

Transmittal Checklist

Hearing Date

12/1/2009

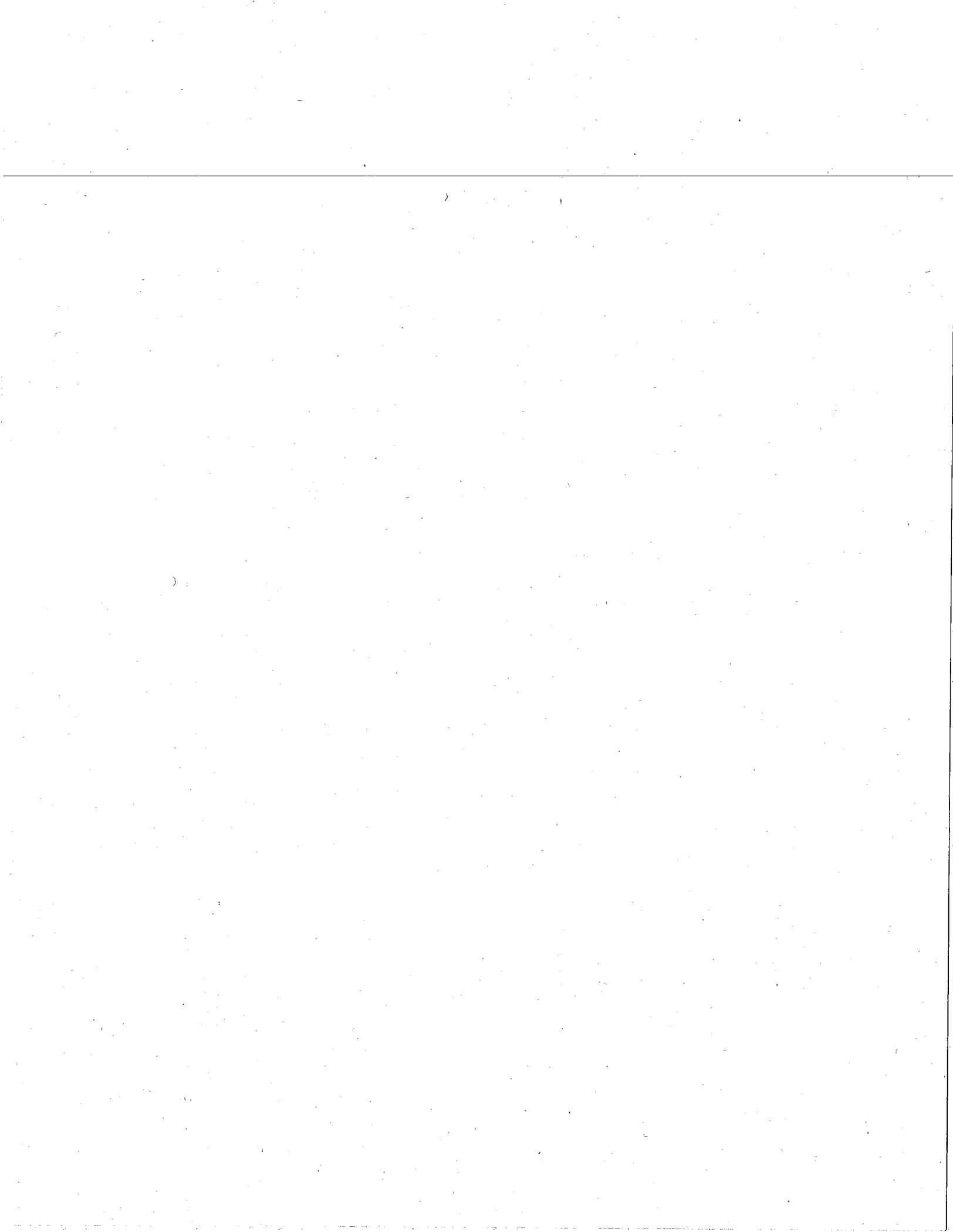
Agenda Item Number

5

Project Number: 2008-01060 – (4)
Case(s): CUP No. 200800100
Contact Person: Rob Glaser

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Written Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Reviewed By: 





Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-4971
PROJECT NUMBER R2008-01060-(4)
Conditional Use Permit No. 200800100

PUBLIC HEARING DATE 12/01/2010	AGENDA ITEM 5
RPC CONSENT DATE N/A	CONTINUE TO N/A

APPLICANT Rui Rong Huang	OWNER Duncan Yang	REPRESENTATIVE Jeremy Yeh (Jumbodollar Enterprise)
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PROJECT DESCRIPTION
 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.

