

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

Tuesday
December 13, 2022
6:30 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.

GENERAL INFORMATION

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

PUBLIC PARTICIPATION

You may speak up to 5 minutes on an 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 Chairperson and Planning Commission 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 Sam

FLAG SALUTE

Commissioner Jasmine Pesantes

ROLL CALL

Chairperson Tammy Sam, Vice Chairperson Ricky Choi, Jack Chiang, Peter Fung, Jasmine Pesantes

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take discuss, deliberate, or 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.

ORAL AND WRITTEN COMMUNICATIONS

[1.] PRESENTATIONS

1-A. NEIGHBORHOOD ENHANCEMENT TEAM PRESENTATION

[2.] CITY OF MONTEREY PARK- CONSENT CALENDAR

2-A. APPROVAL OF MINUTES

It is recommended that the Planning Commission consider:

- (1) Approving the minutes from the November 8, 2022 Planning Commission meeting; and
- (2) Taking such additional, related action that may be desirable.

2-B. COMPLIANCE REVIEW – CONDITIONAL USE PERMIT 19-13 FOR RAISING CANE'S – 1970 SOUTH ATLANTIC BOULEVARD

It is recommended that the Planning Commission consider:

- (1) Receiving and filing the report; and
- (2) Taking such additional, related action that may be desirable.

[3.] PUBLIC HEARING - None

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

[6] COMMISSION COMMUNICATIONS

[7.] FUTURE AGENDA ITEMS

ADJOURN

Next regular scheduled meeting is on December 27, 2022.

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
November 8, 2022**

The Planning Commission of the City of Monterey Park held a regular meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, November 8, 2022 at 6:30 p.m.

CALL TO ORDER:

Chairperson Sam called the Planning Commission meeting to order at 6:35pm.

FLAG SALUTE:

Chairperson Sam called for the Flag Salute.

ROLL CALL:

Planning Manager Jessica Serrano called the roll:

Board Members Present: Tammy Sam, Jack Chiang, Peter Fung, Jasmine Pesantes

Board Members Absent: Ricky Choi

ALSO PRESENT: Jessica Serrano, Planning Manager, Joaquin Vazquez, Deputy City Attorney, Beth Chow, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS: None

[2.] CITY OF MONTEREY PARK - CONSENT CALENDAR: None

[3.] PUBLIC HEARING:

**3-A Code Amendment (ZCA-22-03 AND ZCA-22-04) TO AMEND TITLE 21 AMENDING
1) REGULATIONS REGARDING OUTDOOR DINING IN COMMERCIAL ZONES; 2)
ALLOWABLE USES IN THE CENTRAL BUSINESS (C-B) ZONING DISTRICT; AND
3) REPEALING CITY PLANNER DUTES REGARDING CERTIFICATE OF
OCCUPANCY.**

Planner Serrano presented staff report.

Speaker Elizabeth Yang, chair of the BID, supports ZCA-22-04. Explains that this ordinance would promote more vibrancy and less vacancies on Garvey Avenue.

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Commissioner Pesantes asked why professional offices are not allowed in this zone. Planner Serrano speculated that at the time this code was enacted, the aim was probably to promote more retail/shopping uses.

Commissioner Pesantes has concerns about space regarding outdoor dining. Asked if there would be specific requirements regarding minimum footages for public passing through. Planner Serrano said that they would work with Public Works in determining the standards.

Commissioner Fung supports offices on the first floor. Commissioner Fung also stated that parking for outdoor dining must be consistent in code and policy.

Commissioner Chiang asked about dining parking requirements and Planner Serrano stated that it is based on the gross floor area of the whole building or unit.

Chairperson Sam asked what aspects of outdoor dining is considered permanent. Planner Serrano clarified that the code is more general than specific. It does not call out specific aspects of outdoor dining and more left up to the design being beautiful and consistent with the area. This decision would be up to City Planner.

Chairperson Sam asked about having a receptionist for an office on the first floor or lobby. Planner Serrano said that it could be possible.

Chairperson Sam explained her vision for Garvey to be a walkable and bikeable downtown. Said that offices usually close at night. Therefore, the area would not be vibrant at night.

Commissioner Pesantes said that it is important to consider uses that would be able to survive and remain at the space. Not sure if it would be fair for landlords to hold out on office uses.

Planner Serrano said that the groundwork and building blocks have been set to be similar to that of Alhambra's Main Street. The next step would be to match the zoning with the Land Use Map. In regard to the timeline, the General Plan is a 20-year vision and it is important to create a framework for the developers to understand what the city wants to see. A balance of daytime and nighttime uses helps in creating a vibrant downtown.

Commissioner Fung sees a real challenge for Garvey regarding traffic due to its location in relation to the 10 Freeway and asked if there was any other way to develop a downtown environment on another block, other than Garvey. Commissioner Fung finds it hard to imagine Garvey to be that of a pedestrian street, and is skeptical about limiting office uses to a percentage. The nature of economics will naturally determine what will be on the ground or upper floor.

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Chairperson Sam would like to take away a lane in each direction on Garvey and disincentivize Garvey as a quicker way to reach a destination. Says that it is not Monterey Park's duty to alleviate the 10 Freeway's congestion.

Commissioner Pesantes needed clarification about the zoning abbreviations which Planner Chow addressed.

Discussion ensued regarding how to consider the two proposed Zoning Code Amendments. Chair Sam indicated that her preference would be to vote separately on the Code Amendments.

Action Taken: The Planning Commission motioned to approve code amendment ZCA-22-03 relating to regulations regarding outdoor dining in commercial zones.

Motion: Moved, by Commissioner Pesantes and seconded by Commissioner Chiang, motion carried by the following vote:

Ayes: Commissioners: Sam, Chiang, Fung, Pesantes

Noes: Commissioners:

Absent: Commissioners: Choi

Abstain: Commissioners:

Action Taken: The Planning Commission motioned to approve code amendment ZCA-22-04 relating to allowable uses in the Central Business zoning district and repealing City Planner duties regarding certificate of occupancy.

Motion: Moved, by Commissioner Pesantes and seconded by Commissioner Chiang, motion carried by the following vote:

Ayes: Commissioners: Chiang, Fung, Pesantes

Noes: Commissioners: Sam

Absent: Commissioners: Choi

Abstain: Commissioners:

[4.] OLD BUSINESS: None

[5.] NEW BUSINESS: None

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

Commissioner Pesantes expressed gratitude towards the staff for their presentation and comments on the public hearing items.

Commissioner Fung mentioned that they should consider the effects to the neighbors of developing Garvey.

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Planner Serrano reiterated that there will be plenty of opportunities to talk about creating a pedestrian-friendly downtown.

Chairperson Sam stated that she desired to build transportation synergy with their neighboring cities such as creating a bus loop that would connect two cities. Planner Serrano said that there is an ongoing Spirit Bus survey produced by Public Works to share their opinions with the City.

Planner Serrano said that they can explore ways to include the business community and the public in this discussion of creating a more walkable downtown.

Chairperson Sam was wondering if they can do a townhall meeting for the community. Mentioned that the community has complained of not having a space to voice their comments and opinions. Planner Chow added that the Police Department is holding a townhall meeting and will send information to commissioners via e-mail.

Planner Chow relayed that the City Clerk's office requires fingerprinting for some of the commissioners. Also pointed out that the 2nd meetings of November and December occur during the holidays on November 22 and December 27 and polled whether or not Commissioners would be available. The Commissioners stated availability if there is business to be considered. Planner Serrano said that if there is business, staff will move forward with the meetings. If not, they will be cancelled.

