

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
November 27, 2018
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 (CU-18-03) TO ALLOW A MESSAGE BUSINESS AT 216 SOUTH GARFIELD AVENUE

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-18-03), 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 provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project entails the leasing of tenant space within an existing private structure and involves a negligible or no expansion of use beyond that which currently exists. 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. The project does not propose any physical improvements to the site or any physical changes to the existing building.

3-B ZONE CHANGE (ZC-17-02), CONDITIONAL USE PERMIT (CU-17-08), AND TENTATIVE MAP NO. 82002 (TM-17-09) TO SUBDIVIDE AIR RIGHTS TO CONSTRUCT AN 87-UNIT MIXED-AFFORDABLE SENIOR CITIZEN HOUSING DEVELOPMENT AT 338-400 SOUTH ALHAMBRA AVENUE

It is recommended that the Planning Commission:

- (1) Continue Zone Change (ZC-17-02), Conditional Use Permit (CU-17-08), and Tentative Map No. 82002 (TM-17-09) to December 11, 2018; and
- (2) Take such additional, related, action that may be desirable.

[4.] OLD BUSINESS - None

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on December 11, 2018.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: November 27, 2018

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 Resolution Recommending that the City Council adopt a Mitigated Negative Declaration; and Approve Zone Change (ZC-17-02), Conditional Use Permit (CU-17-08), and Tentative Map No. 82008 (TM-17-09) to construct an 87-unit mixed affordable senior-citizen housing condominium project at 338-400 South Alhambra Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Continuing the public hearing for the requested Zone Change (ZC-17-02), Conditional Use Permit (CU-17-08), and Tentative Map No. 82002 (TM-17-09) to December 11, 2018; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Staff is requesting a continuation of the application to allow for additional time to further analyze the project and new state housing legislations.

Respectfully submitted,

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

Michael A. Huntley
Community and Economic
Development Director

Prepared by:

A handwritten signature in blue ink, appearing to read "S. Tewasart", is written over a horizontal line.

Samantha Tewasart
Senior Planner

Reviewed by:

A handwritten signature in blue ink, appearing to read "N. Karpeles", is written over a horizontal line.

Natalie C. Karpeles
Deputy City Attorney



Planning Commission Staff Report

DATE: November 27, 2018

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider Conditional Use Permit (CU-18-03), a Request to allow for the operation of a new foot massage business at 216 South Garfield Avenue.

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-18-03), subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project entails the leasing of tenant space within an existing private structure and involves a negligible or no expansion of use beyond that which currently exists. 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. The project does not propose any physical improvements to the site or any physical changes to the existing building.

EXECUTIVE SUMMARY:

The applicant, John Wu, is requesting approval of a Conditional Use Permit to allow the operation of a new foot massage and facial establishment at 216 South Garfield Avenue. The proposed business would occupy tenant space of approximately 940 square feet within an existing commercial plaza. Approval of a CUP is required in order to operate a massage establishment in the City, pursuant to the Monterey Park Municipal Code ("MPMC").

Staff finds that the proposed foot massage establishment is consistent with the City's Municipal Code and the General Plan and recommends approval of Conditional Use Permit (CUP-18-03), subject to the conditions contained in the Resolution.

BACKGROUND:

216 South Garfield Avenue is zoned C-B, P-D (Central Business, Planned Development) and designated MU-I (Mixed-Use I) in the General Plan. The subject property is 77 feet wide and 220.90 feet deep, totaling 17,009 square feet. The subject property is situated on the east side of South Garfield Avenue (with two additional lots south of East Garvey Avenue) and is currently developed with four detached buildings including a BBQ restaurant, a hair salon and two single-family dwelling units.

Based on the existing square footage of the hair salon, BBQ restaurant, and two residential dwelling units, a total of 16 parking spaces are required and there are 18 existing parking spaces on the property. The property is accessible from South Garfield Avenue. Located to the north, south, and west of the subject property are one-story, multi-tenant commercial plazas, and one-story residential dwelling units to the east.

The proposed foot massage establishment will be located within an existing commercial plaza and is a conditionally allowed use in the C-B P-D zone. The subject space is 940 square feet, which will be relatively small and generate minimal impacts to traffic and parking demands. No physical changes are proposed to the site.

The tenant space will have three massage rooms. Each room will have a massage chair and a facial table. The remaining areas include a restroom and storage/utility area. The business operating hours will be Monday through Sunday from 8:00 a.m. to 8:00 p.m. The business owner currently operates an existing massage business in the City of San Gabriel.

