

**CITY OF LAKEWOOD
PLANNING AND ENVIRONMENT COMMISSION
MEETING OF MAY 3, 2018
MINUTES**

A regular meeting of the Lakewood Planning and Environment Commission was called to order by Vice Chairperson Manis at 7:00 p.m. in the Lakewood City Council Chambers, 5000 Clark Avenue, Lakewood, California.

PLEDGE OF ALLEGIANCE

Chairperson Manis led the Pledge of Allegiance.

ROLL CALL: Chairperson Manis
Vice Chairperson McKinnon
Commissioner Quarto
Commissioner Samaniego
Commissioner Stuckey

Also present: Sonia Southwell, Director
J. Patrick McGuckian, Assistant Director
Paul Kuykendall, Senior Planner
David Barboza, Assistant Planner
Ivy Tsai, City Attorney
Helene Knight, Administrative Secretary

REORGANIZATION

Chairperson Manis vacated her office.

Attorney Tsai called for nominations for the position of Chairperson.

By unanimous ballot, Jan McKinnon was elected Chairperson.

Attorney Tsai called for nominations for the position of Vice Chairperson.

By unanimous ballot, Pete Samaniego was confirmed as Vice Chairperson.

APPROVAL OF MINUTES

There being no objections, Chairperson McKinnon ordered the Minutes of the Regular Meeting of April 5, 2018 approved as submitted.

ANNOUNCEMENTS AND PRESENTATIONS

Director Southwell invited the Commissioners to the Lakewood Celebrates Reception on Tuesday, May 8 at 6:00 p.m. in the Weingart Ballroom at The Centre at Sycamore Plaza.

PUBLIC HEARINGS

REQUEST FOR MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT NO. 939 FOR A MASSAGE ESTABLISHMENT ON PROPERTY LOCATED AT 4125 SOUTH STREET (AA Massage)

Senior Planner Paul Kuykendall delivered the oral report summarizing the written staff report and slide presentation, as contained in the file for Conditional Use Permit No. 939.

Commissioner Stuckey referenced the chart on page five of the staff report and asked if all of these people still work at the business.

Senior Planner Kuykendall responded that the information regarding employees is based on the records provided by Administrative Services.

There being no further questions of staff, Chairperson McKinnon opened the public hearing, asking anyone wishing to be heard on the matter to come forward.

Muichi Wong addressed the Commission accompanied by a translator.

Attorney Tsai asked Ms. Wong if she had anything to state on the record for this hearing item.

Ms. Wong's response was in a foreign language and Attorney Tsai requested assistance from the translator.

The translator stated that the owner's license is just pending and that there is a problem with her school.

Attorney Tsai asked Ms. Wong if her masseuse license with the massage council is pending.

Ms. Wong responded affirmatively, stating that it is pending and has a number.

Attorney Tsai asked Ms. Wong if she could speak English, if possible, and speak into the microphone.

Ms. Wong stated that she had called California Massage (CAMTC) to confirm Fung Gwon's license and was told that it is still pending.

Attorney Tsai asked the owner to state her name.

Ms. Wong responded, "Muichi Wong."

Attorney Tsai asked Ms. Wong if she is the business owner.

Ms. Wong responded affirmatively.

Attorney Tsai asked Ms. Wong if she has been talking about her employee.

Ms. Wong replied affirmatively, adding that her employee, Fung Gwon has a license in a pending status, while CAMTC said that her school is checking her background. Ms. Wong added that there is a problem with Fung Gwon's school that is contributing to the delay and stated that she is still waiting for Fung Gwon to prove her license.

Attorney Tsai asked Ms. Wong if there were any other statements she would like to make.

Ms. Wong replied that she never does organized crime. Referring to page six, number four, Ms. Wong stated that she has never done organized crime, because she is a single mother with three young children and she only does business.

Chairperson McKinnon replied that that was just one of the concerns in the Sheriff's report, and that she did not believe they intended to indicate that Ms. Wong is specifically involved in organized crime.

Ms. Wong responded by asking Chairperson McKinnon to show her the evidence of her organized crime.