[7.] FUTURE AGENDA ITEMS:

Commissioner Pesantes said that there has been a rise in homelessness in the city and was wondering if the City has been addressing this. Deputy City Attorney Vazquez said that the commissioner can ask staff to look into this for a future item. Planner Serrano said that she can follow-up with this information via email. Mentioned that the Police Department has been addressing this.

Chairperson Sam asked if there was any update with Project Room Key. City Attorney Joaquin said that they can explore this.

Commissioner Chiang asked when the Raising Cane's review meeting will take place. Planner Serrano said that it will take place on the first December meeting as they had been operating for a period of 6 months.

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 7:55 p.m.



Steven Sizemore
Interim Director of Community Development

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Planning Commission Staff Report

DATE: December 13, 2022

AGENDA ITEM NO: 2-B

TO: The Planning Commission

FROM: Steve Sizemore, Interim Director of Community Development
Jessica Serrano, Planning Manager
Kevin Tan, Assistant Planner

SUBJECT: Compliance Review of Raising Cane's operations associated with Conditional Use Permit ("CUP") 19-13 located on 1970 South Atlantic Boulevard.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

1. Receiving and filing this report; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

Raising Cane's ("permittee") commenced operations as of June 1, 2022 after the City issued a Temporary Certificate of Occupancy. CUP 19-13 requires that the Planning Commission review the permittee's compliance with the CUP six months after operations commence.

On October 31, 2022, the applicant submitted a summary of all conditions of approval and status of compliance for each condition. Staff from Community Development, Public Works, Police and Fire Departments reviewed that information. The Interim Director, Police Chief, and Fire Chief are satisfied that the permittee is substantially complying with the CUP. The only pending item is Condition No. 26 which requires the permittee to submit a traffic mitigation plan ("TMP"). The permittee informed the City that it should complete the TMP within six months.

No action is required for this item.

BACKGROUND:

The City Council adopted CUP 19-13 via Resolution No. 12194 on September 2, 2020. Thereafter, the City Council modified the CUP via Resolution No. 12266 on August 18, 2021. Relatedly, the City Council received and filed a copy of AUP 21-02 (issued August 4, 2021) on August 18, 2021.

Construction for the restaurant was completed and the permittee commenced operations on June 1, 2022 pursuant to a temporary certificate of occupancy issued by the City.

A final certificate of occupancy may be issued after the permittee complies with Condition No. 26 of the CUP. That Condition requires the permittee to submit a traffic mitigation plan (or "TMP") to the City Engineer that details how the permittee will manage and control onsite traffic during peak operating hours. Mainly, the TMP must describe how potential extended drive-through queuing will be managed to avoid impacts to South Atlantic Boulevard and adjacent properties that abut the public alley. This is the only matter that remains outstanding for the permittee to achieve full compliance with the CUP. A final TMP is anticipated within six months.

The Fire Chief and Police Chief submitted memoranda regarding safety issues regarding traffic that occurred since Raising Cane's opening date on June 1, 2022. Neither Chief reported any hazardous conditions directly associated with the restaurant operations which pose any public health and safety concerns.

Staff performed a site visit on December 5, 2022 to verify the information provided by the permittee, contained in Attachment 1. It was determined that the conditions of approval were met, with the exception of condition number 26 of Resolution No. 01-20.

FISCAL IMPACT:

None, staff time and resources will be absorbed into the Department Budget.

Respectfully submitted,



Steve Sizemore
Interim Director of
Community Development

Prepared by:



Jessica Serrano
Planning Manager

Prepared by:



Kevin Tan
Assistant Planner

Reviewed by:



Joaquin Vazquez
Deputy City Attorney

ATTACHMENTS:

1. Applicant's compliance review submittal, dated October 31, 2022, including:
 - a. Table with conditions,
 - b. Resolution No. 01-20
 - c. Resolution No. 12266
 - d. Resolution No. 12194
 - e. AUP 21-02 Approval Letter
2. Memorandum from Fire Department, dated December 5, 2022
3. Memorandum from Police Department, dated December 6, 2022

ATTACHMENT 1

Compliance Review Submittal

RAISING CANE'S 0387 – MONTEREY PARK COMPLIANCE REVIEW STATUS REPORT

DATE: 12/02/2022
TO: Planning Commission
FROM: Kristen Roberts, Raising Canes
SUBJECT: Compliance Review of Raising Cane's Operations at 1970 S. Atlantic Boulevard per AP-20-01 and CUP-19-13

As a condition of approval under Resolution No. 12194 the CUP for the subject project must be reviewed by the Planning Commission no later than six months after commencement of operations at the site. This Compliance Review Status Report provides a summary of all project conditions of approval and a description on how each condition has been met.

Condition of Approval	Reso No.	Approval Date	Compliance Status
<i>This CUP must be reviewed by the Planning Commission not later than six months after operations commence at the Project to ensure compliance with the CUP.</i>	Reso 12194	09/02/2020	Submitted compliance review on 10/31/2022
AUP21-01		08/04/2021	
Subsequent modifications to the drive-through plans must be provided to the City Planner and City Engineer for approval	AUP21-01	08/04/2021	No changes have been made to the approved Drive-Through Plan which allows parking and aisles to exit directly onto the alleyway situated to the south and east of the project site.
Resolution No. 12266		08/18/2021	
Section 6: The business hours of operations will be from 9:00 am to 1:00 am Monday through Sunday	Reso 12266	08/18/2021	Business hours of operations for the restaurant are limited to 9:00 am to 1:00 am Monday through Sunday
Resolution No. 01-20		06/31/2020	
Planning:			
1. Raising Cane's shall hold the City harmless from and against any claim, action, etc.	Reso 01-20	06/31/2020	Raising Cane's has held City harmless from and against any claim, action, etc.
2. Applicant shall submit building plans showing that the project substantially complies with the plans referenced in this Resolution	Reso 01-20	06/31/2020	Building plans were submitted for review and approved by City Planning and Building departments.
3. CUP expires 12 months after approval if the use has not commenced	Reso 01-20	06/31/2020	Project was completed within required timeline
4. All conditions of approval must be listed on the plans submitted for plan check	Reso 01-20	06/31/2020	Conditions of approvals were listed on plans submitted for plans check

5. Applicant must obtain all the necessary approvals, licenses and permits and pay required fees	Reso 01-20	06/31/2020	All required approvals, licenses and permits have been obtained, all required fees have been paid
6. Applicant must comply with applicable setback requirements set forth in the MPMC	Reso 01-20	06/31/2020	Setback requirement has been met as part of project construction
7. Real property must remain well-maintained and free of graffiti	Reso 01-20	06/31/2020	Project has been well-maintained and free of graffiti
8. Building permits are required for any interior tenant improvements	Reso 01-20	06/31/2020	Building permits have been obtained for building improvements
9. Landscaping / irrigation must be maintained in good conditions at all times	Reso 01-20	06/31/2020	Landscaping is being maintained in good conditions
10. Landscaping for the project must be designed to comply with the MPMC's regulations	Reso 01-20	06/31/2020	Landscaping for the site was designed (reviewed as part of plan check process) to comply with MPMC's regulations
11. The business hours of operations will be from 9:00 am to 1:00 am Monday through Sunday	Reso 01-20	06/31/2020	Business hours of operations for the restaurant are limited to 9:00 am to 1:00 am Monday through Sunday
12. Drive-through speaker systems must not be audible above the daytime and nighttime ambient noise levels beyond property boundaries	Reso 01-20	06/31/2020	Speaker systems noise levels are maintained below ambient levels
13. Drive-through component of the project must comply with MPMC	Reso 01-20	06/31/2020	All design requirements under MPMC for the drive-through component have been incorporated into the design and construction of the site.
a. Any pedestrian walkways either will not intersect the drive-through drive aisles or, if they do, will have clear visibility and will be emphasized by enriched paving or striping	Reso 01-20	06/31/2020	Required pedestrian walkway from the building to the trash enclosure is emphasized with enriched striping
b. Drive-through aisles must have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections	Reso 01-20	06/31/2020	Drive-through aisles meet the minimum required design standards
c. The drive-through aisles must provide sufficient stacking area behind the menu board to	Reso 01-20	06/31/2020	Drive-through aisles provide 7 vehicle stack behind the menu board

