

PLANNING COMMISSION OF MONTEREY PARK AGENDA

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

**Tuesday
October 24, 2023
6:30 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.

LAND ACKNOWLEDGMENT

We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplift the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

GENERAL INFORMATION

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

PUBLIC PARTICIPATION

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 Chairperson and Planning Commission Members may change the amount of time allowed for speakers. Written Communication will be accepted up to 24 hours before the meeting via email to planningpermitcounter@montereypark.ca.gov

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 Chiang

FLAG SALUTE

Commissioner Wilson

ROLL CALL

Chairperson Jack Chiang, Vice Chairperson Tammy Sam, Peter Fung, Jasmine Pesantes, Bethelwel Wilson

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take discuss, deliberate, or 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.

ORAL AND WRITTEN COMMUNICATIONS

[1.] PRESENTATIONS – None.

[2.] CITY OF MONTEREY PARK – CONSENT CALENDAR

2-A. APPROVAL OF MINTUES

It is recommended that the Planning Commission consider:

- (1) Approving the minutes from the meeting of the Planning Commission of Monterey Park on September 27, 2022; and
- (2) Taking such additional, related action that may be desirable.

[3.] PUBLIC HEARING

3-A. CONTINUED PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP-23-04) – TO ALLOW AN MASSAGE ESTABLISHMENT TO OPERATE ON PROPERTY LOCATED AT 501 WEST GARVEY AVENUE, UNIT 106

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) After considering the evidence received during the public hearing, adopting a resolution approving the requested Conditional Use Permit (CUP-23-04), subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

The City reviewed the environmental impacts of the Project under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the “CEQA Guidelines”). CEQA Guidelines § 15301 (Existing Facilities) exempts existing facilities from further review, including, without limitation, negligible expansions of existing uses. This Project will not have a significant effect on the environment because the Project consists of a conditional use permit to establish an afterschool day care center within an existing building where no exterior improvements or expansions are proposed. Accordingly, this Project is exempt from further review pursuant to CEQA Guideline § 15301.

[4.] OLD BUSINESS – None.

[5.] NEW BUSINESS

5-A. RECEIVE AND FILE – DISCUSSION OF PENDING MONTEREY PARK MUNICIPAL CODE UPDATES TO TITLE 21 (ZONING)

It is recommended that the planning commission consider:

- (1) Receiving and filling a report regarding pending updates to the Monterey Park Municipal Code (“MPMC”);
- (2) Making a recommendation to the City Council by minute order regarding the process for pending updates to the MPMC as contained in *Pending Monterey Park Municipal Code Updates Draft Work Program* (“Draft Program”); and
- (3) Taking such additional, related, action that may be desirable.

[6.] COMMISSION COMMUNICATIONS

[7.] FUTURE AGENDA ITEMS

ADJOURN

Next regular scheduled meeting is on November 14, 2023.

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
September 27, 2022**

The Planning Commission of the City of Monterey Park held a regular meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, September 27, 2022 at 6:30 p.m.

CALL TO ORDER:

Chairperson Tammy Sam called the Planning Commission meeting to order at 6:32 pm.

FLAG SALUTE:

Vice Chairperson Choi led the Flag Salute.

ROLL CALL:

Planner Chow called the roll:

Commission Members Present: Tammy Sam, Ricky Choi, Jack Chiang, Peter Fung,
Jasmine Pesantes

Commission Members Absent: None

ALSO PRESENT: Jessica Serrano, Interim Community Development Director, Beth Chow, Senior Planner, Deputy City Attorney Joaquin Vazquez

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS:

None.

ORAL AND WRITTEN COMMUNICATIONS:

None.

[1.] PRESENTATIONS:

None.

[2.] CITY OF MONTEREY PARK - CONSENT CALENDAR:

Matters listed under consent calendar are considered to be routine, ongoing business and are enacted by one motion unless specified.

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2-A APPROVAL OF MINUTES

Action Taken: The Planning Commission approved the minutes for the regular Planning Commission meetings of March 8, 2022, April 12, 2022, May 10, 2022, and July 27, 2022.

Motion: Moved, by Vice Chairperson Choi and seconded by Commissioner Pesantes.
Motion carried by the following vote:

Ayes:	Commissioners:	Sam, Choi, Chiang, Fung, Pesantes
Noes:	Commissioners:	None
Absent:	Commissioners:	None
Abstain:	Commissioners:	None

[3.] PUBLIC HEARING:

3-A CODE AMENDMENT (ZCA 22-01) TO ESTABLISH INCLUSIONARY HOUSING REQUIREMENTS OF FOR CERTAIN RESIDENTIAL AND MIXED-USE DEVELOPMENT PROJECTS, APPLICABLE CITYWIDE

Interim Director Serrano shared a public comment made by Linda Tang who expressed both her support and concerns with the inclusionary housing requirements.

Interim Director Serrano presented the staff report for Zoning Code Amendment (ZCA)-22-01 to establish inclusionary housing requirements for qualifying residential and mixed-use projects. The staff report included information regarding applicability and exemptions, target income groups, alternative compliance methods, additional standards, and a modification and waivers section.

Chairperson Sam opened the public hearing.

Commissioner Pesantes stated that a lack of housing supply is one of the biggest contributing factors to housing affordability. She recommended removing moderate income households as a target for affordable housing.

Commissioner Fung mentioned that developers may feel as if the Inclusionary Housing Ordinance (IHO) requirements are penalties for not providing a certain number of units. He stated that this penalty will discourage the overall development of units and will contribute to the supply issue previously mentioned by Commissioner Pesantes.

Commissioner Chiang asked if there is a housing division that would verify, enforce and administer the affordable housing agreements. Interim Director Serrano stated there was no dedicated city staff and that a housing consultant would be necessary to help administer this program.

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Commissioner Chang sought clarification regarding the use of in lieu fees; he asked if the fees would be accumulated by the city to develop its own 100% affordable projects or partner with a developer in order to facilitate development. Interim Director Serrano clarified that fees would most likely be used to leverage development and help fund affordable housing developers.

Commissioner Chiang suggested that in lieu fees should be paid at the time of building permit issuance rather than before issuance of a certificate of occupancy to mitigate issues from developers who do not comply.

Commissioner Chiang asked for clarification regarding the applicability of modifications and waivers. Deputy City Attorney Vazquez clarified that modifications and waivers would apply for instances where a developer feels that the IHO requirements take away investment opportunities. This would avoid any legal entanglement.

Commissioner Chiang and Commissioner Sam sought clarification regarding the type of development standards affordable housing would have to comply with. Interim Director Serrano clarified that all development would have to comply with the development standards found in the municipal code as well as be critiqued for design by staff.

