

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
May 23, 2017
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

Larry Sullivan, Delario Robinson, Theresa Amador, Ricky Choi, and Eric Brossy De Dios

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

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

[1.] PRESENTATIONS - None

[2.] CONSENT CALENDAR

2-A. APPROVALS OF MINUTES

It is recommended that the Planning Commission consider:

- (1) Approve the minutes from the regular meetings of May 9, 2017; and
- (2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

[4.] OLD BUSINESS

4-A. CONDITIONAL USE PERMIT (CU-17-03) TO ALLOW A MESSAGE ESTABLISHMENT AT 1480 MONTEREY PASS ROAD

It is recommended that the Planning Commission:

- (1) Re-open the public hearing;
- (2) Receive documentary and testimonial evidence;
- (3) Close the public hearing;
- (4) Adopt the Resolution approving the requested Conditional Use Permit (CUP-17-03), subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act (CEQA) guidelines, the project is Categorical Exempt under § 15301, Class 1 (Existing Facilities) in that the project consists of operating and licensing of an existing establishment.

[5.] NEW BUSINESS - None

[6.] BOARD MEMBERS COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on June 13, 2017.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Design Review Board Staff Report

DATE: May 23, 2017

AGENDA ITEM NO: 2-A

TO: Design Review Board
FROM: Michael A. Huntley, Community and Economic Development Director
BY: Samantha Tewasart, Senior Planner
SUBJECT: Planning Commission Minutes

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Approve the minutes from the regular meeting of May 9, 2017; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

Respectfully submitted,

A handwritten signature in blue ink, reading "M. Huntley", is written over a horizontal line.

Michael A. Huntley
Community and Economic Development Director

Attachments:

Attachment 1: May 9, 2017 Planning Commission regular meeting minutes

ATTACHMENT 1

May 9, 2017 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK DESIGN REVIEW BOARD
REGULAR MEETING
MAY 9, 2017**

The Design Review Board 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 9, 2017 at 7:00 p.m.

CALL TO ORDER:

Chairperson Ricky Choi called the Planning Commission meeting to order at 7:00 p.m.

SWEAR-IN: City Clerk

ROLL CALL:

Planner Tewasart called the roll:

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

Board Members Absent: None

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

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS: None

[2.] CONSENT CALENDAR:

2-A. REORGANIZATION OF THE MONTEREY PARK PLANNING COMMISSION

Action Taken: The Planning Commission (1) appointed Commissioner Larry Sullivan as the Chair pursuant to Monterey Park Municipal Code (MPMC) § 2.78.030; and (2) took additional, related, action that may be desirable.

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

Ayes: Commissioners: Sullivan, Robinson, Amador, Choi, and De Dios

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

Action Taken: The Planning Commission (1) appointed Commissioner Robinson as the Vice-Chair pursuant to Monterey Park Municipal Code (MPMC) § 2.78.030; and (2) took additional, related, action that may be desirable.

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

Ayes: Commissioners: Sullivan, Robinson, Amador, Choi, and De Dios
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

2-B. FOOD TRUCK OVERVIEW

Attorney Berger provided a brief summary of the overview. Attorney Berger stated that at the last Planning Commission meeting, the Commission asked for an overview of food truck regulations, which are included in the staff report. The City of Monterey Park does have some regulations in place with regards to them. These are mainly traffic regulations. The Planning Commission can provide some opinion to the City Council with regards to the food trucks, but the actual regulation is not a land use function and so it is outside the scope of authority for the Planning Commission.

The Planning Commission expressed concerns about several items, including traffic, financial impacts to adjacent businesses, and survey of other cities' regulations.

Commissioner Robinson stated that he had reservations about requiring consumer toilet and hand washing facilities unless there is seating provided by the food trucks.

Chairperson Sullivan inquired about the location of available restrooms within 200 feet of the food trucks. Attorney Berger replied that according to City staff there have been no complaints from any of the adjacent businesses regarding the food trucks aside from the observations from the Planning Commission regarding the crowding of the food trucks along Atlantic Boulevard. Along those lines, the Public Works Department is looking into line-of-sight issues with regards to those food trucks, taking some surveys, and making recommendations to the Traffic Commission. Beyond that the Police Department has stepped up efforts to drive by to observe that all parking restrictions are being enforced and other restrictions with regards to pedestrian traffic along the sidewalks, encroachments upon the sidewalks that all those are within acceptable perimeters for public safety.

