

**MINUTES OF THE PLANNING COMMISSION OF THE CITY OF STANTON  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 7, 2018**

**1. CALL TO ORDER**

The members of the Planning Commission of the City of Stanton met in regular session in the City Council Chambers at 6:32 p.m., Chairman Moua presiding.

**2. PLEDGE OF ALLEGIANCE**

Led by Vice Chairman Taylor.

**3. ROLL CALL**

Present: Commissioner Grand, Commissioner Frazier, Vice Chairman Taylor,  
Chairman Moua

Absent: None

Excused: Commissioner Ash

**4. SPECIAL PRESENTATION**

None.

**5. APPROVAL OF MINUTES**

The Planning Commission approved minutes of the Regular Meeting on July 18, 2018.

Motion/Second: Taylor/Grand

Motion carried (3-1-1) by the following vote:

AYES: Grand, Moua, Taylor

NOES: None

ABSTAIN: Frazier

ABSENT: Ash

**6. PUBLIC COMMENTS**

Chairman Moua opened the floor for public comments.

There were no public comments.

**7. PUBLIC HEARINGS**

**7A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT C18-02 TO ALLOW FOR THE OPERATION OF A MASSAGE ESTABLISHMENT LOCATED AT 7013 KATELLA AVENUE, #B IN THE CG (COMMERCIAL GENERAL) ZONE.**

Community and Economic Development Director Kelly Hart introduced the project. Associate Planner Rose Rivera presented the staff report.

Associate Planner Rivera introduced the item as a request to consider a conditional use permit to allow for a new massage establishment located at 7013 Katella Avenue, Suite B in the Commercial General zone. She noted the site is located at the northeast corner of Katella and Knott Avenues within the General Commercial zoning district and has a General Plan land use designation of General Commercial.

Associate Planner Rivera indicated K&K Massage is proposed to be located in a shopping center which has a variety of retail and restaurant uses including Rubio's, Shoe City and Daiso. Associate Planner Rivera noted the subject property is a 2.7-acre parcel and that surrounding zoning and uses include single family homes located in the RL (Single-Family Residential) zone to the north, retail and restaurant uses located in the CG (Commercial General) zone to the east and south and retail and restaurant uses located in the City of Cypress' Planned Community Zone west of the site.

Associate Planner Rivera showed the site plan and explained the site is accessed by three driveways, two on Katella Avenue, and one on Knott Avenue. She noted a total of 168 parking spaces are required with the proposed used. Further, she confirmed 173 parking spaces were provided on the site.

Associate Planner Rivera noted K&K Massage proposes to be open daily from 9:00 a.m. to 10:00 p.m. and will have a strict hiring process which will include providing copies of the Stanton Municipal Code relating to massage establishments to each contract employee to verify they understand all requirements. Moreover, she advised the applicant also indicated that he has hired a consultant who will verify, on a monthly basis, that each massage therapist is eligible to work as a massage therapist. Associate Planner Rivera stated City Staff has included a condition of approval in the resolution which would require the applicant's consultant verify with appropriate reporting agencies on a monthly basis that the massage therapists are appropriately licensed and do not have any record of disqualifying conduct.

Associate Planner Rivera stated the applicant will ensure that all the storefront windows of the unit are unobstructed and allow clear visibility into the unit. Further, signs prohibiting sexual activity and sexual paraphernalia on the business premises will be posted in every massage room and throughout the business. These items are also conditions of approval in the resolution.

Associate Planner Rivera displayed the floor plan which shows the proposed business would consist of four private massage rooms, an office, a break room, a unisex restroom, reception area and a laundry/storage room.

Associate Planner Rivera described the design characteristics of the site and noted the shopping center is a one-story, L-shaped building with multiple tenants. She stated there are free-standing restaurants within the shopping center and the configuration of the businesses does not obstruct direct visibility to the subject unit from Katella or Knott Avenues. She stated the shopping center has recently upgraded the parking lot lighting so that the shopping center is well-illuminated, which provides a deterrent for any potential criminal activity.

