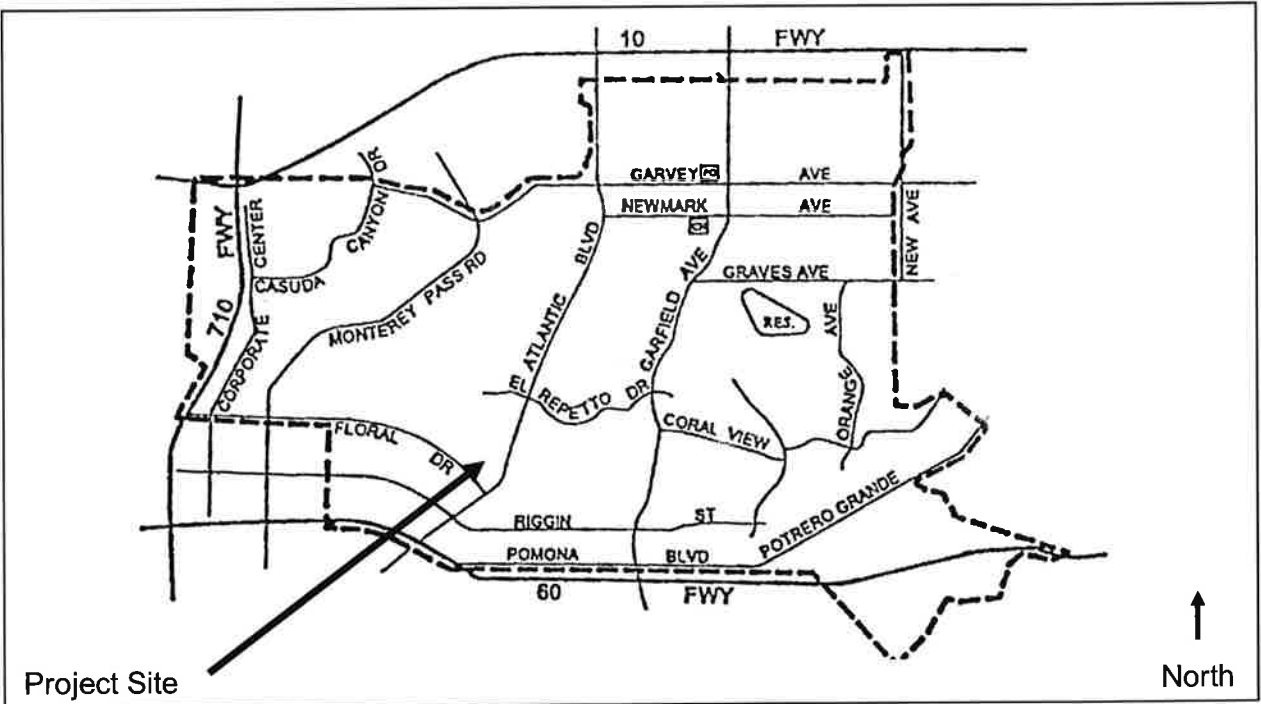
2085 South Atlantic Boulevard is a commercial plaza located at the northwest corner of South Atlantic Boulevard and Floral Drive – otherwise known as the Monterey Park Galleria. The Monterey Park Galleria is 183,823 square feet (4.22 acres) in size and is currently developed with nine detached commercial buildings and a detached 4-level parking structure. The commercial buildings vary in height from one to three-stories. Four of the nine buildings are situated at the center of the plaza and the remaining five buildings are positioned at the peripheries. The Monterey Park Galleria has a total of 464 parking spaces, including 78 at-grade spaces and 386 spaces provided in the parking structure; it is accessible from two driveways on South Atlantic Boulevard and a driveway on Floral Drive. The Monterey Park Galleria is comprised of a mixture of commercial uses, including retail eating establishments, nail and beauty salons, dental offices, and other service offices. Properties located to the north, east and south include S-C zoned lots, and to the west are R-1 (Single-Family Residential) and R-3 (High Density Residential) zoned lots. The Project is located more towards Atlantic Boulevard, at the eastern portion of the Galleria; Unit #A is 660 square feet and includes an open office area with three desks and a waiting area.

Although 2085 South Atlantic Boulevard #A has street visibility, it has remained vacant since 2012. Staff believes the requested office use will have minimal impacts on the subject building and property.

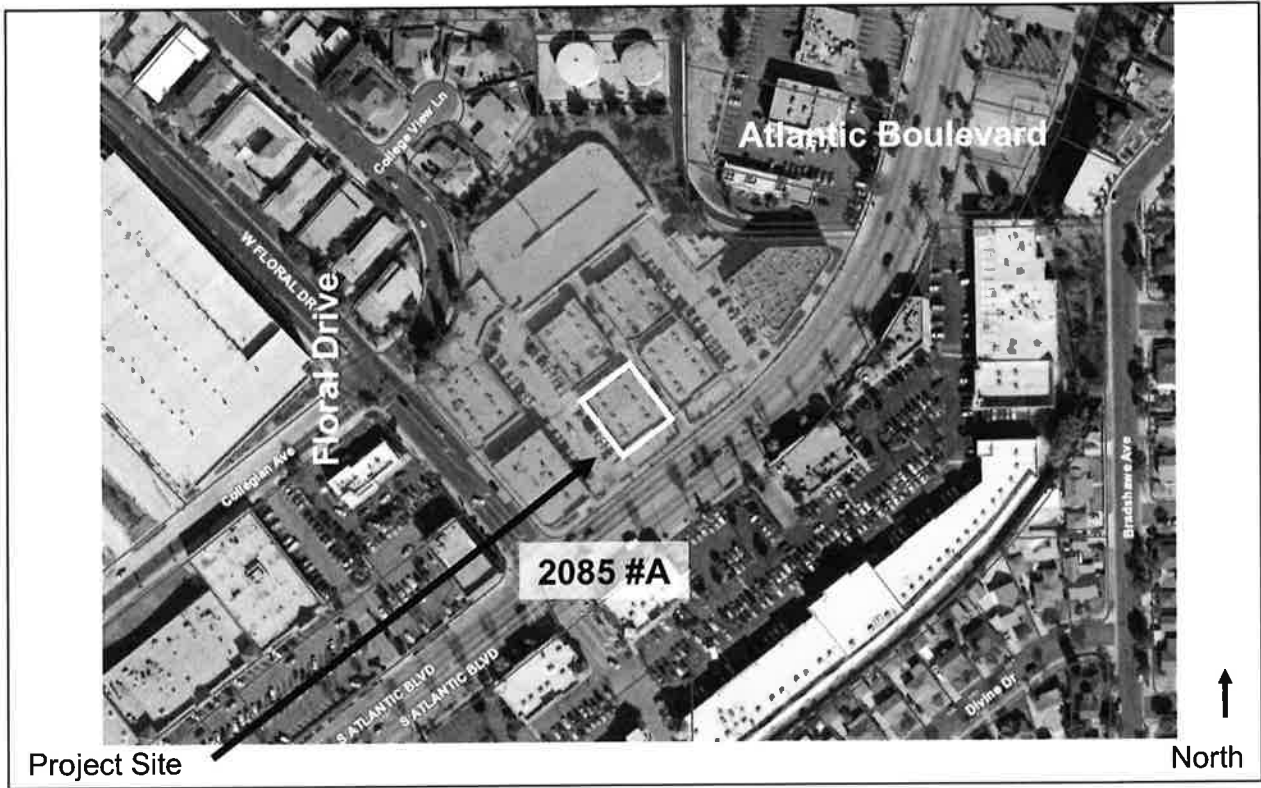
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **September 27, 2019**, with affidavits of posting on file. The legal notice of this hearing was mailed to **76** property owners within a 300 feet radius and current tenants of the property concerned on **September 27, 2019**.

