

**PLANNING COMMISSION OF MONTEREY PARK  
AGENDA**

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

**Tuesday  
July 26, 2022  
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.**

**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.

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 Sam

**FLAG SALUTE**

Chairperson Sam

**ROLL CALL**

Chairperson Tammy Sam, Vice Chairperson Ricky Choi, Jack Chiang, Peter Fung

**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**

**1-A. SWEARING IN OF NEW PLANNING COMMISSIONER – JASMINE PESANTES**

**[2.] CITY OF MONTEREY PARK- CONSENT CALENDAR – None.**

**[3.] PUBLIC HEARING – None.**

**[4.] OLD BUSINESS – None.**

**[5.] NEW BUSINESS**

**5-A. DISCUSSION OF OUTDOOR BUSINESS OPERATIONS**

It is recommended that the Planning Commission consider:

- (1) Providing staff with direction on potential standards and issues to consider when drafting permanent regulations for outdoor business operations; and
- (2) Take such additional, related, action that may be desirable.

**[6.] COMMISSION COMMUNICATIONS**

**[7.] FUTURE AGENDA ITEMS**

**ADJOURN**

Next regular scheduled meeting is on August 9, 2022.



# Planning Commission Staff Report

**DATE:** July 26, 2022

**AGENDA ITEM NO:** 5-A

**TO:** The Planning Commission  
**FROM:** Steve Sizemore, Interim Director of Community Development  
Jessica Serrano, Planning Manager  
**SUBJECT:** Discussion of Outdoor Business Operations

## **RECOMMENDATION:**

It is recommended that the Planning Commission consider:

1. Providing staff with direction on potential standards and issues to consider when drafting permanent regulations for outdoor business operations; and
2. Taking such additional, related, action that may be desirable.

## **BACKGROUND**

In March 2020, the City declared a state of local emergency due to the COVID-19 Pandemic (the "Pandemic") and created the Monterey Park Business Recovery Program to accelerate City approvals and promote local businesses to facilitate the rapid recovery of the local economy, promote additional economic growth, and mitigate the effects of the Pandemic.

As part of the Monterey Park Business Recovery Program, the City enacted Ordinance No. 2182, which in addition to other actions, adopted regulations for temporary outdoor dining and retail sales events. This Ordinance was initially set to expire December 31, 2020. The City Council acted to extend the effective date of this ordinance twice. With the most recent extension, this Ordinance is set to expire on December 30, 2022.

Since the inception of the regulations for temporary outdoor dining and retail sales events, the City processed approximately fifty (50) Temporary Use Permits to allow outdoor business operation. When the indoor operations prohibition was lifted by the Los Angeles County Health Order, many of the businesses discontinued their outdoor operations and resumed indoor operations only. With the upcoming expiration of the temporary regulations, the City must act to adopt permanent regulations that will apply to outdoor business operations.

## **DISCUSSION**

Outdoor business operations are common within Southern California, particularly within thriving downtowns, and became essential to the survival of many businesses when

indoor operations were banned during the Pandemic. There are benefits to outdoor business operations such as:

- Add to the safety of a community by encouraging more “eyes on the street”;
- Create a welcoming space for pedestrian activity;
- Activate commercial corridors;
- Expand customer space for businesses with small footprints; and
- Attract customers to businesses.

Staff is seeking direction from the Planning Commission on potential standards and issues to consider when drafting permanent regulations for outdoor business operations.

Under current temporary regulations for outdoor business operations, the following standards apply:

1. No outdoor cooking, open flames, or candles in the outdoor dining area.
2. Permits cannot be issued for outdoor dining in a street or alley.
3. To provide for adequate pedestrian circulation, temporary outdoor dining must maintain a minimum of four feet of clearance between dining furnishings and any curb line, street furniture, or above ground utilities, a minimum of 50 feet of clearance must be maintained between dining furnishings and the centerline of intersecting perpendicular driveways, alleys or streets to provide for adequate vehicle sight, unless a lesser distance is determined by the City Planner to be adequate for the protection of the public safety. The public walkway shall be maintained in compliance with all applicable ADA requirements at all times.
4. Tables and chairs used for outdoor dining must be of substantial materials. Tables may be a maximum of three feet in diameter if round and three feet along the longest side if rectilinear. All such furnishings must be stored indoors after hours of operation unless otherwise determined by the City Planner.
5. The sidewalk dining area shall maintain designated ingress and egress points and shall keep them clear and accessible at all times. The sidewalk dining area may be defined by placement of portable but sturdy fencing or other suitable dividers as required or approved by the Director of Public Works.
6. Fire Department access roads (street right-of-way) and means of egress (driveway) onto the property shall be maintained clear so that vehicles and pedestrians do not interfere with, obstruct, or restrict the mobility of or block the path of travel of a fire department emergency vehicle in any way or obstruct or hamper any fire department operation.
7. The building’s means of egress to include all exit doors shall be maintained clear of any obstructions, merchandise, property, tables, chairs and canopies.
8. Tents over 400 square feet, canopies over 700 square feet or multiple tents placed side by side with an aggregate of 700 square feet and without a fire setback clearance of 12 feet requires a permit from Monterey Park Fire Department prior to installation.
9. No merchandise, property, tables, chairs, canopies, etc. shall be left out on the public sidewalk overnight so as to obstruct, or restrict the mobility of or block the path of