Associate Planner Rivera reported that according to the Orange County Sheriff's Department there have been approximately 20 calls for service in the past year for the entire shopping center. Although there is a history of violations associated with the previous massage business, the overall criminal activity within the shopping center is minimal because of the design of the site. She noted the site does not have any other vehicular access other than off a major street, which provides for high visibility for those entering and exiting the site. Associate Planner Rivera further explained the existing walkway located behind the building is fenced off so that it cannot be utilized as a place to hide or as an escape route for those seeking to flee enforcement. She stated a parking analysis determined there is sufficient parking and the site design factors indicate the use is suitable for the site.

Associate Planner Rivera outlined various conditions imposed on the business to ensure the business is operated in a manner that is compatible with the uses within and the surrounding the shopping center. The conditions require storefront windows remain unobstructed, that massage therapists are eligible to work as massage therapists and that signs are posted throughout the establishment prohibiting sexual activity on the premises. Additional conditions are also provided to ensure that if substantiated complaints are received regarding the business, the City would be able to bring the application back to the Planning Commission for modifications of the conditions.

Associate Planner Rivera indicated a copy of an email from an adjacent property owner who opposes granting the conditional use permit has been provided. The email outlines the opposition to the permit because CAMTC does not properly regulate the massage businesses and their employees and previous massage establishments had a reputation for illicit activity.

However, City staff recommends approval of the requested conditional use permit because extensive conditions have been placed to limit the possibility of future illegal activity and continued monitoring and routine inspections will be performed. Also, if the conditions are violated, City Staff may bring the conditional use permit back to the Planning Commission for reconsideration or revoke the permit. She noted the applicant is not affiliated with the previous massage establishment and the applicant would be required to obtain a massage establishment license which includes thorough background checks of business owners and therapists.

Associate Planner Rivera noted the recommended action before the Commission is to hold a public hearing, declare that the project is categorically exempt per the California Environmental Quality Act section 15301 (Existing Facilities), and adopt Resolution No. 2477 approving Conditional Use Permit C18-02.

Commissioner Frazier asked how many massage establishments are in the City.

Associate Planner Rivera responded there are currently 12 massage establishments.

[A PORTION OF COMMISSIONER FRAZIER'S COMMENTS WERE UNINTELLIGIBLE]

Associate Planner Rivera explained some of the registered calls for service from the Sheriff's Department are not suite specific but to the general shopping center.

Vice Chairman Taylor asked whether any new conditions were added to this particular application.

Associate Planner Rivera affirmed certain conditions were added based on the applicant's narrative such as the posted signs requirement (Condition No. 39) and the consultant (Condition No. 38).

Director Hart clarified it would be the consultant's responsibility to verify with the Superior Court and that of other counties that none of the massage therapist or any of the employees operating in the business have pending cases associated with human trafficking and other negative aspects.

Vice Chairman Taylor asked whether having the posted signs take any responsibility off of the operator.

Director Hart stated the owner is still responsible for the operations of the massage establishment.

Commissioner Grand opined the City has been proactive in enforcing rules and regulations even if CAMTC is perceived as not enforcing.

Director Hart stated per state law, the City cannot force an individual to get educated beyond what is required through CAMTC. But if the City observes a violation, the City can have CAMTC revoke that license.

Chair Moua asked regarding the closure time.

Director Hart stated 10:00 p.m. is the proposed closure time.

Chairman Moua opened the floor for public comment.

Terrance Shannon, representative for the applicant, spoke in favor of the application. He noted the prior business with calls for service has been closed for over one year. He stated he is very familiar with CAMTC and every individual has to be certified by CAMTC because all cities require all technicians be licensed and certified.

Mr. Shannon also noted he worked with Staff to discuss specific requirements and additional regulations to reassure the City that the business will be operated in compliance with CAMTC and the Stanton Municipal Code.

Mr. Shannon indicated all of the cities in Orange County and known cities in LA County require CAMTC licenses for the massage therapists. He noted part of the conditional use

permit application is the fact that the applicant must comply with CAMTC regulations.

