

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
MAY 28, 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, May 28, 2019 at 7:00 p.m.

CALL TO ORDER:

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

ROLL CALL:

Planner Tewasart called the roll:

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

Board Members Absent: None

ALSO PRESENT: David King, 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. CONDITIONAL USE PERMIT (CUP-19-01) TO ALLOW THE ALTERATION OF A NONCONFORMING USE FROM A LAUNDROMAT TO A COMPUTER REPAIR SERVICE BUSINESS – 441 WEST POMONA BOULEVARD

Planner Tewasart provided a brief summary of the staff report.

Attorney King stated that the representative for the property owner submitted letters. In essence there may be factual issues about how long the property may or may not have been abandoned. The property owner's representative brings up certain facts that may not be available to the City. What is in front of the Planning Commission is an application for a conditional use permit. From the last meeting an issue came up as to how long the property may or may not have been abandon which is a factual issue. The way the code is structured is that if the Planning Division had a concern about abandoned uses, they would normally contact the property owner and raise that issue and if the property owner disputed Planning staff's assertions that the use had been abandoned, then the property owner can

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appeal that action to the Planning Commission. It is a little of a different procedure. Abandoned uses versus an application for a conditional use permit. Staff's recommendation is to consider the conditional use permit application.

Commissioner Brossy de Dios inquired if it is the City Attorney's position that the actions constitute continuous occupancy. Attorney King replied that staff is unclear about the May date because there are facts available to the property owner that is not available to the City. So the staff report lists the facts that staff is aware of and has access to records to verify the facts. This is true to all properties in the City staff would initiate action if there was concern about an abandoned use. Thus far staff has not done that.

Commissioner Brossy de Dios inquired if an abandoned use requires a notice from the City. Attorney King replied that there may be properties in the City that are abandoned right now that the City is unaware of and they will remain abandoned until they become an issue. Basically it is not an issue until it is an issue or the City becomes aware of it. Staff would have to notify the property owner and let the property owner know about the discontinued use and staff's concerns about that in order to implicate this provision of the code. In this case, that has not happened for this particular property. So the option available to the Planning Commission would be to consider the conditional use permit application presented either approve or deny it based on the findings. Or if the Planning Commission has a concern about this particular use and whether or not it is an abandoned use, the Planning Commission can direct staff to look into the matter more and consult the property owner to verify the facts to bring something back to the Planning Commission. Normally that process would not come before the Planning Commission. It would be handled at an administrative level. Unless the Planning Commission is concerned about the abandoned use or the discontinued use in the municipal code, what is in front of the Planning Commission is a conditional use permit. The approval or disapproval should only be made based on the findings for a conditional use permit. The abandoned, discontinued use, ceasing operations is a separate issue. If the Planning Commission is concerned about that it would be handled administratively with staff. That would not be a part of the conditional use permit application.

Commissioner Choi inquired if the staff's acceptance of the conditional use permit application is considered an action that allows for the continuation of the use. Attorney King replied that under the code staff would have to initiate any concerns about the discontinued use. The chronology shows that along the way applications were accepted, a conditional use permit was granted and at no time was the abandoned use a concern brought up by staff. The code states that staff would have to initiate a letter to the property owner that staff is of the opinion that this was a discontinued use and that the property would have to comply with the zoning code.

Commissioner Choi stated that businesses in the City are required to renew their business license and inquired if there are records that reflect whether or not a business license was renewed, when that occurred and when that lapsed. Planner Tewasart replied that the business license for the Laundromat was paid up to December 2016. Then in November 2016 a conditional use permit was filed for a dance studio and approved in January 2018.

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The business did not move forward with the application. An occupancy permit is required when a business first takes occupancy of a space. Annual renewals are not required.

Commissioner Choi inquired how the City knows that businesses are paying their fair share of taxes if there is no record. Attorney King replied that there are enforcement mechanisms. Also, payment of a business license does not necessarily equate to activity on a property. You can have an abandoned building and still pay for a business license.

Commissioner Choi inquired if there are any state statutes that speak to legal nonconforming issues. Attorney King replied that the City has a clear procedure on the steps to take in order to identify seemingly discontinued uses. This would probably come more often in code enforcement when there are abandoned buildings that people are complaining about. It is a little unusual for this to come up during a conditional use permit approval but it is within the purview of the City.

Commissioner Choi inquired about land use consistency. Attorney King replied that legal nonconforming is a permitted use assuming that it has not been intentionally abandoned or discontinued. In speaking with staff the process was never initiated to determine that it was a discontinued use. This came up as part of the discussion at the last meeting. Again, the option before the Commission is approving or denying the conditional use permit based on the findings. As always, if the Planning Commission needs more information in order to make a determination staff will do as much research as we can to give you the facts that you need to make the findings. It is acceptable for the Planning Commission to consider it a legal nonconforming use in the absence of that process.