Vicinity Map



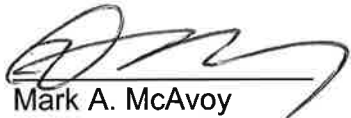
Aerial Map



FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue, however calculations as to the exact amount would be speculative.

Respectfully submitted,


Mark A. McAvoy
Public Works Director/City
Engineer/City Planner

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Natalie C. Karpeles
Deputy City Attorney

ATTACHMENTS:

- Attachment 1: Draft Resolution
- Attachment 2: Site and floor plans
- Attachment 3: Ordinance No. 2131

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CU-19-08) TO ALLOW SERVICE OFFICE USE (INSURANCE) ON THE FIRST FLOOR IN THE S-C (SHOPPING CENTER) ZONE – AT 2085 SOUTH ATLANTIC BOULEVARD #A.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On July 31, 2019, Mr. Antonio Berango ("Applicant"), submitted an application pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030 and 21.32.020, requesting approval of Conditional Use Permit (CU-19-08) to permit the operation of an office use (insurance) on the first floor at 2085 South Atlantic Boulevard #A ("Project");
- B. The proposed Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the MPMC, including Ordinance No. 2131;
- 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 City Planner completed review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for October 8, 2019; notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On October 8, 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 October 8, 2019 hearing including, without limitation, the staff report submitted by the City Planner.

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 operate a service office (insurance agent office use) on the first floor of an existing single-story commercial building. The Project does not propose any physical improvements to the site or any physical changes to the existing building;

**PLANNING COMMISSION
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- B. 2085 South Atlantic Boulevard #A is zoned Shopping-Center (S-C) and designated Commercial in the General Plan. Ordinance No. 2131, allows service offices to be located on the first floor, subject to a conditional use permit;
- C. The commercial plaza is 183,823 square feet (4.22 acres) in size and is currently developed with nine detached commercial buildings, a detached 4-level parking structure (with 386 parking spaces), and 78 at-grade parking spaces (collectively, the "Monterey Park Galleria"). The commercial buildings vary in height from one to three-stories. The Project is 660 square feet. The Monterey Park Galleria is accessible is accessible from two driveways on South Atlantic Boulevard and a driveway on Floral Drive. The Monterey Park Galleria has adequate on-site parking;
- D. The Monterey Park Galleria is comprised of a mixture of service office, professional office, retail, nail and beauty salon, and restaurant uses; and
- E. The Project is located more towards Atlantic Boulevard, at the eastern portion of the lot. Properties located to the north, east and south include S-C zoned lots, and to the west are R-1 (Single-Family Residential) and R-3 (High Density Residential) zoned lots.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §§ 15301 (Class 1 – Existing Facilities), because the Project entails the leasing of tenant space within an existing private structure involving no expansion of existing or former use. No physical improvements to the site, or any physical changes to the existing building, are proposed. 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.

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

1. The site size is adequate in size, shape and topography for the proposed office use (bank/financial institution). The Monterey Park Galleria is 183,823 square feet (4.22 acres) in area. The property is currently developed with nine detached commercial buildings and a detached 4-level parking structure. The commercial buildings vary in height from one to three-stories. The Monterey Park Galleria has a total of 464 parking spaces, including 78 at-grade spaces and 386 spaces provided in the parking structure; it is accessible from two driveways on South Atlantic Boulevard and a driveway on Floral Drive. The proposed service office will occupy an existing 660-square-foot tenant space within an existing one-story commercial building located toward the eastern portion of the Galleria.

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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 office use. The Monterey Park Galleria has adequate parking and the Project does not include new construction or additional square footage. No changes are proposed to the building or parking area. The proposed use is not expected to significantly increase traffic.
3. The proposed use is consistent with the City's General Plan and conforms to all the requirements of the General Plan and zoning regulations. Ordinance No. 2131 allows service offices on the first floor, subject to a conditional use permit, in the S-C zone. The subject property is designated Employment Technology in the General Plan Land Use Element and the Commercial land use category permits retail and service commercial and professional uses. The proposed service office use is consistent with the General Plan in that the Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of the Monterey Park residents and businesses. The proposed insurance agent office use is compatible with the uses of the surrounding area.
4. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City. The proposed service office use will not have adverse effects on the enjoyment or valuation of neighboring properties. Properties located to the north, east and south include S-C zoned lots, and to the west are R-1 (Single-Family Residential) and R-3 (High Density Residential) zoned lots. The Monterey Park Galleria has adequate parking and the Project does not include new construction or additional square footage. No changes are proposed to the building or parking area. The proposed use is not expected to significantly increase traffic. The proposed insurance agent office use will take place solely within the existing tenant space and will not create unusual noise.
5. The proposed use will not have an adverse effect on the public health, safety and general welfare. The proposed service office will occupy an existing tenant space within a multi-tenant commercial building. No new construction or addition of square footage is proposed. Furthermore, security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.
6. Ordinance No. 2131 allows service offices on the first floor, subject to a conditional use permit, in the S-C zone. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the zoning regulations in the MPMC.

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SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CU-19-08).