travel of a fire department emergency vehicle in any way or obstruct or hamper any fire department operation.

10. No food preparation, plastic food displays, food storage, or refrigeration shall be allowed in the public right-of-way.
11. Temporary Outdoor Structure/Facilities, without lettering, may also be permitted by the City Planner.
12. No outdoor dining, including furnishings and signs, may block visibility of display windows or signage of adjacent businesses unless written consent of any affected adjacent business owner to block visibility is obtained by the applicant and provided to the City Planner.
13. The permittee must maintain the outdoor dining area in a clean, sanitary and safe condition at all times, including properly disposing of all trash generated by the operation. Regular cleanup of trash and debris shall be the responsibility of the business owner.
14. An applicant must submit a diagram drawn to scale and dimensioned showing the proposed location of the outdoor dining with all seating and signage.
15. An applicant must submit a graphical depiction, such as sample photographs, depicting the appearance of the chairs, tables, and other equipment proposed to be used in the outdoor dining area.
16. An applicant must submit the proposed days and times of operating the outdoor dining area.
17. Unless suspended or revoked, permits issued pursuant to the Program have a term of 30 days. Should a permit expire, the permittee must comply with this Program to obtain a new permit. Permits may be terminated by the city, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of the permit or the permitted use.
18. The permit issued pursuant to this Program must at all times be posted in a conspicuous place and be immediately produced upon the request of any police or code enforcement officer of the city.
19. The City Planner and any sworn public safety officer may temporarily suspend a permit whenever there is an emergency that requires such action to protect public safety.
20. All sidewalk dining areas shall operate in compliance with all public health guidelines and protocols related to COVID-19, as issued and updated by the Public Health Officer.
21. Per the City's Municipal Code 6.20.030 (4), there is no smoking within 20 feet of any outdoor dining area.
22. Per the City's Municipal Code 6.20.040, no smoking signs must be conspicuously posted.

The following are questions for the Planning Commission to consider:

1. Are there any existing temporary standards for outdoor business operations that should remain in the permanent regulations for outdoor business operations? If so, what updates may be necessary for permanent outdoor business operations?

2. What type of businesses operations should be allowed outdoors? Retail, dining, service uses, etc.?
3. Should outdoor business operations be allowed within City sidewalks?
4. Should outdoor business operations be allowed on City sidewalks throughout the City or only within certain areas of the City?
5. Should outdoor business operations be allowed within City streets and alleyways.
6. Should businesses be allowed to eliminate required parking?
7. Should waivers be considered if elimination of parking creates a shortfall?
8. Should there be term limit on how long outdoor business operations can remain or should they be allowed to remain indefinitely until the business discontinues the outdoor use?
9. Should outdoor business operations be limited to certain hours?

Potential standards for permanent outdoor business operations may include:

1. Minimum sidewalk and street/alleyway widths, if outdoor business operations are allowed in these areas.
2. Designation of areas within the City where permanent outdoor business operations should be allowed.
3. Waivers to allow the elimination of parking under certain conditions.
4. Term limits for outdoor business operations permits.
5. Limited hours of operations for outdoor business operations.
6. Aesthetic standards for structures used in conjunction with outdoor business operations, such as, materials, colors, height and location within a property.
7. Noise limits.
8. Separation from sensitive uses.

### **FISCAL IMPACT**

None, staff time and resources will be absorbed into the Department Budget.

