



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

December 1, 2009

Jumbodollar Enterprise, Inc.
129 S. 8th Avenue, #H
City of Industry, CA 91746
Attention: Jeremy Yeh

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NUMBER R2008-01060 – (4)
CONDITIONAL USE PERMIT CASE NO. 200800100
1758 Sierra Leone Avenue, Unit "D" (APN No. 8253-002-013)**

Dear Applicant:

Hearing Officer, Dennis Slavin, by his action on December 1, 2009, **APPROVED** the above described Conditional Use Permit for a foot massage parlor in a C-3-BE Zone.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on December 15, 2009.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grant becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact **Rob Glaser**, of the Special Projects Section at (213) 974-4971 or e-mail at rglaser@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Jon Sanabria
Acting Director of Planning

Samuel Dea, Supervising Regional Planner
Special Projects Section

Enclosures: Approved Findings and Conditions, Affidavit (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement;
Rui Rong Huang, Duncan Yang

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2008-01060 – (4)
CONDITIONAL USE PERMIT NO. 200800100**

REQUEST: The applicant, Rowland Foot Soak, is requesting approval for a Conditional Use Permit to operate a foot massage parlor in the C-3-BE Zone (Unlimited Commercial – Billboard Exclusion). Currently massage parlors are uses subject to permit in the C-3-BE Zone pursuant Section 22.28.210 of the County Code. The proposed massage parlor Rowland Foot Soak is located in an existing one story, six (6) unit mixed commercial complex in the unincorporated community of Rowland Heights.

HEARING DATE: December 1, 2009

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on December 1, 2009 before the Hearing Officer, Mr. Dennis Slavin. The applicant's representative, Jeremy Yeh, presented testimony in favor of the request and submitted two letters and a petition with 205 signatures in support for the applicant's request to the Hearing Officer.

Staff presented the applicant's request and the Hearing Officer instructed that the amount of existing landscaping and the nineteen required parking spaces be included in the findings and conditions. The Hearing Officer confirmed all the draft conditions as recommended by staff are acceptable to the applicant. The applicant accepted the amended conditions. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with changes to the conditions as agreed to by the applicant.

Findings

1. The subject property is located at 1758 Sierra Leone Avenue, Rowland Heights in the Puente Zoned District.
2. The subject property is zoned C-3-BE (Unlimited Commercial-Billboard Exclusion Overlay). The surrounding properties are zoned as follows:
 - North: C-3-BE (Unlimited Commercial – Billboard Exclusion), R-1-6,000 (Single-Family Residence – 6,000 sq.ft. minimum lot size).
 - East: R-1-6,000.
 - South: C-3-BE, R-1-6,000, and R-3 (Limited Multiple Residence).
 - West: C-3-BE.

3. The existing land use for the subject property is developed as a multi-tenant commercial shopping complex with appurtenant parking and landscaping. The existing land use for the surrounding properties are as follows:

North: Commercial and retail shopping center and single-family residences.
East: Single-family residences.
South: Commercial and retail shopping centers, single-family residences and multi-family residences.
West: Commercial and retail shopping centers.

4. This approval is to authorize the operation and maintenance of a foot massage parlor in the C-3-BE (Unlimited Commercial – Billboard Exclusion) Zone as required by Section 22.28.210 of the County Code. The facility includes 10-12 massage chairs, laundry facility, restroom, and an office. All the massage chairs are located in an open room and none of the chairs located behind closed doors.

5. The Land Use Policy category for the subject property is designated as Commercial (C) in the Rowland Heights Community Plan. The Commercial category includes retail commercial, service and office uses. The Rowland Heights Community Plan is an element of the Los Angeles County General Plan, delineating more clearly, and in greater detail than it is possible in the Countywide General Plan with policies and standards for development pertaining to the community. The current use on the property as a multi-tenant commercial complex is consistent with the Rowland Heights Community Plan. The following polices from the Community Plan supports the proposed use.