Commissioner Chiang asked if the affordable units required for a development would encompass the base density permitted on a lot or if a density bonus would automatically be applied to the project.

City Deputy Attorney Vazquez clarified that the units could be taken from the base density allowed on a lot or a developer may seek a density bonus, further IHO requirements do not automatically induce a density bonus; developers must apply for density bonuses.

Commissioner Fung suggested that a density bonus should automatically be applied to affordable housing projects.

Commissioner Chiang suggested in lieu fees be paid for whole units as opposed to fractional units.

Commissioner Chiang expressed opposition for excluding moderate income households from qualifying for affordable housing units. Vice Chairperson Choi agreed and did not believe any category should be excluded from qualifying for affordable housing.

Chairperson Sam expressed concern regarding the quality of affordable units in a development. She suggested all units in a development be of the same quality versus a comparable quality as is currently stated in the ordinance. She suggested there should be dedicated staff to track and enforce the quality of affordable units.

The Commission suggested lowering the requirement to 10-14% rental unit percentage rate be implemented to maintain a competitive edge against neighboring cities.

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Chairperson Sam suggested that the 25% surety for off-site units be established at the commencement of off-site units being developed.

Commissioner Chiang suggested more fee-based compliance in order for the city to have a large enough fund to develop its own 100% affordable units.

Commissioner Fung disagreed and suggested developers be encouraged to provide units instead of in lieu fees.

Audience member Vinh with the Garvey School Board thanked the commissioners for their work and their ideas. Vinh suggested encouraging the creation of units versus collecting in lieu fees.

Chairperson Sam closed the public hearing.

Interim Director Serrano restated recommendations being made to City Council regarding changes and the adoption of the ordinance.

The following Commission recommendations were made:

Provide incentives to developers who provide more affordable units than the minimum required amount.

Lower the percentage of affordable units that are required to 10-12%.

Chairperson Sam temporarily opened the public hearing to allow audience member Vinh to suggest the percentage should be a sliding scale.

Chairperson Sam closed the public hearing.

Credits should be provided for developments that include affordable unit for the low and extremely low-income categories.

Collection of linkage fees for all developments to aid in City owned property and projects.

Action Taken: The Planning Commission voted to approve the ordinance with the recommended changes.

Motion: Moved, by Commissioner Choi and seconded by Chairperson Sam, motion carried by the following roll-call vote:

Ayes:	Commissioners:	Sam, Choi, Chiang, Fung, Pesantes
Noes:	Commissioners:	None
Absent:	Commissioners:	None
Abstain:	Commissioners:	None

[4.] OLD BUSINESS: 4-A TENTATIVE PARCEL MAP NO. 82319 (TM-19-02) TO ALLOW THE CREATION OF A TWO-PARCEL SUBDIVISION IN THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONE – 1374 S. GRANDRIDGE AVENUE

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Interim Director Serrano informed commissioners that the applicant requested the item be tabled.

Chairperson Sam asked for clarification regarding the applicant's request.

Interim Director Serrano explained that the applicant is resolving issues that arose with the project and if this item is brought back to the Commission, it will be re-noticed.

Action Taken: The Planning Commission voted to table item 4-A.

Motion: Moved, by Commissioner Pesantes and seconded by, Vice Chairperson Choi motion carried by the following vote:

Ayes:	Commissioners:	Sam, Choi, Chiang, Fung, Pesantes
Noes	Commissioners:	None
Absent:	Commissioners:	None
Abstain:	Commissioners:	None

[5.] NEW BUSINESS:

None.

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

Commissioner Chiang mentioned he received a letter from TRC, the management group for Atlantic Square concerning Raising Canes and requested details of a compliance report related to an applicant's project.

Chairperson Sam, Commissioner Pesantes, and Commissioner Fung confirmed their unavailability for the October 11th meeting.

[7.] FUTURE AGENDA ITEMS:

None.

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 9:37 p.m.

Jessica Serrano
Director of Community Development

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Planning Commission Staff Report

DATE: October 24, 2023

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Jessica Serrano, Director of Community Development
SUBJECT: A public hearing to consider Conditional Use Permit No. 23-04 ("CUP-23-04"), a request to allow a massage establishment to operate within the Central Business ("C-B") zone on property located at 501 West Garvey Avenue, Unit 106, (Assessor's Parcel Number 5256-011-102) ("Subject Property").

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) After considering the evidence received during the public hearing, adopting a Resolution approving the requested Conditional Use Permit (CUP-23-04), subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the Project under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines § 15301 (Existing Facilities) exempts existing facilities from further review, including, without limitation, negligible expansions of existing uses. This Project will not have a significant effect on the environment because the Project consists of a conditional use permit to establish a massage establishment within an existing building where no exterior improvements or expansions are proposed. Accordingly, this Project is exempt from further review pursuant to CEQA Guideline § 15301.

EXECUTIVE SUMMARY:

Mr. Ka Wing Lee (the "Applicant") requests approval of a conditional use permit ("CUP") to allow the operation of a new massage establishment at 501 West Garvey Avenue, Unit 106, pursuant to the Monterey Park Municipal Code ("MPMC") §21.12.030(F)(2). This item was brought to the regularly scheduled Planning Commission meeting on October 10, 2023, but was adjourned due to a lack of quorum, pursuant to Government Code §

54955. The proposed business would occupy a tenant space, approximately 1,403 square feet in size, within an existing commercial development.

Staff finds that the proposed massage establishment is consistent with the City's Municipal Code and the General Plan and recommends approval of CUP-23-04, subject to the conditions contained in Exhibit A of the Resolution.

TYPE OF ACTION (QUASI-JUDICIAL)

The recommended action is to adopt a CUP. In considering such actions, the Planning Commission acts in a quasi-judicial role. In doing so, the Planning Commission acts like a court: it applies facts gathered during a public hearing to existing law. Just like a court, the Planning Commission can only consider facts that are relevant to the case. A party appearing before the legislative body is entitled to:

- Notice of the proposed action;
- Reasons for the action;
- A copy of the evidence on which the action is based; and
- The right to respond before a reasonably impartial, noninvolved reviewer.

The Planning Commission must base its decisions upon substantial evidence within the record. "Substantial evidence" generally means enough relevant information and reasonable inferences from information gathered during a public hearing that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts does not constitute substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. If the Planning Commission asks irrelevant questions and bases its decision-making on such questions, a court may overturn the Planning Commission's decision and potentially hold the City liable for violating the applicant's constitutionally protected due process rights.

To approve the CUP (per MPMC § 21.32.020), the Planning Commission must find 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 the MPMC;
- 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 consistent with the General Plan and any applicable specific plan;

- The proposed project 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;
- That the proposed use will not have an adverse effect on the public health, safety and general welfare; and
- That the use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to this code.