Chairperson Sullivan stated that this discussion is purely a discussion. The City Council could if it chose to adopt additional or clarify existing regulations. The items that the Planning Commission feels need to be taken a look at falls back to the City Council.

Commission Amador stated that the Planning Commission needs more information.

Chairperson Sullivan stated that according to State law food trucks have the right to make a living on public streets. Attorney Berger replied that if this is something that the Commission is interested in having the City to examine the Commission should make a request to the City Council to direct the City Manager and staff to make those types of inquiries.

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Chairperson Sullivan stated that the Planning Commission asks the City Council for an opinion on food trucks.

Action Taken: The Planning Commission (1) Received and filed the report providing an overview of the food truck regulations; and (2) took additional, related, action that may be desirable.

[3.] PUBLIC HEARING:

3-A. CONDITIONAL USE PERMIT TO ALLOW A MASSAGE ESTABLISHMENT – 1480 MONTEREY PASS ROAD (CU-17-03)

Planner Tewasart provided a brief summary of the staff report.

Commissioner De Dios stated that according to Chapter 5.28 separate dressing and separate toilet facilities must be provided for male and female patrons. Planner Tewasart replied that that is something that can be captured during plan check.

Commissioner Choi inquired if any complaints have been received on existing massage businesses.

Chairperson Sullivan opened the public hearing.

Representative Simon Chan inquired if the customers do not need to change clothes will the dressing rooms still be required. Director Huntley replied that the item should be continued so that the applicant can modify the floor plan and resubmitted for Planning Commission review. The application was circulated to the Police Department and they do take a look at the background history of applicant. Staff does share the same concerns as the Planning Commission and the operation of these types of uses and Police Department does a thorough job of going through the application.

Commissioner Robinson inquired if there will ever be a point where the number of massage establishments will be limited. Attorney Berger replied that to some extent the City's ability to regulate massage establishments is limited by State law. The legislature has determined that as long as massage establishments are being treated and certified similar to medical assistants and medical facilities that the ability of cities to regulate massage businesses is significantly limited. The laws have shifted. It was very in favor of local control many years ago. Then the laws changed and the legislature took away all control from the cities, so all local control was lost with regards to massage establishments and permitting massage technicians. Within the past three years the law changed back to a somewhat more liberal approach, but the city still does not have the ability to limit the number of permits that are issued or the locations because massage establishments for the most part can be nestled in with medical offices and be put into strip malls.

Commissioner Robinson stated that he wanted to look at both sides of the equation and did not want to pass judgment on a business and deal with people respectfully.

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Chairperson Sullivan closed the public hearing.

Action Taken: The Planning Commission (1) opened the public hearing; (2) received documentary and testimonial evidence; (3) closed the public hearing; and (4) continued the requested Conditional Use Permit (CU-17-03) application to the May 23, 2017 meeting to allow the applicant time to address the comments provided by the Planning Commission.

Motion: Motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Amador, Choi, and De Dios
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

[4.] OLD BUSINESS: None.

[5.] NEW BUSINESS: None.

[6.] BOARD COMMUNICATIONS AND MATTERS: None

[7.] STAFF COMMUNICATIONS AND MATTERS:

Directory Huntley provided an update on the major development projects.

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 8:07 p.m.

Next regular scheduled meeting on May 23, 2017 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

MISSION STATEMENT

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Planning Commission Staff Report

DATE: May 23, 2017

AGENDA ITEM NO: 4-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-17-03) to allow a massage establishment – 1480 Monterey Pass Road.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Re-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-17-03), 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 State CEQA guidelines CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consist of the operation and licensing of an existing establishment.

EXECUTIVE SUMMARY:

On May 9, 2017, the Planning Commission reviewed the subject application and requested that additional information be provided on the floor plan. Additionally, the Planning Commission inquired about calls for service for existing massage businesses. According to Monterey Park Municipal Code (MPMC) § 5.28.110, separate dressing facilities have been provided for male and female patrons. Also, according to the Police Department, no complaints have been received for any of the existing massage establishments. The Crime Impact Team has been conducting routine, random checks to ensure compliance.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Planning Commission Staff Report, dated May 9, 2017
- Attachment 2: Draft Resolution
- Attachment 3: Site and floor plans

ATTACHMENT 1

Planning Commission Staff Report, dated May 9, 2017



Planning Commission Staff Report

DATE: May 9, 2017

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-17-03) to allow a massage establishment – 1480 Monterey Pass Road.

