

**PLANNING COMMISSION OF MONTEREY PARK
AGENDA**

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

**Tuesday
January 22, 2019
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

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

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Board Chair and Board Members may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER

Chairperson

FLAG SALUTE

Chairperson

ROLL CALL

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

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

[1.] PRESENTATIONS – None

[2.] CONSENT CALENDAR – None

[3.] PUBLIC HEARING

3-A CONDITIONAL USE PERMIT (CUP-18-04) TO ALLOW IN-DOOR RECREATION (BILLIARD) AT 111 NORTH ATLANTIC BOULEVARD #228

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-18-04), subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation of a private structure involving no expansion of existing or former use.

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on February 12, 2019.

APPROVED BY:

| | |
|-----------------------|---|
| MICHAEL A. HUNTLEY |  |
|-----------------------|---|



Planning Commission Staff Report

DATE: January 22, 2019

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-18-04) to allow operation of a billiard parlor and retail store (indoor commercial recreation) – 111 North Atlantic Boulevard #228.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-18-04), subject to conditions of approval contained therein; and
- (5) Take such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation of a private structure involving no expansion of existing or former use.

EXECUTIVE SUMMARY:

The applicant is requesting approval of a Conditional Use Permit to allow the operation of a billiard parlor and retail store at 111 North Atlantic Boulevard #228. The Community and Economic Development ("CED") staff believes that the proposed use will not adversely affect the public health, safety or general welfare and recommends that the Planning Commission approve the Conditional Use Permit (CUP-18-04), subject to the conditions contained in the Resolution.

BACKGROUND AND ANALYSIS:

Joy CA Billiard Club & Supplies requires a conditional use permit to allow operation of a billiard parlor and retail store at 111 N. Atlantic Boulevard, Suite # 228 ("Subject Property"). The Subject Property is zoned Regional-Specialty (R-S) and is designated for commercial use in the General Plan. A billiard parlor may only be conditionally permitted subject to the approval of a conditional use permit (see MPMC §§ 21.04.223 and 21.10.030).

The Subject Property is located within the Atlantic Shopping Center. This 1.92-acre property is developed with a three-story 27,328 square foot multi-tenant commercial building. The property to the north (Mar Center) is zoned R-S, the properties to the east¹ and south² are zoned R-S and Planned Development (P-D), and to the west of the Atlantic Shopping Center is a vacant residential lot in the City of Alhambra.

The Subject Property is located on the first floor and will occupy an existing 5,283 square feet of existing tenant space within the commercial building. The applicant proposes to use approximately 1,875 square feet (or 35%) of the tenant space for retail of billiard supplies and equipment and 2,298 square feet (or 65%) for playing of billiards (essentially, 2,298 square feet will allow for approximately 10 billiard tables). The remaining 1,110 square feet will be utilized for restrooms and a cashier-counter area. The proposed billiard parlor will only be available to its members and will not include the on-sale service of alcohol. The proposed operating hours are proposed for 11:00 a.m. to 2:00 a.m., Monday through Sunday. A condition of approval is included to limit the hours of operation to 12:00 a.m. (midnight). Lastly, the proposed billiard parlor/retail store will have a full-time on-site manager with two part-time employees and one security guard.

The Monterey Park Police Department ("MPPD") reviewed the application and recommends that the Planning Commission deny the requested conditional use permit because several preceding billiard parlors at the Atlantic Shopping Center proved to be nuisances and had to be shut down. Additionally, the owner of the Atlantic Shopping Center has failed to comply with the requirements of an existing conditional use permit for the property overall.

With that said, should the Planning Commission determine to approve the CUP request, MPPD recommends inclusion of condition numbers 8 through 20 in the proposed Resolution to address security and alarm requirements. MPPD will monitor the Subject Property relative to safety items such as hours of operation, and whether complaints are received. As conditioned, the business must not allow anyone under the age of 18 years old on the premise.