accommodate a minimum of six cars;			
d. Service areas, restrooms and ground-mounted and roof-mounted mechanical equipment must be screened from view	Reso 01-20	06/31/2020	All equipment is screened from view via landscape or roof mounted parapets
e. Landscaping will screen the drive-thru or drive-in aisles from the public right of way and minimize visual impact of reader board signs and directional signs	Reso 01-20	06/31/2020	Landscape has been installed to provide required screening
f. The drive-through aisles must be constructed with (PCC) concrete	Reso 01-20	06/31/2020	Drive-through aisle was constructed with PCC
g. The parking areas, drive-through aisles and structure must be set back from the ultimate curb face as required by the MPMC	Reso 01-20	06/31/2020	All design requirements under MPMC for the drive-through component have been incorporated into the design and construction of the site.
h. Menu boards can be no more than 30 square feet, with a maximum height of seven feet, and must face away from the street	Reso 01-20	06/31/2020	Menu boards installed are less than 30 square feet in area, less than seven feet high and face towards the back of the site and away from the street
i. The architectural style of the drive-through must be consistent with the theme established in the vicinity and provide compatibility with surrounding uses,	Reso 01-20	06/31/2020	The drive-through and building were designed and constructed in coordination with the City of MP to ensure consistency with the theme established in the vicinity and provide compatibility with surrounding uses,
j. The drive-through aisles will no exit directly onto the public right-of-way	Reso 01-20	06/31/2020	Drive-through aisle exits into the private on-site drive aisle.
Engineering:			
14. A curb or slough wall of sufficient height must be constructed along the eastern edge of the southerly portion of the public alleyway	Reso 01-20	06/31/2020	Required curb was constructed as part of site development along the eastern edge of the southerly portion of the public alley.
15. This project will required the preparation of a Low Impact Development (LID) Plan including a hydraulic analysis	Reso 01-20	06/31/2020	Required LID Plan and hydraulic analysis were prepared and submitted for review as part of the grading permit process for the site

16. Upon approval of the LID and SWPPP, an electronic copy of the approved files, including site drawings, must be submitted to the City Engineer before the City issues a building or grading permit	Reso 01-20	06/31/2020	Electronic copy of project drawings and reports were provided to the City prior to issuance of building and grading permit
17. The property drainage must be design so that the property drains to an approved device(s) and/or public street	Reso 01-20	06/31/2020	Property drainage was designed and constructed to drain onto S. Atlantic Ave. matching existing conditions.
18. Sizing of water infrastructure is subject to the submittal of water systems calculations that include domestic and fire system demand sizing	Reso 01-20	06/31/2020	Required system calculations were provided for review and approval as part of the building and grading permit reviews for the site
19. The permittee must adjust the Project Site's lot lines to avoid constructing structures over property lines in compliance with the CBC, as adopted by the MPMC	Reso 01-20	06/31/2020	The permittee completed a lot merger of the project site's lot lines as required by the MPMC to avoid constructing structures over property lines
20. The adjacent alleyway will need to be resurfaced to the satisfaction of the City Engineer before CofO is issued for the project	Reso 01-20	06/31/2020	The adjacent alleyway has been resurfaced to the satisfaction of the City Engineer. Required work was completed prior to CofO
21. Grading and drainage plan(s) must be submitted with the first building permit plan check	Reso 01-20	06/31/2020	Required plans were included as part of the building permit plan check process
22. All improvement plans, including grading plan(s), must be based upon City approved data; benchmark data are available from the Public Works Department's Engineering Division	Reso 01-20	06/31/2020	All improvement plans for the project were designed and constructed based on City approved benchmark.
23. Permittee agrees to pay City any development impact fees (DIFs) that may be applicable to the project	Reso 01-20	06/31/2020	All required DIFs for the project have been paid.
24. Utility plan must be approved by the City Engineer before the City issues grading permits	Reso 01-20	06/31/2020	Utility plan was approved prior to grading permit issuance
25. Any damaged, out of grade, deteriorated or obsolete frontage	Reso 01-20	06/31/2020	All frontage improvements required by the City Engineer were completed prior to CofO

improvements will need to be repaired to the satisfaction of the City Engineer prior to CoFO			
26. A traffic management plan must be submitted to the City Engineer, detailing the manner in which the project will manage and control onsite traffic during peak operating hours	Reso 01-20	06/31/2020	A traffic management plan (TMP) was submitted on 06/2022 for review by the City Engineer prior to restaurant opening. Raising Cane's worked with the City Planning Department and City Engineering Department upon review of the initial TMP to develop a plan of action to address City comments and concerns in addition to updating the TMP to reflect current site operating conditions. Empirical data was collected on 10/2022 at the request of the City Planning Department such that revised TMP reflects on-going operational queues experienced during typical weekday / weekend lunch and dinner rush times. Final TMP will be completed within 6 months of compliance review.
Fire:			
27. A fire permit must be obtained from the Fire Department before engaging in operations as indicated in the California Fire Code	Reso 01-20	06/31/2020	A fire permit was obtained from the Fire Department as indicated in the California Fire Code
28. Fire protection, including fire access roads and water supplies for the fire hydrant must be installed before and during the time of construction	Reso 01-20	06/31/2020	All required fire protection conditions were met prior to or during construction to the satisfaction of the Fire Department as indicated in the California Fire Code
29. Provide an approved automatic fire sprinkler system and fire alarm as set forth by Fire Code Sections 903 and 907 for the new structure	Reso 01-20	06/31/2020	The new structure was constructed with an automatic fire sprinkler and fire alarm systems as required.
30. Provide an approved kitchen automatic extinguishing system as set forth by CFC Section 904.	Reso 01-20	06/31/2020	An approved kitchen automatic extinguishing system has been installed as part of the new structure construction.
31. Provide an approved carbon dioxide alarm system per Fire Code Section 908.7.	Reso 01-20	06/31/2020	An approved carbon dioxide alarm system has been installed as part of the new structure construction.
32. Provide approved signs or other approved notices or markings that include the works NO PARKING – FIRE LANE. Signs must be provided for fire apparatus access roads, to clearly indicate the entrance to such	Reso 01-20	06/31/2020	All required signs and markings were installed during the construction of the project and approved by the fire inspector prior to permit close out.