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-17-03), 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 State CEQA guidelines CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consist of the operation and licensing of an existing establishment.

EXECUTIVE SUMMARY:

The applicant, Ms Lu Lou of Annie Massage, is requesting approval of a Conditional Use Permit to allow a massage establishment at 1480 Monterey Pass Road. The property is zoned C-S (Commercial Service) and is designated C (Commercial) in the General Plan.

Staff is recommending approval of the Conditional Use Permit (CUP-17-03) subject to the conditions contained in the Resolution to address any concerns that are typically associated with a massage use. The subject tenant space is relatively small and provides space for a few foot massage chairs. The tenant space is located in a commercial plaza with several other businesses that generate regular foot traffic, which helps to minimize concerns regarding safety and security.

BACKGROUND:

The subject property is located one lot north of the northeast corner of the Monterey Pass Road and Brightwood Street. The subject lot is 18,790 square feet (0.43 acres) in size and is currently developed with two detached one-story commercial buildings situated in an L-shape configuration on the northern and eastern portions of the lot with parking located southwest, in front of the buildings. The commercial plaza is comprised of a mixture of commercial uses, including a retail eating establishment, liquor store and Laundromat. Properties located to the north and west include O-P (Office Professional) zoned lots, to the south are C-S (Commercial Services) zoned lots, and east are R-3 (High Density Residential) zoned lots. There are a total of 29 at-grade parking spaces. The property is accessible from Monterey Pass Road.

Project Description

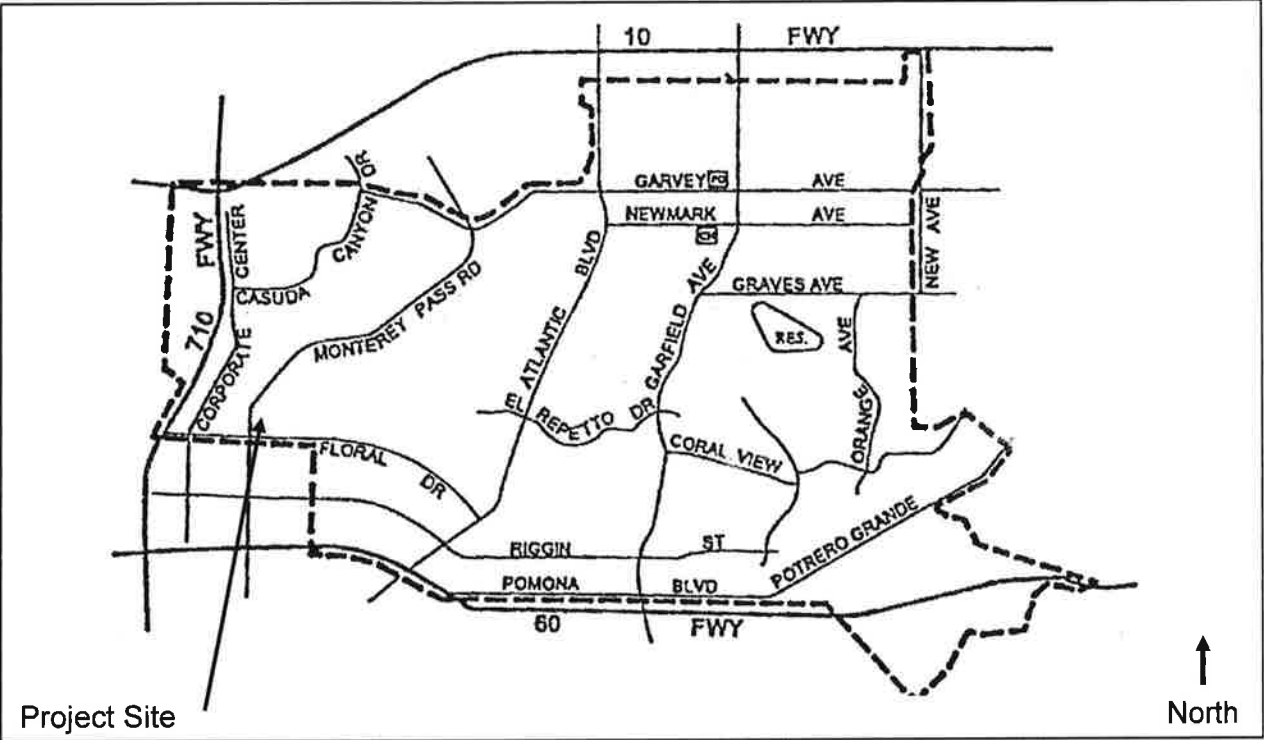
According to the floor plan, the subject unit is 600 square feet. The tenant space will have 4 foot massage chairs and a massage room that will have two massage beds. The remaining areas include a restroom and storage/utility room. The business operating hours will be Monday through Sunday from 10:00 a.m. to 8:30 p.m. and closed on Wednesday. The business owner currently operates a coin laundry business on the subject property.