REQUIRED ENTITLEMENTS
 The request to operate and maintain a massage parlor in the C-3-BE zone is subject to a Conditional Use Permit as required by Section 22.28.210 of the County Code.

LOCATION/ADDRESS
 1758 Sierra Leone Ave, Rowland Heights

SITE DESCRIPTION
 The site plan depicts a foot massage parlor located in a six-unit multi-tenant shopping center on a 13,950 sq.ft. (0.32 acre) parcel. The shopping center is a one-story building, 27'-3" high, 4,750 sq.ft. in size. Unit "A" is 693 sq.ft. in size, unit "B" is 875 sq.ft. in size, unit "C" is 795.5 sq.ft. in size, unit "D" (massage parlor) is 795.5 sq.ft. in size, units "E" and unit "F" are both 795.5 sq.ft. in size. In addition to the massage parlor the tenants of the complex consist of three medical offices (Optometry and Dentistry) and two general retail tenants (Crystal store and Cellular phone store). The existing landscaping for the subject property is approximately 1,976 sq.ft., which exceeds the minimum 10% landscaping requirement for the C-3 zone pursuant Section 22.28.220 of the County Code. Nineteen (19) parking spaces are provided (consisting of 12 standard, 6 compact and 1 handicapped). A trash dumpster is depicted at the northwest end of the parking lot. The massage parlor unit consists of an office, a restroom, a laundry room and an open massage area with ten chairs.

ACCESS From Sierra Leone	ZONED DISTRICT Puente
ASSESSORS PARCEL NUMBER 8253-002-013	COMMUNITY Rowland Heights
SIZE 13,950 sq.ft. (795.5 sq.ft. unit)	COMMUNITY STANDARDS DISTRICT Rowland Heights

	EXISTING LAND USE	EXISTING ZONING
Project Site	Multi-tenant Commercial Complex	C-3-BE (Unlimited Commercial - Billboard Exclusion)
North	Commercial and Retail Shopping Center and Single-Family Residences	C-3-BE and R-1-6,000 (Single Family Residence - 6,000 sq.ft. minimum lot size)
East	Single-Family Residences	R-1-6,000
South	Commercial and Retail Shopping Centers, Single-Family Residences and Multi-Family Residences	C-3-BE, R-1-6,000 and R-3 (Limited Multiple Residence)
West	Commercial and Retail Shopping Centers	C-3-BE

GENERAL PLAN/COMMUNITY PLAN Rowland Heights Community Plan	LAND USE DESIGNATION Commercial	MAXIMUM DENSITY N/A
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ENVIRONMENTAL DETERMINATION
 Class 1 Categorical Exemption- Existing Facility

