

PLANNING COMMISSION
MINUTES
OCTOBER 27, 2009

INITIATION:

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL:

Commissioners: Seibert, O' Leary, Chen, Horton, Valenzuela

Also Present: City Attorney Murphy, Community Development Manager Lambert, and
Planning Secretary Venters

4. TIME FOR THOSE IN THE AUDIENCE WHO WISH TO SPEAK:

No one came forth at this time.

5. CONSENT CALENDAR:

A. APPROVAL OF MINUTES: October 13, 2009

RECOMMENDATION: APPROVE AS SUBMITTED

Vice Chairman O'Leary – Made a motion to approve the minutes dated October 13, 2009, with a minor correction, seconded by Commissioner Valenzuela and unanimously carried.

6. UNFINISHED BUSINESS:

A. CONTINUED PUBLIC HEARING: A MODIFICATION OF A PREVIOUSLY APPROVED ZONE VARIANCE (ZV 00-1429) WHICH PERMITTED AN 8 FOOT HIGH CONCRETE BLOCK WALL IN LIEU OF THE MAXIMUM HEIGHT 6 FOOT HIGH WALL ALLOWED, IN CONJUNCTION WITH A 2,040 SQUARE FOOT ADDITION TO AN EXISTING INDUSTRIAL BUILDING. THE APPLICANT IS REQUESTING TO OMIT ONE OF THE CONDITIONS OF APPROVAL, WHICH STATED THAT 5 PARKING SPACES FOR THE SUBJECT SITE SHALL BE PERMANENTLY RESERVED AT THE PROPERTY KNOWN AS 4523 CLOVERLY AVENUE. THE SUBJECT SITE IS LOCATED IN THE HEAVY MANUFACTURING (M-2) ZONE AND IS DESIGNATED AS INDUSTRIAL ON THE GENERAL PLAN LAND USE MAP.

CASE NUMBER: MODIFICATION OF ZONE VARIANCE 00-1429

APPLICANT: TWEN MA
195 MOUNT OLIVE DRIVE
BRADBURY, CA 91008

PROPERTY OWNERS: BABAK AND SAGHAN ZARABIAN
332 S. MEDIO DRIVE
LOS ANGELES, CA 90049

- RECOMMENDATION:**
- 1) HEAR STAFF REPORT
 - 2) CONTINUE TO A DATE UNCERTAIN

Chairman Seibert – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated October 27, 2009.

Chairman Seibert – Asked if there were any questions from the Planning Commissioners for the Staff. The Planning Commissioners did have questions at this time.

Commissioner Valenzuela - Asked Community Development Manager Lambert if public hearing notices would have to be reissued if this item were continued to a date certain.

Community Development Manager Lambert – Stated that the City would be required to conduct the public hearing and that public hearing notices would not have to be re-mailed if it were continued to a date certain. Stated that this public hearing item would be continued to a date uncertain, and that this item carries the possibility of being tabled indefinitely.

Chairman Seibert – Stated that continuing to a date uncertain would remove this item from the agenda and it would not be brought to the Planning Commission until the applicant wished to do so.

Commissioner Valenzuela – Asked Community Development Manager Lambert if it would be in Staff's purview to require the applicant to pay for the public hearing notices to be mailed out if this item returned to the Planning Commission.

Community Development Manager Lambert – Stated that the City Council would have to authorize a fee for an applicant to pay for the cost of postage to resend the public hearing notices.

Chairman Seibert – Asked if there were any additional questions from the Planning Commissioners for the Staff. The Planning Commissioners did not have questions at this time. The applicant was not present, and asked if anyone from the public would like to speak in favor or against the proposed request. No one came forth at this time.

Commissioner Chen – Made a motion to close the public hearing, seconded by Vice Chairman O'Leary and unanimously carried.

Commissioner Valenzuela – Stated that he would like this item to be continued to a date certain.

Community Development Manager Lambert – Asked City Attorney Murphy if the Planning Commission could deny this request if it is continued to a date certain and no action takes place.

City Attorney Murphy – Stated that the Planning Commission could make a motion to deny this request and direct staff to bring forth a resolution for denial, should the applicant come to no conclusion in a month.

Commissioner Valenzuela – Stated he would not mind being tough on the applicant and would like to know how the rest of the Planning Commission feels regarding this matter.

Chairman Seibert – Stated that he does not concur with Commissioner Valenzuela and would like to continue this item to a date uncertain.

Commissioner Chen – Made a motion to continue Modification of Zone Variance 00-1429 to a date uncertain, seconded by Vice Chairman O' Leary and unanimously carried.