According to MPMC § 21.12.030, a massage establishment is subject to the approval of a conditional use permit and must comply with regulations set forth in Chapter 5.28 Massage. According to MPMC § 5.28.110 Facilities and Operations, a massage business must comply with a list of specified requirements. Some of the requirements include minimum lighting, ventilation, and restroom to be provided in accordance with the California Building Code. The Police Department included condition numbers 6 through 12 in the Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation and required certifications.

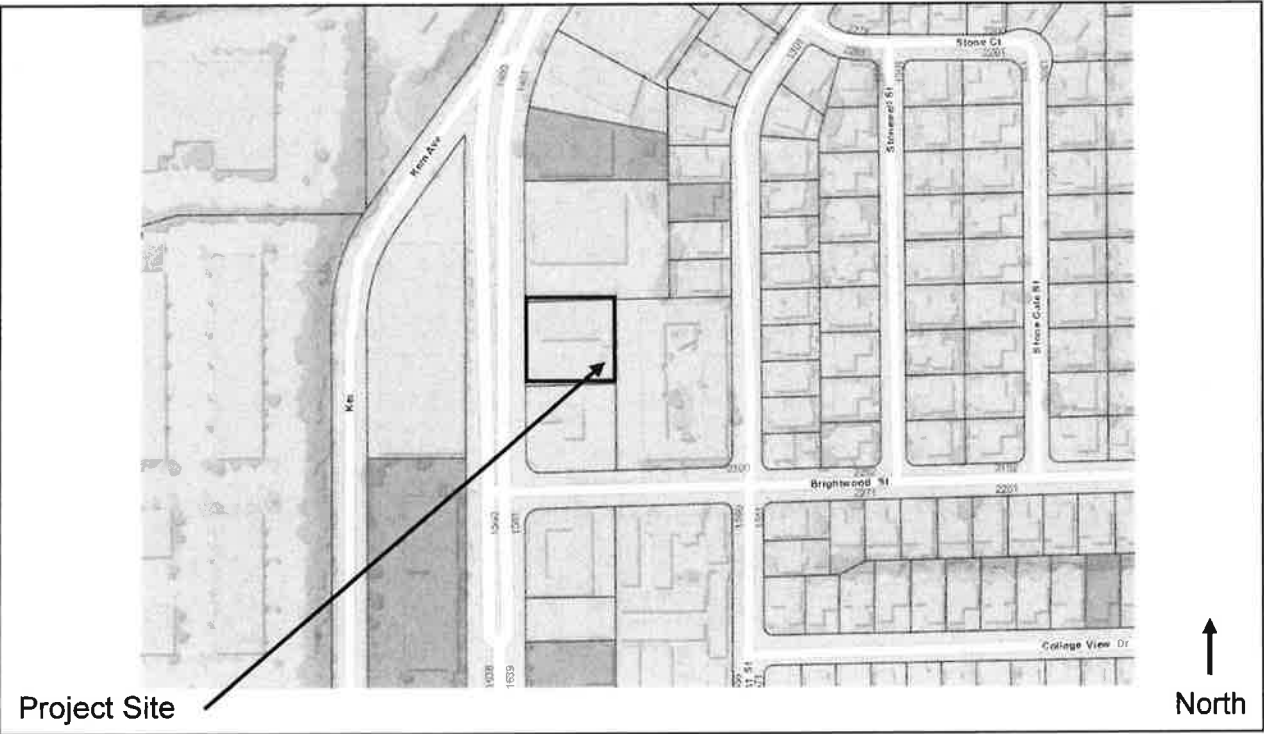
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **April 28, 2017**, with affidavits of posting on file. The legal notice of this hearing was mailed to **58** property owners within a 300 feet radius and current tenants of the property concerned on **April 28, 2017**.