BACKGROUND:

The Subject Property is within an existing commercial development located at the northwest corner of Ynez Avenue and Garvey Avenue. It has a zoning designation of C-B and a General Plan land use designation of Mixed Use. The Subject Property is rectangular in shape, approximately 25,170 square feet in size, and consists of a single parcel. It is currently developed with a two-story commercial center and a two-story office building comprised of multiple tenant spaces and accessible off Ynez Avenue and Garvey Avenue (see Figure 1).

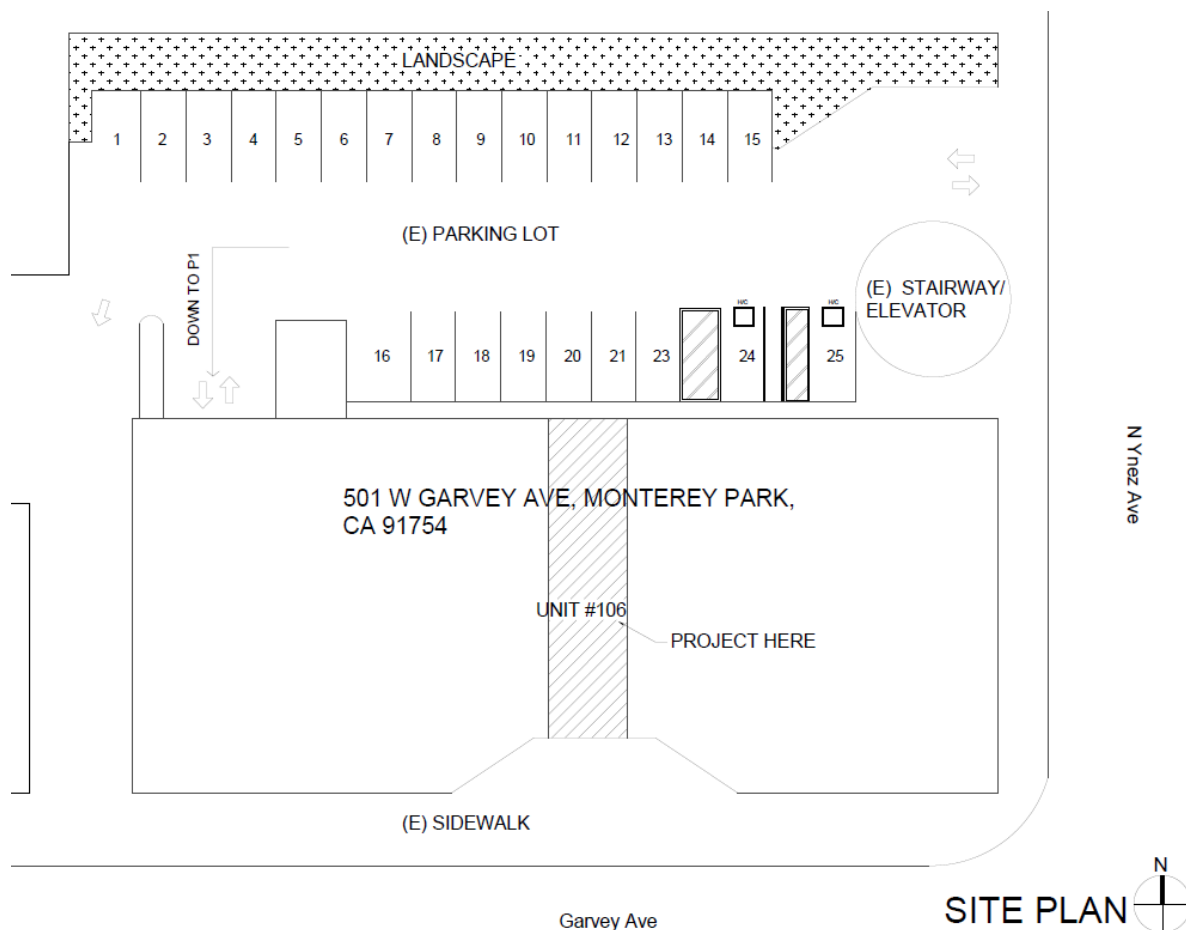


Figure 1: Site Plan

Surrounding land uses include a multi-family residential development to the north and commercial developments to the east (across Ynez Avenue), south (across Garvey Avenue), and west.

ANALYSIS:

The proposed massage establishment will be located within Unit 106 of the Subject Property and is a conditionally allowed use in the C-B zone. Unit 106 is an approximately 1,403 square feet single tenant space. No physical changes are proposed to Unit 106 other than interior tenant improvements. This applicant currently owns and operates another massage establishment at 654 West Garvey Avenue, within the City, and will be relocating to this site.

The Applicant proposes to provide foot and body massage services with operating hours Monday through Sunday from 10:00 a.m. to 9:30 p.m. The business anticipates around 20 daily customers. The Applicant has represented that there will be five massage therapists that will provide services. Unit 106 will have a lobby, four massage rooms, one employee break room (on the mezzanine level), a reception counter, a washer & dryer, and an all-gender restroom.

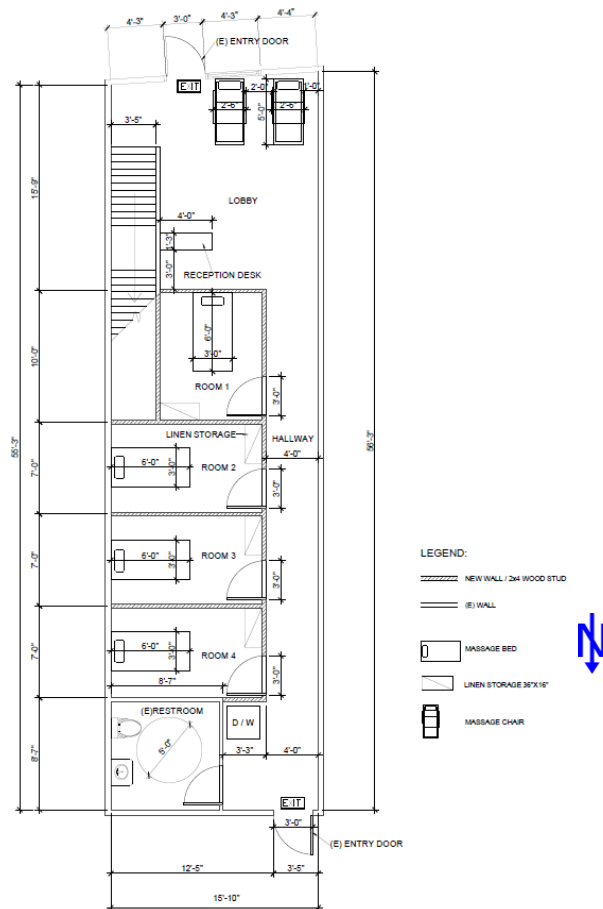
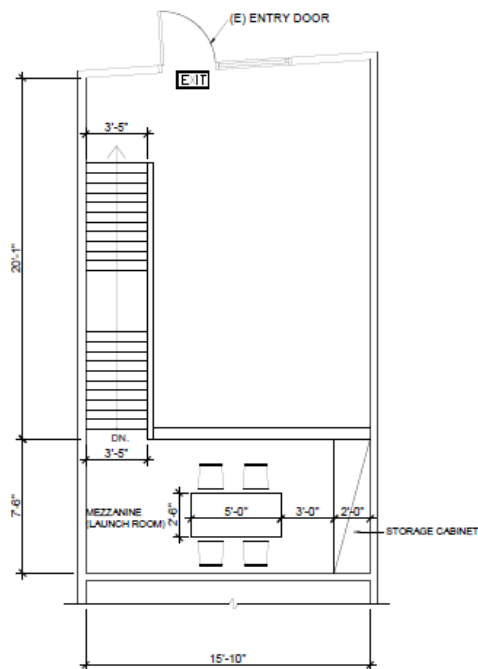


