

GARDEN GROVE PLANNING COMMISSION
Council Chamber, Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes
Thursday, April 16, 2020

CALL TO ORDER: 7:02 p.m.

ROLL CALL:

Chair Lehman
Vice Chair Perez
Commissioner Le
Commissioner Lindsay
Commissioner Nguyen
Commissioner Ramirez
Commissioner Soeffner

Absent: Ramirez

Commissioner Ramirez joined the meeting at 7:07 p.m.

ORAL COMMUNICATIONS – PUBLIC – None.

March 5, 2020 MINUTES:

Action: Received and filed.

Motion: Perez Second: Lindsay

Ayes: (7) Le, Lehman, Lindsay, Perez, Nguyen, Ramirez,
Soeffner

Noes: (0) None

CONTINUED PUBLIC HEARING FROM MARCH 19, 2020 - SITE PLAN NO. SP-081-2020 AND TENTATIVE TRACT MAP NO. TT-18181 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF LAMPSON AVENUE, BETWEEN 9TH STREET AND WEST STREET AT 11712 LAMPSON AVENUE.

Applicant: NHAN VUONG
Date: April 16, 2020

Request: Site Plan and Tentative Tract Map approval to subdivide an existing 47,286 square foot lot, improved with a single-family home, into four (4) residential lots that will be served by a private street designed as a cul-de-sac (Lot 5). Lot 1 will be 10,031 square feet, Lot 2 will be 8,312

square feet, Lot 3 will be 10,520 square feet, and Lot 4 will be 7,783 square feet. The existing single-family home will be reconfigured to fit within the developable area of Lot 1, and will include the construction of a new second-story addition. Lots 2, 3, and 4 will each be improved with a new two-story, single-family home. Also, a minor land deviation to allow the front yard fence for Lot 1, located along Lampson Avenue, to be constructed at a height of six feet. The site is in the R-1 (Single-Family Residential) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15333 – Infill Development Projects.

Action: Resolution No. 5978-20 was approved with an amendment to add Condition No. 70, which stated that the garage for Lot 4 shall be designed to maintain a minimum garage door size width of 18 feet. The applicant agreed to immediately clean up the property and to meet with Code Enforcement to coordinate access to the property. One letter of opposition was submitted by Holman Morgan with a privacy concern in regard to the two-story height adjacent to single-family homes and the parking impacts within the neighborhood. An additional letter of opposition was submitted by Donald Trubiroha in regard to the two-story height next to single-family, privacy concerns and existing property maintenance issues.

Motion: Lindsay Second: Ramirez

Ayes: (7) Le, Lehman, Lindsay, Nguyen, Perez, Ramirez, Soeffner

Noes: (0) None

CONTINUED PUBLIC HEARING FROM APRIL 2, 2020 – CONDITIONAL USE PERMIT NO. CUP-339-11 (REV. 2020) FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF WESTERN AVENUE AND LAMPSON AVENUE AT 12552 WESTERN AVENUE.

Applicant: THE MAP SPORTS FACILITY
Date: April 16, 2020

Request: To modify the approved plans and Conditions of Approval, under Conditional Use Permit No. CUP-339-11 (REV. 2014), for an existing indoor sports facility, MAP Sports Facility, to expand the hours of operation allowing daytime weekday business hours and activities and to expand the existing parking lot to provide additional parking spaces. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

Action: The applicant requested to open the public hearing and to continue the item to the June 4, 2020 Planning Commission meeting to allow additional time to address issues raised from public comments received by the City of Garden Grove. One letter was submitted by Royden Fujimori in regard to weekday parking impacts and safety issues. An addition letter was submitted by Container Supply also citing parking impacts and safety issues. The public hearing portion of the meeting was opened and a motion to continue the item to the June 4, 2020 meeting was approved.

Motion: Perez Second: Lindsay

Ayes: (7) Le, Lehman, Lindsay, Nguyen, Perez, Ramirez, Soeffner

Noes: (0) None

ITEM FOR CONSIDERATION - REVIEW OF THE CODE OF ETHICS: Commissioners reviewed and acknowledged the Code of Ethics governing the Planning Commission.