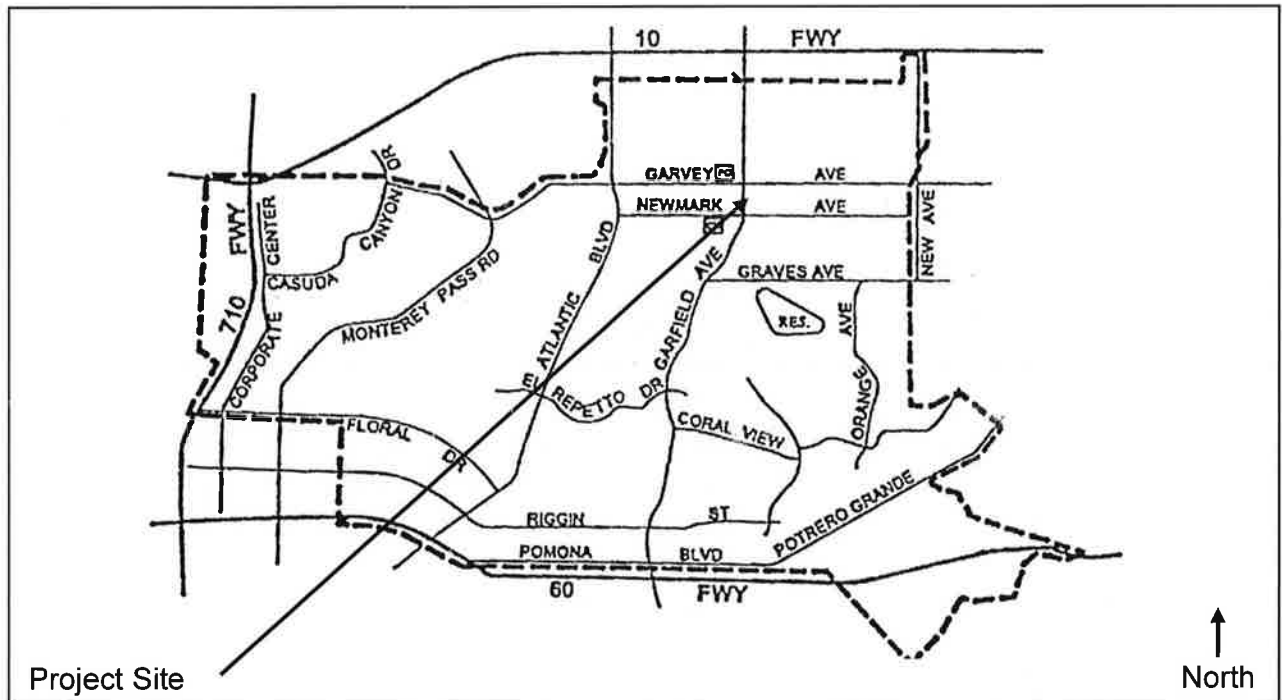
According to MPMC § 21.12.030, a massage establishment is subject to the approval of a conditional use permit and must comply with the regulations in MPMC Chapter 5.28. Specifically, per MPMC § 5.28.110, massage businesses must comply with a list of specified requirements including, without limitation, minimum lighting, necessary ventilation and the provision of mandatory restrooms – in accordance with the California Building Code. Currently, the applicant is only proposing to provide foot massage services – not body massage services – therefore separate dressing and toilet facilities for men and women are not required. However, if the business operations were to be modified to include body massage at any future date, the applicant would have to request a modification to the Conditional Use Permit and provide the dressing facilities required by MPMC § 5.28.110(g).

To date, the Police Department has not received any complaints regarding any of the existing massage establishments in the City, and the Crime Impact Team has been conducting routine, random checks to ensure compliance with the MPMC. Nevertheless, condition numbers 7 through 18 in the attached Resolution have been recommended by the Police Department to include security and alarm requirements. As with any other massage establishment in the City, the Police Department will monitor the subject property relative to safety considerations including, without limitation, hours of operation and required certifications. Lastly, the business owner must be responsible for maintaining an up-to-date roster of employees and copies of all required licenses from the California Massage Therapy Council for each technician administering massage services prior to the issuance of a business license.