1. Land Use Policy #8 – “Encourage the beautification of new and existing commercial areas.”
 - *The existing commercial complex provides four percent more landscaping than required in Section 22.28.220 of the County Code.*
2. Land Use Policy #8e. - “Limit signs to one for each street frontage of a shopping center listing all businesses.”
 - ~~*The existing commercial complex meets the sign guidelines set forth in the Plan and has a sign program associated with Plot Plan 29870 approved on July 9, 1998.*~~
3. Land Use Policy #8f. - “New commercial uses shall be sensitive to neighboring uses.”
 - *The propose use is a foot massage parlor and this type of business are not typically disruptive to the adjacent neighborhood or commercial center if appropriately conditioned. The amount of trip generation for a massage parlor would not increase the amount of neighborhood traffic.*

6. The zoning category for the subject property is C-3-BE (Unlimited Commercial – Billboard Exclusion) zone. A massage parlor is use subject to permit in the C-3 zone. The existing commercial complex meets all landscaping and parking requirements required by the C-3 zone.

7. The proposed foot massage parlor is located in an existing multi-tenant commercial complex and will not require significant modifications to the existing building or require additional parking. The site plan depicts nineteen (19) parking spaces provided (consisting of 12 standard, 6 compact and 1 handicapped) and approximately 1,976 square feet of landscaping for the subject property, which exceeds the minimum 10% (1,395 square feet) landscaping requirement for the C-3 zone pursuant Section 22.28.220 of the County Code.
8. In addition to the C-3 zoning requirements, the property is also subject to the Rowland Heights Community Standards District (CSD) requirements. The existing commercial complex was approved and built prior to the adoption of the CSD. The complex however did follow the guidelines set forth in the Community Plan and the design of commercial complex is consistent with requirements of the CSD.
9. The location of the project site is on a corner lot orientated toward an adjacent major commercial complex. The site has no direct access to the rear of the property where it is adjacent to a single-family residential neighborhood. The existing building serves as a buffer from the nearby commercial developments and the parking lot is appropriately screened to prevent disturbance to surrounding residences. The proposed use does not require additional parking. The massage parlor use is quite by nature and would not generate noise disruptions to the neighborhood if properly conditioned.
10. The Department of Regional Planning has determined that a Categorical Exemption, Class 1 Categorical Exemption- Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project is located within an existing multi-tenant commercial building and will not require addition or significant alteration to the structure.
11. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting. In addition, the Rowland Heights Community Coordinating Council (RHCCC) was notified on July 22, 2009 by the applicant through email. There was no response from the RHCCC.
12. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to ten (10) years.
13. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Mark Child, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds that this project is categorically exempt from the provisions of the California Environmental Quality Act.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 200800100 is **APPROVED**, subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

SD:rg

This grant authorizes the operation and maintenance of a foot massage parlor in the C-3-BE Zone (Unlimited Commercial - Billboard Exclusion). The massage parlor is located in Unit "D" of an existing one story, six (6) unit commercial complex in the unincorporated community of Rowland Heights. The facility consists of 10-12 massage chairs, a laundry facility, restroom and an office. This approval is subject to the following conditions of approval;

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 6, and until all required fees have been paid pursuant to Condition No. 9, Notwithstanding the foregoing, this Condition No. 2, and Condition Nos. 3, 4, and 7 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. ~~In the event that any claim, action, or proceeding as described above is filed~~ against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant will terminate on December 1, 2019.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
8. This grant shall expire unless used within 2 years from the date of approval by the County. A single one-year time extension may be requested in writing and with payment of the applicable fee no earlier than six (6) months prior to such expiration date.
9. ~~The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$750.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **ten (5) biennial (once every other year)** inspections. Inspections shall be unannounced.~~

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially

- responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.
10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
 11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
 12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
 14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
 15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
 16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
 19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit. In the event the subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed

plans to the director for review and approval. All revised plans must be accompanied by written authorization of the property owner.