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

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

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

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

SECTION 10: A copy of this Resolution will be mailed to Mr. Antonio Berango and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within 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 and 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 8th day of October 2019.

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Eric Brossy de Dios, Chairperson

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 8th day of October 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:



Natalie C. Karpeles,
Deputy City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

2085 SOUTH ATLANTIC BOULEVARD #A

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Antonio Berango, agrees that he will comply with the following conditions of approval for Conditional Use Permit (CUP-19-08) ("Project Conditions").

PLANNING:

1. Antonio Berango (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-19-08 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-19-08, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. 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 Planner, or designee.
3. The applicant/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-19-08) must be kept on the premises of the establishment and presented to any authorized City official upon request.

POLICE:

6. The business must have security video cameras operating during all hours of business. All cameras must record onto a media device, such as a videotape, digital storage CPU, DVR or similar recording device. The recordings of the

**PLANNING COMMISSION
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security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, including the entrance/exits and all interiors of each room. 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. High Definition 1080 P is recommended.

7. The business 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 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 will obtain an alarm permit from the Monterey Park Police Department. The permit may be obtained by calling the Monterey Park Police Community Service Bureau.
8. The manager/owner is responsible for maintaining the property free of litter and graffiti.

By signing this document, Antonio Berango, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Antonio Berango, Applicant

ATTACHMENT 2

Site, floor, elevation plans

ATTACHMENT 3

Ordinance No. 2131

ORDINANCE NO. 2131

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE ("MPMC") AFFECTING REGULATIONS GOVERNING THE RESIDENTIAL, COMMERCIAL, OFFICE PROFESSIONAL, OFF-STREET PARKING AND PROCEDURAL REQUIREMENTS FOR LAND USE.

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: Findings. The City Council finds and declares as follows:

- A. The City's ability to exercise its powers in accordance with Article XI, § 7 of the California Constitution to regulate land use is well-established. This ordinance is intended to regulate aesthetics, traffic, parking, public peace, and other, similar, matters related to public health, safety, and welfare;
- B. An ongoing review of the Monterey Park Municipal Code ("MPMC") demonstrates that amendments are needed to bring the City's land use regulations into conformance with the City Council's intent as expressed during the comprehensive zoning update in 2013;
- C. Adopting this Ordinance is in the public interest because it is designed to protect public health and safety while also promoting public welfare;
- D. The Planning Commission adopted Resolution No. 02-16 recommending the City Council amend specific sections of Title 21 (zoning regulations) of the Monterey Park Municipal Code;
- E. This Ordinance promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC; and
- F. This Ordinance and its findings are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the City Council at its February 17, 2016 public hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: MPMC § 21.08.040(H) is amended to read as follows:

"(H) **Portable Canopy.** In all residential zones, subject to the following limitations:

- (1) ~~A limit of one portable canopy is permitted per residential unit.~~
There is no limit on the number of portable canopies permitted on a residential zoned property, except that any and all canopies must comply with the maximum square footage specified below.

(2) A portable canopy is allowed only adjacent to the side or at the rear of a residential unit. ~~A portable canopy cannot be closer than twenty-five (25) feet from the front property line, fifteen (15) feet from a street side property line and five feet from the rear property line. A portable canopy cannot encroach into any required front or side setback. area and must maintain a minimum distance of five feet from any building or structure, including eave projection. Placement of a portable canopy is subject to City Planner review and approval. A site plan and elevation plan shall be submitted for zoning approval.~~

(3) A portable canopy must be constructed with a durable material, such as, without limitation, a canvas or vinyl material, which is securely anchored in place and properly maintained to present a neat and orderly appearance. The canopy is required to be replaced if they become torn, tattered or in disrepair.

(4) A portable canopy cannot exceed a height of fifteen (15) feet at the highest point and is limited to a maximum square footage of ~~one hundred twenty (120)~~ two hundred forty (240) square feet total for all portable canopies."

SECTION 3: MPMC § 21.080.080(G) is amended to read as follows:

"(G) Mechanical Equipment. In all residential zones, swimming pool circulating pumps, filters and heaters, and air conditioners and coolers, including compressor units thereof, constitute structures, subject to the following standards:

(1) Must be located in the a rear or interior side yard.

(2) ~~Must be located twenty-five (25) feet from any opening in a residential building on an adjoining lot except as specifically permitted by the City Planner.~~ Cannot be located any closer than five feet to a side or rear property line that abuts another residential zoned property.

(3) May be located on other portions of a residential lot or on the roof of a residential building, if such location is first approved by the City Planner.

(4) Must be screened from public view and cannot be visible from any abutting lot, or any public street or right-of-way, except solar panel surfaces (but not supports, piping, etc.). The design and material of the screen is subject to review and approval of the City Planner.

(5) A site plan and elevation plan must be submitted for zoning clearance, including footprint of adjacent residential building and location

of wall openings to adjacent building.

(6) The approvals required by the City Planner as provided for in this chapter, must be processed without application fee or public hearing upon submittal of required site plan. The City Planner must approve a location unless the location is or will be detrimental to neighboring properties. Conditions regarding exact location, size of unit, screening, sound proofing, color of unit, etc., may be imposed by the City Planner when deemed necessary to protect surrounding properties from excessive noise or unsightly appearance."

SECTION 4: MPMC § 21.10.030, Table 21.10 (A) is amended to read as follows:

“(A) Permitted Uses. The land uses listed in Table 21.10(A) are permitted in one or more of the commercial districts as indicated in the columns corresponding to each commercial district. Where indicated with a “P,” the use is permitted. Where indicated with an “X,” the use is expressly prohibited. The letter “A” indicates the use is permitted only as an accessory use. The letter “C” indicates the use is conditionally permitted subject to the approval of a conditional use permit. The letter “L” indicates the use is permitted subject to limitations described in Section 21.10.040. The letter “S” indicates the use is permitted only on the second floor or above.

(B) All uses must be conducted totally within a completely enclosed building with the exception of City-approved outdoor dining, temporary special events, and uses customarily conducted in the open as determined by the City Planner, such as a carwash or nursery.

(C) Storage is permitted only within an entirely enclosed building and is limited to accessory storage of commodities sold or utilized in the conduct of a permitted use, on the premises.

(D) Uses producing, causing or emitting dust, gas, smoke, glare, noise, fumes, odors, electromagnetic emanations or vibrations which are or may be detrimental to the safety, welfare, health and peace of the City and its residents are prohibited.

