

**OFFICIAL MINUTES OF THE REGULAR MEETING OF THE SOUTH EL MONTE PLANNING COMMISSION HELD TUESDAY, MAY 16, 2017, IN THE CITY COUNCIL CHAMBERS, 1415 SANTA ANITA AVENUE, SOUTH EL MONTE, CALIFORNIA 91733 – CALLED TO ORDER AT 6:00 P.M.**

**FLAG SALUTE:**

Planning Commissioner, David Diaz, led the flag salute.

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**ROLL CALL:**

Present – Commissioners David Diaz, Leo Barrera, Gabriella Landeros, Lorenzo Lauria, and Also Present – City Attorney, Michael Estrada, Community Development Director, Manuel Mancha, Assistant Planner, Ian McAleese and Department Secretary, Vera Sanchez.

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**APPROVAL OF AGENDA:**

Motion made by Commissioner Barrera and seconded by Commissioner Diaz to approve the agenda as is.

Vote:

Ayes: Diaz, Barrera, Landeros, Lauria

Noes: None

Action: Approved

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**PUBLIC PARTICIPATION:** None

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**CONSENT CALENDAR:**

1. Approval of Denial Resolution No. 17-04 for off-sale beer and wine license for property located at 1100 N. Santa Anita Avenue.

Community Development Director: Gave a brief explanation on this project, he stated the concerns with the proposed project and the reason why the denial Resolution is before the commission tonight.

2. Minutes of April 2017.

Motion made by Commissioner Diaz and seconded by Commissioner Landeros to approve Resolution No. 17-04 and Minutes of April as is.

Vote:

Ayes: Lauria, Barrera, Diaz and Landeros

Noes: None

Action: Approved

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**PUBLIC HEARINGS:**

**G1. CONDITIONAL USE PERMIT 17-03 (CUP 17-03) RESOLUTION NO. 17-3  
FOR PROPERTY LOCATED AT 1723 DURFEE AVENUE**

*This item has been continued to June 20, 2017.*

Motion made by Commissioner Landeros and seconded by Commissioner Barrera to **continue** this item, Conditional Use Permit No. 17-03, Resolution No. 17-3.

Vote:

Ayes: Diaz, Landeros, Lauria, Barrera

Noes:

Action: continued

**G2. CONDITIONAL USE PERMIT 17-05, (CUP 17-05) RESOLUTION NO. 17-5  
FOR PROPERTY LOCATED AT 9417 GAREY AVENUE.**

Assistant Planner: Gave a brief presentation on this item. The subject site is located on the northeastern corner of Rosemead Blvd. and Garvey Avenue intersection. The site was originally developed in the 1930s with a store and single-family residence. A Conditional Use Permit was issued in 1991 for a general off-sale license (type21) and filed with the Department of Alcoholic Beverage Control. The proposed retail sale of alcohol is a conditionally permitted use under the Zoning Ordinance for Commercial-Residential zones. Because this business currently has a type 21 license with California ABC, but no valid CUP , the business is nonconforming and cannot open the business until it has a valid CUP

The business will be similar to a small scale Bev-Mo or Total Wine and not a traditional liquor store. The applicant has an established clientele and will create a paid membership program and will sell only to its members. As far as security the building has 10 cameras and is equipped with motion sensors and an alarm system. The Sheriff's Department has also reviewed the Conditional Use Permit application for off-sale beer and wine license and feels with this type of business there shouldn't be a problem. Staff recommends adopting Resolution No. 17-05 and believes that the use will not be detrimental to persons or properties in the area.

**Opened Public Hearing:**

Applicant's Representative: Was available to answer questions from the commission. She explained the type of business she would be conducting. She stated she goes to San Francisco and attends the auctions to bring back the finest wine for her customers. She also stated that she has an existing clientele from her other location and would like to open her business in South El Monte.

Commissioner Diaz: Ask the applicant how many employees she intends to employ at this location.

Commissioner Diaz: Ask about the existing alcohol license in the area.

Community Development Director: Stated the city allows 6, but this is an existing license, therefore we are not adding anything.

**Closed Public Hearing:**

Motion by Commissioner Barrera and seconded by Commissioner Lauria to adopt Conditional Use Permit 17-05 (CUP 17-05) Resolution No. 17-5 as is.