OTHER ITEMS:

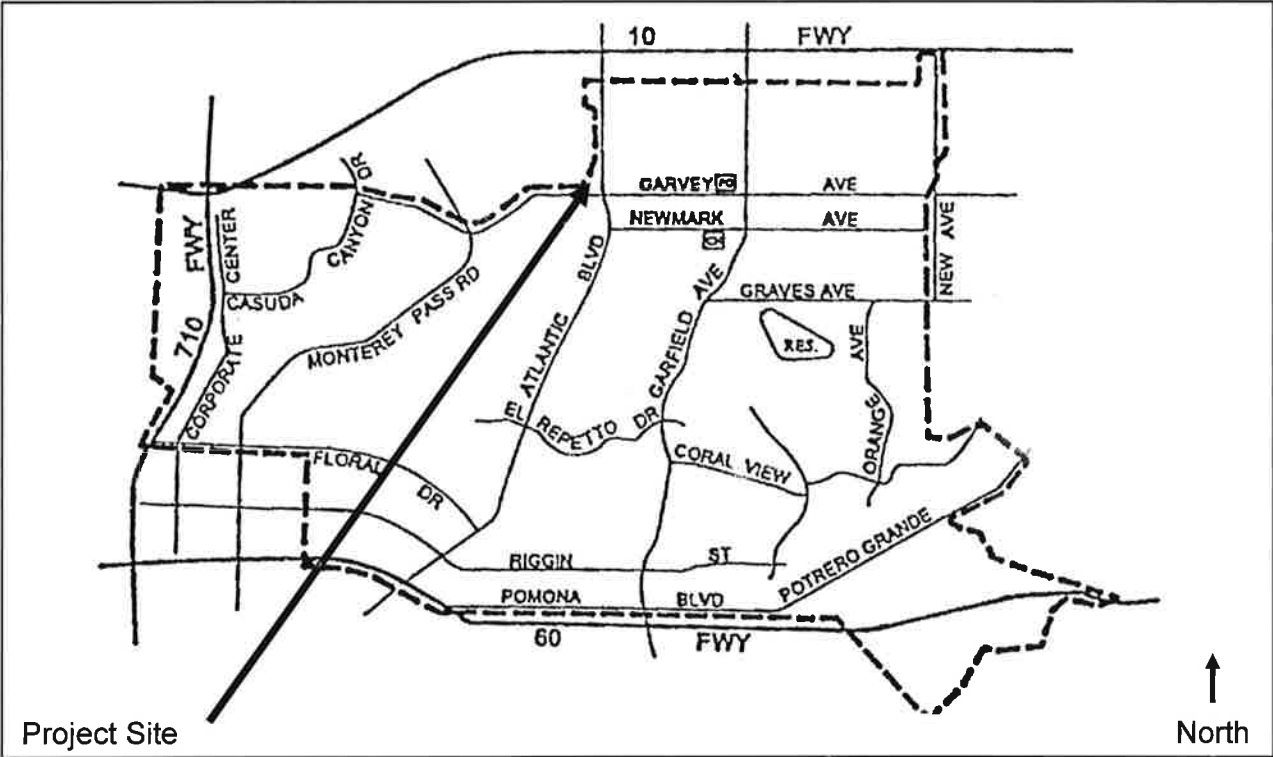
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 3, 2019**, with affidavits of posting on file. The legal notice of this hearing was mailed to **227** property owners within a 300 feet radius and current tenants of the property concerned on **January 3, 2019**.