20. Not less than fourteen percent (1,976 square feet) of the 0.32-acre development area shall be landscaped. All landscaping shall be maintain in a neat, clean and healthy condition, including proper pruning, watering, weeding, litter removal, fertilizing and replacement of plants when necessary.
21. A minimum of 19 on-site parking spaces shall be provided and continuously maintained, including one (1) space reserved for persons with disabilities. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile or truck repair, or any other unauthorized uses.
22. The following conditions apply to the establishment and operation of the approved foot massage parlor:
 - a. The operator of the foot massage parlor and all technicians employed in/ or utilizing the open massage area shall obtain a Business Licenses pursuant to Title 7 of the County Code and such license shall be maintained in effect for the life of the grant. The foot massage parlor operator and all technicians shall comply with all regulations or conditions of said license and violations of this license shall also be considered violations of this grant. Copies of all current licenses for the parlor and technicians shall be submitted to the Director subsequent to all renewals and new licenses being granted.
 - b. The permittee shall comply with all the following requirements:
 - i. No massage or massage services shall be given in a business or premises within any cubicle, room, booth, or other area which is fitted with a door capable of being locked. The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during business hours (including electric locking devices);
 - ii. Minimum lighting shall be provided in accordance with the building code, and, in addition, at least one artificial light of not less than 40 watts shall be provided the main room where massage services are being performed on a patron;
 - iii. Minimum ventilation shall be provided in accordance with the building code;

- iv. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided;
- v. Hot and cold running water shall be available at all times;
- vi. Separate closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen," "Soiled Linen;"
- vii. A minimum of one separate washbasin shall be provided for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times, and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers;
- viii. The facility shall operate between the hours of 11:00 a.m. and 7:00 p.m. Monday through Sunday;
- ix. No building or part thereof where massage or massage services are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by customers;
- x. All walls, ceilings, floors and all other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition;
- ~~xi. Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted;~~
- xii. A person shall not enter, be or remain in any part of a massage parlor or premises licensed as such while in the possession of, consuming or using any alcoholic beverage or drugs. The licensee, manager, and every supervising employee, shall not permit any such person to enter or remain upon such premises;
- xiii. No massage or massage services may be administered unless the patron wears clothing which covers the patron's genitals, and if the patron is female, the breasts. The massage technician shall at all times while on the premises of the establishment, be clean, and

wear nontransparent outer garments covering the body from knee to neck;

- xiv. All massage technicians must wear a picture I.D. issued by the treasurer and tax collector while working in a massage parlor. The Los Angeles County Sheriff's Department shall conduct a background check on all massage parlor personnel prior to the issuance of a picture I.D. by the Los Angeles County Treasurer and Tax Collector;
- xv. All establishments licensed under Section 7.54.210 of the Business License Code shall at all times the establishment is open have a responsible person licensed under Section 7.54.210 acting as manager on the premises at all times. The manager must be familiar with the requirements of Chapter 7.54 of the Business License Code and be capable of communicating these provisions to employees and patrons of the establishment. Further, that person shall meet the following qualifications:
 - 1. Shall be at least twenty-one (21) years of age;
 - 2. Shall possess on the premises a valid state picture identification card or driver's license; and
 - 3. Shall have the ability to effectively communicate with any County regulatory officials.

The manager shall introduce himself or herself to any County regulatory official immediately upon notification of that official's presence at the business. The manager and all staff members shall cooperate with any County regulatory official's investigation.

- c. All massage technicians shall be maintained as "employees" as defined by State and federal labor law unless a written sublease is executed to assign a specific treatment area to an independent contractor. Any independent contractors utilizing the booth shall obtain a separate massage parlor business license prior to commencing operation.
- d. The massage operator and all technicians shall comply with any requirements subsequently adopted by the Business License Commission with respect to the operation of the facility.
- e. The business license commission shall revoke any license issued pursuant to Part 1 and Part 2 of Chapter 7.54 of the Business License Code upon receiving satisfactory evidence that either:

- i. The licensee has been convicted of or entered a plea of guilty or nolo contendere to any violation of Penal Code Section 647(b), 266(h), 266(i), 315, or 316; or
- ii. The licensee has violated any provision of Chapter 7.54 of the county code on two separate occasions within a 12-month period.

Whenever a license has been revoked, the former licensee, whether a person, partnership, or corporation, shall not be granted a new license for a period of one year from the date of revocation. Should the Business License Commission revoke any license, the Hearing Officer shall initiate proceedings to revoke or modify the Conditional Use Permit for this use.

- f. No adult programming shall be aired on any television or other electronic device within the booth.
- g. Patrons of the establishment shall not remove or change clothing at any time during their patronage of the establishment.

SD:rg