

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
June 12, 2019

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on June 12, 2019, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair McGuire presiding.

PRESENT: COMMISSIONERS: Barstow, Capelle, Desai, Diep, Schoales, and McGuire

ABSENT: COMMISSIONER: Chung

Joel W. Rosen, AICP, Director of Community Development
Brady M. Woods, Planning Manager
John W. Lam, Assistant City Attorney
Ruth Santos, Senior Administrative Assistant

1. APPROVAL OF MINUTES May 22, 2019

RECOMMENDED ACTION: Approve

Commissioner Barstow said that although he was absent at the May 22, 2019 meeting, he watched the Planning Commission meeting live on television and would like to vote.

Commissioner Capelle moved, and Commissioner Diep seconded, the motion to approve the minutes of the May 22, 2019 Planning Commission meeting.

AYES: 5 COMMISSIONERS: Capelle, Diep, Barstow, Desai, and McGuire

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Chung

ABSTAIN: 1 COMMISSIONERS: Schoales

PUBLIC HEARING:

NEW BUSINESS:

2. CONDITIONAL USE PERMIT NO. CU-19-7

A request to establish a massage establishment within an existing commercial center (Buena Park Plaza) located at 8600 Beach Boulevard, Unit # 103 within the CG (Commercial General) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facilities).

APPLICANT: Bamboo Wellness
 c/o Hong Luong
 8600 Beach Boulevard, Unit 103
 Buena Park, CA 90620

PROPERTY OWNER: Samsung Development Company, Ltd.
 c/o Daniel Lee
 8600 Beach Boulevard # 100
 Buena Park, CA 90620

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair McGuire, Ms. Santos stated that staff had received and distributed copies of an email from Chair McGuire expressing his concern and staff's response to Chair McGuire.

The staff report was presented by Brady M. Woods, Planning Manager.

The subject property is zoned CG (Commercial General) with the B CAO (Beach Crescent Architectural Overlay) designation and is currently developed with an integrated commercial center that includes a restaurant building and two multi-tenant commercial buildings. The property is part of an integrated development with the two adjacent parcels developed with the Millennium Clothing store and former Farrell's Restaurant. The location under application is a 1,353 square foot commercial tenant space located in an existing multitenant commercial building. The tenant space is currently vacant, but was previously occupied with retail use (VapeForic). Surrounding commercial tenant spaces include a restaurant, acupuncture, and dental clinics.

SURROUNDING LAND USE CHARACTERISTICS:

	GENERAL PLAN	ZONING	EXISTING LAND USE
North	Commercial	CG	Hotel
South	Commercial	CG	Commercial Retail
East	General Mixed Use	GMU	Residential
West	Commercial	CG	Commercial Retail

Staff recommends that the Planning Commission adopt a Resolution approving Conditional Use Permit No. CU19-7.

Previous State law preempted local authority to regulate massage establishments differently than local regulations for other professional services such as medical and chiropractic doctors. This lack of local control led to an increase in massage establishments throughout the state. Numerous cities, including Buena Park, also experienced an increase in criminal activities (primarily prostitution) at the less-regulated massage establishments.

On January 13, 2015, the City Council adopt Urgency Ordinance No. 1596 which imposed a moratorium on new massage establishments, including any permits, entitlements, or approvals to construct and/or operate new massage establishments in the city. Adoption of Urgency Ordinance No. 1596 allowed staff additional time to evaluate the Buena Park

Municipal Code (BPMC) for consistency with State legislation regarding massage establishments and service providers.

On January 12, 2016, the City Council adopted Ordinance Nos. 1601 and 1602 which amended Titles 5 and 19 of the BPMC for compliance with state Assembly Bill 1147 enacted in January 2015 that authorized cities to determine and prescribe zones and zoning standards applicable to massage establishments in an effort to better protect the public health, safety and welfare of the community.

Massage establishments approved by the City must be located on properties zoned CO (Commercial Office) and CG (Commercial General) only. Additionally they must meet proximity requirements to certain land uses such as churches, schools, parks or other massage establishments, as well as approval of a Conditional Use Permit.

The applicant has submitted an application and plans requesting Planning Commission approval to establish a new massage establishment in compliance with State and Local laws. The proposed 1,353 square foot massage establishment will contain twelve (12) individual massage therapy rooms separated by removable/relocatable bamboo partitions, one room for hair care and washing, waiting/reception area, compliant unisex restroom, and storage room.

Proposed operating hours are 10:00 AM to 10:00 PM daily. The applicant currently operates "VIP Massage" located at 7041 Western Avenue in Buena Park. According to Buena Park Police, there have been no records of calls for emergency or police services related to "VIP Massage" over the past year.

No exterior building or site modifications are proposed with this request. In January 2019, the property owner commissioned an independent parking study prepared by Linscott, Law & Greenspan Engineers which included the applicant's proposed massage establishment in the parking supply-demand analysis. The report concluded that the existing supply of 272 parking spaces within the plaza is sufficient to support the proposed use as well existing and future retail and office uses under a shared-parking configuration with offsetting business hours taken into account.