Figure 2: Proposed 1st Floor Plan



LEGEND:

-  NEW WALL / 2x4 WOOD STUD
-  (E) WALL



Figure 3: Proposed Mezzanine Floor Plan

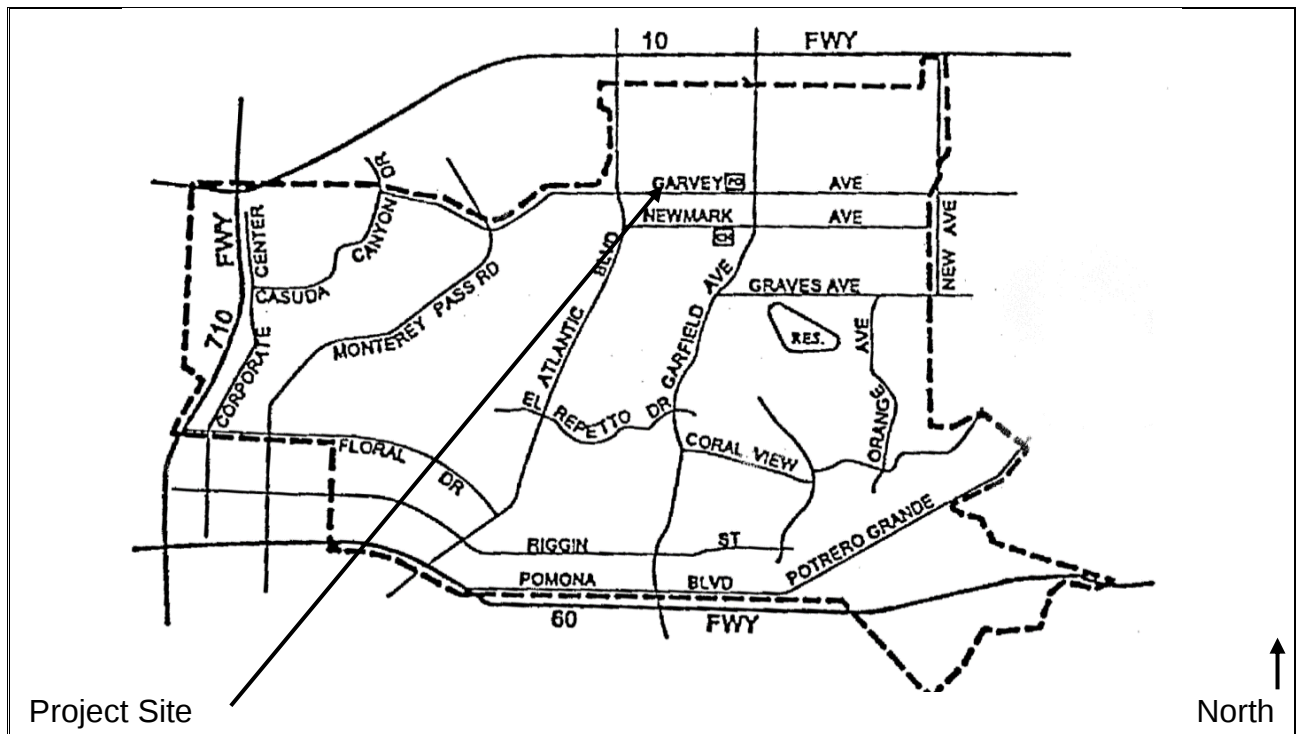
According to MPMC § 2110.030, a massage establishment is subject to the approval of a CUP and must comply with the regulations in MPMC Chapter 5.28. Specifically, per MPMC § 5.28.110, massage businesses must comply with a list of specified requirements including, without limitation, minimum lighting, necessary ventilation, and the provision of mandatory restrooms, in accordance with the California Building Code.

MPMC Chapter 5.28 also dictates standards for the owners, operators, or employees of massage establishments. The owner or owners, with at least a five-percent interest in the business, must maintain certification from the California Massage Therapy Council ("CAMTC") or pass a background check. Additionally, every person or employee conducting massage services must hold a valid certification with the CAMTC. Overall, the proposed use is consistent with the City's Municipal Code and the General Plan and staff recommends approval of CUP-23-01, subject to the conditions of approval contained in Exhibit A of the Resolution.

Legal Notification

The legal notice of this hearing was published in the Monterey Park Press and posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on September 28, 2023, with affidavits of posting on file. The legal notice of this hearing was mailed to 128 property owners within a 300-foot radius of the property concerned on September 28, 2023.