Chairperson McKinnon replied that she understood that Ms. Wong was disputing any charge of organized crime, adding that the Sheriff's report indicates concerns and potential problems and does not indicate Ms. Wong specifically.

Chairperson McKinnon asked Ms. Wong if there was anything else she wanted to add.

Ms. Wong responded that she wished to speak about her advertising, explaining that she pays a person to do the advertising for her. The girl who handles the advertising does many massage advertisements. Ms. Wong stated that she pays the person who creates the page and picture, but that she personally does not ever show a naked girl. She may show a new face pretty girl, but not a naked girl. The new girl is the advertising.

Chairperson McKinnon stated that a commissioner had a question.

Commissioner Quarto asked Ms. Wong why her phone number was associated with escort services. That is the violation that is being referenced. It is in the wrong place. The location of the business number shows the potential for prostitution which violates the LMC for someone having a massage establishment.

Ms. Wong replied that she includes the number in the advertisement to get more clients.

Commissioner Quarto responded that the owner needs to monitor her advertising by having the person who works for her show her where her number is listed.

Attorney Tsai explained that Commissioner Quarto is asking Ms. Wong if she were aware of the sites where her business number was being listed and how it was advertised.

Ms. Wong responded that her business is advertised on Back Page, Craigslist and Google. The correct number is her shop number. She just wants more clients, the same way as a restaurant that puts a picture and a number where you can pick up or order food.

Commissioner Manis asked if all masseuses currently working in this business are licensed.

Ms. Wong responded that one masseuse has an expired license, because every two years she renews the license, but it is very confusing. Sometimes she submits the wrong page. She has the small license and a large one. The small one has the record.

Attorney Tsai asked how many employees the business currently has.

Attorney Tsai interpreted Ms. Wong's response as being that their employees come and go, because that is the nature of the business.

Attorney Tsai asked Ms. Wong if she registers with the City every time she has a change in employees.

Ms. Wong replied affirmatively, explaining that she pays a lot of money for the permit fee to register with the City each time she gains a new employee.

Chairperson McKinnon asked if there were anyone else wishing to be heard on the matter.

Kenneth Gaugh, 1963 Carson Street, Torrance, California, identified himself as a real estate attorney retained by Muichi Wong. Mr. Gaugh stated that the City staff's recommendation is contrary to what was published. Staff recommended on page seven of their report in the final paragraph that the Conditional Use Permit be approved, not revoked or modified. Public materials should match the public notice.

Attorney Tsai responded that staff realized after publication that there was an error in the last part of the staff report. However, the agenda was noticed properly and the public notices were correct.

Mr. Gaugh stated that, beyond the contradiction, Ms. Wong is a very honest, sincere person who is trying to do the right thing. The City's report consists of generalities and inappropriate conclusions and there is not a single criminal citation charge listed. This business is not a public nuisance as stated, and there is no prostitution, drug use, or public violation. Mr. Gaugh asserted that the City is standing on administrative violations regarding certificates that are expired or are not of original status. The City has been trying to work with Ms. Wong up to this point and should continue to do so. Her employees are licensed and there is no illegal activity at this property. The Sheriffs have been out a few times and given warnings, but no material violations were issued. Ms. Wong now has a new general manager who has brought in new consistent employees. The massage industry does have negative connotations, and, unfortunately, the Internet can automatically link sites, resulting in a business being listed without the owner's permission. While there are methods for Internet protection, that is not Ms. Wong's field. The Health Department and neighbors have had no issues with this business. Mr. Gaugh concluded his comments by asking the Commission to work with the owner to enable her to continue her viable business.

John Milbes, no address provided, addressed the Commission, identifying himself as a licensed private investigator and advocate for anti-human trafficking who works closely with the

Sheriff's Department. Mr. Milbes explained that he has no interest in this particular case, but that he has been to this location twice and was offered sexual services on both occasions. Mr. Milbes stated that he is not sure if the owner was aware of this, but he highly recommended that this license be revoked. He also provided a "recommended ordinances" document from the California Massage Therapy Council.