Fire Flow:			
33. The minimum fire flow requirements must comply with the current adopted edition of the CBC Appendix B	Reso 01-20	06/31/2020	Fire flow conditions and requirements were met prior to or during construction to the satisfaction of the Fire Department as indicated in the California Building Code. Fire Department signed off on CofO prior to restaurant operations.
34. Pursuant to the plans date stamped March 2, 2020, the required fire flow for the new structure is 1,500 gallons per minute (gpm) at 20 pounds per square inch (psi) for a minimum of 2-hour duration	Reso 01-20	06/31/2020	Fire flow conditions and requirements were met prior to or during construction to the satisfaction of the Fire Department as indicated in the California Building Code. Fire Department signed off on CofO prior to restaurant operations.
35. The City must provide a will serve letter confirming that it can accommodate the require fire flow.	Reso 01-20	06/31/2020	Fire flow conditions and requirements were met prior to or during construction to the satisfaction of the Fire Department as indicated in the California Building Code. Fire Department signed off on CofO prior to restaurant operations.
Fire Hydrant Installation:			
36. Before combustibile construction on any parcel, a fire hydrant capable of providing 1,000 gpm at 20 psi must be installed and in service along the access road / driveway at a location approved by the Fire Code Official.	Reso 01-20	06/31/2020	Fire hydrant conditions and requirements were met prior to or during construction to the satisfaction of the Fire Department as indicated in the California Building Code. Fire Department signed off on CofO prior to restaurant operations.
Fire Flow Verification:			
37. Per CFC Appendix C, a minimum of one fire hydrant must be provided within 250 feet of the new structure. Show locations of all existing and / or new hydrants on Site Plan	Reso 01-20	06/31/2020	Fire hydrant location conditions and requirements were met prior to or during construction to the satisfaction of the Fire Department as indicated in the California Building Code. Fire Department signed off on CofO prior to restaurant operations.
38. Portable fire extinguishers must be installed on all floors, per CFC Section 906.1	Reso 01-20	06/31/2020	Portable fire extinguisher was be installed on during construction to the satisfaction of the Fire Department as indicated in the California Building Code.
39. The review of any revised plans will be subject to an additional plan-check fee	Reso 01-20	06/31/2020	Noted – no action items to satisfy condition.
Police:			

40. The permittee must submit plans to the Police Chief, or designee, demonstrating that the Project has adequate exterior lighting. The Police Chief, or designee, must approve the location and light intensity before the City issues a CofO	Reso 01-20	06/31/2020	Required plans were submitted for review prior to construction. The Police Chief, or designee, approved the location and light intensity before the City issues a CofO
41. All major common areas of the locations, including all parking areas must be covered by security video cameras. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. Security video cameras must be installed at all the entrances/exits and must be positioned to capture the faces of people entering and exiting. All recordings must be maintained for a minimum of 30 days. All recordings must be made readily available for any law enforcement official who requests the recording(s) for official purposes. If the Chief of Police determines that there is a necessity to have additional cameras installed, the management must comply with the request within seven days. Also, access to all security video cameras must be made available to the Police Department, via the internet, by providing the IP address for all cameras. The Chief of Police can also require a change in the position of the video cameras if is determined that the position of the camera does	Reso 01-20	06/31/2020	Police Department Conditions of Approvals have been met during the permitting and construction process for the restaurant. All required site lighting, cameras and alarm systems have been installed and remain operational at all times as required by the conditions of approvals.

not meet security needs. The management must comply with the request within seven days.			
42. An alarm system must be installed at the main entrance and exits to the business. The alarm system will be a deterrent to criminal activity and allow notification of the police and security in the event of any such attempt.	Reso 01-20	06/31/2020	Police Department Conditions of Approvals have been met during the permitting and construction process for the restaurant. All required site lighting, cameras and alarm systems have been installed and remain operational at all times as required by the conditions of approvals.
43. One license, insured, and bonded security guard in the parking lot between 10:00 pm to closing, subject to the review and approval of the Police Chief	Reso 01-20	06/31/2020	Police Department Conditions of Approvals have been met during the permitting and construction process for the restaurant. A security guard is employed to be in the parking lot between 10:00 pm to closing.
44. Access to the roof of the buildings will be locked and secured. Access to the rood will be restricted to maintenance personnel, building management, or other authorized personnel	Reso 01-20	06/31/2020	Police Department Conditions of Approvals have been met during the permitting and construction process for the restaurant. Access to the roof of the building is locked and secured and access is restricted to maintenance personnel, building management, or other authorized personnel
45. The shrubbery on the property must be installed and maintained in such condition as to not restrict visibility from the street or easily conceal persons.	Reso 01-20	06/31/2020	Police Department Conditions of Approvals have been met during the permitting and construction process for the restaurant. Site landscape is maintained to the satisfaction of the Police Chief at all times.
Miscellaneous:			
46. Signage and/or striping must be installed to prohibit vehicular traffic existing the driveway onto Atlantic Blvd. from left turn movements.	Reso 01-20	06/31/2020	Required signage has been installed at the driveway exit onto Atlantic Blvd.
47. The volume of the speaker boxes are to be turned down after 10:00 pm each night.	Reso 01-20	06/31/2020	Volume of speaker boxes are turned down after 10:00 pm each night.
48. A Noise Mitigation Plan submitted by the Applicant must be approved by the City Planner prior to CofO	Reso 01-20	06/31/2020	Noise Mitigation Plan was submitted as part of the permitting process and approved by the City Planner.

ATTACHMENTS:

Planning Commission Resolution No.01-20

RESOLUTION NO. 01-20

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-19-13) TO ALLOW THE CONSTRUCTION OF A NEW RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH AT 1970 SOUTH ATLANTIC BOULEVARD.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On December 5, 2019, Ruben Gonzales of PM Design Group, Inc. submitted an application on behalf Raising Cane's ("Applicant") seeking a conditional use permit (CU-19-13) to allow operation of a new retail eating establishment with a drive-through ("Project");
- B. The Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The City Planner completed review and scheduled a public hearing regarding the Project before the Planning Commission for March 10, 2020 and May 12, 2020. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On March 10, 2020 and May 12, 2020, the Planning Commission opened the 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 March 10, 2020 and May 12, 2020 public 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. 1970 South Atlantic Boulevard is located on the east side of South Atlantic Boulevard, between Brightwood Street and Floral Drive ("Project Site"). It is designated Commercial (C) in the Monterey Park General Plan. The Project Site is currently vacant. The Project proposes constructing a new retail eating establishment with a drive-through. According to MPMC §§ 21.10.040(I) and 21.32.020(B), a drive-through may be permitted via a conditional use permit and the limitations or special standards described in MPMC § 21.10.040(I).

**PLANNING COMMISSION
RESOLUTION NO. 01-20
PAGE 2 OF 6**

- B. The Project Site is comprised of three consolidated parcels totaling 17,863 square feet (0.41 acres) in size. The proposed building area will be 1,790 square feet, which equates to 10 percent of the lot area. The Applicant's proposed business operating hours will be 9:00 a.m. to 1:00 a.m. Monday through Sunday. The MPMC require properties to be adequately maintained and condition numbers 40 and 45 are included to address security concerns. The proposed retail eating establishment will have a walk-up window; no indoor seating; a drive-through aisle; and a covered outdoor seating area. The proposed retail eating establishment will be designed to screen all service areas, restrooms and mechanical equipment; landscaping will be provided to screen the drive-through driveway aisle. The menu boards will be not more than 30 square feet and seven feet high and will face away from the street.
- C. The Project will provide 18 parking spaces. The Project will maintain the existing driveway cut accessible from South Atlantic Boulevard and the existing alleyway along the eastern and southern property lines. The drive-through aisles will be a minimum of 12-feet wide on the curve and 11-feet wide on the straight sections; they will also be intersected by a clearly-visible pedestrian walkway. The Project does not include any off-site roadway improvements and minimal site-adjacent improvements/repairs are anticipated. The drive-through aisle will be made of concrete and will be constructed to accommodate a minimum of eight cars.
- D. Properties located to the north and south of the Project Site include other one-story commercial buildings; west are South Atlantic Boulevard (a principal arterial street) and one-story commercial buildings; and east is an alleyway and single-family dwellings located at the top of hillside properties. The properties located to the north, south and west of the subject property are zoned S-C (Shopping Center) and those to the east are zoned R-1 (Single-Family Residential).
- E. A Traffic Impact Analysis dated December 2019 was prepared for the proposed Project. That Analysis showed that the proposed Project is forecast to result in no significant traffic impacts at the study intersections.
- F. The Project is located within a commercial area of the City that contains no environmentally sensitive habitat and/or species. There are no identified physical constraints such as soil and/or geologic conditions indicating substrate instability that would prohibit development of the proposed Project. The Project Site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