Vicinity Map



Aerial Map



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,



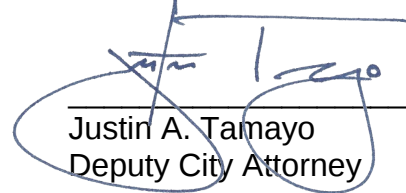
Jessica Serrano
Director of Community Development

Prepared by:



Kevin Tan
Assistant Planner

Reviewed by:



Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

1. Resolution, with Exhibit "A"
2. Site & Floor Plans
3. Notice of Exemption

ATTACHMENT 1

Resolution, with Exhibit "A"

RESOLUTION NO. _____

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT NO. 23-04
(CUP-23-04) TO ALLOW A MESSAGE BUSINESS WITHIN THE
CENTRAL BUSINESS (C-B) ZONE ON PROPERTY LOCATED AT 501
WEST GARVEY AVENUE, UNIT 106**

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

SECTION 1: The Planning Commission finds and declares that:

- A. On June 6, 2023, Mr. Ka Wing Lee (“Applicant”), submitted an application, pursuant to Monterey Park Municipal Code (“MPMC”) §§ 5.28.050 and 21.32.020, requesting approval of conditional use permit No. 23-04 (“CUP-23-04”) to allow a massage establishment (“Project”) at 501 West Garvey Avenue, Unit 106 (the “Subject Property”);
- B. The proposed Project is located in the Central Business (C-B) zone, where such massage use is permitted with a CUP for the zoning district;
- C. The proposed Project was reviewed by the City of Monterey Park, Community 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”));
- D. The Community Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for October 10, 2023;
- E. Notices of Public Hearing before the Planning Commission were duly given and published in the time, form, and manner as required by law;
- F. On October 10, 2023, the item was brought to the regularly scheduled Planning Commission meeting, but was adjourned due to lack of quorum, pursuant to Government Code § 54955. Pursuant to Government Code § 54955, the duly noticed public hearing agenda item has been continued, and will be heard on October 24, 2023;
- G. On October 24, 2023, 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
- H. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its October 24, 2023 hearing including, without

limitation, the staff report submitted by the Director of Community Development Department.

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

- A. This Applicant is requesting approval of CUP-23-04 to establish a massage establishment within an existing multi-tenant commercial property. Unit 106 will have a lobby, four massage rooms, one employee break room (on the mezzanine level), a reception counter, a washer & dryer, and an all-gender restroom. The business operating hours will be Monday through Sunday from 10:00am to 9:30pm;
- B. The property located at 501 West Garvey Avenue, Unit 106 has a zoning designation of Central Business (C-B) and a General Plan land use designation of Mixed Use. A massage business is a conditionally allowed use in the C-B zone;
- C. The property is rectangular in shape, and approximately 25,170 square feet in size, consisting of a single parcel, known as Assessor's Parcel Number 5256-011-102. The Subject Property is located at the northwest corner of Ynez Avenue and Garvey Avenue. It is currently developed with a two-story commercial center and a two-story office building comprised of multiple tenant spaces, with vehicular accessibility off Ynez Avenue and Garvey;
- D. Located to the north of the Subject Property is a multi-family residential development. Commercial developments are located to the south (across Garvey Avenue), east (across Ynez Avenue), and west; and
- E. The proposed tenant space is 1,403 square feet, which generate minimal impacts to traffic and parking demands. The Subject Property is within a high-quality transit corridor pursuant to Government Code Section 65863.2.

SECTION 3: Environmental Assessment.

The City reviewed the environmental impacts of the Project under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines § 15301 (Existing Facilities) exempts existing facilities from further review, including, without limitation, negligible expansions of existing uses. This Project will not have a significant effect on the environment because the Project consists of a conditional use permit to establish a massage establishment within an existing building where no exterior improvements or expansions are proposed. Accordingly, this Project is exempt from further review pursuant to CEQA Guideline § 15301.

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 development with multiple tenant spaces. The tenant space of approximately 1,403-square feet is adequate in size and shape to accommodate the operation of the proposed massage business. No additional square footage would be added to the building footprint and no physical changes are proposed to the site;
- 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. Garvey Avenue and Ynez Avenue will continue to be able to accommodate the amount of traffic generated by the proposed massage use that is to occupy a tenant space within an existing commercial building. 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 Mixed Use in the General Plan. The Mixed Use land use category allows for a broad range of retail and service commercial uses, hospitality, entertainment, medical, professional offices, and residential uses, including the proposed use of a massage establishment within an existing commercial building;
- 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. No improvements to the adjacent principal arterial of Garvey Avenue are required. The adjacent portion Ynez Avenue is designated as a secondary arterial street. Pursuant to the Circulation Element of the General Plan, collector streets are generally designed to accommodate 15,000 to 25,000 average daily trips. Therefore, said principal arterial and collector are sufficient and adequate to handle any potential increase in vehicles to and from the proposed use;
- 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 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 including, without limitation, hours of operation and required certification; and
- F. MPMC § 21.10.030 specifically allows for a massage establishment in the C-B (Central Business) Zone subject to CUP 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-23-04).

SECTION 6: Notice of Exemption. The Director of Community Development, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062, and any other applicable law.

SECTION 7: 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 8: Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 9: 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 10: Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 11: Preservation. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 12: 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 13: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 14: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 15: A copy of this Resolution will be mailed to Ka Wing Lee and to any other person requesting a copy.

SECTION 16: This Resolution is the Planning Commission's final decision and will become effective immediately upon adoption, and will remain effective unless the action is appealed within ten days pursuant to MPMC § 21.32.060, and MPMC § 1.10.

SECTION 17: The Planning Commission Chairperson, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the Planning Commission of the City of Monterey Park, and the Planning Commission Secretary is directed to attest thereto.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF MONTEREY PARK THIS 24TH DAY OF OCTOBER 2023.

Jack Chiang, Chairperson

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 24th day of October 2023, by the following vote of the Planning Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jessica Serrano, Secretary

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

By: _____
Justin A. Tamayo,
Deputy City Attorney

RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

501 WEST GARVEY AVENUE, UNIT 106

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Ka Wing Lee (the "Applicant"), agrees to comply with the following conditions of approval ("Project Conditions") for Conditional Use Permit No. 23-04 ("CUP-23-04").

PLANNING:

1. 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-23-04 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-23-04, 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. CUP-23-04 expires 12 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 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. The Applicant's failure to remove graffiti within 24 hours of written notice by the City will result in the City abating the graffiti at the Applicant's cost.
5. A copy of the Project Conditions for CUP-23-04 must be kept on the premises of the establishment and presented to any authorized City official upon request.
6. The Applicant must submit a floor plan reflecting the complete business operations, including the identification of all locations where foot or body massages are proposed, to the Director for review and approval.
7. The massage establishment must maintain the layout and floor plans approved as part of CUP-23-04. The Community Development Director, or designee, is authorized to approve minor modifications to the approved preliminary plans or any

**PLANNING COMMISSION
RESOLUTION NO.**

of the conditions if such modifications achieve substantially the same results as would strict compliance with said plans and conditions.

8. A list of all persons providing massage services at the establishment, including each person's full true name and other names used.
9. The permitted hours of operation of the business are from Monday through Sunday from 10:00 am to 9:30 pm. Customers are not allowed within the business outside of these business hours.
10. No persons other than those receiving a massage and those administering a massage may enter or remain within a room where a massage is being given.
11. Massage beds or tables used in conjunction with the business must be a table designed and manufactured for medical and massage uses. No mattresses or sleeping beds are allowed.