RPC LAST MEETING ACTION SUMMARY

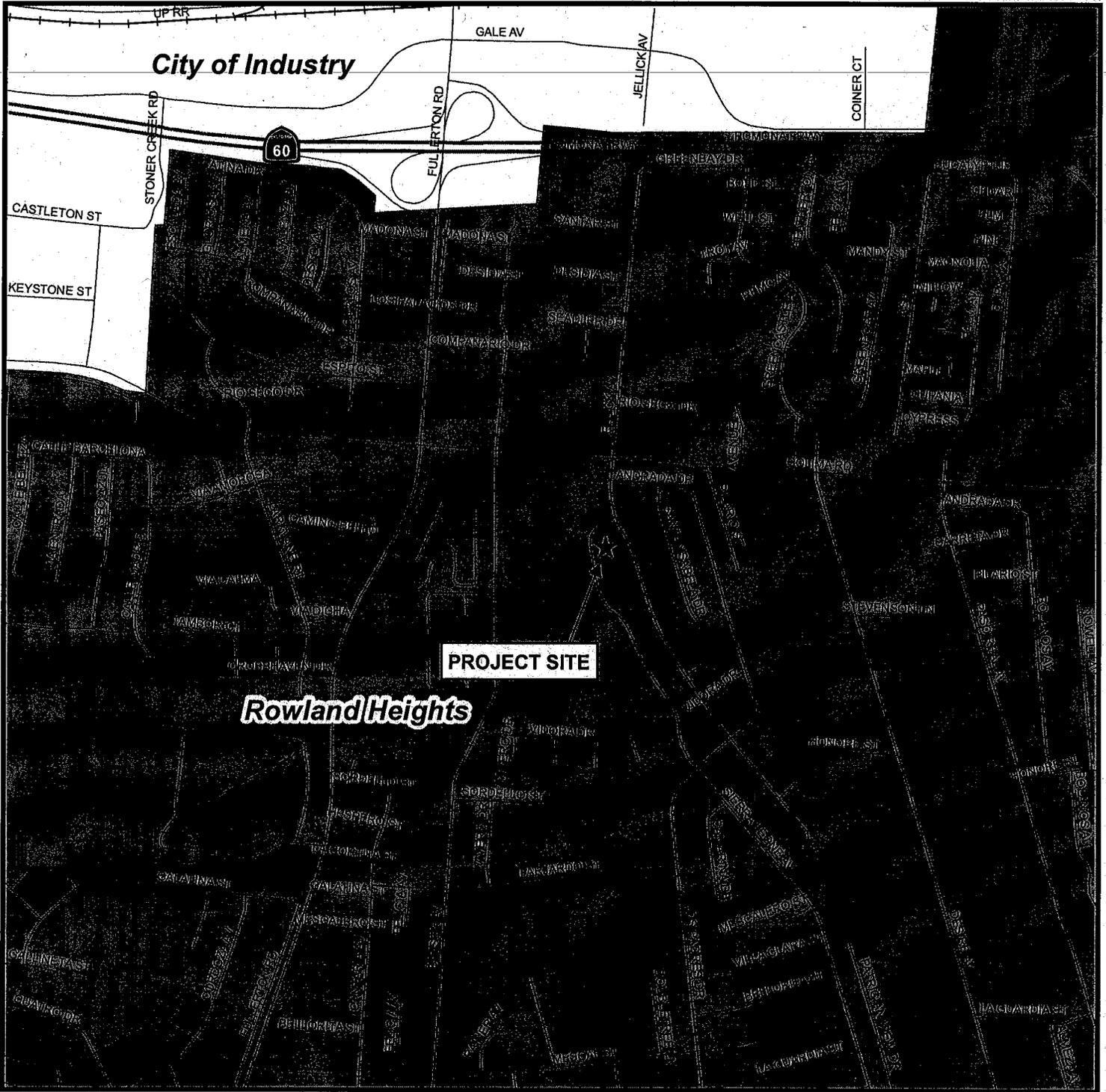
LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Rob Glaser		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

*(O) = Opponents (F) = In Favor

VICINITY MAP

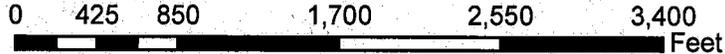


PROJECT SITE

Rowland Heights

- Legend**
-  Freeways
 -  TB Streets
 -  Unincorporated Area

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



1 inch = 1,000 feet

STAFF ANALYSIS
PROJECT NUMBER R2008-01060 – (4)
Conditional Use Permit No. 200800100

PROJECT DESCRIPTION

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.

REQUIRED ENTITLEMENTS

The request to operate a massage parlor in the C-3-BE zone is subject to a Conditional Use Permit as required by Section 22.28.210 of the County Code.

DESCRIPTION OF SUBJECT PROPERTY

Location: The subject property is located at 1758 Sierra Leone Ave, Rowland Heights in the Puente Zoned District.

Physical Features (topography/vegetation): The property is a rectangular shape, level, 13,950 square foot lot improved with a 4,750 square foot, six-unit, multi tenant one-story structure; and a surface parking lot with 19 parking spaces (twelve standard, six compact, one handicapped). The subject property is located on the south side of the intersection of Sierra Leone Avenue and Jellick Avenue. The subject property is landscaped along the northwest side of the parking lot.

Access: Via Sierra Leone Avenue through a 23 foot wide access driveway.

SITE PLAN DESCRIPTION

The site plan depicts a foot massage parlor located in a six-unit multi-tenant shopping center on a 13,950 sq.ft. (0.32 acre) parcel. The shopping center is a one-story building, 27'-3" high, 4,750 sq.ft. in size. Unit "A" is 693 sq.ft. in size, unit "B" is 875 sq.ft. in size, unit "C" is 795.5 sq.ft. in size, unit "D" (massage parlor) is 795.5 sq.ft. in size, units "E" and unit "F" are both 795.5 sq.ft. in size. In addition to the massage parlor the tenants of the complex consist of three medical offices (Optometry and Dentistry) and two general retail tenants (Crystal store and Cellular phone store). The existing landscaping for the subject property is approximately 1,976 sq.ft., which exceeds the minimum 10% landscaping requirement for the C-3 zone pursuant Section 22.28.220 of the County Code. Nineteen (19) parking spaces are provided (consisting of 12 standard, 6 compact and 1 handicapped). A trash dumpster is depicted at the northwest end of the parking lot. The massage parlor unit consists of an office, a restroom, a laundry room and an open massage area with ten chairs.

ENVIRONMENTAL DETERMINATION

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.