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 § 15332 as a Class 32 categorical exemption (In-Fill Development Projects) because the Project site is located in an urban area and is an in-fill development. Construction of the proposed retail eating establishment with a drive-through

**PLANNING COMMISSION
RESOLUTION NO. 01-20
PAGE 3 OF 6**

will take place entirely upon the Project Site. The Project is proposed within City limits on a site of no more than five acres substantially surrounded by urban uses; the Project Site has no value as habitat for endangered, rare or threatened species; the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the Project Site can be adequately served by all required utilities and public services. 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. Based upon the findings in Section 2, the Planning Commission finds as follows pursuant to MPMC §§ 21.10.040(I) and 21.32.020(B):

- A. The Project complies with all MPMC requirements for a CUP.
 - 1. The project site is adequate in size, shape and topography for the proposed Project;
 - 2. The site has sufficient access to streets and highways and is adequate in width and pavement type;
 - 3. The proposed use is consistent with the General Plan, specifically Goal 5.0 and Policy 5.1. 4;
 - 4. The Project will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood;
 - 5. The proposed Project will not have an adverse effect on the public health, safety and general welfare; and
 - 6. The use is properly one authorized by conditional use permit pursuant to the MPMC.
- B. As conditioned by this Resolution and after an amendment to the MPMC, the proposed drive-through complies with all requirements set forth for a conditional use permit pursuant to MPMC § 21.10.040(I):
 - 1. The drive-through is an accessory to a proposed restaurant or commercial business;
 - 2. The proposed location of the drive-through is designated commercial in the City's General Plan and is not located in any area designated as MU-I in the General Plan Land Use Map;

**PLANNING COMMISSION
RESOLUTION NO. 01-20
PAGE 4 OF 6**

3. The pedestrian walkways will have clear visibility and will be emphasized by striping;
4. The drive-through aisle will be 12-foot width on curves and a minimum 11-foot width on straight sections;
5. The drive-through aisles will provide sufficient stacking area behind the menu boards to accommodate a minimum of six cars;
6. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment will be screened from view;
7. The proposed landscaping will screen drive-through or drive-in aisles from the public right-of-way and will be used to minimize the visual impact of reader board signs and directional signs;
8. The drive-through aisles will be constructed with concrete;
9. Following an amendment to the MPMC as required by Condition No. 6 in attached Exhibit A, the structure will be set back from the ultimate curb face a minimum of 28 feet, and the parking areas and drive-through aisles will be set back from the ultimate curb face a minimum of 15 feet.
10. The menu boards will be no more than 30 square feet and seven feet high, and will face away from the street;
11. No drive-through aisles will exit directly onto a public right-of-way; and
12. The architectural style of the drive-through will be consistent with the theme established in the vicinity and provide compatibility with surrounding uses in form, materials, colors and scale, among other things.

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-19-13). Pursuant to Condition No. 6, the City may not issue a certificate of occupancy for the Project until the MPMC is amended to allow the setbacks proposed by the Project.

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.

**PLANNING COMMISSION
RESOLUTION NO. 01-20
PAGE 5 OF 6**

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.

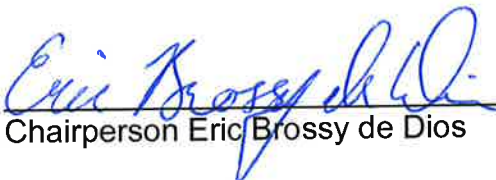
SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the Applicant and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 12th day of May 2020.


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 12th day of May 2020, by the following vote of the Planning Commission:

AYES:	Commissioners Choi, Amador, Lo, and Sam
NOES:	Commissioner Brossy de Dios
ABSTAIN:	None
ABSENT:	None


Mark A. McAvoy, Secretary

**PLANNING COMMISSION
RESOLUTION NO. 01-20
PAGE 6 OF 6**

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

By:

A handwritten signature in black ink, appearing to read "Natalie Karpeles", written over a horizontal line.

Natalie C. Karpeles,
Deputy City Attorney

RESOLUTION NO. 01-20

Exhibit A

CONDITIONS OF APPROVAL

1970 SOUTH ATLANTIC BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Raising Cane's agrees that it will comply with the following conditions for the City of Monterey Park's approval of Conditional Use Permit (CU-19-13) ("Project Conditions").

PLANNING:

1. Raising Cane's ("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-19-13 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-19-13, 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. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and dated March 2, 2020. Before the City issues a building permit, the Applicant must submit building plans showing that the project substantially complies with the plans referenced in this Resolution. Any subsequent modification must be referred to the City Planner for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. 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 single one-year extension may be granted by the Planning Commission upon finding of good cause.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
6. Before the City issues a certificate of occupancy, the Applicant must comply with all applicable setback requirements set forth in the MPMC regulating drive-throughs.

**PLANNING COMMISSION
RESOLUTION NO. 01-20**

7. The real property subject to CU-19-13 must remain well-maintained and free of graffiti.
8. Building permits are required for any interior tenant improvements.
9. Landscaping/irrigation must be maintained in good condition at all times.
10. Landscaping for the project must be designed to comply with the MPMC's regulations governing efficient landscaping.
11. The business hours of operation will be from 9:00 a.m. to 1:00 a.m. Monday through Sunday.
12. The drive-through speaker systems must not be audible above the daytime and nighttime ambient noise levels beyond the property boundaries.
13. The drive-through component of the Project must comply with MPMC § 21.10.040(I). Specifically:
 - a. Any pedestrian walkways either will not intersect the drive-through drive aisles or, if they do, will have clear visibility and will be emphasized by enriched paving or striping;
 - b. The drive-through aisles must have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections;
 - c. The drive-through aisles must provide sufficient stacking area behind the menu board to accommodate a minimum of six cars;
 - d. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment must be screened from view;
 - e. Landscaping will screen the drive-thru or drive-in aisles from the public right-of-way and minimize the visual impact of reader board signs and directional signs;
 - f. The drive-through aisles must be constructed with (PCC) concrete;
 - g. The parking areas, drive-through aisles and structure must be set back from the ultimate curb face as required by the MPMC;
 - h. Menu boards can be no more than 30 square feet, with a maximum height of seven feet, and must face away from the street;
 - i. The architectural style of the drive-through must be consistent with the theme established in the vicinity and provide compatibility with surrounding uses in form, materials, colors, and scale, among other things; and
 - j. The drive-through aisles will not exit directly onto a public right-of-way.

**PLANNING COMMISSION
RESOLUTION NO. 01-20**

ENGINEERING:

14. To minimize sediment intrusion from the adjacent slope into the public alley, a curb or slough wall of sufficient height must be constructed along the eastern edge of the southerly portion of the public alley. The curb must be shown on the grading and drainage plan, and is subject to approval by the City Engineer.
15. Under the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, issued under the National Pollutant Discharge Elimination System (NPDES) Program, the developer/owner is required to obtain a General Construction Storm Water Permit. This project will require the preparation of a Low Impact Development (LID) Plan; and a Storm Water Pollution Prevention Plan (SWPPP) if over an acre in size, including hydrology and hydraulic study/analysis required for their submittal. A preliminary/conceptual LID report and plan is requested as early as possible, to avoid impacts to the site plan should changes be required.
16. Upon approval of the LID and SWPPP, an electronic copy of the approved files, including site drawings, must be submitted to the City Engineer before the City issues a building or grading permit.
17. The property drainage must be designed so that the property drains to an approved device(s) and/or the public street unless otherwise approved by the City Engineer.
18. Sizing of water infrastructure is subject to the submittal of water system calculations that include domestic and fire system demand sizing. Installation of water services for irrigation, domestic, and fire service within the public right of way must be accomplished at permittee's cost.
19. The permittee must adjust the Project Site's lot lines, either by a lot line adjustment or lot merger, to avoid constructing structures over property lines in compliance with the California Building Code, as adopted by the MPMC.
20. The adjacent public alley is in poor, deteriorated condition, and will need to be resurfaced, to the satisfaction of the City Engineer, before a certificate of occupancy is issued for the project.
21. Grading and drainage plan(s) must be submitted with the first building permit plan check submittal and must address drainage of the adjacent public alley in a manner satisfactory to the City Engineer.