POLICE:

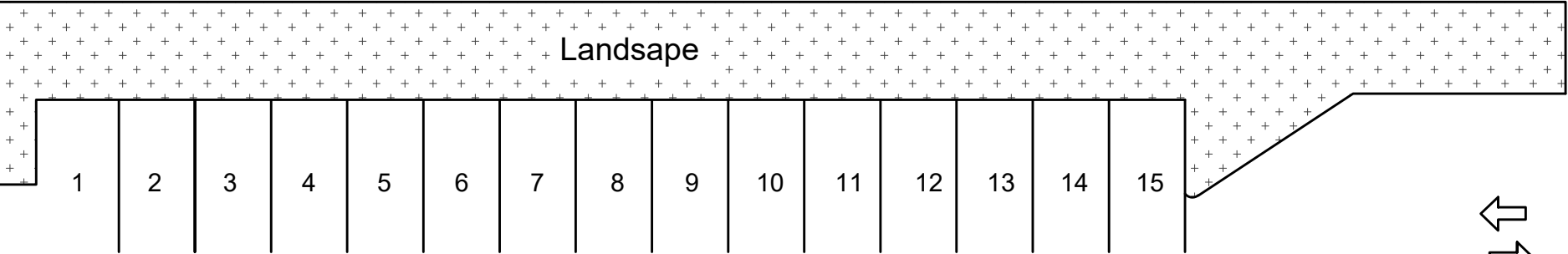
12. All payment for services, including gratuities, must be exchanged in a reception room or other central area, if any, and not within any of the massage rooms.
13. Except in emergencies, patrons must be directed to use the front or street facing entrance and exit.
14. The inside of doors to individual massage rooms or enclosures may not be fitted with locks or any device intended to prevent the opening of such doors. Doors of individual massage rooms must not be locked at any time during a massage therapy session.
15. Lockers must be provided whenever patrons are required to undress or disrobe. Male and female patrons may not be served simultaneously in the same room. Male and female patrons may not simultaneously use massage rooms, or lockers.

By signing this document, the Applicant, certifies having read and understood the Project Conditions, and agrees to comply with the Project Conditions.