Commissioner Choi inquired if the zoning and land use can be addressed for the long-term in the General Plan Amendment. Planner Tewasart replied that staff can look into that.

Chairperson Robinson opened the public hearing.

Applicant, Brian Yung, 5945 Temple City Boulevard, Temple City 91780, stated that his business is IT service such as computer repair and web design. His current business is in Temple City, but the building will be demolished for a new building.

Commissioner Amador inquired about the classrooms shown on the floor plan. Applicant Yung replied that it will sometimes be used for IT training.

Commissioner Choi inquired about the number of years the applicant has been in business. Applicant Yung replied 19 years.

Gail Price, Esq., on behalf of the property owner, stated that this is a unique property in that they have an ordinance no. 574 for, which was submitted in her May 27 letter to the Planning Commission deems the property to be commercially zoned and there hasn't been any subsequent ordinance evidencing a zoning change. This property is across the street from a freeway on-ramp, next to high power lines and the closest single-family residence does not front Pomona, it is on a side street and next to that is an R-3 apartment complex. The other way is a school, park, and more commercial. It is entirely unsuitable for R-1 and

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would decimate the property value. They also take issue with the characterization of abandonment because the property owner never took any steps to intentionally abandon the property and quite the opposite. The property may not have been opened to the public while the conditional use permit application was pending, but that would be the normal course of a business under construction.

Gary Laugendoen, 3452 East Foothill Boulevard, Pasadena CA 91107, stated that he is present to support the application. The dance studio did take possession of the property before deciding not to move forward, but there was a use in place.

Commissioner Brossy de Dios recommended adding a condition of approval landscaping improvements must be made in accordance with Monterey Park Municipal Code §§ 21.22.270 and 21.22.280 Off-Street regulations.

Chairperson Robinson closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 09-19** approving Conditional Use Permit (CU-19-01) to allow the alteration of a nonconforming use from a Laundromat to a service office (computer repairs) in the R-1 (Single-Family Residential) Zone at 441 West Pomona Boulevard.

Resolution No. 09-19

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

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

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

3-B CONDITIONAL USE PERMIT (CU-19-05) TO ALLOW OPERATION OF AN ESCAPE GAME ROOMS BUSINESS (INDOOR COMMERCIAL RECREATION) AT 500 NORTH ATLANTIC BOULEVARD #111

Planner Tewart provided a brief summary of the staff report.

Chairperson Robinson opened the public hearing.

Jack Chen, 388 East Valley Boulevard, Alhambra, CA 91801, stated that the business is new type of entertainment business. A lot of young adults and young professionals like to get together to play board games. This business will be a role play murder mystery. People

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can dress up play with friends or strangers and play together in a safe and controlled environment. Scripts will be provided for the role play and there will be a narrator to make sure the script progresses within a certain time limit. Finding the clue will be through conversation to find out who is who, who has motive and who is innocent. The intent of the game is to solve the script. There will be the mystery person and the rest of the group. The rest of the group needs to find the mystery person. The mystery person will try to trick the rest of the group, so they will not be able to figure out who the mystery person is. There will be no food or alcohol service, so their business will work great with the other surrounding restaurants at the location. This will be their second location. They have another business in Rowland Heights. There will be a fee and a reservation will be required.

Commissioner Brossy de Dios inquired why the business is described as an escape room. Applicant Chen replied that a group of people have to work together to solve a mystery. It is not physically escaping a room, but solving a puzzle together.

Commissioner Amador inquired about the target age group. Applicant Chen replied younger working professionals.

Patsy Ma of PB International Inc. 650 West Duarte Road #1088, Arcadia, CA 91007, representative for the property owner Atlantic Times Square, stated that they are excited to have this tenant. Atlantic Times Square is anchored by AMC a movie theater and a dozen restaurants. The business will create a synergy where they can draw from each other. The property owner visited their existing business in Rowland Heights to see their existing operations and what caught their eyes is that their scripts are all exclusive. The location is right for this business. Atlantic Times Square has 24-hour security service and with all the restaurants they can work together. This is a great space next to the escalators coming up, but there is an LCD screen that blocks the fascia so it has to be a destination tenant in order to draw people to be able in.

Chairperson Robinson closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 10-19** approving Conditional Use Permit (CU-19-05) to allow operation of an escape game rooms business (indoor commercial recreation) in the R-S, P-D (Regional Specialty, Planned Development) Zone at 500 North Atlantic Boulevard #111.

Resolution No. 10-19

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

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

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

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Noes: Commissioners: None
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 7:45 p.m.

Next regular scheduled meeting on June 11, 2019 at 7:00 p.m. in the Council Chambers.

Mark A. McAvoy
Director of Public Works/City Engineer

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