

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
APRIL 14, 2015**

The Planning Commission of the City of Monterey Park held a Regular Meeting of the Planning Commission on the 2nd Floor Room 266, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, April 14, 2015 at 7:00 p.m.

CALL TO ORDER:

Chairperson Garcia called the meeting to order at 7:02 p.m.

ROLL CALL:

Senior Planner Tewasart called the roll:

Commissioners Present: Rodrigo Garcia, Ricky Choi, Michael Hamner, and Larry Sullivan

Commissioners Absent: None

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

ORAL AND WRITTEN COMMUNICATIONS:

None

AGENDA CHANGES AND ADOPTION:

None

APPROVAL OF MINUTES:

May 13, 2014 –

Commissioner Choi clarified on page 8, second paragraph “pile driving.”

Action Taken: The Planning Commission approved the minutes of May 13, 2014.

Motion: Moved by Commissioner Hamner and seconded by Commissioner Sullivan, motion carried by the following vote:

Ayes: Commissioners: Garcia, Choi, Hamner, and Sullivan

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

February 10, 2015 –

Action Taken: The Planning Commission approved the minutes of February 10, 2015.

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

Ayes: Commissioners: Garcia, Choi, Hamner, and Sullivan
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

March 24, 2015 –

Commissioner Choi clarified that he opened the meeting instead of Chairperson Garcia.

Action Taken: The Planning Commission approved the minutes of March 24, 2015.

Motion: Moved by Commissioner Hamner and seconded by Commissioner Sullivan, motion carried by the following vote:

Ayes: Commissioners: Garcia, Choi, Hamner, and Sullivan
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

PUBLIC HEARING:

OLD BUSINESS:

NEW BUSINESS:

2-A. CONDITIONAL USE PERMIT – 2328 SOUTH GARFIELD AVENUE (CU-15-02)

The applicant, Pamela Lieu, is requesting a Conditional Use Permit to allow on-sale beer and wine in conjunction with a retail eating establishment at 2328 South Garfield Avenue in the N-S (Neighborhood Shopping) Zone.

Planner Tewasart provided a brief summary of the staff report.

Chairperson Garcia opened the public hearing.

Applicant, Pamela Lieu, provided a copy of the menu and stated that the thought is to provide a different choice of food in Monterey Park. Applicant Lieu presented the boards that were reviewed by the Design Review Board.

Commissioner Sullivan inquired about the alley and parking behind the building. Director Huntley replied that the site has adequate parking directly north of the building. One of the intent of the South Garfield Specific Plan is to identify additional parking opportunities along the alleys both on the east and west sides of Garfield Avenue.

Commissioner Hamner inquired about the number of parking spaces. Planner Tewasart replied that there will be a total of 19 spaces.

Commissioner Choi stated that the business will be a good addition to the City.

Applicant Lieu stated that she received the conditions of approval and inquired if the hours of operation can be modified to show starting from 7:00 a.m. Monday through

Friday instead of 8:00 a.m. The Commission did not have any concerns with the request.

Chairperson Garcia closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 08-15** approving a conditional use permit (CU-15-02) to allow on-sale beer and wine in conjunction with a retail eating establishment at 2328 South Garfield Avenue in the N-S (Neighborhood Shopping) Zone.

Resolution No. 08-15, entitled:

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-15-02) FOR ON-SALE BEER AND WINE IN CONJUNCTION WITH A RETAIL EATING ESTABLISHMENT AT 2328 SOUTH GARFIELD AVENUE.

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

Ayes: Commissioners: Garcia, Choi, Hamner, and Sullivan

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

2-B. CODE AMENDMENT – MESSAGE ESTABLISHMENTS (CA-15-02)

The City is initiating a code amendment to amend Monterey Park Municipal Code (“MPMC”) § amend the City’s zoning regulations and Monterey Park Municipal Code Chapter 5.28 (Massage Establishments) regulating massage establishments and updating other parts of the Monterey Park Municipal Code to preserve and protect public health, safety, and welfare. In 2008, the Business and Professions Code created a statewide system to regulate massage establishments, including the establishment of the California Massage Therapy Council. In 2014, the Business and Professions Code was amended to return land use authority over massage establishment to cities.

Director Huntley provided a brief summary of the staff report.

Commissioner Sullivan inquired if the regulations apply moving forward or are existing businesses subject to the new regulations. Director Huntley replied that the businesses that have approval are considered legal non-conforming. Until the ordinance goes through Planning Commission and City Council and 30 days to take effect, any businesses that come in before that are subject to the existing regulations as they stand today.

Assistant City Attorney Berger stated Director Huntley discussed the non-transferability of the business license, but the land use is a property right. It is irrelevant who owns the property. The use can continue on the property unless it is abandoned for more than one year.

Commissioner Hamner inquired about the number of existing massage businesses. Planner Tewasart replied 11. Commissioner Hamner stated he was involved with the

first massage business in the City before the State took away local control for obvious reasons. He stated that the business owner was a physician and took a lot of pride in the operations.

Assistant City Attorney Berger stated that in the past not only was a conditional use permit required, but a permit was required to operate a massage establishment and a permit was required to be a massage technician. Five or six years ago because of the increase in legitimate massage businesses there was a strong move by the State Licensing Board to recognize massage businesses as an off-shoot of the medical profession, which caused the State legislation to come into play and wiped out most of the local regulations that had been established in most cities.

Chairperson Garcia opened the public hearing.

Chairperson Garcia closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 09-15** approving code amendment (CA-15-02) adopting the Resolution recommending that the City Council adopt an ordinance amending the Monterey Park Municipal Code to restore the City's land use authority over massage establishments within the City of Monterey Park.

Resolution No. 09-15, entitled:

A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 21 AND CHAPTER 5.28 OF THE MONTEREY PARK MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS WITHIN THE CITY OF MONTEREY PARK.

Motion: Moved by Commissioner Hamner and seconded by Commissioner Sullivan, motion carried by the following vote:

Ayes: Commissioners: Garcia, Choi, Hamner, and Sullivan

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

2-C. CODE AMENDMENT – RESIDENTIAL CHAPTER (CA-15-03)

The City is initiating a code amendment to amend the residential chapter of the Zoning Code related to portable canopies, home occupation permits, mechanical equipment and landscaping; and the commercial chapter related to building height along Corporate Center Drive. The proposed code amendments are intended to address specific concerns thereby preserving and protecting the public health, safety, and welfare of the community.

Action Taken: The Planning Commission continued the item to the next regularly scheduled Planning Commission meeting on April 28, 2015 for final review and consideration.

Motion: Moved by Commissioner Hamner and seconded by Commissioner Sullivan, motion carried by the following vote:

Ayes: Commissioners: Garcia, Choi, Hamner, and Sullivan
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

ITEMS FROM COMMUNITY AND ECONOMIC DEVELOPMENT:

Director Huntley provided a copy of the draft Specific Plan to the Planning Commission for review and comments.

ITEMS FROM THE COMMISSION:

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned on April 14, 2015 at 7:30 p.m. to the next regular meeting on May 12, 2015 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

Approved on at the regular Planning Commission meeting.