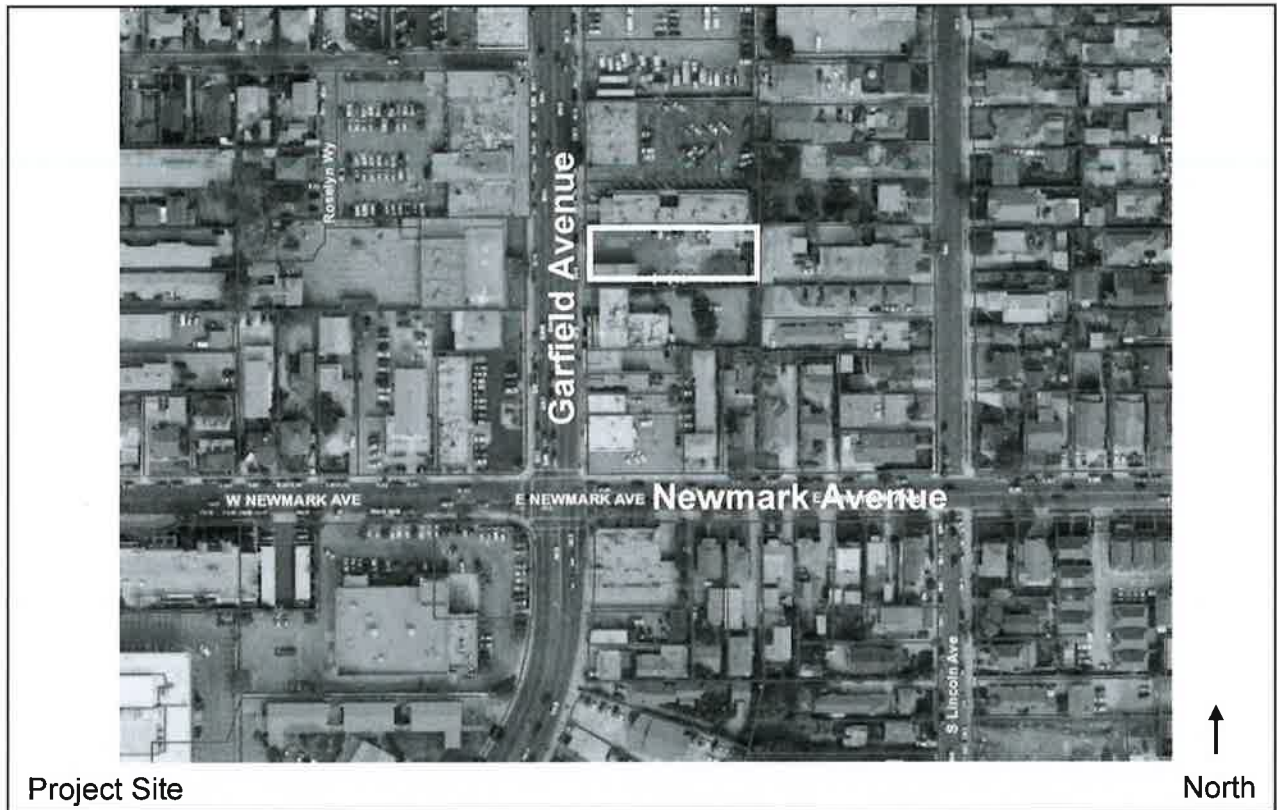
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **November 13, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **81** property owners within a 300 feet radius and current tenants of the property concerned on **November 13, 2018**.

Vicinity Map



Aerial Map



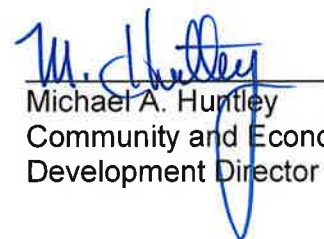
ALTERNATIVE COMMISSION CONSIDERATIONS:

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,

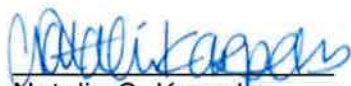

Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

Attachments:

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

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-18-03) TO ALLOW A MESSAGE BUSINESS AT 216 SOUTH GARFIELD AVENUE

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

SECTION 1: The Planning Commission finds and declares that:

- A. On September 27, 2018, John Wu, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting approval of Conditional Use Permit (CUP-18-03) to allow a foot massage and facial establishment at 216 South Garfield Avenue ("Project");
- B. The proposed Project is located in the C-B, P-D zone, where such massage use is permitted with a CUP for the specified zoning district. 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 and 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"));
- C. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for November 27, 2018;
- D. On November 27, 2018, 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
- E. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its November 27, 2018 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 is requesting approval of a CUP to establish a foot massage and facial establishment within an existing multi-tenant commercial property. The tenant space will have three massage rooms. Each room will have a massage chair and a facial table. The remaining areas include a restroom and storage/utility area. The business operating hours will be Monday through Sunday from 8:00 a.m. to 8:00 p.m.;
- B. 216 South Garfield Avenue is zoned C-B, P-D (Central Business, Planned Development) and designated MU-I (Mixed-Use I) in the General Plan. A foot massage business is a conditionally allowed use in the C-B, P-D zone;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 5**