Chairperson McKinnon stated that Mr. Milbes mentioned the offer of sexual activities as well as human trafficking, which are two very different issues. Chairperson McKinnon requested clarification.

Mr. Milbes responded that massage establishments may bring people from China or southeast Asia, and then hold their visas, which is where the human trafficking comes in. It is also detrimental to the community which is why he recommended revoking the conditional use permit and preventing these businesses from opening in the City.

Chairperson McKinnon asked Mr. Milbes if he had witnessed or experienced sexual engagement or encounters at this location.

Mr. Milbes responded affirmatively, explaining that he can tell when he walks in and they do not accept credit cards and have masseuses who barely speak English, that a business may be offering sexual services. He will then go to a location and see if they offer it. At this particular location, they did. When he refused, they demanded a tip and he had to literally push someone out of the way in order to exit.

Mike Schochet, 5611 Marilyn Circle, Westminster, California, addressed the Commission identifying himself as the property manager for the shopping center, representing the landlord. Mr. Schochet stated that he cannot address any of the issues that were raised at this meeting concerning what occurs inside of the tenant space. However, he has never received any complaints from neighboring tenants or from anyone else. The first he heard there was any issue with this tenant was when he received the notice of this hearing. From his perspective, the owner has been a good tenant, quiet, does not cause problems with the other tenants and pays her rent on time. Mr. Schochet stated that Muichi Wong has sold the business, and he just did re-assignment of the lease. Mr. Schochet stated that this is normally done when requested by the tenant as long as the new person has decent credit. Mr. Schochet stated that Muichi Wong has stayed on as a guarantor of the lease which expires in a couple of years.

Adia, no last name or address provided, addressed the Commission, stating that he has been going to this business for 15 or 16 months with no problems and the comments made about the business are not true. He added that Muichi Wong is a school teacher who is going to sell the business and go to Monrovia where she has a tutoring place.

Chairperson McKinnon asked Ms. Wong if she wanted to reply to any concerns that were mentioned.

Ms. Wong returned to the podium, telling the Commission about an incident that occurred on February 9, at 8:00 p.m. Ms. Wong stated that a client who was almost finished with a massage requested illegal services. When Ms. Wong denied the request, the client requested a refund of the \$45 massage fee. Ms. Wong responded that a nearly one-hour massage had already

been provided and that Ms. Wong would not return the massage fee. An argument ensued and Ms. Wong called 911. Ms. Wong stated that that she would not have called 911 if she had been willing to make money from illegal activities.

Chairperson McKinnon asked Mr. Gaugh if he had any comments for rebuttal.

Mr. Gaugh returned to the podium, stating that he had just one observation. The gentleman who said he is a private investigator, made no report of his allegations to law enforcement or to the City. If a vigilante is going around trying to do well, then he should report the violation instead of keeping it to himself and then coming here to rain on the owner's parade. If he did have that experience, was it approved by the owner? No, and since it was not even reported, the owner had no opportunity to refute it.

There being no one else wishing to be heard on this matter, Chairperson McKinnon closed the public hearing.

Commissioner Quarto asked Director Southwell if the new owner can reapply for a Conditional Use Permit if it is revoked.

Director Southwell responded that there is always time to apply for a new Conditional use permit. Typically it goes with the land. Having heard that it is being sold, the new owner would inherit the conditional use permit. If this is revoked, that does not prevent another person from coming in and applying for the same business. It is not to say that if we deny a conditional use permit for this address that another business cannot open. Each business is evaluated individually. It took several reviews to get this particular business into compliance, with more time for certificates, displays, managers, etc. It is pretty procedural, but things were not coming into compliance until we got to this point. This is not an issue we have had with similar types of businesses. While the City wants things to continue to be in compliance with the law, that does not prohibit another person from applying.

Vice Chairperson Samaniego asked if procedurally the City has an owner who claims she knew nothing about what was going on. At City Hall when a person applies for a business license, is the name of the business or the name of the person on record? If there is only one of the two, is there a way to keep record of the business name and the owner so that both are on record?

Director Southwell replied that they are. Each department files things differently. In Community Development files are organized by address. The file will have the CUP number, business number, owner, everything associated with that location. For business licenses, they file by business name and that business name is associated with an address and an owner. They file a bit differently, but all departments keep records of everything.