**PLANNING COMMISSION
RESOLUTION NO. 01-20**

22. All improvement plans, including grading plan(s), must be based upon City approved data; benchmark data are available from the Public Works Department's Engineering Division.
23. Permittee agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Permittee takes notice pursuant to Government Code § 66020(d) that City is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
24. A utility plan must be approved by the City Engineer before the City issues grading permits.
25. Any abandoned driveways will need to be removed and replaced with a new curb, gutter, and sidewalk. Any damaged, out of grade, deteriorated or obsolete frontage improvements will need to be repaired to the satisfaction of the City Engineer, before a certificate of occupancy is issued.
26. A traffic management plan must be submitted to the City Engineer, detailing the manner in which the project will manage and control onsite traffic during peak operating hours, primarily how potential extended drive-through queuing will be managed to avoid impacts to South Atlantic Boulevard and adjacent properties that abut the public alley. The format of the plan is subject to approval by the City Engineer, and the plan must be approved before the City issues a certificate of occupancy.

FIRE:

27. A fire permit must be obtained from the Fire Department before engaging in activities, operations, practices or functions as indicated in the California Fire Code (CFC) per §§ 105.6 and 105.7.
28. Fire protection, including fire apparatus access roads and water supplies for fire hydrant must be installed and made serviceable before and during the time of construction, per CFC § 501.4.
29. Provide an approved automatic fire sprinkler system and fire alarm as set forth by Fire Code §§ 903 and 907 for the new structure. This may be submitted to the Fire Official as a deferred submittal.
30. Provide an approved kitchen automatic extinguishing system as set forth by the CFC § 904. This may be submitted to the Fire Official as a deferred submittal.

**PLANNING COMMISSION
RESOLUTION NO. 01-20**

31. Provide an approved carbon dioxide alarm system per Fire Code § 908.7. This may be submitted to the Fire Official as a deferred submittal.
32. Provide approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE. Signs must be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof, as required by the Fire Inspector, per CFC § 501.4.

Fire Flow:

33. The minimum fire flow required must comply with the current adopted edition of the CFC Appendix B.
34. Pursuant to the plans date stamped March 2, 2020, the required fire flow for the new structure is 1,500 gallons per minutes (gpm) at 20 pounds per square inch (psi) for a minimum of 2-hour duration.
35. The City must provide a will serve letter confirming that it can accommodate the required water flow.

Fire Hydrant Installation

36. Before combustible construction on any parcel, a fire hydrant capable of providing 1,000 gpm at 20 psi must be installed and in service along the access road/driveway at a location approved by the Fire Code Official, but no further than 250 feet from the construction. The owner of the combustible construction is responsible for the cost of this installation.

Fire Flow Verification

37. Per CFC Appendix C, a minimum of one fire hydrant must be provided within 250 feet of new structure. Show locations of all existing and/or new hydrants on Site Plan.
38. Portable fire extinguishers must be installed on all floors, per CFC § 906.1.
39. The review of any revised plans will be subject to an additional plan-check fee in an amount approved in the Master Schedule of Fees and Charges.

POLICE:

40. The permittee must submit plans to the Police Chief, or designee, demonstrating that the Project has adequate exterior lighting. The Police Chief, or designee, must

**PLANNING COMMISSION
RESOLUTION NO. 01-20**

approve the location and light intensity before the City issues a certificate of occupancy.

41. All major common areas of the locations, including all parking areas must be covered by security video cameras. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. Security video cameras must be installed at all the entrances/exits and must be positioned to capture the faces of people entering and exiting. All recordings must be maintained for a minimum of 30 days. All recordings must be made readily available for any law enforcement official who requests the recording(s) for official purposes. If the Chief of Police determines that there is a necessity to have additional cameras installed, the management must comply with the request within seven days. Also, access to all security video cameras must be made available to the Police Department, via the internet, by providing the IP address for all cameras. The Chief of Police can also require a change in the position of the video cameras if it is determined that the position of the camera does not meet security needs. The management must comply with the request within seven days.
42. An alarm system must be installed at the main entrance and exits to the business. The alarm system will be a deterrent to criminal activity, and allow notification of the police and security in the event of any such attempt. Contact the Monterey Park Police Department Community Relations Bureau at (626) 307-1215 for additional information and alarm permits.
43. One licensed, insured, and bonded security guard in the parking lot between 10:00 p.m. to closing, subject to the review and approval of the Police Chief.
44. Access to the roof of the buildings will be locked and secured. Access of the roof will be restricted to maintenance personnel, building management, or other authorized personnel.
45. The shrubbery on the property must be installed and maintained in such condition as to not restrict visibility from the street or easily conceal persons.

MISCELLANEOUS:

46. Signage and/or striping must be installed as necessary to prohibit vehicular traffic exiting the driveway onto Atlantic Blvd from left-turn movements, to the satisfaction of the City Engineer, before a certificate of occupancy is issued for the project.
47. The volume of the speaker boxes are to be turned down after 10:00 P.M. each night.

**PLANNING COMMISSION
RESOLUTION NO. 01-20**

48. A Noise Mitigation Plan, submitted by the Applicant, must be approved by the City Planner, before a certificate of occupancy will be issued.

By signing this document, Kristen Roberts, on behalf of Raising Cane's, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Bryan Brown

6/3/2020

Bryan Brown, on behalf of Raising Canes, Applicant

City Council Resolution No. 12266

RESOLUTION NO. 12266

A RESOLUTION MODIFYING CONDITIONAL USE PERMIT (CU-19-13) AS TO BUSINESS HOURS FOR OPERATING A RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH LOCATED AT 1970 SOUTH ATLANTIC BOULEVARD.

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

SECTION 1: The City Council finds and declares that:

- A. On July 22, 2020, Kristen Roberts on behalf of Raising Cane's ("Applicant") submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") § 21.32.020 seeking to modify the business hours approved via a conditional use permit (CU-19-13) for a retail eating establishment with a drive-through located at 1970 South Atlantic Boulevard ("Project");
- B. The Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The City Planner completed review and scheduled a public hearing regarding the Project before the City Council for August 18, 2021. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On August 18, 2021, the City Council opened the public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the City Council 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 Council at its August 18, 2021 public hearing including, without limitation, the staff report submitted by the City Planner.

SECTION 2: *Planning Agency.* Pursuant to MPMC § 2.56.020(D), the City Council will act as the Monterey Park Planning Agency for purposes of this Resolution.

SECTION 3: *Factual Findings and Conclusions.* The factual findings and conclusions set forth in Section 2 of Resolution No. 12194, adopted on September 2, 2020, for CU-19-13 are incorporated by reference.

SECTION 4: *Environmental Assessment.* Modifying the Project's business hours was reviewed pursuant to 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"). The proposed action is exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because this Resolution is only extends the business hours for the Project to reconcile them with surrounding commercial uses that are substantially similar to the Project. It can be seen with certainty that there is no possibility that such action may have a significant effect on the environment.