Vicinity Map



Street 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 Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

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

ATTACHMENT 2

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-17-03) TO ALLOW A MASSAGE ESTABLISHMENT AT 1480 MONTEREY PASS ROAD

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

SECTION 1: The Planning Commission finds and declares that:

- A. On March 29, 2017, Ms. Lu Lou, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting approval of Conditional Use Permit (CUP-17-03) to allow a massage establishment at 1480 Monterey Pass Road ("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 May 9, 2017. After considering the matter, the Planning Commission continued the public hearing unit May 23, 2017;
- E. On May 23, 2017, 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 Lu Lou; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its May 9, 2017 and May 23, 2017 hearings 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 establish a massage business within an existing multi-tenant commercial plaza;
- B. 1480 Monterey Pass Road is zoned C-S (Commercial Services) and designated Commercial in the General Plan;
- C. The subject property is located one lot north of the northeast corner of the Monterey Pass Road and Brightwood Street;

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- D. The commercial plaza is comprised of a mixture of commercial uses, including a retail eating establishment, liquor store and Laundromat. Properties located to the north and west include O-P (Office Professional) zoned lots, to the south are C-S (Commercial Services) zoned lots, and east are R-3 (High Density Residential) zoned lots;
- E. The subject lot is 18,790 square feet (0.43 acres) in size and is currently developed with two detached one-story commercial buildings situated in an L-shape configuration on the northern and eastern portions of the lot with parking located southwest, in front of the buildings; and
- F. There are a total of 29 at-grade parking spaces. The property is accessible from Monterey Pass Road.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Existing Facilities).

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

- A. That the site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards prescribed in this code;

The site is adequate in size, shape and topography for the proposed use in that the proposed use is a massage business within an existing commercial plaza with multiple tenant spaces. No physical changes are proposed to the site;
- B. That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use;

The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The proposed use is a massage business within an existing commercial plaza and is not expected to significantly increase traffic;
- C. That the proposed use is consistent with the General Plan and any applicable specific plan; and

The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category allows for a broad range of retail and service commercial and professional office uses. The proposed use is a massage establishment within an existing commercial plaza. A massage establishment is allowed in the C-S (Commercial Services) Zone with Conditional Use Permit approval;

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- D. That the proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City;

The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts.

- E. That the proposed use will not have an adverse effect on the public health, safety and general welfare; and

The proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

- F. That the use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the Zoning Code.

The proposed massage establishment is a conditionally allowed use in the zone. The subject space is 600 square feet, which will be relatively small and generate minimal impacts to traffic and parking demands. Conditions have been included in the Resolution to address concerns relating to safety and security.

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-17-03).

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

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

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any

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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 Lu Lou 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 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 23rd day of May 2017.

Chairperson Larry Sullivan

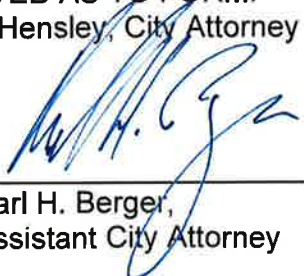
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 23rd day of May 2017, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

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

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

1480 MONTEREY PASS ROAD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Ms. Lu Lou, agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-17-03) ("Project Conditions").

PLANNING:

1. Ms. Lu Lou of Annie Massage (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-17-03 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-17-03, 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 property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.
5. A copy of the Conditions of Approval for Conditional Use Permit (CUP-17-03) must be kept on the premises of the establishment and presented to any authorized City official upon request.

POLICE:

6. The business must have security video cameras operating during all hours of business. All cameras must record onto a media device, such as a videotape,

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digital storage CPU, DVR or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, including the entrance/exits and all interiors of each room. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.

7. There must be no designated enclosed private booths/rooms for patrons.
8. No alcoholic beverages shall be permitted.
9. The business must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The manager/owner will obtain an alarm permit from the Monterey Park Police Department. The permit may be obtained by calling the Monterey Park Police Community Service Bureau.
10. The business should participate in the Monterey Park Police Department's Business Watch Program, a free service designed to educate business about minimizing criminal activity.
11. If three or more substantiated complaints within any one year period are received by the Monterey Park Police Department regarding disturbances caused by patrons of the business, whether inside or within close proximity, revocation proceedings will be initiated by the City.
12. The manager/owner must be responsible for maintaining the property free of litter and graffiti.

By signing this document, Ms. Lu Lou, that she read, understood, and agrees to the Project Conditions listed in this document.

Ms. Lu Lou, Applicant

ATTACHMENT 3

Site and floor plans