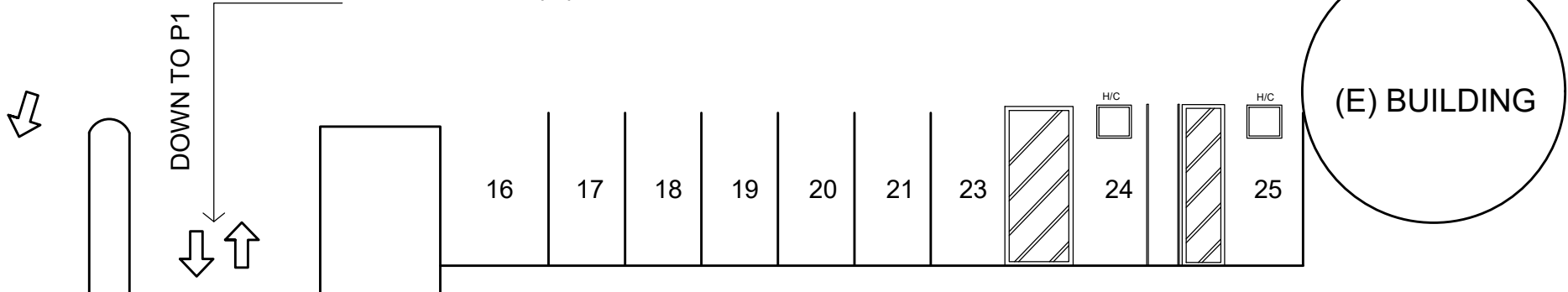
Ka Wing Lee, Applicant

ATTACHMENT 2

Site & Floor Plans



(E) PARKING LOT



501 W Garvey Ave, Monterey Park, CA 91754

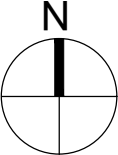
(E) BUILDING

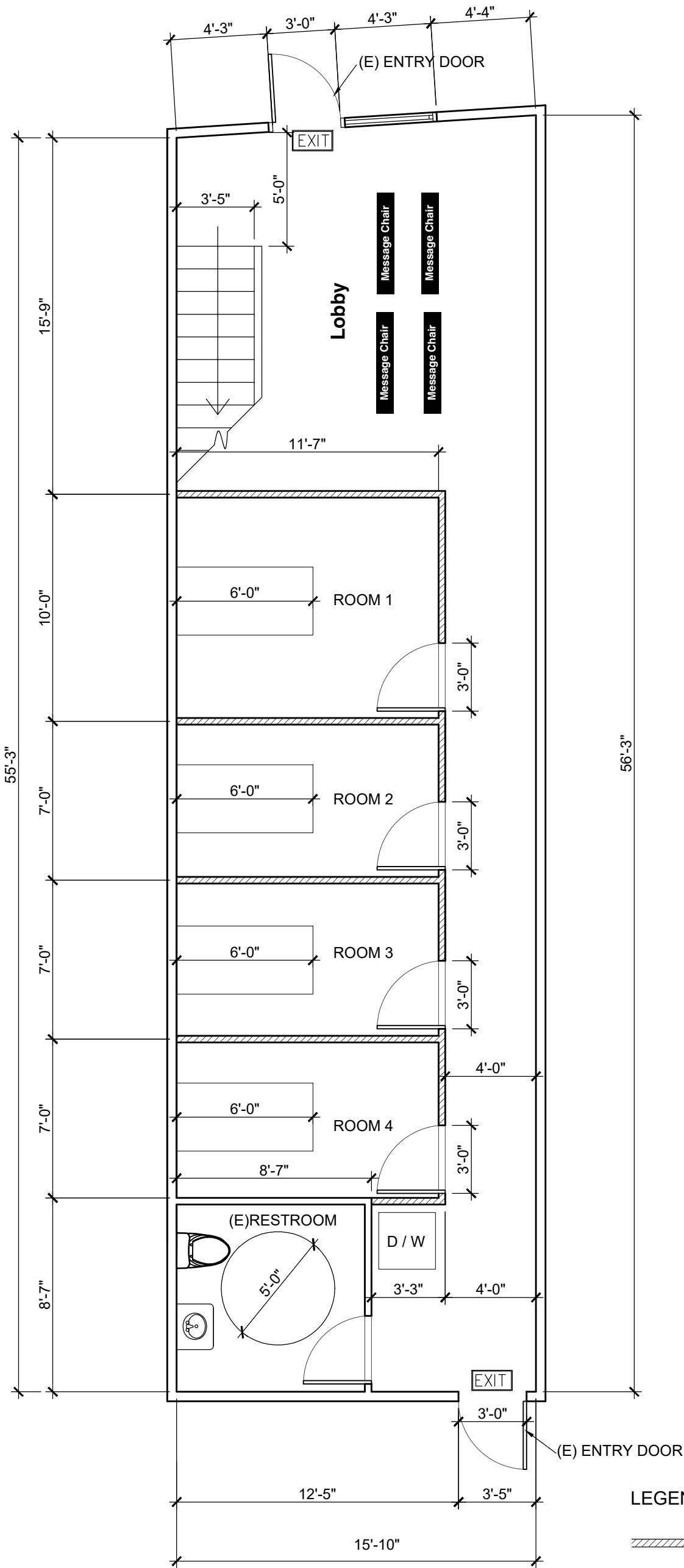
(E) SIDEWALK

N Ynez Ave

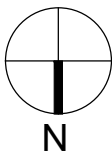
Garvey Ave

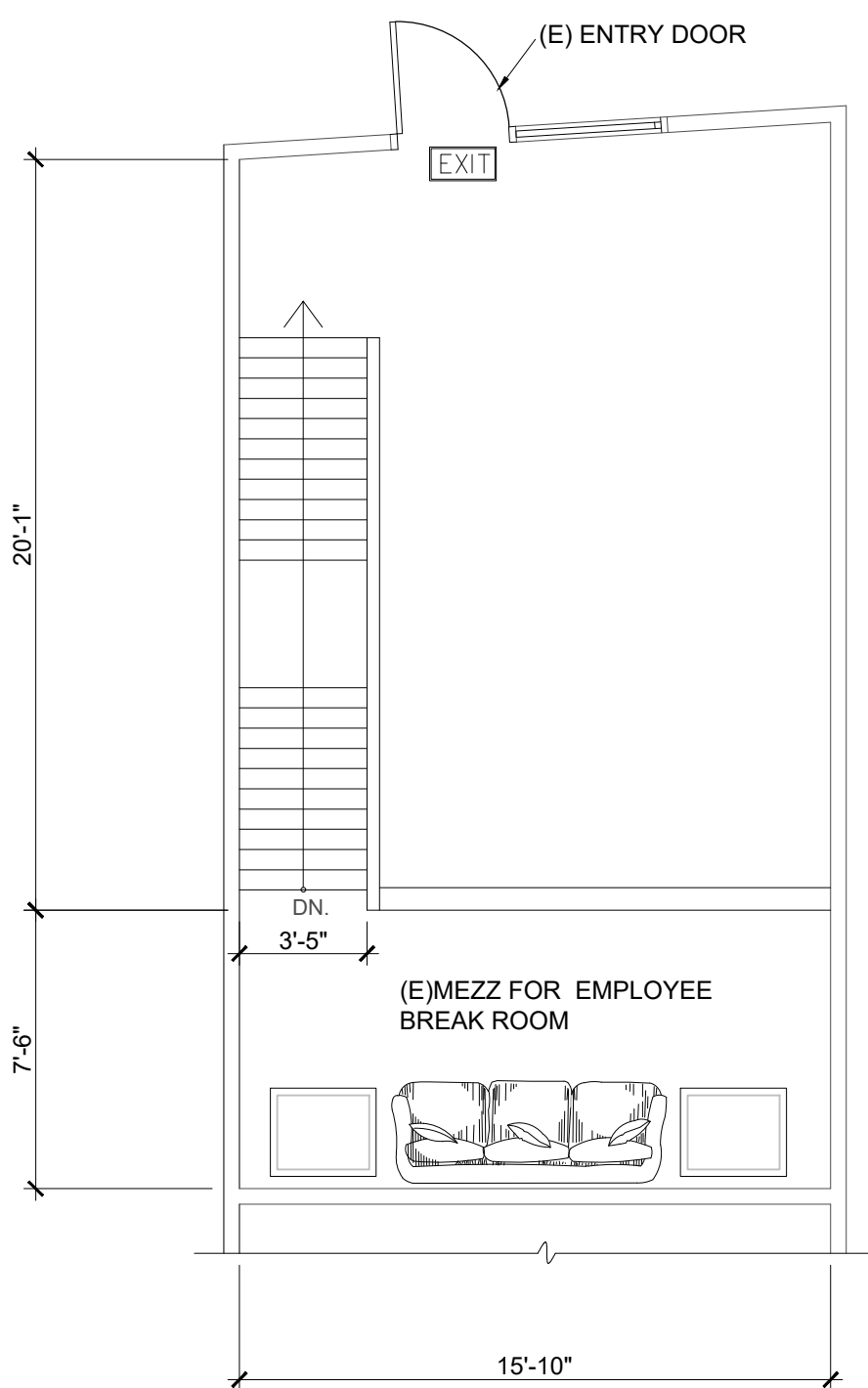
SITE PLAN





PROPOSE FLOOR PLAN



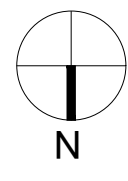


LEGEND:

//// NEW WALL / 2x4 WOOD STUD

== (E) WALL

PROPOSE MEZZANINE FLOOR PLAN



ATTACHMENT 3

Notice of Exemption

Notice of Exemption

From: City of Monterey Park Planning
320 W. Newmark Avenue
Monterey Park, CA 91754

To:

- ☒ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814
- ☐ Los Angeles, County Clerk
Environmental Filings
12400 Imperial Highway #1201
Norwalk, CA 90650
Attn: Business Filings and Registration

Project Title: Conditional Use Permit (CUP 23-04)
Project Location - Specific: 501 West Garvey Ave, Unit 106
Project Location - City: Monterey Park
Project Location - County: Los Angeles

Description of Project:
Approval of a massage establishment to operate at 501 West Garvey Avenue, Unit 106.

Name of Public Agency Approving Project: City of Monterey Park
Name of Person or Agency Carrying Out Project: City of Monterey Park

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: § 15301 (Class 1 – Existing Facilities)
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Pursuant to the California Environmental Quality Act ((Public Resources Code §§ 21000, *et seq.*; “CEQA”) and the CEQA Guidelines (14 Cal. Code of Regs. §15000, *et seq.*), the proposed use is not subject to additional environmental review. This project will not have a significant effect on the environment per CEQA Guidelines § 15301 (Class 1 Existing Facilities) because the proposed project consists of permitting of an existing private structure and therefore involves a negligible expansion of an existing use. The project does not propose any physical improvements to the site or any physical changes to the existing building.