EXISTING ZONING

Subject Property: The subject property is zoned C-3-BE (Unlimited Commercial – Billboard Exclusion).

Surrounding Properties:

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

EXISTING LAND USE

Subject Property: The subject property's existing land use is a multi-tenant commercial complex.

Surrounding Properties:

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.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in La Opinion, on October 27, 2009 and in The San Gabriel Valley Tribune, on October 28, 2009. A total of 59 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 500-foot radius of the subject property on October 22, 2009. This number also includes notices sent to the local community groups and residents on the Puente Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Factual Sheet, Site Plans and environmental documents were forwarded to the Rowland Heights County Library at 1850 Nogales Street, Rowland Heights, on October 22, 2009. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant shall post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting and photos from the applicant's agent stating that the Notice of Public Hearing was posted on October 28, 2009. In addition, the applicant contacted the Rowland Heights Community Coordinated Council and notified the community group regarding the entitlement requested.

PREVIOUS CASES/ZONING HISTORY

- Plot Plan 29870 – Approved the commercial complex on August 27, 1979. The commercial complex was redesigned and this Plot Plan was revised and approved on July 17, 1997. A sign program was submitted and approved on June 26, 1998. This Plot Plan was revised for a tenant improvement for unit "C" and approved on March 4, 2004.

STAFF EVALUATION

General Plan Consistency

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.*

Zoning Ordinance and Development Standards Compliance

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. 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. In addition to the C-3 zoning requirements, this project 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.

Neighborhood Impact/Land Use Compatibility

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.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached (**Attachment A**). Staff is of opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

No comments have been received from County departments at this time of this report.

PUBLIC COMMENTS

No public comments had been received at this time of this report.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

Department of Regional Planning Zoning Enforcement:

A deposit of \$750 to cover the cost of five biennial zoning enforcement inspections has been included and additional funds would be required if violations are found on the subject property.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

If the Hearing Officer agrees with staff's evaluation above, staff recommends that the Hearing Officer close the public hearing, find that the project is categorically exempt, and approve Conditional Use Permit No. 200800100 with the attached draft findings and conditions.

Prepared by Rob Glaser, Principal Regional Planning Assistant
Reviewed by Samuel Dea, Supervising Regional Planner, Special Projects

Attachments:

Draft Findings

Draft Conditions of Approval

Applicant's Burden of Proof statement

Site Photographs

Site Plan

Land Use Map



**DRAFT 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. ~~To be inserted after the scheduled public hearing.~~

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. 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. In addition to the C-3 zoning requirements, this project 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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. 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.

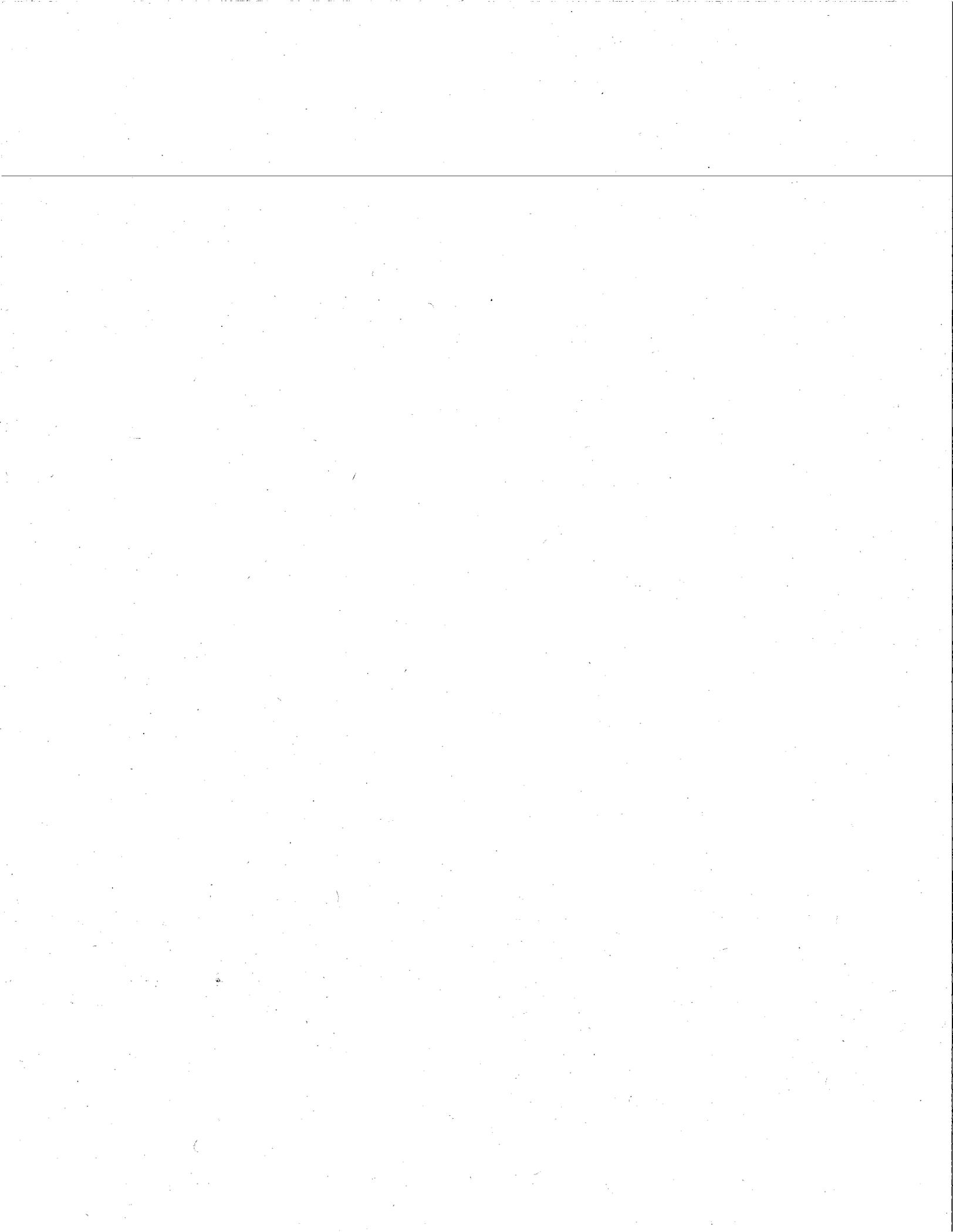
The manager shall introduce himself or herself to any County regulatory official immediately upon notification of that official's presence at the business. The manager and all staff members shall cooperate with any County regulatory official's investigation.

