

OFFICIAL MINUTES OF THE REGULAR MEETING OF THE SOUTH EL MONTE PLANNING COMMISSION HELD TUESDAY, JULY 18, 2017, IN THE CITY COUNCIL CHAMBERS, 1415 SANTA ANITA AVENUE, SOUTH EL MONTE, CALIFORNIA 91733 – CALLED TO ORDER AT 6:02 P.M.

FLAG SALUTE:

Planning Commissioner, David Diaz, led the flag salute.

ROLL CALL:

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

APPROVAL OF AGENDA:

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

PUBLIC PARTICIPATION: None

CONSENT CALENDAR: Minutes of May 2017 and June 2017.

Vote: Minutes of **May 2017**

Ayes: Diaz, Barrera, Landeros, Sara-Gaeta-Anguiano Barrera, Lauria

Noes: None

Action: Approved

Vote: Minutes of **June 2017**

Ayes: Diaz, Landeros and Gaeta-Anguiano

Noes: None

Abstain: Barrera, Lauria

Action: Approved

PUBLIC HEARINGS:

GI. CONDITIONAL USE PERMIT 17-07 (CUP 17-07) AND VARIANCE NO. 17-11 (VAR 17-11), RESOLUTION NO. 17-9 FOR PROPERTY LOCATED AT 9661 GARVEY AVENUE, #201, 202, 203, SOUTH EL MONTE.

Assistant Planner: Gave a brief presentation on this project. He stated the applicant is requesting a Conditional Use Permit to allow the operation of a massage parlor within an existing commercial center. The massage parlor currently has twelve

massage rooms, two restrooms, a shower room, reception/waiting area, and a cleaning room. There are 5 licensed massage therapists with active business licenses with the city. There will be five employees working three shifts with the largest shift being comprised of three employees. The applicant has also applied for a Variance to deviate from the Code Requirements under the Massage Ordinance. The ordinance requires a minimum distance of 500 feet from another massage establishment. At the present time, there is a legal massage parlor (Lavender Massage) that was granted a Conditional Use Permit, which is located in the same shopping center. Due to the location of LA Massage Kingdom, the business has a zero setback from the recently approved massage parlor. Therefore, the applicant is requesting a variance for a zero setback instead of the code required 500 feet. He stated the Planning Commission must make the findings in order for the Variance to be approved.

Community Development Director: Stated that the Variance was to deviate from the Development Standards. However, this is a different situation, in that there were originally 4 massage parlors within 500 feet.

Opened Public Hearing:

Applicant, Kenneth Khan: Stated he is the attorney for the applicant. He stated that after having the opportunity to appear before City Council, it was suggested that my client submit an application for a Variance. My client has provided detail regarding the need for the Variance. So if there is any further information needed I am present and can provide that information. My client has also invested a large amount of money for this business and he has signed a five year lease with his current landlord. It would be a definite hardship to my client if he cannot operate this business.

Closed Public Hearing:

Community Development Director: Stated the order of the applications that come into the Department and how they are scheduled for Planning Commission. He reiterated the Ordinance for massage parlors and there was an amortization period which is 2 years and they had ample opportunity to relocate or make other arrangements. The other massage parlor never submitted anything, so for this reason we only have 2 massage parlors. The findings are very important; you have to really take into consideration the four points mentioned earlier.

City Attorney: Made a clarification as to the findings for the Variance and it would apply to this business.

Motion made by Commissioner Diaz and seconded by Commissioner Landeros to deny Conditional Use Permit (CUP 17-07) and Variance (VAR 17-11).

City Attorney: Stated that staff has been directed to submit a Resolution for Denial, consequently the Denial of the CUP and Variance would not become effective until Resolution is adopted by commission.

Community Development Director: Stated that also the time allotted for the appeal process will start after the Denial Resolution has been adopted.

Vote:

Ayes: Diaz, Landeros, Gaeta-Anguiano, Barrera, Lauria

Noes: None

Action:

G2. GENERAL PLAN AMENDMENT (GPA 17-08) AND ZONE CODE AMENDMENT (ZC 17-07), RESOLUTION NO. 17-7 FOR PROPERTY LOCATED AT APN #8114-023-049.

Community Development Director: Gave a brief presentation on this item. He stated this vacant parcel of land located adjacent to 1652 Tyler Avenue, which is currently designated as Public Facilities and Parks under the General Plan, and zoned as PF (public Facilities) under the zoning code. These designations do not allow for commercial uses. The property was previously owned by Epiphany Catholic Church. The surrounding use to the North is an industrial building, to the South is a commercial shopping center, to the East is Epiphany Catholic Church, and to the West it the Greater El Monte Hospital. The applicant has purchased the property and is looking to develop the property and in order to do this the zone needs to be changed. The recommendation will go to City Council. Before you tonight is the Change of Zone and General Plan Amendment not the proposed project.

Opened Public Hearing:

Applicant's Representative: Clement Tai, was available to answer questions.

Commissioner Barrera: Asked about the type of proposed project and what type of office would be placed in the center.

Community Development Director: Stated the applicants has the option to do either retail or a medical office because the project meets the parking requirements.

City Attorney: Clarified that at this time there is no project, it is only the General Plan Amendment and Zone Change.

Closed Public Hearing:

Motion made by Commissioner Diaz and seconded by Commissioner Landeros to approve General Plan Amendment No. (GPA 17-08) and Zone Change (ZC 17-07) making a recommendation to City Council for approval.

Vote:

Ayes: Diaz, Landeros, Gaeta-Anguiano, Barrera, Lauria

Noes: None

Action: Approved

H. PLANNING COMMISSION ITEMS: None

I. STAFF ITEMS: None

J. ADJOURNMENT: Motion made by Commissioner Diaz and seconded by Commissioner Landeros to adjourn meeting at 7:06 p.m. to August 15, 2017.