Lead Agency Contact Person: Kevin Tan Telephone (626) 307-1302

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: Assistant Planner

- ☐ Signed by Lead Agency Date received for filing at OPR: _____
- ☐ Signed by Applicant



Planning Commission Staff Report

DATE: October 24, 2023

AGENDA ITEM NO: 5-A

TO: The Planning Commission
FROM: Jessica Serrano, Director of Community Development
SUBJECT: **RECEIVE AND FILE** - Discussion of Pending Monterey Park Municipal Code Updates.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Receiving and filling a report regarding pending updates to the Monterey Park Municipal Code ("MPMC");
- (2) Making a recommendation to the City Council by minute order regarding the process for pending updates to the MPMC as contained in *Pending Monterey Park Municipal Code Updates Draft Work Program* ("Draft Program"); and
- (3) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

With changes in California law, and approval of the Land Use & Urban Design and Housing Elements of the General Plan, the City needs to update the MPMC and conduct a series of zone changes to facilitate the implementation of the two elements. Staff amended a previously approved *Pending Monterey Park Municipal Code Updates Draft Work Program* to remove work that already has been completed and to add new work that is to be completed (Attachment 1). The intent is that the Planning Commission review, discuss, and make a recommendation to City Council on the amended Draft Program.

BACKGROUND:

On November 3, 2020, the voters of Monterey Park approved the 2040 Land Use and Urban Design Element. On January 19, 2022, the City Council approved a revised Housing Element for submission to the Department of Housing and Community Development (HCD) for its review and comment. The adopted Housing Element was amended twice to address HCD's comments and was ultimately certified and determined to be in conformance with State housing laws on March 30, 2023. Adoption of both requires changes to the MPMC that will facilitate the implementation of the two elements.

On March 8, 2022, the Planning Commission reviewed a pending code updates work program that included necessary code updates to implement the two elements and to address changes in California law. At that meeting, the Planning Commission received

and filed the report, and recommended that the City Council accept the pending code updates work program as provided by staff. On March 16, 2022, the City Council reviewed the pending code updates work program, received and filed the report, and directed staff to proceed with the pending code updates as presented.

Since these actions, the Planning Commission (as a recommending body in some cases) and City Council have taken action to adopt the following code amendments:

- a. Outdoor Dining Ordinance;
- b. Density Bonus Ordinance;
- c. Gun Regulations; and
- d. Inclusionary Housing Ordinance.

Additionally, in August 2023, the City launched *Our City, Our Plan*, which is an initiative consisting of a series of zone changes and code amendments aimed at enhancing economic prosperity throughout the City, revitalizing our Downtown, and creating affordable housing opportunities for our community. City staff made presentations on this initiative to the City Council, Planning Commission, and Business Improvement District Advisory Committee (BIDAC) and held a community workshop to inform stakeholders about the City's ongoing work which is expected to be phased and completed by the end of 2024.

Our City, Our Plan initiatives consist of:

- Zoning Code Updates:
 - o Align the Zoning Code with the Land Use & Urban Design and Housing Elements of the General Plan.
 - o Ensure that the Zoning Code fully complies with State regulations.
 - o Clean up Zoning Code to remove obsolete and outdated standards to ensure clear and accurate standards for our community.
- Zone Changes:
 - o Zoning designations will be updated for certain properties to align with the Land Use & Urban Design Element of the General Plan.
 - o Zone Changes will only impact the future development of these properties; existing structures and businesses will be allowed to remain.

Staff amended the previously approved pending code updates program to reflect upcoming zone changes and code amendments, including *Our City, Our Plan* initiatives, and additional code updates pertaining to cannabis and gun regulations. The intent of this item is to bring this list of upcoming zone changes and code amendments for Planning Commission's review, discussion, and recommendation to the City Council.

To make the project manageable and more efficient, the Draft Program is broken into three categories that are meant to reflect the complexity of the zoning regulations; this list is not a priority list. The first category, identified as "Low," include minor, simple modifications that can be completed in a relatively short time frame. The "Moderate"

category includes amendments that require additional study and preparation. The items in the “High” category relate to the approval of the General Plan elements, discussed above that require further due diligence.

Attached for the Planning Commission’s review is the Draft Program (this is a flexible document that may change over time as the need arises). Staff is streamlining the code cleanup ordinance by allowing it to proceed directly to Council as these are not substantive changes. This will be more efficient by enabling staff to take the balance of amendments that need discussion to the Planning Commission and City Council sooner if this path is followed. To assist you in your review, staff identified which Draft Program items will be submitted to the City Council by staff and/or the Planning Commission.

FISCAL IMPACT:

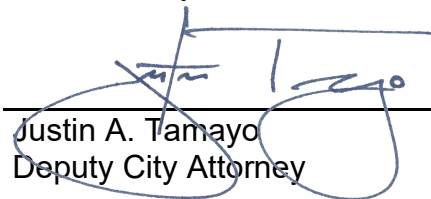
The updates to the MPMC, as described in this report, will be achieved through the collective efforts of City staff, Rincon Consultants, and City Attorney’s office. On February 15, 2023, the City Council authorized the City Manager to enter into an agreement with Rincon Consultants, in an amount not to exceed \$301,562.50 to assist the City with implementation of the General Plan and preparation of a sustainability plan. The proposed changes in the Code Update Schedule are part of this scope of work.

Respectfully submitted and prepared by:



Jessica Serrano
Director of Community Development

Reviewed by:



Justin A. Tamayo
Deputy City Attorney

ATTACHMENT:

1. *Code Update Schedule*

ATTACHMENT 1
Municipal Code Update Schedule

PENDING MONTEREY PARK MUNICIPAL CODE UPDATES DRAFT WORK PROGRAM

No.	Complexity Category	Description	Recommending Body	Approving Body
1	Low	Clean up Zoning Code to remove obsolete and outdated standards, correct inconsistencies, and add clarifying language to ensure clear and accurate standards.	None	City Council
2	Moderate	Zoning Code amendments to comply with State regulations.	Planning Commission	City Council
3	Moderate	Zoning Code amendments to implement the Housing Element programs, such as: SB 9, ADU's, flexibility in development standards, housing for special needs populations, and lot consolidation.	Planning Commission	City Council
4	Moderate	Zoning Code amendments which add new regulations which did not previously exist.	Planning Commission	City Council
5	High	Sign regulations update.	Planning Commission	City Council
6	High	Zone Changes to make Zoning Map consistent with the Land Use & Urban Design Element.	Planning Commission	City Council
7	High	Creation of new Mixed Use Zoning Ordinance to be consistent with the Mixed Use Land Use Designation.	Planning Commission	City Council
8	High	Creation of new zoning designations to be consistent with the Mixed Use Land Use Designation, such as: Public Facilities, Corporate Center, and Housing Overlays.	Planning Commission	City Council
9	High	Code amendments pertaining to cannabis.	None	City Council
10	High	Code amendments pertaining to gun regulations.	None	City Council