(E) Overnight parking of vehicles, except those used in conjunction with a permitted use, are prohibited. The vehicles must be maintained in proper working order and remain free of graffiti at all times. Any such vehicle deemed to be a public nuisance is prohibited from parking on-site.

Table 21.10(A)

Permitted Uses in Commercial Zones

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Legend:

A	As an accessory use only
C	Permitted subject to approval of a conditional use permit
L	Permitted subject to limitations or special standards as described in Section 21.10.040
P	Permitted
S	Permitted <u>only</u> on the second floor or above; or first floor with a conditional use permit
X	Expressly prohibited

Land Uses	N-S	S-C	C-B	R-S	C-S	C-P
Retail						
Appliance or Electronics Sale and Repair	P	P	P	P	P	X
Art Gallery	P	X P	P	P	P	X P
Art Supplies Store	P	P	P	P	P	X
Auto Parts Store, retail only	P	P	X	P	P	X
Auto Sales – New	X	P	X	L	P	X
Auto Sales – Used	X	P	X	L	P	X
Bakery, Retail Sales Only	P	P	P	P	P	X
Beauty Supplies Store	X	P	P	P	P	X
Boat, Trailer, Motorcycle, Motor Scooter Sales	X	X	X	L	P	X
Book Store, including Newsstand	P	P	P	P	P	P
Catering Service, Food (not truck catering)	X	X	X	A	A	X
Cellular Phone Store, including Accessories	P	P	P	P	P	P
Clothing/Shoe Retail and Service	P	P	P	P	P	P
Commercial Shopping Facility (5 or more units OR more than 1 acre)	C	C	C	C	C	C
Drugstore/Pharmacy	P	P	P	P	P	L
Florist	P	P	P	P	P	P
Furniture Store	X	P	P	P	P	X
Grocery/Food Store/Supermarket	P	P	P	P	P	L
Hardware/Home Improvement Store (less than or equal to 10,000 sq. ft.)	P	P	P	P	P	X
Hardware/Home Improvement Store (more than 10,000 sq. ft.)	X	P	X	P	P	X
Hobby/Specialty Store	P	P	P	P	P	X
Jewelry Store	X	P	P	P	P	P
Medical Equipment and Supplies (sales and service)	X	P	X	P	P	P
Medical Marijuana Dispensaries	X	X	X	X	X	X
Music Store (sales, service and instruction)	X	P	X	P	P	X
Music Store (retail sales only with service and instruction expressly prohibited)	X	P	P	P	P	X
Music/Movie Sale and Rental	P	P	P	X	P	P
Office Supply Store (less than or equal to 10,000 sq. ft.)	X	P	P	P	P	P
Office Supply Store (more than 10,000 sq. ft.)	X	P	X	P	P	P
Pet Store and Supplies	P	P	P	P	P	X
Photo Processing Shop (contained within automated equipment only)	X	P	P	P	P	X
Plant Nursery	X	X	X	X	P	X
Retail, General (≤10,000 sq. ft.)	P	P	P	P	P	X
Retail, General (large) (>10,000 sq. ft.)	X	P	P	P	P	X
Specialty Retail	P	P	P	P	P	P
Sporting Goods Store	X	P	P	P	P	X
Swap Meet	X	X	X	X	X	X
Swimming Pool Sales and Service	X	X	X	P	P	X
Service Business	N-S	S-C	C-B	R-S	C-S	C-P
Adult Care Facility	X	X	X	X	C	C
Animal Grooming	P	P	P	P	P	X
Animal Hospital	X	C	X	X	P	X
Animal Shelter	X	X	X	X	X	X
Auto Detailing	X	X	X	X	X	X

Ordinance No. 2131

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Auto Dismantling	X	X	X	X	X	X
Auto Rental	X	X	X	L	L	X
Auto Repair	X	X	X	X	X	X
Auto Salvage and Wrecking	X	X	X	X	X	X
Barber Shop	P	P	P	P	P	P
Beauty Salon	P	P	P	P	P	P
Car Wash	C-X	X	X	X	C	X
Cemetery	X	X	X	X	X	X
Check Cashing Facility	X	X	X	X	C	X
Collection Facility	C	C	X	C	C	X
Community Care Facility	X	X	X	X	C	C
Copy Center	P	P	P	P	P	P
Day Care Center	C	C	C	X	C	C
Day Health Spa (excluding massage)	P	P	P	P	P	P
Dry Cleaning (including laundry)	X	P	X	P	P	X
Dry Cleaning (including laundry less than or equal to 2,000 sq. ft.)	P	P	P	P	P	P
Service Business (cont'd)	N-S	S-C	C-B	R-S	C-S	C-P
Employer-Sponsored Child Care	L	L	L	L	L	L
Extended Lodging Facility	X	X	X	L	L	L
Fitness Center (less than or equal to 5,000 sq. ft.)	L	L	L	L	L	L
Fitness Center (more than 5,000 sq. ft.)	C	C	C	C	C	C
Gunsmith	X	X	P	P	P	X
Hotel	X	X	L	L	L	L
Kennel/Animal Boarding	X	X	X	X	X	X
Laundromat	P	P	P	X	X	X
Locksmith/Keys	P	P	X	P	P	X
Mail Boxes (accessory to parcel service or contract postal station only)	A	A	A	A	A	A
Massage Establishment	L	L	L	L	L	L
Money Transfer Facility	X	X	X	X	C	X
Mortuary/Funeral Home	X	X	X	C	C	C
Motel	X	X	X	L	L	X
Parcel Service/Contract Postal Station	P	P	P	P	P	P
Photo Processing Shop	P	P	P	P	P	P
Photocopying/Reproduction	X	P	P	P	P	P
Picture Framing as Accessory to Art Supplies Store and/or Art Gallery	A	A	A	A	A	X
Printing and Publishing	X	X	X	P	P	X
Public Storage (Mini-Storage)	X	X	X	X	C	X
Salvage Yard	X	X	X	X	X	X
Service Station	C	C	X	C	C	X
Studio (Martial Arts/Dance/Photo/Music)	X	L	L	L	L	L
Tailor	P	P	P	P	P	X
Tattoo Parlors and Body Piercing Shops	X	X	X	X	X	X
Tutoring	L	X	X	L	L	X
Veterinary Services, Domestic	X	C	X	X	P	X
Eating & Drinking Establishment	N-S	S-C	C-B	R-S	C-S	C-P
Alcohol Sales (on-sale and off-sale)	L	L	L	L	L	L
Bar, Tavern or Cocktail Lounge	X	X	L	L	X	X
Outdoor Dining	A	A	A	A	A	A
Restaurant	P	P	P	P	P	P
Retail Eating Establishment	P	P	P	P	P	P
Entertainment/Cultural	N-S	S-C	C-B	R-S	C-S	C-P
Adult Oriented Business	X	X	X	X	X	X
Amusement or Game Arcade	X	C	C	C	C	X
Auditorium, including Performing Arts Center	X	X	X	C	C	A
Concert Hall	X	C	C	C	X	X