Respectfully submitted and prepared by:

Reviewed by:

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Steve Sizemore,  
Interim Director of Community  
Development

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Joaquin Vazquez  
Deputy City Attorney

### **ATTACHMENT**

Attachment 1: Ordinance No. 2182

**ATTACHMENT 1**  
Ordinance No. 2182



## ORDINANCE NO. 2182

### AN UNCODIFIED ORDINANCE ADOPTING NON-LAND USE REGULATIONS FOR IMPLEMENTING THE MONTEREY PARK BUSINESS RECOVERY PROGRAM.

#### THE COUNCIL DOES ORDAIN AS FOLLOWS:

**SECTION 1.** *Findings.* The City Council finds, determines and declares as follows:

- A. On March 11, 2020, at 7:00 p.m., the City declared a state of local emergency due to the COVID-19 Pandemic (the “Emergency”). That Emergency was ratified by Resolution No. 12142, adopted March 18, 2020; extended on April 15, 2020 by Resolution No. 12151; and further extended on June 3, 2020 by Resolution No. 12164;
- B. An additional local emergency was declared on May 31, 2020 related to the unrest associated with the tragic death of George Floyd in Minneapolis, MN. That emergency was ratified on June 3, 2020 by Resolution No. 12165 (also part of the “Emergency”);
- C. The City Council takes notice of the well-documented secondary effects of the Emergency include record-high unemployment rates, bankruptcy, and other disastrous effects upon the national, state, and local economies. It will be many months before the complete extent of this economic devastation is clarified;
- D. The City Council believes that it is in the public interest for the City to implement regulations to facilitate the rapid recovery of the local economy, promote additional economic growth, and mitigate the effects of the Emergency;
- E. Regulations are needed to efficiently implement development projects that will create jobs, invest in the local economy, assist in recovery, and protect the public welfare;
- F. The City Manager and City Planner may recommend changes to this Ordinance – including codification within the Monterey Park Municipal Code – when it is practicable; and
- G. The regulations adopted by this Ordinance are intended to be implemented temporarily in order to accelerate City approvals and promote local businesses. This Ordinance will be uncoded and referred to as the “Monterey Park Business Recovery Program.”

**SECTION 2.** *Monterey Park Business Recovery Program.* The Monterey Park Business Recovery Program (the “Program”) attached as Exhibit “A,” and incorporated by reference is adopted by the City Council as if fully set forth.

**SECTION 3.** *Conflicts.* In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance and the Program govern. The City Planner is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable.

**SECTION 4.** *Environmental Review.* This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”). Based upon that review, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.<sup>1</sup> Additionally, this Ordinance is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

**SECTION 5.** *Sunset Clause.* The Council finds that it is in the best interest of the public safety, welfare and convenience of the City to implement this Ordinance during, at least, the Emergency. To ensure that the City Manager reviews the MPMC as contemplated by this Ordinance, this Ordinance will automatically be repealed and will become ineffective on December 31, 2020, unless the City Council takes additional action to extend the effectiveness of this Ordinance or supersedes it via a subsequently adopted Ordinance amending the MPMC.

**SECTION 6.** *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

**SECTION 7.** *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

**SECTION 8.** *Recordation.* The City Clerk, or his duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this

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<sup>1</sup> CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

Ordinance, and cause it to be published or posted in accordance with California law.

**SECTION 9.** *Electronic Signatures.* This Ordinance 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 10.** *Effective Date.* This Ordinance will become effective 30 days after its adoption.

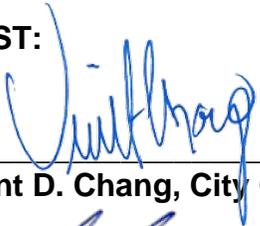
**THIS ORDINANCE WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF JULY 15, 2020.**



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Hans Liang, Mayor

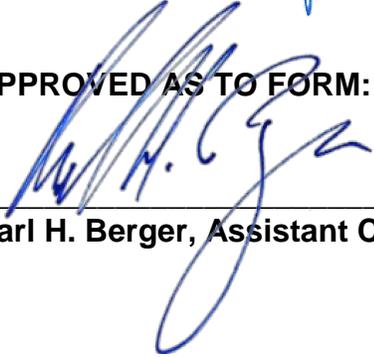
ATTEST:



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Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



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Karl H. Berger, Assistant City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF MONTEREY PARK        )

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 2182 was introduced, and placed upon its first reading at a regular meeting of the City Council of the City of Monterey Park, held on the 1<sup>st</sup> day of July, 2020. That thereafter on the 15<sup>th</sup> day of July, 2020, said Ordinance was duly passed, approved and adopted by the following vote:

Ayes:	Council Members: Yiu, Lo, Sornoso, Chan, Liang
Noes:	Council Members: None
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 15<sup>th</sup> day of July, 2020.