Chairman Seibert – Stated that the application was continued to a date uncertain on a 5-0 vote.

7. **NEW BUSINESS:** **NONE**

8. **COMMUNICATIONS:** **NONE**

9. MATTERS FROM CITY OFFICIALS: DISCUSSION REGARDING FOOT MASSAGE IN ALL COMMERCIAL ZONES.

Chairman Seibert – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated October 27, 2009.

Chairman Seibert – Asked if there were any questions from the Planning Commissioners for the Staff. The Planning Commissioners did have questions at this time.

Chairman Seibert – Asked Community Development Manager Lambert if he felt that a public hearing should be held in order for the Planning Commission to make a recommendation.

Community Development Manager Lambert – Stated that he feels that the best course of action is to continue to enforce the massage ordinance as is, however, he would like direction from the Planning Commission to determine if foot massage should be considered to be the same as body massage. Stated that surrounding cities are currently experiencing difficulties with massage and foot massage businesses as a primary use.

Chairman Seibert – Stated that he felt that the massage ordinance should be left as is.

Commissioner Valenzuela – Stated that he concurs with Chairman Seibert that the massage ordinance should apply for foot massage as well.

Vice Chairman O'Leary – Stated that he also concurs with his fellow Commissioners that the current massage ordinance should apply for foot massage.

Commissioner Horton – Stated that he does not have a problem with retaining the current massage ordinance, however, would like to bring to light that from an economic standpoint that it may be beneficial to offer a wide variety of services and an opportunity to business owners as well as the public. Stated that in the downtown area of Los Angeles one can find a food stall, adjacent to booths where people provide facial and massage services.

Commissioner Chen – Stated that he would like to entertain the idea of studying how foot massage would differ from full body massage. Stated that he felt that foot massage should be given more consideration than full body massage as an incidental use in bona fide medical offices and beauty salons. Stated that clear differences between foot massage and full body massage exist and that it should be studied on a case by case basis.

Community Development Manager Lambert – Stated that he would not be opposed to a foot massage chair in a beauty salon as long as an applicant went through the requirements of the massage ordinance.

Chairman Seibert – Asked Community Development Manager Lambert if the City of Arcadia is experiencing problems with massage.

Community Development Manager Lambert – Stated that the City of Arcadia is currently experiencing problems with massage and that their police department has done stakeouts at these businesses.

Chairman Seibert – Stated that he feels that the City's approach regarding massage in general is the best approach and should be allowed as an incidental use as currently written.

Community Development Manager Lambert – Stated that he felt that the City of San Gabriel has historically viewed massage liberally, however, at this time they view this business use in the opposite manner due to Police Department concerns.

Chairman Seibert – Asked if there were any additional questions from the Planning Commissioners for the Staff. The Planning Commissioners did not have questions at this time. Asked if anyone from the public would like to speak in favor or against the item for discussion. No one came forth at this time.

Commissioner Horton – Asked Community Development Manager if there are health department requirements that a massage applicant would be required to abide by regarding the facility or body to body contact.

Community Development Manager Lambert – Stated that California State guidelines do exist, and that there is also a State assembly bill currently being processed by the state regarding massage. Stated that in addition to guidelines the State now informs the City when a resident has applied for massage certification through the State.

Commissioner Chen – Asked Community Development Manager Lambert if the City has a program in which we inspect business licenses similar to the State Board of Equalization. Stated that he believes that a bill exists that enables the City to enforce sales taxes.

Community Development Manager Lambert – Stated that currently, the City does not have the capability to enforce sales tax, as this is the responsibility of the State Board of Equalization, however, the City carries the right to inspect any business at any given time. Stated that the Building Inspector and an Associate Planner conduct all new business license inspections to ensure that an applicant or property owner of a business site has not illegally subdivided the commercial site, or to make sure that work has not been done to a building without the proper permits.

Chairman Seibert – Stated that no changes to the current massage ordinance have been recommended and that foot massage would also be allowable as an incidental use in conjunction with a bone fide beauty salon or medical office. No Commissioners disagreed with this decision.

Community Development Manger Lambert – Stated that he would like to regretfully inform the Planning Commission that UCLA extension has cancelled the Planning Commissioners Training Seminar, however, they are offering another seminar; Planning for Age Integrated Communities. Stated that it is quite unfortunate that this seminar has been cancelled as the registered Planning Commissioners were looking forward to attending this course.

10. ADJOURNMENT:

Chairman Seibert – Adjourned the meeting at 7:57 p.m. to the next Planning Commission meeting of November 10, 2009 at 7:30 p.m.

Chairman

Secretary