- C. The subject property is located on the east side of South Garfield Avenue and two lots south of East Garvey Avenue.
- D. The lot is 77 feet wide and 220.90 feet deep, totaling 17,009 square feet. The subject property is situated on the east side of South Garfield Avenue (with two additional lots south of East Garvey Avenue) and is currently developed with four detached buildings including a BBQ restaurant, a hair salon and two single-family dwelling units.
- E. Based on the square footage of the hair salon, BBQ restaurant, and two residential dwelling units, a total of 16 parking spaces are required and there are 18 existing parking spaces on the property. The property is accessible from South Garfield Avenue.
- F. Located to the north, south, and west of the subject property are one-story, multi-tenant commercial plazas, and one-story residential dwelling units to the east.
- G. The subject space is 940 square feet, which will be relatively small and generate minimal impacts to traffic and parking demands. No physical changes are proposed to the site.
- H. Condition numbers 7 through 18 in the attached Resolution have been recommended by the Police Department to address security and alarm requirements. The Police Department will monitor the subject property relative to safety considerations including, without limitation, such as hours of operation and required certifications.

SECTION 3: Environmental Assessment. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), per State CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project entails the leasing of tenant space within an existing private structure and involves a negligible or no expansion of use beyond that which currently exists. 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. The project does not propose any physical improvements to the site or any physical changes to the existing building.

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

- A. 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. The tenant space of approximately 940-square feet is adequate in size and shape to accommodate the operation of the proposed primary foot massage business. No additional square footage would be added to the building footprint and no physical changes are proposed to the site;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 5**

- B. 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. South Garfield Avenue will continue to be able to accommodate the amount of traffic generated by the proposed massage use that is to occupy tenant space within an existing commercial plaza. The proposed use is not expected to significantly increase traffic;
- C. 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;
- 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 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. The massage business is to provide distinctive and appropriate use within the C-B, P-D zone and it is professional in nature and consistent with the low-impact businesses nearby, such as the BBQ restaurant and hair salon.
- E. 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. Conditions have been included in the Resolution to address concerns relating to safety and security and the massage business will be designed and operated in accordance with City standards. Additionally, the Police Department will monitor the subject property relative to safety considerations include, without limitation, hours of operation and required certification.
- F. The proposed use applied for at the location is properly one authorized by conditional use permit pursuant to the Zoning Code. MPMC § 21.12.030 specifically allows for a massage establishment in the C-B, P-D (Central Business, Planned Development) Zone with Conditional Use Permit approval.

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-18-03).

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

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 5**

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 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 John Wu 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 27th day of November 2018.

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 27th day of November 2018, by the following vote of the Planning Commission:

AYES:

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 5 OF 5**

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

216 SOUTH GARFIELD AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), John Wu, agrees that he will comply with the following conditions of approval for Conditional Use Permit (CUP-18-03) ("Project Conditions").

PLANNING:

1. John Wu (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-18-03 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-18-03, 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 one 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 and/or business operator successors must comply with the provisions established in Monterey Park Municipal Code Chapter 5.28 Massage.
4. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
5. 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.
6. A copy of the Conditions of Approval for Conditional Use Permit (CUP-18-03) must be kept on the premises of the establishment and presented to any authorized City official upon request.

**PLANNING COMMISSION
RESOLUTION NO.**

POLICE:

7. Adequate exterior lighting must be provided so that all outside perimeter area are visible during the hours of darkness. All lighting locations and intensity must conform to appropriate codes and are subject to the approval of the Police Department.
8. 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, 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.
9. No alcoholic beverages are permitted.
10. Access to the roof of the building must be locked and secured and restricted to maintenance personnel, building management, or other authorized personnel.
11. 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.
12. 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.
13. 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.

**PLANNING COMMISSION
RESOLUTION NO.**

14. The manager/owner is responsible for maintaining the property free of litter and graffiti.
15. 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.
16. The Chief of Police reserves the right to revoke any or all permits issued to the 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.
17. The hours of operation for the business must be restricted from 8:00 a.m. to 8:00 p.m. Monday through Sunday. Hours of operation are subject to change and are at the discretion of the Chief of Police.
18. 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, John Wu, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

John Wu, Applicant

ATTACHMENT 2

Site and floor plans