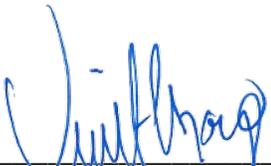
  
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Vincent D. Chang, City Clerk  
City of Monterey Park, California

EXHIBIT A

**MONTEREY PARK BUSINESS RECOVERY PROGRAM**

BRP1 Reg. 010. *Definitions.* Notwithstanding any definition set forth in the Monterey Park Municipal Code (“MPMC”) and unless the contrary is stated or clearly appears from the context, the definitions set forth below govern the construction of words and phrases used in the Monterey Park Business Recovery Program. Words and phrases not defined below will be as set forth in the MPMC.

“ABC license” means the license issued by the California Department of Alcoholic Beverage Control.

“Building Official” means the Building Official of the City of Monterey Park as designated by the City Manager.

“City Planner” means the City Planner as designated within the MPMC or such person authorized by the City Manager in writing.

“Discretionary Permit” means any discretionary permit or action required by the MPMC or by any Specific Plan.

“Entertainment or entertainment establishment” means the organized action of providing amusement or enjoyment to invited members of the public. Examples include, without limitation, presentations, readings, performances, or musical renditions. Such entertainment may be provided free of charge or for a fee.

“Licensed Design Professional” means the California Licensed Architect or Engineer, as applicable, identified as such on the building permit application and accompanying plans.

“Outdoor Temporary Event” includes Temporary Outdoor Dining and Temporary Outdoor Retail Sales Events.

“Program” means this Monterey Park Business Recovery Program.

“Public place” means an area open to the public, or an alley, plaza, park, or parking lot, or an automobile, whether moving or not, or a building open to the general public including one that serves food or drink, or provides entertainment.

“Self-Certification,” “Self-Certify” or “Self-Certified” means a submittal to the Building Official that is (1) made by a Licensed Design Professional identified in the building permit application; (2) accompanies plans filed with the Building Official by that Licensed Design Professional; and (3) for which the Licensed Design Professional attests such plans (a) do not contain any false information;

(b) comply with all applicable law including, without limitation, the MPMC; and (c) were prepared by or under the direct supervision of, and signed and stamped by, that Licensed Design Professional.

“Temporary Outdoor Dining” means outdoor dining located within the City right of way pursuant to a permit and/or is required to secure off-site parking or other outdoor dining for which the property does not have the required number of on-site parking spaces. Temporary Outdoor Dining is only allowed in conjunction with a permitted restaurant and is only be permitted to utilize Temporary Outdoor Structures/Facilities. Temporary Outdoor Dining requires a permit and is only allowed for such time commensurate with the time that temporary parking is provided.

“Temporary Outdoor Retail Sales Events” means outdoor retail sales events conducted outdoors on the same premises as, and are consistent in character with, an existing retail store use. These events require a permit and may be allowed up to a total of 30 days in any twelve-month period. Temporary Outdoor Retail Sales Events can only be permitted to utilize Temporary Outdoor Structure/Facilities and must comply with the temporary parking requirements.

“Temporary Outdoor Structure/Facilities” includes awnings or canopies made of material or wood, tents, shade umbrellas, and similar types of structures that can be constructed and removed within a seven day period. Temporary Outdoor Structure/Facilities also include lighting and heating improvements that can be constructed and removed within a seven day period. Any applicant for Temporary Outdoor Structure/Facilities must sign an acknowledgement that the Temporary Outdoor Structure/Facilities can be removed within a seven day period. All Temporary Outdoor Structure/Facilities must meet all zoning, building, fire, health and other applicable law.

“Temporary Use Permits” are permits allowing Temporary Outdoor Dining, Temporary Outdoor Retail Sales Events, and temporary parking associated with such uses.

BRP1 Reg. 020. *Outdoor Temporary Event Permits.*

- A. The City Planner is authorized to receive applications, issue and revoke temporary use permits, and otherwise implement the Business Recovery Program as set forth in this Section.
- B. Persons who obtain a permit pursuant to this Section are not also required to obtain separate permits in the MPMC, e.g., encroachment permits.
- C. Permits Required. It is unlawful for any person to conduct, sponsor, or knowingly participate in any outdoor temporary event without a valid permit issued pursuant

to this Program. Possessing a valid temporary use permit does not excuse any failure to otherwise comply with this code or other applicable law.