Comedy Club	X	C	C	C	X	X
Commercial Recreation – Indoor	C	C	C	C	C	C
Commercial Recreation– Outdoor	X	C	C	C	C	X
Community Center	X	C	C	C	X	X
Cultural Institution	X	X	X	P	P	P
Fortunetelling	X	X	X	X	L	X
Golf Driving Range	X	X	X	X	C	X
Internet Arcade	X	L	X L	X L	L	X
Library	X	X	X	P	P	P
Lodge/Meeting Hall	X	X	P	P	P	X
Miniature Golf	X	C	X	C	C	X
Museum	X	X	P	P	P	X
Theater (theatrical and motion picture)	X	C	C	C	X	X
Office	N-S	S-C	C-B	R-S	C-S	C-P
Bank/Financial Institution (retail)	C	C	C	C	C	P
Data/Cash Processing Office	X	X	X	X	X	P
Financial Institution/ Corporate Office	X	X	X	X	X	C
Notary Public	S	S	S	S	S	P
Office, Administrative	S	S	S	S	S	P
Office, Professional	S	S	S	S	S	P
Office, Service	P	S	S	P	P	P
Stockbroker/Trader	X	X	S	X	X	P
Medical Uses	N-S	S-C	C-B	R-S	C-S	C-P
Acupuncture or Acupressure Clinic/Office	X	X	X	X	L	L
Alcoholism Hospital	X	X	X	X	C	C
Ambulance Service	X	X	X	X	C	P
Clinic (including medical, dental, psychologist, social work)	X	X	X	X	P	P
Day Treatment Hospital	X	X	X	X	C	C
Hospital (including psychiatric)	X	X	X	X	C	P
Long-Term Facility	X	X	X	X	C	C
Medical or Dental Laboratories	X	X	X	X	L	L
Nursing and Convalescent Hospital	X	X	X	X	C	L
Optometrist/Ophthalmologist	X	X	X	P	P	P
Out-Patient Facility (Drug and Alcohol)	X	X	X	X	L	L
Educational Institutions	N-S	S-C	C-B	R-S	C-S	C-P
Business College (Office or Medical/Dental)	X	X	X	X	X	C
School, Commercial	X	X	X	X	X	C
School, Driving/Traffic (passenger vehicles and motorcycles)	X	X	X	X	C	C
School, Accessory Use to Church	X	C	C	X	X	X
School, Private	C	X	X	C	C	X
School, Public	P	P	P	P	P	P
School, Vocational or Trade School	C, S	X	C, S	X	C	C, S
Swimming Pool School	P	X	X	X	X	X
Additional/Accessory Uses	N-S	S-C	C-B	R-S	C-S	C-P
Alcohol Sales	A	A	A	A	A	A
Assembly Hall	X	L	L	L	X	X
ATM Kiosk	L	L	L	L	L	L
Boarding House (see also Section 21.04.075)	X	X	X	C	C	C
Buildings Exceeding Height Limit	X	X	X	X	X	L
Community Facility	X	C	C	C	X	X
Drive-Through Business	L	L	X	L	L	X
Dump, Inert Solid	X	X	X	X	X	X
Dump, Rubbish and Refuse	X	X	X	X	X	X
General Research and Development Facility	X	X	X	L	L	L
Government or Public Facility	C	C	C	C	C	C
Government or Public Facility (owned or operated by the City of Monterey Park)	P	P	P	P	P	P

Live/Work Unit	L	X	L	L	L	X
Manufacturing, Heavy or Light	X	X	X	X	X	X
Mixed Uses (Residential & Commercial)	L	X	L	L	L	X
Parking Lot/Structure	X	X	A	A	A	A
Private Club	X	X	C	C	C	X
Public Utility Office	C	C	X	C	C	C
Public Utility Substation	X	X	X	P	P	X
Quarry	X	X	X	X	X	X
Recycling Center	X	C	X	X	C	X
Refuse Collection	X	X	X	X	X	X
Rehabilitation Facility	X	X	X	X	C	C
Religious Institution (Church/Temple/Mosque)	X	L	L	L	C	P
Single Room Occupancy	X	X	X	L	L	L
Supportive Housing	X	X	X	X	C	C
Transitional Housing	X	X	X	X	C	C
Transfer Station	X	X	X	X	X	X
Warehouse	X	X	X	X	X	X
Warehouse and Sales Outlet	X	X	X	X	X	X
Wireless Communications & Telecommunications Facility	L	L	L	L	L	L
Wholesale/Distribution	X	X	X	X	X	X

SECTION 5: MPMC § 21.10.200 will be repealed in its entirety as follows:

21.10.200 Tenant Mix Leasing Plans.

~~“(A) Purpose. The City Council finds as follows: Although the city has commercial and industrial areas, it is primarily a residential community. The residents of the City need to have a variety of goods and services available to them to fulfill quality of life considerations. Location of providers of those goods and services within the City has many positive environmental impacts, both locally and regionally, by decreasing the need for residents to commute long distances to obtain necessities. A diversity of providers of such goods and services within the City also has many positive social and economic impacts, allowing City residents a wide range of choices, and encouraging purchasing locally. Appropriate tenant mix within any one shopping center is especially important in these respects, since it allows for better planning and design of traffic and circulation improvements, reduces congestion on City streets, and improves the potential for an economically successful center thereby avoiding blighting conditions and service costs that are associated with vacant and failed development, while providing the means for a full range of basic goods and services to residents. Finally, the entire community benefits when its residents purchase goods and services from local providers, through increased employment opportunities and the return of sales tax revenue which is used to finance needed services and improvements.~~

~~In recent years Monterey Park has experienced a loss of diversity in available goods and services, and a concomitant loss of purchasing from local businesses by City residents. This loss of diversity exacerbates existing problems. For example, an overconcentration of restaurants has placed burdens on the City and regional sewer systems which cause substantial health and welfare~~