MATTERS FROM COMMISSIONERS:

DISCUSSION ON LIMITING THE NUMBER OF MASSAGE ESTABLISHMENTS IN THE CITY:

- Prior to 2008, the City of Garden Grove regulated massage establishments through zoning regulations and the Police Department permitting process, classifying the use as 'adult entertainment' to operate in the C-2 zone, to comply with distance requirements, and to obtain a Conditional Use Permit.
- In 2008, the State adopted Senate Bill (SB) 731, the Massage Therapy Act, which restricted local land use control over massage establishments and created a voluntary certification process through the California Massage Therapy Council (CAMTC). Businesses employing certified massage therapists could operate as a 'professional service use,' pre-empting the City from enforcing existing zoning regulations.
- In response, the City established a policy, which classified massage establishments as a 'medical use' to operate in commercial zones that permitted medical uses. Permits were obtained from the Police Department.
- After SB 731, the number of massage establishments in the City increased from 1 (a health spa) to 23 by 2015.
- In 2014, due to concerns with some licensed establishments operating as fronts for prostitution and human trafficking, the State adopted Assembly Bill (AB) 1147, the Massage Therapy Act, which restored local land use control over massage establishments. AB 1147 became effective January 1, 2015.
- In response, on May 26, 2015, the City Council adopted Ordinance No. 2856 to amend and update the Title 5 Massage Regulations in the Municipal Code,

to allow the Police Department to use regulatory and operational standards to regulate future massage establishments.

- On September 3, 2015, the Planning Commission approved a Resolution and the City Council approved an Amendment, via an Ordinance, to update Title 9 of the Municipal Code to provide consistency with Title 5 and AB 1147. The Amendment introduced new definitions, identified zones, established parking, and special operating conditions, such as new establishments maintaining 1000-foot distance from existing massage establishments, orienting the businesses toward major streets away from residences, and not permitting live entertainment or alcoholic beverages.
- After the approved Amendment in 2015, 22 of the establishments were classified as legal non-conforming uses. Currently, the City has 24 permitted massage establishments, with those operating prior to 2015 out of compliance with the 1000-foot distance separation. The zoning and 1000-foot distance requirement, however, has been effective in limiting the number of new massage establishments in the City.
- Staff has found that a cap on the number of massage establishments would not be necessary. The calls for service were complaint-driven with the majority of the locations being non-permitted. Violations could be cited, and the 30-day vacancy requirement also helped. Many requests are turned away. New businesses require background checks and employees are required to be licensed by the State.
- Unlicensed massage establishments may come in as chiropractors or skin care fronts for illegal prostitution.
- Should there be a cap on the number of establishments, the City would have to turn away businesses that meet code, which could include high-end hotels with spas or gyms. New businesses would only be allowed if the number of establishments were under the cap.
- Massage businesses constantly change hands, as shown by the re-establishment of the business permits each year.
- There are few random inspections as background checks and crime statistics are run each year, along with checking calls for service for complaints. The Police Department can conduct compliance checks with quick walk-throughs. One permit was denied last year due to criminal activity.
- In regard to massage establishment locations and aspects such as private rooms vs. open concept spaces, CAMTC has rules and regulations for the buildings, such as the hallways leading back to the rooms need to be open and for the locking and unlocking of doors. Typically, there were less complaints for the open-floor concept.
- Rather than limit the number of establishments, two Commissioners suggested a condition to allow a six-month probation period, prior to final approval, with random inspections, to show a new business was a good operator. Staff stated that a condition could be added, though recommended that random inspections during probation be done via an ordinance, as the Planning Commission had no authority over the massage permit outside of the land use code.
- Staff clarified that any new requirements in regard to a six-month probation period would require an adopted City Council policy for all massage conditional

use permits, though the requirements would not necessarily need to be included in Title 5. Staff then explained that existing establishments were already on a yearly probation and those that were not good operators could have their license revoked. In addition, a license could be revoked any time during the year prior to renewal of the permit, so in essence, a type of probation was already in place. The Planning Commission agreed that a limit on the number of massage establishments was not needed at this time.

Commissioners thanked staff for their diligent work during the Coronavirus outbreak and for the City's promotion of the 2020 Census, which has resulted in a good response rate.

MATTERS FROM STAFF: Staff gave a brief description of the agenda items for the May 7, 2020 Planning Commission meeting.

ADJOURNMENT: At 8:57 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, May 7, 2020, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore, Recording Secretary