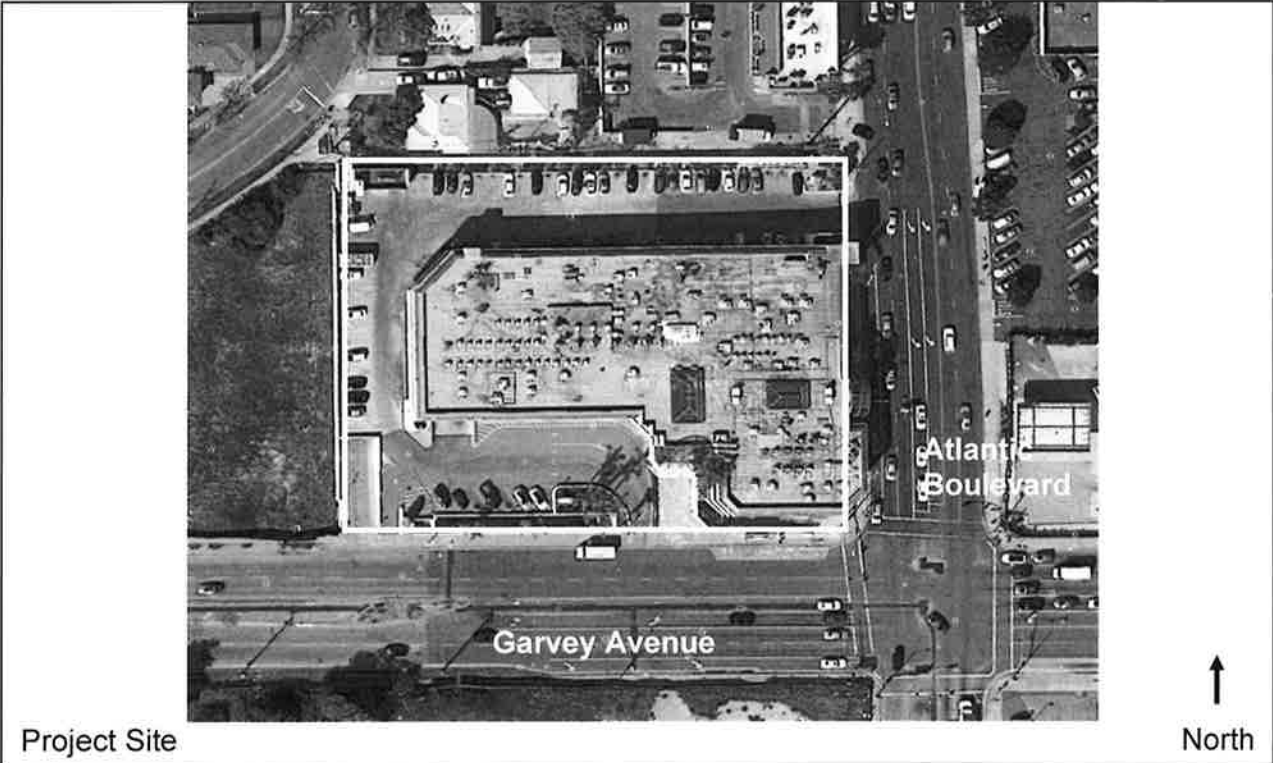
¹ Including N. Atlantic Blvd., and a one-story commercial building that is currently under construction.

² Including Garvey Ave., and lots which are currently vacant.

Vicinity Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None

FISCAL IMPACT:

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

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewart
Senior Planner

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Site and floor plans
- Attachment 3: Business operations plan

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-18-04) TO PERMIT OPERATION OF A BILLIARD PARLOR AND RETAIL STORE (INDOOR COMMERCIAL RECREATION) AT 111 NORTH ATLANTIC BOULEVARD #228.

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

SECTION 1: The Planning Commission finds and declares that:

- A. On November 8, 2018, Peter Zheng of Joy CA Billiard Club & Supplies, submitted an application pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030 and 21.32.020, requesting approval of Conditional Use Permit (CUP-18-04) to permit the operation of a billiard parlor and retail store (indoor commercial recreation) at 111 North Atlantic Boulevard #228 ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for January 22, 2019. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On January 22, 2019, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its January 22, 2019 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to operate a billiard recreation and retail billiards supply shop. No new construction or additional square footage is proposed to either the building or the parking areas;
- B. 111 North Atlantic Boulevard #228 is zoned Regional-Specialty (R-S) and designated commercial in the General Plan;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 4**

- C. The lot is 83,562 square feet (1.92 acres) in area. The property is developed with an existing 27,328 square foot, three-story, multi-tenant commercial building ("Atlantic Shopping Center"); and
- D. The Atlantic Shopping Center is comprised of a mixture of service office, professional office, retail and restaurant uses.

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

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

- A. The site will be adequate in size, shape and topography for the proposed billiard and retail business. The lot is 83,562 square feet (1.92 acres) in area, rectangular shaped, and relatively flat. The property is developed with an existing three-story multi-tenant commercial building and 391 at-grade and two-levels of subterranean parking spaces, accessible from West Garvey Avenue and North Atlantic Boulevard. The proposed billiard recreation and retail uses will occupy an existing 5,283 square feet tenant space within the building.
- B. The site has sufficient access to streets and highways and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed internet arcade business. The site is accessible from both West Garvey Avenue, a minor arterial street, and North Atlantic Boulevard, a principal arterial street. The required number of parking spaces for an indoor recreation use is 1 space per 4 guests based on maximum capacity, according to MPMC § 21.22.120. Adequate parking is provided on the property and the project does not include new construction or additional square footage. No changes are proposed to the building or parking area.
- C. The proposed use is consistent with the General Plan and any applicable specific plan. MPMC § 21.10.030 allows an indoor commercial recreation use subject to a conditional use permit in the R-S (Regional Specialty) Zone. The subject property is designated Commercial in the General Plan Land Use Element, and the Commercial land use category permits retail and service commercial, and professional uses. The proposed billiard business is consistent with the General Plan in that the Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of the Monterey Park residents and businesses. The property is located in the North Atlantic Focus Area and one of the goals (Goal 3.0) of the Focus Area is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 4**

development. The proposed use is consistent with the uses encouraged by the Focus Area.