~~problems. The City has also experienced a substantial increase in the number of commercial buildings which are vacant and in the number of shops which are economically marginal, as indicated by low sales tax revenues and high turn-over rates. Such instability in the commercial areas of the City has a significant detrimental effect on the quality of life of the City's residents.~~

~~It is the purpose and intent of this section to establish mechanisms to reduce high vacancy and turn-over rates in commercial developments, and to encourage a diversity of resources for City residents to purchase a wide choice of goods and services within the City.~~

~~(B) — Applicability and Exemption. This section will apply to any project which consists of one acre or more in land area located in a commercial zone, or which consists of five or more contiguous lots located in a commercial zone. Notwithstanding the foregoing, the following projects will not be subject to this section:~~

~~(1) — Any project of which at least seventy-five (75) percent of the square footage to be constructed is for office uses, and the remaining area will be divided into not more than three units for retail uses;~~

~~(2) — Any project where the development will be totally occupied by a single retail tenant or user.~~

~~(C) — The City Planner may waive submittal of any or all of the requirements of this section for any project if, in his/her sole determination, such information is not necessary for City review because the applicant has submitted sufficient information as part of another City application, such as participation in a master leasing program or development agreement establishing the financial feasibility of the proposed project.~~

~~(D) — Leasing Plan. No project shall be constructed, erected, or maintained unless and until a leasing plan has first been approved pursuant to the provisions of this section. A leasing plan must include all of the following:~~

~~(1) — A market analysis which:~~

~~(a) — Defines the anticipated customer base area for the project, including analysis of the area's population, and their income, purchasing power, and buying habits and preferences;~~

~~(b) — Identifies existing projects and projects that are under construction or have received entitlements which will potentially be in competition with the proposed project for that customer base area;~~

- ~~(c) Delineates access to the project site from freeways and arterials;~~
 - ~~(d) Contains recommendations for commercial orientation of the project (e.g., neighborhood shopping, community shopping, regional shopping, convenience, specialty, off price/discount, etc.); and~~
 - ~~(e) Recommends major tenants which the analysis indicates have a high probability of establishing and maintaining economic viability within the identified customer base area;~~
- ~~(2) Information indicating that a key tenant commitment has been made. Such information may consist of a letter of intent that clearly indicates the commitment of the key tenant(s) to sign a lease if the project is constructed and indicates that an agreement has been reached on all major deal points;~~
- ~~(3) A use plan for leasing, selling, or otherwise using all space remaining in the project other than that subject to the key tenant commitment;~~
- ~~(4) A financial feasibility study, based upon the key tenant commitment and proposed use plan;~~
- ~~(5) Information demonstrating that long-term provisions for maintenance and marketing of the project, as necessary, have been made.~~
- ~~(E) Approval Process. Before, or concurrent with, submittal of an application for a conditional use permit, site plan review, or other discretionary approval, the developer must submit to the Community Development Department a leasing plan, accompanied by fees as established by City Council resolution. The application may be submitted without the information required pursuant to subsection (C)(2) of this section; provided that the applicant amends the application when such information becomes available, which in any event must not be later than the applicant's submittal for a building permit for the project. The leasing plan must be reviewed by the City Planner. The results of that review process must be presented to the Planning Commission, which must approve the leasing plan if it determines that the leasing plan provides information that establishes a reasonable likelihood that the project will be financially feasible. The applicant may present additional information to the Planning Commission to aid it in its determination. The City Planner and Planning Commission will use their reasonable efforts to coordinate the review of the leasing plan with any hearings required in connection with the project. Appeal from the Planning Commission's decision may be made in the same manner and pursuant to the~~

~~same procedures as established for appeal of a Planning Commission decision pertaining to a conditional use permit. See Chapter 21.32, Permit Procedures.~~

~~(F) — Amendment to Leasing Plan.~~

~~(1) — Each lessor of a project for which a leasing plan has been approved must notify the City and obtain City approval before any change of a key tenant. The City Planner must determine within ten (10) days of such notice whether to approve, disapprove, or conditionally approve such change, based upon a determination as to whether such change adversely impacts the likelihood that the project will be financially feasible.~~

~~(2) — An application for amendment to a leasing plan must be submitted in the same manner as the original leasing plan. Such application will be processed administratively unless the City Planner determines the amendment adversely impacts the likelihood that the project will be financially feasible, in which case the application will be scheduled for public hearing before the Planning Commission.~~

~~(3) — Any determination by the City Planner regarding a change in a key tenant or amendment to the leasing plan pursuant to this section may be appealed to the Planning Commission as provided for in Chapter 21.32, Permit Procedures. (Ord. 2007 § 3, 2013)"~~

SECTION 6: MPMC § 21.10.040 (I) will be amended as follows:

~~(I) **Buildings exceeding height limit** are conditionally permitted, subject to approval of the Planning Commission, when located within in the Los Angeles Corporate Center (original Tract Map No. 42611).~~

~~(J I)~~ **Drive-through business** is conditionally permitted:

(1) As an accessory to an established restaurant or commercial business and subject to approval of a conditional use permit by the Planning Commission.

(2) This use is prohibited in any area designated as MU-I in the General Plan Land Use Map.

(3) Pedestrian walkways should not intersect the drive-through drive aisles, but where they do, they must have clear lines of visibility for vehicles, and they must be emphasized by enriched paving or striping.

(4) Drive-through aisles must have a minimum twelve (12) foot width on curves and a minimum eleven (11) foot width on straight sections.

(5) Drive-through aisles must provide sufficient stacking area behind the menu board to accommodate a minimum of six cars.

(6) All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment must be screened from view.

(7) Landscaping must screen drive-through or drive-in aisles from the public right-of-way and be used to minimize the visual impact of reader board signs and directional signs.

(8) Drive-through aisles must be constructed with (PCC) concrete.

(9) Parking areas and the drive-through aisle and structure must be set back from the ultimate curb face a minimum of twenty-five (25) feet.

(10) Menu boards must be a maximum of thirty (30) square feet, with a maximum height of seven feet, and face away from the street.

(11) Drive-through restaurants within an integrated shopping center must have an architectural style consistent with the theme established in the center. The architecture of any drive-through business must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans must have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface must be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances must be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza.

(12) No drive-through aisles can exit directly onto a public right-of-way.

(K J) Drugstore/pharmacy is limited to a maximum size of five thousand (5,000) square feet in the C-P Zone.

(L K) Employer-sponsored child care is permitted as an accessory use upon compliance with the following standards:

(1) The child care can only serve on-site employees of the business. The child care services cannot be available to the general public.