Senior Planner Kuykendall explained that they do file by business name and if she sold the business, the new owner will come in and establish themselves as the new business owner and document that as change of ownership for the business. That department will have a record of the previous business owner but will also document time-wise and date-wise who the latest business owner is.

Vice Chairperson Samaniego asked if AA Massage could relocate to a new location in the City, with all of the information discussed remaining the same.

Director Southwell replied that a Conditional Use Permit goes with the land. Everything new has to be established for the new location.

Assistant Director McGuckian stated that the proposed Resolution of Revocation has key words in Section 3, stating that continued operation of a massage establishment is immediately revoked. Furthermore, the Planning and Environment Commission determines that the continued operation of the massage establishment at 4125 South Street by the current business owner or anyone associated with the business as an employee, partner or family member, is a public nuisance and hereby instructs the business owner to immediately cease operation of the massage establishment.

Commissioner Stuckey stated that she believed that the City had given the business owner ample time since April of 2017 to bring the business into compliance. A warning from the Sheriffs can rise to a citation. It was the owner's responsibility to resolve the numerous continuing violations. Since that was not done, the City should adopt the proposed resolution and revoke the Conditional Use Permit.

Commissioner Stuckey moved and Vice Chairperson Samaniego seconded that RESOLUTION NO. 8-2018, A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD, RECOMMENDING APPROVAL OF REVOCATION OF CONDITIONAL USE PERMIT NO. 939 ON PROPERTY LOCATED AT 4125 SOUTH STREET, be approved as submitted.

AYES: COMMISSIONERS: Stuckey, Samaniego, Manis, Quarto, McKinnon
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
ABSTAIN: COMMISSIONERS: None

CONDITIONAL USE PERMIT NO. 966, REQUESTING APPROVAL FOR THE CONTINUING OPERATION OF A MASSAGE ESTABLISHMENT ON PROPERTY LOCATED AT 5220 CLARK AVENUE, #317 (Ronald Patzer Therapy)

Associate Planner David Barboza delivered the oral report summarizing the written staff report and slide presentation, as contained in the file for Conditional Use Permit No. 950.

There being no questions of staff, Chairperson McKinnon opened the public hearing.

Ronald Patzer, 5220 Clark Avenue, #317, Lakewood, California, addressed the Commission, identifying himself as the applicant for Ronald Patzer Therapy. Mr. Patzer explained that he has been at this location since 2011 and has been practicing massage since 1980. Mr. Patzer added that during that time he has modified his style. Having worked for chiropractors for seven years, his practice is now more geared to medical problems and he avoids full body massage.

Chairperson McKinnon asked Mr. Patzer if he had read the Resolution and was agreeable to the conditions.

Mr. Patzer responded affirmatively.

Chairperson McKinnon asked Mr. Patzer if he had any other statements to share.

Mr. Patzer added that he does have a couple of clients that are teenagers that participate in sports, e.g. figure skating. They come in with a parent, but due to the ordinance, he will have to eliminate them as clients.

There being no one else wishing to be heard on this matter, Chairperson McKinnon closed the public hearing.

Commissioner Manis moved and Chairperson McKinnon seconded that RESOLUTION NO. 9-2018, A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 966 ON PROPERTY LOCATED AT 5220 CLARK AVENUE, #317, be approved as submitted.

**AYES: COMMISSIONERS: Manis, McKinnon, Quarto, Samaniego, Stuckey
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
ABSTAIN: COMMISSIONERS: None**

CONDITIONAL USE PERMIT NO. 967, REQUESTING APPROVAL FOR THE CONTINUING OPERATION OF A MASSAGE ESTABLISHMENT ON PROPERTY LOCATED AT 5538 SOUTH STREET (Beauty Star, LLC)

Senior Planner Paul Kuykendall delivered the oral report summarizing the written staff report and slide presentation, as contained in the file for Conditional Use Permit No. 967.

There being no questions of staff, Chairperson McKinnon opened the public hearing.