The City Zoning Code requires Planning Commission review and approval of all massage establishments via the Conditional Use Permit process. The massage establishment must comply with all requirements of the City Zoning Code and not be located within five hundred (500) feet of the nearest property line of any public or private school, church, public or private park, or other massage establishment.

Staff reviewed the applicant's plans and visited the property, and feels that the existing building, site, parking, circulation, and infrastructure are adequate to support the massage establishment. Staff is of the opinion that allowing the massage establishment to operate within the CG zone is appropriate and will not negatively impact surrounding businesses or adjacent properties, as conditioned. The massage establishment is in compliance with applicable development and operational regulations of the Zoning Code, including the proximity requirements. The massage establishment is not within five hundred feet of the nearest property line of any public or private school, church, public or private park, or other massage establishment.

Distance from Subject Location:

- 4,042 ft. from nearest school (Dysinger Elementary School, 7770 Camellia Drive)
- 594 ft. from nearest religious facility (Calvary Mission Church, 8700 Stanton Avenue)
- 540 ft. from nearest park (Knott's Soak City, 8039 Beach Boulevard)
- 1.02 miles from nearest massage establishment (Blue Ocean Massage, 8555 Knott Avenue)

The Buena Park Police Department submitted a memorandum dated April 25, 2019 which indicates no objection to the applicant's proposed massage establishment use.

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) has been deemed to be exempt from CEQA per Section 15301, Class 1 (Existing Facilities).

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on May 30, 2019, and 28 notices were mailed to property owners within a 300 ft. radius of the subject property on May 30, 2019.

Chair McGuire asked if there were any questions for staff.

Commissioner Desai asked about signage displaying the type of business and operating hours.

Mr. Woods said signage will be reviewed and approved by staff under a separate application.

Chair McGuire referred to his concern raised in his e-mail about the proximity of the proposed business to a church. He asked how the distance of 500 ft. is measured.

Mr. Woods said the distance is measured from the main entry of the business to the nearest property line of the sensitive use.

Chair McGuire asked staff to confirm that the distance of the proposed project to the church is more than 500 ft.

Mr. Woods confirmed that the distance of the proposed project to the church is more than 500 ft.

Chair McGuire stated that this is a public hearing. If there is anyone wishing to speak on the item, please come forward and state their name and address for the record.

Rod Williams 8501 Elms Circle, Buena Park, said he has been a resident of the City for 25 years. He said that in 2011, he spoke before Planning Commission regarding his concerns about what was then Crescent Motel; that after Crescent Motel closed in 2013, the crime rate dropped and the place (under a new business) is no longer a public nuisance. Mr. Williams explained that human trafficking and prostitution exist in other countries and cities such as Vegas, Sacramento, Santa Ana, as well as along Beach Blvd. especially close to the city limit by Lincoln Ave., for almost three decades now. He also recalled that there was a hookah lounge that closed after a shooting. Mr. Williams said a massage parlor sign on Beach Blvd. will not be good for Buena Park, a city that relies on tourism, with attractions like Knott's Berry Farm. He said it will unravel all the positive changes that have happened in the

City. He said that half a block from the proposed site is a neighborhood of decent families who send their kids to great schools like Stanford. He said he noticed that no other residents were in attendance at tonight's meeting and he wondered if the surrounding neighbors were notified properly. Mr. Williams said that maybe it is difficult to assess the nature of some massage parlors because "we are not from their culture" – we "don't speak their language" as they probably are from Japan, Korea, Taiwan, Hongkong, etc.

Chair McGuire recalled that some concerns expressed by Mr. Williams were the same concerns mentioned when the first massage parlor application was considered by Planning Commission. He asked staff if there has been a record of prostitution problems in massage parlors in the City.

Mr. Rosen said the two massage parlors that had such problems are no longer in operation. He said that foot massage could be part of a culture, noted that the concept of bamboo dividers instead of separate rooms is unique, and explained that he cannot speak about the ethnicity of the business.

Chair McGuire asked if Mr. Rosen had talked to the applicant.

Mr. Rosen said he had not, but Mr. Woods was in communication with the applicant.

Mr. Woods said he cannot speak about the cultural aspect of the business but the business owner is present to answer questions.

Hong Luong, applicant, Bamboo Wellness, 8600 Beach Boulevard, Unit 103, Buena Park, CA 90620, described the business as 70% skin/beauty care, and 30% massage, including what is called the bamboo massage. She said that hairwash and scalp massage are for relaxation and good sleep. She described the massage rooms as spacious with bamboo curtains as dividers, with no walls and doors.

Chair McGuire asked Ms. Luong to describe the staff and if the City monitors staff.

Ms. Luong said all massage therapists are duly licensed.

Mr. Rosen said the City monitors massage therapist licensing.

Commissioner Schoales asked for a description of the bamboo curtains.