(2) The child care can only operate during the standard of operating hours of the sponsor business.

(3) The child care cannot operate independently of the sponsor business.

(M L) **Extended lodging facility** is subject to the standards set forth in subsection (S) of this section, Hotel/motel/extended lodging facility.

(N M) **Fitness center (less than or equal to 5,000 square feet)** is permitted upon compliance with the following standards:

(1) A business description must be submitted to and approved by the City Planner. The business description must include, without limitation, the following:

(a) **Business Summary.** Indicate the nature of the business and if lessons, classes or any similar activities are to take place in conjunction with the exercise facility.

(b) **Number of Employees and Clients.** Indicate the number of employees and their positions as well as the projected number of clients expected at the peak of operation.

(c) **Hours of Operation.** Indicate all hours that the exercise facility be open for business. When applicable, a detailed schedule of classes/lessons to be offered at the facility must be submitted to the City Planner.

(2) Modifications to an approved business description are subject to review and approval by the City Planner.

(O N) **Fortunetelling** is permitted upon obtaining a permit from the business license division in compliance with Chapter 5.80, License Procedure.

(P O) **General research and development facility** is permitted upon compliance with the following standards:

(1) The facility cannot involve testing, manufacturing, fabrication or processing or sale of products.

(2) The facility cannot include the use of hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U.F.C. Standard 79-3 or succeeding standard.

(Q P) **Golf driving range** is conditionally permitted:

(1) Subject to approval of a conditional use permit by the Planning Commission; and

(2) This use is prohibited in any area designated as mixed-use in the General Plan Land Use Map.

(R Q) Grocery/food/supermarket is conditionally permitted in the C-P, subject to approval of the Planning Commission, when the unit occupied by the use is less than five thousand (5,000) square feet.

(S R) Hotel/motel/extended lodging facility is permitted in the R-S, C-S and C-P Zones. Motels are allowed in the R-S and C-S Zones. Extended lodging facilities are allowed in the R-S, C-S and C-P Zones. All uses must comply with the following standards:

(1) All hotels, motels, and extended lodging facilities are not single room occupancy or boarding houses.

(2) All hotels, motels, and extended lodging facilities are subject to a conditional use permit approved by the Planning Commission and must comply with the following standards in addition to any conditions imposed by the Planning Commission:

(a) Hotels and extended lodging facilities must provide guest rooms with voice mail, data ports, desk, laundry facilities, color television, alarm clock or wakeup service. Hotels and extended lodging facilities must also make irons and ironing boards available to guests upon request. Motels must provide guest rooms with voice mail, desk, color television, and alarm clock or wake up service.

(b) The minimum lot size for a hotel or extended lodging facility is one acre, with a minimum of one hundred (100) rooms. The minimum room size for a hotel and extended lodging facility is three hundred (300) square feet. There must be a minimum of twenty-five (25) square feet per guest room or meeting space for a full service hotel.

(c) Hotels, motels, and extended lodging facilities must include at least one recreational facility, such as a pool, whirlpool/spa, or fitness room. ~~Motels must provide a pool.~~

(d) A restaurant must be provided for full service hotels and a guest courtesy lounge (for snacks including vending machines) must be provided for a limited service hotel and extended lodging facilities.

(e) Extended lodging facilities must provide a twenty-four (24) hour per day on-site supervisor, as designated by the owner/operator.

(f) Hotels and extended lodging facilities must provide interior

access to rooms. Motels can have access from walkways or the parking lot.

(3) Adequate parking must be provided on site as required by Chapter 21.22, Off-Street Parking Regulations.

(4) An application for a conditional use permit for a hotel, motel, or extended lodging facility must be accompanied by a report with the following information:

(a) Number of hotel, motel, and extended lodging facility rooms available in the City and within three miles of the proposed site.

(b) Current rates structure of existing facilities in the City and within three miles of the proposed site.

(c) Proposed rate structure, including term (daily, weekly, etc.).

(5) Kitchens, kitchenettes and other cooking facilities are prohibited with hotel or motel units except the manager's unit. Kitchens, kitchenettes or other cooking facilities may be permitted within extended lodging facilities.

(6) Housekeeping services including cleaning and linen service must be made available daily to each guest room, at the option of the guest.

(7) Leases and rental agreements of any duration are prohibited.

(8) Hotels, motels, and extended lodging facilities cannot be used for a mailing address, voter registration, school registration, or listed for a personal phone number.

(9) No existing hotels or motels can be converted to an extended lodging facility.

(10) Hotels, motels, and extended lodging facilities cannot be used for long-term occupancy for uses and facilities such as apartments, care facilities, boarding houses, and other similar uses and facilities.

(11) Hotels may have a maximum continuous length of stay of fourteen days with a five-day interruption required before commencement of each such subsequent stay.

(12) Motels may have a maximum continuous length of stay of fourteen days with a five-day interruption required before commencement of each such subsequent stay.

(13) Extended lodging facilities may have a maximum continuous length of stay as provided in Section 21.04.382.

(14) No hotel, motel, or extended lodging facility can solicit or accept advance payment for more than seven days lodging.

(15) Compliance with the foregoing limitations will be determined on a year-to-year basis, based on average guest length of stay throughout each twelve (12) month period of operation on the applicable extended lodging facility.

(16) Operators of hotels, motels, and extended lodging facilities must provide the City with rental receipts, and related, pertinent information, within three days after request by any City official.

(17) All of the provisions of this section of this code, and applicable conditions of approval, must be written in to the deed and recorded, before the City issues a grading permit.

(~~T~~ S) **Internet arcade** is permitted subject to the standards set forth in Section 21.10.230 of this chapter.

(~~U~~ I) **Live/work units** are permitted in areas designated as Mixed-Use II or Mixed-Use III in the General Plan Land Use Element ~~upon approval of a Precise Plan conforming subject~~ to the standards set forth in Chapter 21.14, P-D—Planned Development District Zone.

(~~V~~ U) **Massage establishment** is permitted upon compliance with the following standards:

(1) All practitioners of foot or body massage must be licensed by the California Massage Therapy Council.

(2) All massage establishments must comply with regulations set forth in Chapter 5.28, Massage.

(~~W~~ V) **Medical/dental laboratories** are limited uses subject to the following standards:

(1) Medical and dental laboratories must provide adequate ventilation so as not to emit any fumes or odors as required by Section 21.10.030(E).

(2) Medical and dental laboratories must provide a ventilation system that operates independently of any other system that may serve a multi-unit building.