D. Nature of the Permit. Permits issued pursuant to this Program are subject to the following limitations:

1. Permits are personal to the applicant not to the premises upon which the event is conducted. No other individual may conduct an event under the authority of a permit issued to another. For purposes of this Program, a permit is not deemed transferred or assigned if the permittee is a corporation or partnership which remains under the control of the same individual or individuals who controlled it at the time the permit was approved;
2. Permits cannot be transferred or assigned;
3. No property rights are conferred to the permittee;
4. There is no right of renewal; and
5. Permits are specific to the location for which it is applied. A new permit must be obtained in the event there is a relocation of the permitted activity or a major alteration to the existing facility.

E. Fees. Except as otherwise provided by federal, state, or local laws, or other City Council authorized restrictions, all fees applicable to this Program including, without limitation, fees for using public places, will be established by City Council Resolution.

F. Temporary Outdoor Dining Permits. Temporary Outdoor Dining permits are subject to the following:

1. Permits cannot be issued for outdoor dining in a street or alley;
2. To provide for adequate pedestrian circulation, temporary outdoor dining must maintain a minimum of four feet of clearance between dining furnishings and any curblines, street furniture, or above ground utilities. A minimum of 50 feet of clearance must be maintained between dining furnishings and the centerline of intersecting perpendicular driveways, alleys or streets to provide for adequate vehicle sight, unless a lesser distance is determined by the City Planner to be adequate for the protection of the public safety.
3. Tables and chairs used for outdoor dining must be of substantial materials. Tables may be a maximum of three feet in diameter if round

and three feet along the longest side if rectilinear. All such furnishings must be stored indoors after hours of operation unless otherwise determined by the City Planner.

4. Temporary Outdoor Structure/Facilities, without lettering, may also be permitted by the City Planner.
5. No outdoor dining, including furnishings and signs, may block visibility of display windows or signage of adjacent businesses unless written consent of any affected adjacent business owner to block visibility is obtained by the applicant and provided to the City Planner.
6. The permittee must maintain the outdoor dining area in a clean and safe condition at all times, including properly disposing of all trash generated by the operation.
7. The City may charge a rental fee for use of public places.
8. An applicant must submit a diagram drawn to scale and dimensioned showing the proposed location of the outdoor dining with all seating and signage.
9. An applicant must submit a graphical depiction, such as sample photographs, depicting the appearance of the chairs, tables, and other equipment proposed to be used in the outdoor dining area.
10. An applicant must submit the proposed days and times of operating the outdoor dining area.

G. Application for Permit.

1. Permit applications must be filed by a natural person.
2. Permit applications must be in a form prescribed by the City Planner, signed under penalty of perjury, and, for all permits, will contain all of the following information: the name, mailing address, and daytime and evening telephone numbers of the person filing the application; if the permit is obtained on behalf of an organization, the name, mailing address, and daytime telephone number of the organization; and if requested by the City Planner, written documentation of the authority under which the applicant is applying for the permit on behalf of the organization; the name, mailing address, and daytime and evening telephone number of an alternate person to contact if an emergency arises and the applicant is unavailable; and such additional information required by the City Planner.

- H. Review by City Departments. After an application is filed, the City Planner will immediately forward the application to the following city departments for review:
  - 1. The fire department;
  - 2. The police department; and
  - 3. The public works department.
- I. Special Conditions. Upon receiving an application, these departments will consider the application, conduct any necessary investigation, and provide the City Planner with written recommendations regarding:
  - 1. Any special conditions for a permit; and
  - 2. Any additional recommendations.
  - 3. The reviewing officers must complete their review within the time that the City Planner must make a decision on the application.
- J. Time for review. Except as provided in this Program, completed applications for a permit authorizing an event should be denied, approved, or conditionally approved by the City Planner within 14 business days after receiving the completed application. Unless otherwise provided, the applicant's acceptance of the approval or conditional approval must be received by the City Planner within five business days after the applicant was served with notification of the decision and before any entertainment or outdoor dining may occur.
- K. Issuing Permits. The City Planner should issue a permit if
  - 1. The application was complete in accordance with this Program;
  - 2. There are no grounds for denying the permit; and
  - 3. The applicant accepts the permit approval or conditional approval in writing.
- L. Permit Denial. A permit may be denied for the following reasons:
  - 1. The application is incomplete;
  - 2. The applicant failed to provide reasonable supplemental application information requested by the City Planner;

3. Information submitted by the applicant is materially false;
4. The application is submitted by a person with a suspended permit or whose permit was revoked;
5. The location of the proposed temporary outdoor event does not conform to the requirements of this Program;
6. Issuing the permit would endanger public health, safety, or welfare as determined by the City Planner.