SECTION 5: *Conditional Use Permit Findings.* Unless otherwise provided below, the Conditional Use Permit Findings set forth in Section of Resolution No. 12194 are incorporated by reference. For the modification to business hours, the City Council finds as follows:

- A. Resolution No. 12194 changed Condition No. 11 of the Conditions of Approval approved by Planning Commission Resolution No. 01-20, as adopted on May 12, 2020 which regulates business hours for the retail restaurant;
- B. As noted in the record, the City Council made that modification in response to public testimony that objected to the times of restaurant operations; and
- C. The administrative record now demonstrates that all objections were withdrawn. Consequently, the City Council believes it is in the public interest to allow the retail restaurant to operate in accordance with the business hours it originally requested in 2019.

SECTION 6: *Approval.* Section 5(A) of Resolution No. 12194 is repealed. Accordingly, Condition No. 11 for CU-19-13 is modified to read as follows: "The business hours of operation will be Monday through Sunday 9:00 a.m. to 1:00 a.m." There are no other changes to Resolution No. 12194.

SECTION 7: *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 City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: *Limitations.* The City Council'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 City Council'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 9: *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.

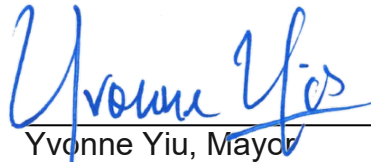
SECTION 10: *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 11: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 12: *Recordation.* The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or his duly appointed deputy, may attest thereto.

SECTION 13: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 18th day of August, 2021

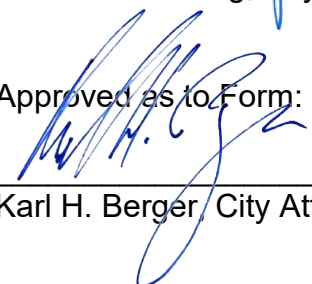

Yvonne Yiu, Mayor

Attest:



Vincent D. Chang, City Clerk

Approved as to Form:



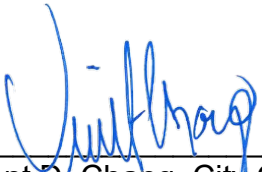
Karl H. Berger, City Attorney

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 Resolution No. 12266 was duly adopted and passed at a regular meeting of the Monterey Park City Council on the 18th day of August, 2021 by the following vote:

Ayes:	Council Members:	Chan, Liang, Sornoso, Lo, Yiu
Noes:	Council Members:	None
Abstain:	Council Members:	None
Absent:	Council Members:	None

Dated this 18th day of August, 2021.



Vincent D. Chang, City Clerk
Monterey Park, California

City Council Resolution No. 12194

RESOLUTION NO. 12194

A RESOLUTION DENYING AN APPEAL (AP-20-01) AND UPHOLDING PLANNING COMMISSION RESOLUTION NO. 01-20 APPROVING CONDITIONAL USE PERMIT (CUP-19-13) ALLOWING CONSTRUCTION OF A NEW RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH AT 1970 SOUTH ATLANTIC BOULEVARD.

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

SECTION 1: The City Council finds as follows:

- A. On May 12, 2020, the Planning Commission adopted Resolution No. 01-20 (the “PC Resolution”) approving a conditional use permit (“CUP”) allowing construction of a new retail eating establishment with a drive-through at 1970 South Atlantic Boulevard (the “Project”);
- B. The Appellants, Mr. Rafael Casillas and Mrs. Gina Casillas (the “Appellants”), timely appealed the PC Resolution to the City Council in accordance with the Monterey Park Municipal Code (“MPMC”) on May 22, 2020 (the “Appeal”);
- C. The Appeal was scheduled for a public hearing on July 1, 2020; it was continued until September 2, 2020; and
- D. On September 2, 2020, the City Council opened a public hearing and took testimonial and documentary evidence regarding the Appeal.

SECTION 2: *Incorporation by Reference.* Except as set forth in this Resolution, all of the findings, conclusions, and determinations in the PC Resolution are incorporated by reference including, without limitation, Sections 2, 3, and 4.

SECTION 3: *Additional Factual findings and Conclusions.* Based upon the entire administrative record and the evidence provided during the public hearing, the City Council makes the additional findings and conclusions:

- A. The Appeal includes a “Statement of Circumstances” that asserts the PC Resolution was improperly adopted. In brief, the following are the substantive shortcomings alleged by the Appeal:
 - 1. The Project requires additional environmental review under the California Environmental Quality Act (“CEQA”). Specifically, the Appeal alleges that the Project may have a significant impact on traffic, land use, noise, air quality, hazardous substances, cumulative impacts, and water quality.

2. The PC Resolution was adopted during an “illegal” public hearing on May 12, 2020 that was held after an initial public hearing on March 10, 2020.
 3. Because the Project does not meet zoning regulations as to set-backs, the PC Resolution should not have been adopted.
- B. The administrative record demonstrates that there is substantial evidence supporting:
1. The CEQA determination that the Project is categorically exempt. Among other things, the supplemental evidence submitted into the record since the Appeal was filed shows that the Project will not significantly impact current conditions. As to noise, Condition Nos. 12 and 48 were imposed upon the Project to help protect public health and safety. Nothing in the record demonstrates that these Conditions will be insufficient to protect the public. Also in the record is substantive evidence demonstrating that the alleged hazardous substances on the Project site were mitigated before the Applicant filed an application for a CUP; that the Project location and use is consistent with the existing zoning; and that both air and water quality were properly considered.
 2. As for land use, Condition No. 6 of the PC Resolution requires that the Project comply with applicable set-back requirements before the City issues a certificate of occupancy. The 2020 Monterey Park Business Recovery Program authorizes the City Planner to issue administrative use permits (“AUP”) that:

“Approve drive-through plans submitted by applicants where the underlying zoning allows for such uses. Those plans must be prepared by a design professional (e.g., a traffic engineer or architect). **A drive-through plan may provide for setbacks that differ from the underlying zone if needed to accommodate vehicle queuing to help avoid stacking of vehicles onto public roads.**” (see BRP2AUP.010(E) as adopted by Ordinance Nos. 2184 and 2185; emphasis added).
 3. Based upon the 2020 Monterey Park Business Recovery Program, Condition No. 6 of the PC Resolution will be satisfied if the City Planner issues an AUP for the Project.
- C. The May 12, 2020 public hearing held by the Planning Commission was proper for all of the reasons set forth in the administrative record. Among other things, as is explained in both the May 12th Planning Commission staff report and the City Council staff report regarding this Appeal, the City Council (via Resolution No. 12164, adopted June 3, 2020) ratified the City

Manager's order to extend deadlines for application review, automatic approvals, and appeal deadlines, for all land use, subdivision and zoning applications effective March 11, 2020. Such action was taken in response to the ongoing COVID-19 Pandemic for the reasons set forth in the record (e.g., cancellation of all public meetings; prohibition on mass gatherings; and closure of all public facilities). Notably, the Appellants participated in the May 12, 2020 Planning Commission public hearing; timely filed the Appeal with the City Council; submitted materials for the scheduled July 1, 2020 public hearing; and participated in the September 2, 2020 public hearing. Their active participation in the City's public hearings waives their allegations regarding improper public hearings and violations of due process.

SECTION 4: *Determination.* Based upon the Findings and Conclusions set forth in Sections 2 and 3, the City Council renders the following determinations:

- A. There is no substantive evidence in the record supporting the Appeal. The PC Resolution was properly adopted based upon the evidence before the Planning Commission on May 12, 2020.
- B. The City Council denies the Appeal and upholds the PC Resolution for the reasons set forth in this Resolution.