Mr. Woods said the bamboo curtains are movable panels that serve as partitions between the massage spaces.

Commissioner Schoales commented that illegal activities are less likely to happen because of the removable bamboo partitions.

Commissioner Diep asked if staff has samples or photos of bamboo panel materials. Citing privacy and safety concerns, she also asked about the height of the partitions and the strength of the materials.

Mr. Woods said staff was only shown a conceptual rendering, no samples of materials. He said partition walls do not go up to ceiling and are designed to be movable, if necessary. He said the proposed partitions are from 6 to 8 ft. high.

Commissioner Schoales commented that the partitions might be similar to the curtain partitions in hospitals.

Addressing Commissioner Diep's concerns, Mr. Rosen explained that plans are prepared by a licensed architect and will have to go through the permit process. The details will be provided as part of the permitting process and are subject to, among others, life safety requirements.

Commissioner Diep asked if it is typical for plans to reference something that is not attached, with materials to be provided at a later process. She also asked if staff will ensure that materials will not cause safety hazards.

Mr. Woods confirmed that plans typically go through construction plan check. Development Plans submitted for entitlement are normally abbreviated. He added that plans have to comply with the Building Codes.

Commissioner Diep asked if the applicant's other business in the City has had police calls for service and Code Enforcement violations.

Mr. Woods said the applicant's other business in the City has no records of police calls for service or Code Enforcement violations.

Commissioner Desai asked about the possibility of the applicant deciding to change the partitions to solid dividers.

Mr. Woods said that, should the applicant decide to do so, the applicant will have to submit plans for review and approval by Building and possibly Planning Commission.

Commissioner Capelle expressed her observation that the phrase massage parlor connotes illicit activity; thus, we become hyper aware and involved in outfitting. She said she is more concerned with the track record of the applicant, which is short but successful. She said she does not want to stereotype the word massage because she has been to massage therapists. She commented that the bamboo configuration is interesting and more decorative in purpose and because it is subject to staff's review, it is ensured to be safe, and should the applicant decide to have permanent partitions, the proposal will be subject to staff's review and approval. Commissioner Capelle said that, as Commissioner Schoales had stated, the open configuration will most likely deter illegal activity. She added that she does not believe the word massage connotes illicit activity but the phrase massage parlor does. She asked if the applicant will be agreeable to not using the term "massage parlor" on the signage, which already has a connotation according to the speaker. She suggested using another term such as "beauty studio," and recommended a status report from staff six months after start of operations, including Police Department calls for service, Code Enforcement violations, and community complaints. Commissioner Capelle stated that she does not have enough concerns to forestall the application.

Mr. Woods stated that the applicant intends to the name the establishment "Bamboo Wellness", and reiterated that Planning Condition No. 14 states that "The applicant shall submit a status report to the Planning Commission six months after start of operations."

Commissioner Diep thanked staff for including the six-month status report requirement in the conditions.

There being no one else wishing to speak on the matter, Chair McGuire closed the public hearing and advised that the item requires a Resolution for approval or denial with findings.

Commissioner Capelle moved, and Commissioner Desai seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU-19-7 with findings of fact and conditions therein.

**RESOLUTION NO. 6154
CONDITIONAL USE PERMIT NO. CU19-7**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU19-7, TO ALLOW A 1,353 SQUARE FOOT MASSAGE ESTABLISHMENT WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 8600 BEACH BOULEVARD SUITE 103 WITHIN THE CG (COMMERCIAL GENERAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

AYES:	6	COMMISSIONERS:	Capelle, Desai, Barstow, Diep, Schoales, and McGuire
NOES:	0	COMMISSIONER:	
ABSENT:	1	COMMISSIONER:	Chung
ABSTAIN:	0	COMMISSIONER:	

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Woods announced that a request to construct a new single family residence with attached four-car garage and build a new detached accessory dwelling unit at 5561 Kingman Avenue will be considered at the next Planning Commission meeting, as well as a continued item from a previous meeting.

STAFF REPORTS:

Mr. Rosen gave updates on reports received by City Council regarding short-term rentals and the Buena Park Sears property, and a new policy ordinance on background checks for all commissioners.

Mr. Rosen also reported on the opening of the new Hampton Inn on Artesia.

COMMISSION REPORTS:

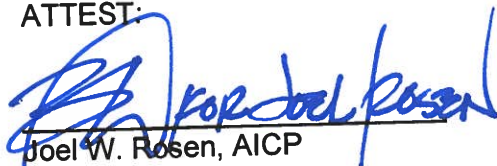
Commissioner Desai said he will be unable to attend the next Planning Commission meeting.

ADJOURNMENT: At 7:48 p.m., Chair McGuire adjourned to the regularly scheduled Planning Commission meeting on Wednesday, June 26, 2019, at 7:00 p.m. in the City Council Chamber.



Richard McGuire
Chair

ATTEST:



Joel W. Rosen, AICP
Secretary