M. General Permit Conditions.

1. Unless suspended or revoked, permits issued pursuant to this Program have a term of 30 days. Should a permit expire, the permittee must comply with this Program to obtain a new permit.
2. Permittees must enter into a hold harmless agreement, in a form approved by the city attorney, with the city which will, in part, indemnify city, its officers, employees, and agents, from any liability arising from a permit issued pursuant to this Program.
3. Insurance Requirements. Permittees must obtain liability insurance in accordance with City Council resolution.

N. Alcohol Related Conditions. For Temporary Outdoor Events with an ABC license, the permit will include the following conditions:

1. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
2. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*).
3. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the entertainment establishment to address any concerns of the community regarding noise at the entertainment establishment. Said contact's name and phone number must also be available through entertainment establishment staff at all times.
4. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service, the City

Planner may, in its discretion, take action to review the permit including, without limitation, adding conditions or revoking the permit.

- O. Subsequent Conditions. The City Planner may condition previously issued permits upon learning or discovering facts not previously disclosed or reasonably discoverable.
- P. Display of permits. The permit issued pursuant to this Program must at all times be posted in a conspicuous place and be immediately produced upon the request of any police or code enforcement officer of the city.
- Q. Emergency Suspension of Permit. The City Planner and any sworn public safety officer may temporarily suspend a permit whenever there is an emergency that requires such action to protect public safety.
- R. Appeals. The City Manager's decision is final. There is no right to a City Council appeal. The final decision will inform the appellant that the decision is a final decision and that the time for judicial review is governed by Code of Civil Procedure § 1094.6.

BRP1 Reg. 030. *Self-Certification Program.*

- A. Purpose: To expedite building permit approvals by allowing Licensed Design Professionals to voluntarily self-certify building plans.
- B. Eligible Participants: To participate in the Program, applicants must be registered and be in good standing as a Licensed Design Professional with the State of California.
- C. Insurance Requirements: For a project to be accepted for Self-Certification, the Licensed Design Professional is required to furnish the City Planner insurance in accordance with the City's requirements and not less than the valuation of the permitted project.
- D. Optional Prescreening Process: The Licensed Design Professional who intends on filing an application with a Self-Certification may meet with the City Planner, or designee, for a courtesy prescreening of the proposed project to ensure the submittal is complete.
- E. Submittal Requirements: The Licensed Design Professional who intends on filing an application with a Self-Certification must submit that application to participate in the program to the Building Official. Self-Certified plans must contain all the information listed in the corresponding City of Monterey Park handout regarding building design criteria. A Self-Certification form and a "hold harmless" letter, in a form approved by the City Attorney, must be completed in its entirety and

submitted for each project by the design team and the property owner. The Self-Certification program will be all inclusive, i.e., all construction trade work that requires permits for the project must be Self-Certified. Each page of the plans submitted, must be wet stamped and signed by a Licensed Design Professional for each applicable trade.

- F. Non-Building Division Approvals: The Licensed Design Professional who intends on filing an application with a Self-Certification must provide documentation to the Building Official demonstrating final approvals from any affected City department before the Building Official issues a permit. That Licensed Design Professional must also provide documentation to the Building Official appropriate approvals of any applicable “outside” agency. Those outside agencies include, without limitation, the following: Los Angeles County Health Department and affected school districts.
- G. Fees: All fees required by the Program will be established by City Council resolution.
- H. Permit Issuance: Applications that have met all the criteria of this voluntary Self-Certification program will be issued a building permit the same day of completed and approved application submittal.
- I. Inspection Protocol: All code-required State of California or City of Monterey Park inspections are required.
- J. Audits: All Self-Certified plans are subject to auditing by the Building Official to determine whether plans comply with the applicable California and City of Monterey Park laws, codes, rules, and regulations. If plans are found not to comply, then the Licensed Design Professional who intends on filing an application with a Self-Certification will ensure compliance. If compliance is not obtained within a reasonable amount of time, then the Building Official may report the non-compliance items to the appropriate licensing board with the State of California.