~~(X W)~~ **Mixed uses (residential and commercial)** are permitted in areas designated as Mixed-Use I, Mixed-Use II, or Mixed-Use III in the General Plan Land Use Element ~~upon approval of a precise plan conforming~~ subject to the standards set forth in Chapter 21.14, P-D—Planned Development District Zone.

~~(Y X)~~ **Nursing and convalescent hospital** is permitted upon compliance with the following standards:

(1) A business description must be submitted to and approved by the City Planner. The business description must include, without limitation, the following:

(a) Business Summary. Indicate the nature of the business and activities, classes or any similar events to take place in conjunction with the facility.

(b) Number of Employees and Patients. Indicate the number of employees and their positions as well as the projected number of patients expected at the peak of operation.

(c) Hours of Operation. Indicate all hours that the facility will be open to the public, including visiting hours.

(2) Modifications to an approved business description are subject to review and approval by the City Planner.

~~(Z Y)~~ **Outdoor dining** is permitted as an accessory use upon compliance with the following standards:

(1) The primary business must be a restaurant, café, or retail eating establishment.

(2) A site plan must be submitted to and approved by the City Planner.

(a) Dining area must be clearly indicated and separated from any parking areas. Dining area may not be located within vehicle back-up areas.

(b) Dining area must be provided with a rail or decorative barrier to clearly identify and separate the outdoor dining from adjacent rights-of-way. Decorative barrier is subject to review and approval of City Planner.

(c) If outdoor dining is adjacent to off-street parking, then a decorative barrier must be placed between dining and parking areas.

(3) An encroachment permit must be obtained from the Public Works Department if the proposed dining area is located in the public right-of-way. A minimum width of five feet must be maintained between the curb face, street tree, or any appurtenances in the right-of-way and edge of dining area as shown in Figure 21.10(A)."

SECTION 7: MPMC § 21.10.070, Table 21.10 (B) is amended to read as follows:

Table 21.10(B)

Development Standards

REGULATION	N-S	S-C	C-B	R-S	C-S	C-P
Lot size (min.)						
Lot width	50 ft.	50 ft.	50 ft.	200 ft.	100 ft.	50 ft.
Lot depth	100 ft.	100 ft.	100 ft.	150 ft.	100 ft.	100 ft.
Lot area	5,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	30,000 sq. ft.	10,000 sq. ft.	5,000 sq. ft.
Setbacks						
1. Front yard (min.)						
a. Abuts a street	0 ft.	0 ft.	5 ft. min. 10 ft. max.	0 ft.	0 ft.	0 ft.
2. Side yard (min.)						
a. Abuts a street	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
b. Abuts commercial property	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
c. Abuts a residential zone	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
3. Rear yard (min.)						
a. Abuts a street	0 ft.	15 ft.	0 ft.	0 ft.	0 ft.	0 ft.
b. Abuts commercial property	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
c. Abuts a residential zone	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
d. Separated from residential zone by an alley (measured from center of alley)	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	20 ft.
Building height (max.)						
1. Maximum	28 ft./2 stories	40 ft./3 stories	40 ft./3 stories	50 ft./4 stories	40 ft./3 stories	40 ft./3 stories ¹
2. 25 ft. from residential zone	15 ft.	15 ft.	N/A	15 ft.	15 ft.	15 ft.
3. 35 ft. from residential zone	N/A	25 ft.	N/A	25 ft.	25 ft.	25 ft.
Floor area ratio (max.)						
1. Less than 10,000 sq. ft. lot	0.35	0.3	0.5	0.5	0.3	0.5

2. 10,000-20,000 sq. ft. lot	0.5	0.5	0.65	0.5	0.5	0.65
3. >20,000 sq. ft. lot	0.65	0.65	0.65	0.65	0.65	0.8 <u>1.0</u> CUP
4. >30,000 sq. ft. lot	0.8 <u>1.0</u> CUP	0.8	0.8	1.5	0.8 <u>1.0</u> CUP	
5. >65,000 sq. ft. lot			<u>1.2</u> CUP	<u>2.0</u> CUP		
6. >88,000 sq. ft. lot			<u>2.0</u> CUP			

Footnotes: Building on lots located within original Map No. 42611, Recorded at Instrument No. 82-1184016 – Book No. 1012, Page 21 through 27 on August 6, 1982 (Los Angeles Corporate Center) may be built to a total height of seventy-five feet by right. Buildings on lots located within the original Map No. 42611 may exceed the height limits upon approval of a conditional use permit.

SECTION 8: *Environmental Review.* This ordinance is exempt from additional environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

SECTION 9: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 10: *Enforceability.* Repeal of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

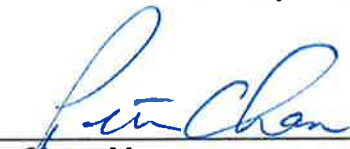
SECTION 11: *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 12: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 13: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

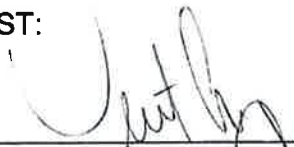
SECTION 14: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this 2nd day of March, 2016.



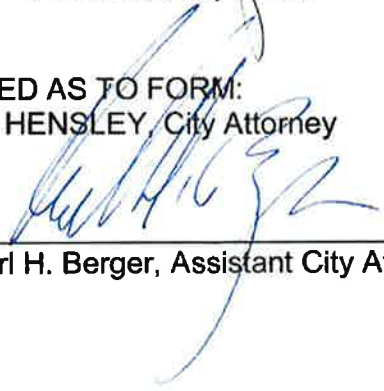
Peter Chan, Mayor

ATTEST:



VINCENT D. CHANG, City Clerk

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: 

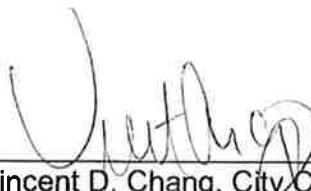
Karl H. Berger, Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF MONTEREY PARK)

I, VINCENT D. CHANG, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 2131 was introduced, and placed upon its first reading at a regular meeting of the City Council of the City of Monterey Park, held on the 17th day of February, 2016. That thereafter on the 2nd day of March, 2016, said Ordinance was duly passed, approved and adopted by the following vote:

Ayes:	Council Members: Liang, Lam, Real Sebastian, Ing, Chan
Noes:	Council Members: None
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 2nd day of March, 2016.



Vincent D. Chang, City Clerk
City of Monterey Park, California