- D. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City. The proposed billiard recreation use will not have adverse affects on the enjoyment or valuation of neighboring properties. To the north of the property are R-S zoned lots Mar Center, west is the City of Alhambra (single-family dwellings), south are West Garvey Avenue and a vacant lot, and east are North Atlantic Boulevard and a vacant lot. The properties to the north, south, and east are also zoned R-S (Regional Specialty) and permit the same land uses.
- E. The proposed use will not have an adverse effect on the public health, safety and general welfare. The proposed billiard and retail uses will not have an adverse effect on the public health, safety and general welfare. The billiard and retail business will occupy an existing tenant space in a multi-tenant commercial building. No new construction or addition of square footage is proposed. The Police Department has included conditions numbers 8 through 20 in the Resolution to address security and alarm requirements.
- F. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the Zoning Code. MPMC § 21.10.030 allows an indoor commercial recreation use (billiard parlors) subject to a conditional use permit in the R-S (Regional Specialty) Zone.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-18-04).

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

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

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

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 Lok Wong and to any other person requesting a copy.

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

SECTION 12: Except as provided in Sections 9 and 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 22nd day of January 2019.

Chairperson Delario Robinson


I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 22nd day of January 2019, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

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

By:



Natalie C. Karpeles,
Deputy City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

111 NORTH ATLANTIC BOULEVARD #228

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Peter Zheng will comply with the following conditions of approval for Conditional Use Permit (CUP-18-04) ("Project Conditions").

PLANNING:

1. Peter Zheng of Joy CA Billiard Club & Supplies (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-18-04 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-18-04, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee.
3. The Applicant is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. The property must remain well maintained and free of graffiti. Failure of the Applicant to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the Applicant.
5. A copy of the Conditions of Approval for Conditional Use Permit (CUP-18-04) must be kept on the premises of the establishment and presented to any authorized City official upon request.
6. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.

**PLANNING COMMISSION
RESOLUTION NO.**

7. The sale of alcoholic beverages for consumption must be prohibited.

POLICE:

8. All parking and common 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 entrance/exits and must be positioned to capture the faces of people entering and exiting. All recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days.
9. An alarm system must be installed covering the main entrance and exits. The alarm system will be a deterrent to criminal activity, and allow notification of the Police Department and security in the event of any such attempt. Contact the Monterey Park Police Department Community Relations Bureau for additional information and alarm permits.
10. The business must comply with federal, state, and local laws governing business licensing and noise levels. The business must obtain the appropriate license(s) from the regulating agency in order to conduct business in the City of Monterey Park.
11. The business must not allow gambling on the premise.
12. Business cannot remain open past 12:00 p.m. (midnight).
13. One licensed, insured, and bonded security guards in the parking lot between 12:00 a.m. and 9:00 p.m. and two licensed, insured, and bonded security guards on site between 9:00 p.m. and 12:00 a.m.
14. Adequate lighting must be provided so that all outside perimeter areas are visible during the hours of darkness. All lighting locations and lighting intensity must conform to appropriate codes and be subject to the approval of the Police Department.
15. Access of the roof of the building will be locked and secured. Access to the roof will be restricted to maintenance personnel, building management, or other authorized personnel.

**PLANNING COMMISSION
RESOLUTION NO.**

16. The shrubbery on the property must be maintained in such a condition as to not restrict visibility from the street or easily conceal persons.
17. The Chief of Police reserves the right to revoke any or all permits issued to an establishment for violations of federal, state, or local law, deemed to be a nuisance to the community due to continued negative contact with law enforcement or failure to comply with these and/or subsequent provisions.
18. The manager/owner is responsible for maintaining the property free of litter and graffiti.
19. Three or more violations of applicable law including, without limitation, these conditions within a one-year period (as calculated starting on January 22, 2019 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
20. No tinting of the windows of the business or any material to obscure the view into the business in any way will be allowed.

By signing this document, Peter Zheng of Joy CA Billiard Club & Supplies, certifies that he/she has read, understood, and agrees to the Project Conditions listed in this document.

Peter Zheng, Applicant

ATTACHMENT 2

Site and floor plans

ATTACHMENT 3

Business operations plan