Vote:

Ayes: Lauria, Barrera, and Landeros

Noes: None

Abstain: Diaz

Action: Approved

**G3. CONDITIONAL USE PERMIT 17-06 (CUP 17-06), RESOLUTION NO. 17-6 FOR PROPERTY LOCATED AT 9661 GARVEY AVENUE, #105-106.**

Assistant Planner: Gave a brief description of the proposed project. He stated the subject site is located within the multi-commercial Victory Center at 9661 Garvey Avenue, which is on a 1.52-acre parcel of land between Adelia and Potrero Avenue in the Victory Center. Lavender Massage originally opened in 2013 and has been operating at this location continuously since then. They have a current and valid business license with the applicant listed as the owner.

He went on to state that Ordinance No 1195, which was adopted in April 2015, added Chapter 17.41 of the Municipal Code and requires massage parlors be located a minimum of 500 feet of one another. Currently, there are four massage parlors located within 500 feet of one another and the granting of a CUP to any one of these massage parlors will make it impossible for any of the other three massage parlors to get a CUP at this current location. The hours of operation will be from 10:00 am. to 10:00 pm, seven days a week with last customers being served at 9:00 pm to complete work by 10:00. The city has placed several conditions of approval in the Resolution and the applicant has agreed to all of the conditions. Staff has spoken to the Sherriff's Department and since 2014 has not received any complaints regarding this business. The proposed project meets all of the Development Standards required by Section 17.15 and Section 17.41 of the Zoning Ordinance therefore; staff recommends approval of the Conditional Use Permit for Lavender Massage Parlor.

### **Opened Public Hearing:**

Phillip Killgore, applicant: Was present to answer questions from the commission. He stated he has been in business at this location for about three years and hasn't experienced any problems. He is looking forward to working with the city and complying with the Conditions of Approvals.

Sergeant Harris, Sherriff's Department: Stated that there has been no complaints or calls with this particular massage parlor.

Commissioner Landeros: Asked about the four citations issued to massage parlor as stated in the staff report.

Sergeant Harris: Stated he had no knowledge of the four citations because that is a code enforcement issue. There are other locations that have massage parlors that he knows there are issues but this location is not one of them.

Joe Martinez, Code Enforcement Officer: Stated that in past inspections of massage parlors there have been problems or issues.

Community Development Director: Stated staff had provided commissioners with a letter from an attorney for LA Massage Kingdom prior to tonight's meeting.

Kenneth Kan, Attorney: He stated he is the representative for LA Massage Kingdom; he wanted to reiterate what his correspondence said. His client would like to be able to continue doing business; however, because of the Ordinance 1195 and the restriction of (500 ft.) this eliminates some businesses including, his client's business. This would have a detrimental impact on his clients business if the Conditional Use Permit for Lavender massage is granted, either facing relocation or closing down.

Commissioner Diaz: Asked about the current Ordinance and what it entails for this type of business and also what the City Council was trying to accomplish with Ordinance 1195.

City Attorney: Clarified that we could only speak on the matter of what the Ordinance says or requires.

Community Development Director: Responded that Ordinance 1195 was created to establish Development Standards that previously did not exist. The Ordinance originally was 1000 square feet and now its 500 square feet. This would help the city with compliance and allow staff to regulate this type of use so it doesn't become a nuisance.

**Closed Public Hearing:**

Commissioner Landeros: Stated she would like to see this item continued until we as a commission have heard from LA Massage Kingdom.

City Attorney: Stated the application before you tonight is whether you can make the findings for this Conditional Use Permit. He also stated there is no basis for a comparative analysis. The city council has already made the determination regarding the 500 ft. distance requirement. Therefore, we must look at what is before us tonight; there is no need to compare the two massage parlors.

Motion by Commissioner Lauria and seconded by Commissioner Barrera to adopt Conditional Use Permit 17-06 (CUP 17-06) Resolution No. 17-6 as is.

Vote:

Ayes: Lauria, Barrera, and Diaz

Noes: Landeros

Abstain: None

Action: Approved

**H. PLANNING COMMISSION ITEMS:** None

**I. STAFF ITEMS:**

**J. ADJOURNMENT:** Motion made by Commissioner Diaz and seconded by Commissioner Landeros to adjourn meeting at 7:11 p.m. to June 20, 2017.