Li Chen, 5538 South Street, Lakewood, California, addressed the Commission, identifying herself as the applicant. Angel Chen addressed the Commission, identifying herself as the daughter of the owner, and the translator

Chairperson McKinnon asked the applicant if she had read the Resolution and agreed to the conditions.

Angel Chen responded affirmatively, adding that she had translated and explained the materials to her mother.

Vice Chairperson Samaniego asked how long she has been in business.

Angel Chen replied five years.

There being no one else wishing to be heard on the matter, Chairperson McKinnon closed the public hearing.

Commissioner Quarto moved and Commissioner Manis seconded that RESOLUTION NO. 10-2018, A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 967 ON PROPERTY LOCATED AT 5538 SOUTH STREET, be approved as submitted.

AYES: COMMISSIONERS: Quarto, Manis, Samaniego, Stuckey McKinnon
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
ABSTAIN: COMMISSIONERS: None

CONDITIONAL USE PERMIT NO. 968, REQUESTING APPROVAL FOR THE CONTINUING OPERATION OF A MASSAGE ESTABLISHMENT ON PROPERTY LOCATED AT 11421 CARSON STREET, #N (NS Thai Massage and Spa)

Senior Planner Paul Kuykendall delivered the oral report summarizing the written staff report and slide presentation, as contained in the file for Conditional Use Permit No. 968.

Vice Chairperson Samaniego asked to see a picture of the storefront.

Senior Planner Kuykendall replied that it is a window decal.

Chairperson McKinnon asked about the Joint Use Parking Agreement information on page five, specifically how one parking space for every 250 square feet is acceptable. When the Joint Use Parking Agreement was approved, the tenant space was calculated at one parking space for every 250 square feet, so nothing changed.

Senior Planner Kuykendall explained that when the center was originally developed it had more parking spaces than it does now. When the Long Beach Town Center was developed, they widened Carson Street and the Center lost some parking spaces. At that time, the parking for a tenant space, a regular retail space, was one for 250 square feet. Massage establishments are treated like beauty salons and hair salons at the same ratio.

There being no further questions of staff, Chairperson McKinnon opened the public hearing.

Thomas Tang, no address provided, identified himself as the person who does the applicant's paperwork.

Chairperson McKinnon asked Mr. Tang if the applicant had read the resolution and was agreeable to the conditions.

Mr. Tang responded affirmatively.

There being no one else wishing to be heard on this matter, Chairperson McKinnon closed the public hearing.

Commissioner Stuckey moved and Commissioner Quarto seconded that RESOLUTION NO. 11-2018, A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 968, ON PROPERTY LOCATED AT 11421 CARSON STREET, be approved as submitted.

AYES: COMMISSIONERS: Stuckey, Quarto, Manis, Samaniego, McKinnon
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
ABSTAIN: COMMISSIONERS: None

REPORTS:

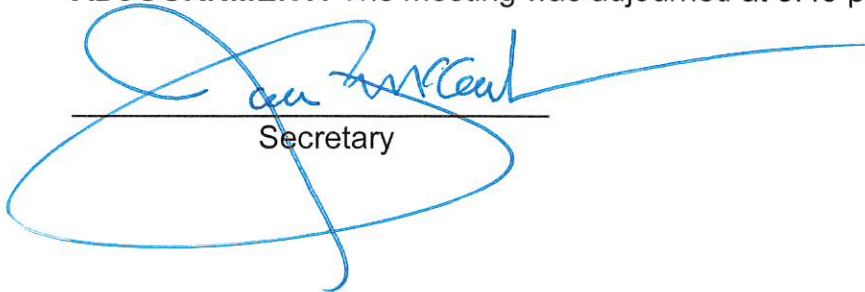
- Report of CUP No. 959, six-month review, 4180 Woodruff Avenue, #2, for a massage establishment (Relax Foot Spa) was received and filed.
- Development Review Board reports for April 2018 were received and filed.

CORRESPONDENCE: None.

ORAL COMMUNICATIONS: None.

WRITTEN COMMUNICATIONS: None

ADJOURNMENT: The meeting was adjourned at 8:40 p.m.



Secretary