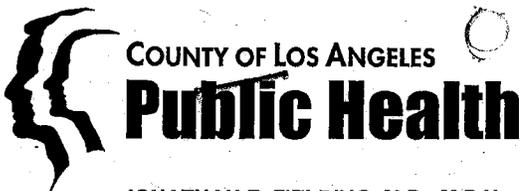
- c. All massage technicians shall be maintained as "employees" as defined by State and federal labor law unless a written sublease is executed to assign a specific treatment area to an independent contractor. Any independent contractors utilizing the booth shall obtain a separate massage parlor business 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





COUNTY OF LOS ANGELES

Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

Land Use Program

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Chief Environmental Health Specialist
5050 Commerce Drive
Baldwin Park, California 91706
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February 25, 2008

RFS No. 09-0004551

Phillip Estes, AICP
Los Angeles County
Department of Regional Planning
Zoning Permits II Section
320 West Temple Street
Los Angeles, CA 90012

RE: Project No. R2008-01060/CUP 200800100
Location: 1758 Sierra Leone Ave., Unit D, Rowland Heights

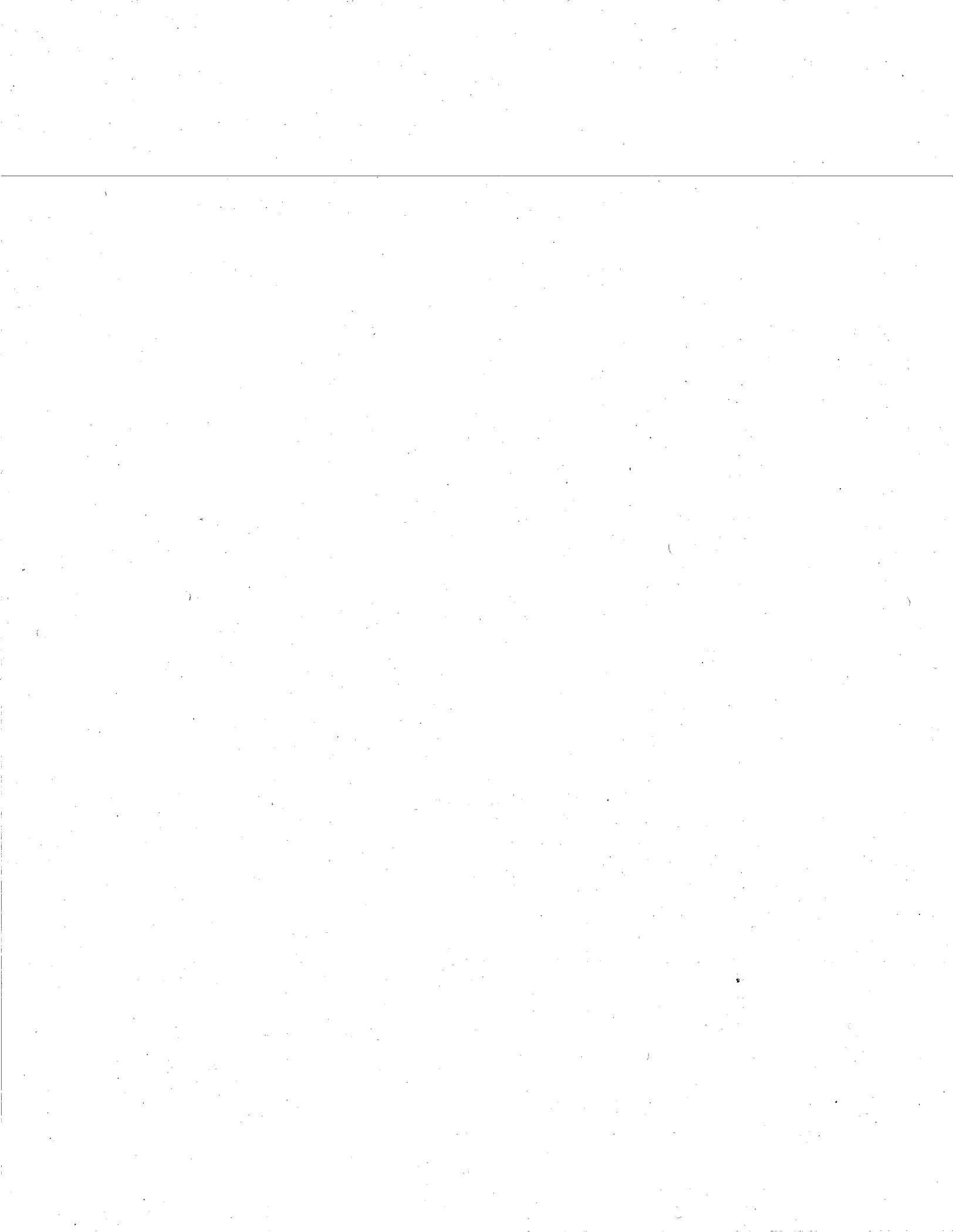
A Project Consultation was received by the County of Los Angeles Department of Public Health concerning the above address. The applicant proposes to utilize public sewer and public water, therefore the Department has no objection to this project.

If you have any questions or need additional information, please contact me at (626) 430-5380.

Becky Valenti, E.H.S. IV
Land Use Program

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CONDITIONAL USE PERMIT CASE-BURDEN OF PROOF

Applicant: Rui Rong Huang
Project Location: 1758 SIERRA LEONE AVE. #D
ROWLAND HEIGHTS, CA 91748

Request:

The applicant is seeking a conditional use permit pursuant to the provisions of Section 22.28.010, 22.28.020, 22.28.210 of the Los Angeles County planning and Zoning Code to allow the operate for foot massage in conjunction with the use, maintenance and operation of foot massage parlors.

Project Description:

The subject property is located at 1758 Sierra Leone Avenue #D in an unincorporated section of Los Angeles County. The recorded lots comprise the subject parcel totaling 13,900 square-feet entirely classified as C-3-BE. Said property is developed with a one-story 4,750 square-foot structure of 6 units with nineteen off-street surface parking spaces and 1,976 square-feet of landscaping, the proposed location unit-D is 795.5 square-feet. The current tenant of the unit-A is the doctor office of optometry, The unit-B is the optician, The unit-C is the dentistry, The unit-D is the Rowland foot soak, The unit-E is the crystal store, The unit-F is the cellular phone store.

The intention of this entitlement request, is to allow the applicant's existing foot massage parlors continue operates on the proposed site, currently, the applicant operates the foot massage parlors at 1758 Sierra Leone Avenue #D since September 2007, the former business at that location was same as feet massage parlors. At that time of start the business, The Los Angeles County Department Of Regional planning does not require a Conditional Use Permit for that kind of business, The applicant currently hold A Police Commission Permit as massage therapist from Board of Police Commissioners, A License of Cosmetology from Board of Barbering And Cosmetology, A Certificate of Completion of 750 Hrs course of therapeutic massage, The Fictitious Business name of "Rowland Feet Soak" was recorded at Recorder's Office of Los Angeles County, Here, the storefront offers a more contemporary building frontage that can better accommodate her business. Additionally, there is no alcoholic beverages for sale at the proposal location. the feet massage parlors is the different kind of business with the adjacent business in that plaza. Therefore, to accommodate the proposed project, the applicant is seeking a conditional use permit pursuant to the provisions of Section 22.28.010, 22.28.020 of the Los Angeles County Planning and Zoning Code to allow the practice the feet massage in conjunction with the use, maintenance and operation of a feet massage parlors.