SECTION 5: *Conditions of Approval.*

- A. Condition No. 11 of the Conditions of Approval in the PC Resolution is amended to read "The business hours of operation will be from 9:00 a.m. to 10:00 p.m. Monday through Sunday."
- B. A new Condition No. 49 is added to the PC Resolution to read as follows: "This CUP must be reviewed by the Planning Commission not later than six months after operations commence at the Project to ensure compliance with the CUP."

SECTION 6: *Reliance on Record.* Each 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 City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *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 8: *Notice.* The City Clerk is directed to provide a copy of this Resolution to the Appellant, Applicant, and to any other person requesting a copy.

SECTION 9: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

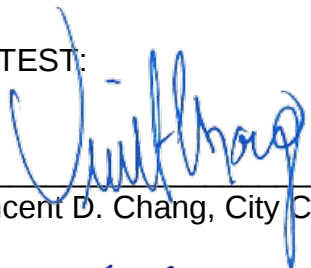
SECTION 10: *Effective Date.* This Resolution becomes effective immediately upon adoption and memorializes the City Council's final decision made on September 2, 2020. Persons dissatisfied with the City Council's decision may appeal it in accordance with applicable law to the Los Angeles Superior Court within 90 days of the City Council's decision.

PASSED, ADOPTED AND APPROVED this 2nd day of September 2020.



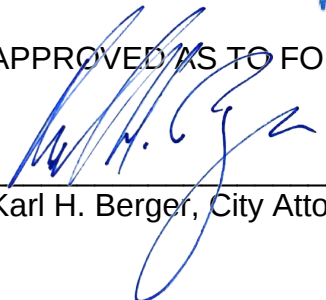
Peter Chan, Mayor

ATTEST:



Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



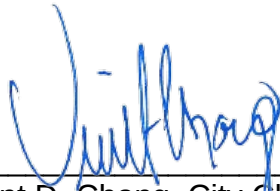
Karl H. Berger, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF MONTEREY PARK)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 12194 was duly adopted by the City Council of the City of Monterey Park at a regular meeting held on the 2nd day of September, 2020, by the following vote:

Ayes	Council Members:	Liang, Sornoso, Lo, Yiu, Chan
Noes:	Council Members:	None
Abstain:	Council Members:	None
Absent:	Council Members:	None

Dated this 2nd day of September, 2020.



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

Administrative Use Permit (AUP-21-02)

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.MontereyPark.ca.gov



City Council
Yvonne Yiu
Henry Lo
Fred Sornoso
Hans Liang
Peter Chan

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

August 4, 2021

Kristin Roberts
Raising Cane's Restaurants, LLC.
6800 Bishop Road
Plano, TX 75024

Re: Administrative Use Permit (AUP21-02) – Drive-through at 1970 South Atlantic Boulevard, City of Monterey Park

Dear Ms. Roberts:

In accordance with Monterey Park Municipal Code ("MPMC") § 21.32.200, the City Planner reviewed your application for a drive through at 1970 South Atlantic Boulevard. Following that review, the City Planner **APPROVED** AUP-21-02 for a drive-through as described below (the "drive-through"). AUP-21-02 incorporates by reference, and approves, the Drive-Through Plan dated June 14, 2021, and stamped by John Pollock, which is on-file with the City's Public Works Department.

ADMINISTRATIVE USE PERMIT – FINDINGS

The following are the findings and facts in support of each finding for this decision in accordance with MPMC § 21.32.200 including the City Engineer's approval of the Drive-Through Plan in accordance with MPMC § 21.32.200(E):

1. There is compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located.

The drive-through is located within the S-C (Shopping Center) zone. The S-C Zone allows the drive-through in accordance with MPMC § 21.10.030 (see Table 21.10(A)) and § 21.10.040(I). This drive-through is an accessory use to the restaurant project (Raising Cane's) approved via CU-19-13. It is fully compatible with the zone and surrounding uses.

2. The proposed use is consistent and compatible with the purpose of the zone in which the site is located.

As noted, the drive-through is consistent and compatible with the S-C Zone.

3. The proposed location and use and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

When combined with CU-19-13, AUP-21-02 complies with all requirements of the MPMC and other applicable law; it will not be detrimental to the public health, safety or welfare, nor will it materially affect any of the surrounding properties or improvements.

4. Potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic and hazards have been recognized and mitigated.

All environmental impacts were identified and mitigated via CU-19-13. AUP-21-02 will not create any impacts not already anticipated by CU-19-13. No additional mitigation is required.

DRIVE-THROUGH APPROVALS

The City Engineer approved the Drive-Through Plan which includes a reduced setback to CU-19-13's parking spaces from 25 feet to 5 feet and the drive-through aisle from 25 feet to 15.5 feet along the westerly boundary of the project site adjacent to Atlantic Boulevard. This will accommodate vehicle queuing and help avoid stacking of vehicles onto public right-of-ways. Additionally, the Drive-Through Plan allows parking and aisles to exit directly onto the alleyway situated to the south and east of the project site as identified on the Drive-Through Plan.

Any subsequent modification to the Drive-Through Plan must be provided to the City Planner and City Engineer for approval. All conditions of approval set forth in CU-19-13 are incorporated by reference into AUP-21-02 as if fully set forth.

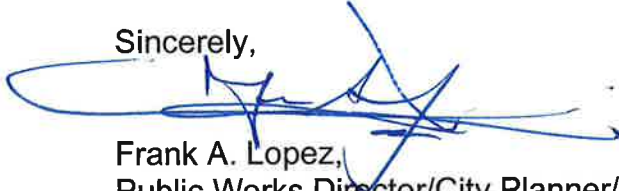
The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Administrative Use Permit No. AUP 21-02. Should the City be named in any suit, 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 AUP 21-02, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.

PLANNING AGENCY

Please be advised that this **does not** conclude the review process: AUP-21-02 is scheduled to be received and filed by the City Council, acting as the Monterey Park Planning Agency, at its August 18, 2021 meeting. **AUP-21-02 becomes final after the City Council's action.**

Should you have any questions, please contact Jason Moquin, Planning Manager, at (626) 307-1324.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Frank A. Lopez', with a large, sweeping horizontal stroke underneath.

Frank A. Lopez,
Public Works Director/City Planner/City Engineer

ATTACHMENT 2

Memorandum from Fire Department



Memorandum

City of Monterey Park • Fire Department

DATE: December 5, 2022

TO: Jessica Serano – Planning Manager

FROM: Matthew Hallock, Fire Chief

SUBJECT: 1970 S. Atlantic (Raising Cane's)

Since the opening of Raising Cane's, the Monterey Park Fire Department to include Code Compliance has had no issues of significance with regards to response. We have responded to one EMS related call on November 4, 2022. There were two issues with regards to Code Compliance. One issue involved the size of the trash containers which were initially too large to fit within the enclosure. This issue has been resolved. The other issue involved traffic cone placements which was handled by Public Works. There are no open issues currently.

We've seen no increase in call volume and no issues with accessing Atlantic Square and the surrounding area. If I can be of further assistance, please let me know.

ATTACHMENT 3

Memorandum from Police Department

CITY OF MONTEREY PARK
Police Department
INTEROFFICE MEMO
December 6, 2022

TO: Kevin Tan, Assistant Planner
FROM: Scott Wiese, Chief of Police
SUBJECT: CUP-19-13, Raising Canes

After a review of operations at the location and the requirements set forth in the CUP, the police department has not encountered an increase in calls for service related to the location.

Although traffic on Atlantic Boulevard remains heavy during certain hours, we have not encountered any hazardous conditions related to the operation of Raising Canes.

The street, alleyway, and driveways appear to be operating within guidelines.