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

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A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Commercial zoned and developed, properties and residential zoned and developed properties adjoin the subject site. Adjoining commercial properties are classified as C-3-BE and are developed as one and two-story commercial structures. Adjoining residential properties are classified as R-1 and are developed with one -story-single-family dwellings.

As previously noted, the applicant currently owns and operates a feet massage parlors at The proposed location of 1758 Sierra Leone Avenue #D ,That will provide the community with a more contemporary leisure health location. Moreover, the feet massage parlors operation will be consistent in size and use to that commercial plaza.

The applicant has operated the feet massage parlors at the existing location from September 2007. Under the applicant's management, the existing feet massage parlors has operated harmoniously and without friction with the surrounding neighborhood. Here, the foot massage therapists provide foot massage service utilize Chinese herb to improve the health of people, to release the people's pressure from study, living, work, Provides the community in a friendly environment This feet massage parlors then has become an important commercial service to the community seeking leisure health items that are not conveniently obtained at larger leisure health club.

B. 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 this Title 22, or as is otherwise required in order to integrate said use with uses in the surrounding area.

The proposed property is generally flat, rectangular totaling 795.5 square feet in size. As previously noted, the subject unit is currently developed as feet massage parlors with twenty-six off-street surface parking spaces. The applicant needs to obtain a conditional use permit to keep operating the feet massage parlors to accommodate the commercial plaza where the feet massage parlors locate; all exterior features, including parking layout, will remain as it currently exists. Further, vehicular access is primarily from Sierra Leone Avenue consistent with the pattern of development along the portion of said major highway. Subject site design has incorporated all the requisites for the successful operation of a feet massage parlors. Here, site development plans were constructed to Code or will abide by

conditions act forth by the Planning Department. The subject site, then, is adequate in size and shape to accommodate any required or requested improvements.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and Improved as necessary to carry the kind and quality of traffic such use would generate, and

2. By other public or private service facilities as are required.

The subject property has commercial frontage on Sierra Leone Avenue, a major thoroughfare. Here, the subject property, and the surrounding developments, are well served by a fully improved 60 feet wide portion of Sierra Leone Avenue affording good traffic circulation necessary for proper commercial development. The proposed establishment would generate traffic from customer. Moreover, on-site parking will be provided to Code. The proposed project site design arranges site ingress and egress at points of good vehicular access primarily on Sierra Leone Avenue, where they will not interfere with the flow of traffic. Some traffic, access, ingress, and egress to the proposed project will not constitute a traffic hazard or cause significant traffic congestion, or disruption of vehicular circulation on adjacent streets. Further, the proposed project has all utility and sewer services. Therefore, the proposed project is adequately served by a sufficiently wide highway and by other public and private service facilities.

ADDENDUM BURDEN OF PROOF.

1. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school park, playground or any similar use within a 500-foot radius;

As discussed earlier the applicant's needs to continue operates the feet massage parlors on the proposed site, currently, the applicant operates the foot massage parlors at 1758 Sierra Leone Avenue #D since September 2007. The applicant has owned and operated the foot massage parlors harmoniously and without friction to the surrounding community for several years. All commercial activities are directed toward Sierra Leone Avenue, consistent with the pattern of commercial development in the surrounding area.

There is no church and a park in the surrounding community: At the east of the proposed are the single-family residential by separate with a 40 feet width city drain, at the south of the proposed site are two shopping center, at the west and north are two large shopping centers. As previously noted, said feet massage parlors use has operated for several years harmoniously and without friction to the community and to the above uses. Therefore, the proposed location will not adversely affect places used exclusively for worship or playgrounds.

2. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;

Residentially zoned properties adjoin the subject site and are developed as one-story single-family dwellings The residential properties adjoining the rear of the subject site are well buffered by a

forty-foot city drain, used for buffer to said residential and the subject site. The presence of the proposed project will enhance the security and aesthetic environment of the adjacent commercial neighborhood by providing a renovated interior, ample lighting, landscaping and adequate off-street parking.

3. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community;

An approval of the requested entitlement will not adversely affect the economic welfare of the surrounding community. Here, the applicant's feet massage parlors will continue to provide the community with health service in a convenient and clean environment. The applicant intends to operate this commercially zoned property with commercial uses that will provide Services desired by the community. Further, the proposed feet massage parlors will provide much needed services, and tax dollars that will promote sound economic development. The applicant proposes uses that are in demand in the community that, in turn, will make the proposed project economically viable.

4. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood;

Again the proposed structure is an existing well-maintained, single-story. 1947.75 square-foot office building with adequate surface parking. The exterior is attractively designed and landscaped such that the exterior appearance blends harmoniously with the surrounding commercial developments.. Further, the proposed project site design arranges site ingress and egress at points of good vehicular access on Sierra Leone Avenue, consistent with the pattern of commercial development there. Thus, the feet massage parlors will not be inconsistent with the exterior appearance of commercial structures within the immediate neighborhood.



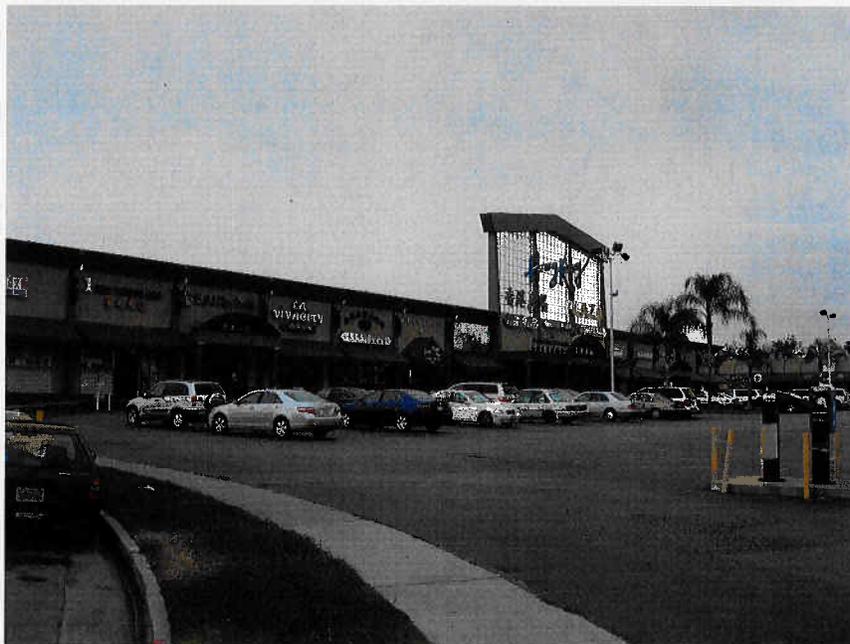
Picture taken from Sierra Leone Avenue of the project site.



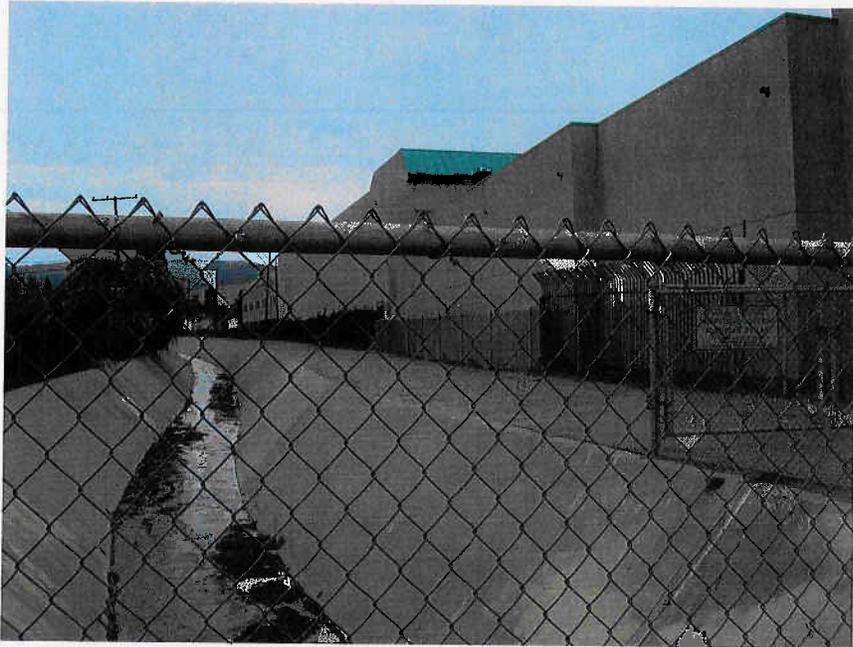
Picture taken from Sierra Leone Avenue of the project site.



Picture taken from Sierra Leone Avenue of the project site.



Picture taken from Sierra Leone Avenue of the commercial complex adjacent to the project site



Picture taken from Sierra Leone Avenue of the wash separating the project site from the adjacent residential neighborhood.