Mr. Shannon discussed Mr. Nguyen's (applicant and proposed business owner) unblemished record and that his operating massage establishment in the City of Orange is run well. He added that Mr. Nguyen is certified by CAMTC.

Mr. Shannon advised that Mr. Nguyen has hired him as the Consultant and he will be responsible for performing regular evaluations and reporting.

Mr. Shannon strongly urged the approval of the conditional use permit, and added he is confident Mr. Nguyen will pass with flying colors and will be a contributing and law abiding business, and welcomes the stringent inspections from the City.

Vice Chairman Taylor inquired what type of services will be offered.

Mr. Shannon responded just massages.

Vice Chairman Taylor asked how many years has the applicant operated in the City of Orange.

Mr. Shannon replied four years.

Vice Chairman Taylor asked how many times the massage business in the City of Orange has been inspected.

Mr. Shannon responded it is his understanding that they inspect annually.

Commissioner Grand noted there are massage establishments in the City of Orange with tinted windows.

Director Hart stated she is not sure whether the City of Orange has the same regulation regarding banning tinted windows.

Commissioner Frazier asked whether Mr. Nguyen has more locations or just the one in the City of Orange.

Mr. Shannon explained Mr. Nguyen has one location.

Commissioner Frazier asked whether Mr. Shannon will be a consultant on-site.

Mr. Shannon advised that he will not be on-site, he stated the information he would need to be provided is the driver's license number and date of birth for each massage technician in order to keep track on a monthly basis.

Commissioner Frazier asked how many hours in a day a massage therapist can work.

Mr. Shannon stated they would be required to comply with the Labor Code under that State of California.

Commissioner Frazier asked whether the technicians would be employees or independent contractors.

Mr. Shannon stated it would be decided individually at a later time and the City has requirements for licensing.

Director Hart explained if the applicant intends to obtain worker's compensation insurance in regards to this location then he would be allowed to hire massage technicians as employees under the business license, if not they would have to be hired as independent contractors; and each independent contractor would be responsible for applying for and obtaining an independent contractor business license.

Mr. Shannon stated some of the individuals are independent contractors.

Commissioner Frazier asked regarding days and hours an independent contractor 1099 employee can work in a month.

Mr. Shannon could not answer exactly.

Commissioner Frazier stated the applicant is proposing 4 rooms open 16 hours per day and that would require a lot of employees. He recommended that the City should require liability certificates for the 1099 workers.

Director Hart stated as part of the business licensing plan, staff will request information from the consultant to demonstrate a working knowledge of independent contractor requirements.

Chairman Moua stated those working in the business should know the requirements and understand them.

Mr. Shannon responded in the affirmative.

Steve Stillwell, Stanton resident for 40 years, spoke in opposition of the application. He noted he lives in the family neighborhood behind the proposed location and although it is nice that there are new businesses, given the previous business, a massage parlor is not the right kind of business he would like to see in that location. Mr. Stillwell stated although Mr. Shannon stated massage parlors are not allowed to advertise, he printed an ad off of Yelp. He noted these businesses are not from Stanton and it is a gray area. He noted there are families right around the corner and it is not an adult-only type of shopping center. Mr. Stillwell stated the name Sunset has popped up in the application and he noted Sunset massage parlors have come and gone and he hopes the applicant is not associated with this.

Commissioner Grand commented these businesses do not seem to hire men very often.

Mr. Stillwell noted it is difficult to find the things going on at the massage establishments.

Mr. Shannon stated Mr. Nguyen, the applicant, does not advertise or operate his business in an inappropriate manner and the applicant has been presented to the City properly and the City has placed necessary conditions for the operation of his business. He noted the

applicant would still have to apply for the massage establishment license and he is sure the applicant would pass with flying colors. He noted he is not aware of calls to the Sheriff's Department from the previous business and asked the Commission to take the action staff has recommended.

Chairman Moua closed public comments and the public hearing.

Vice Chairman Taylor noted Massage Envy, which is a franchised chain, has high standards and are well known.

Commissioner Grand stated she has no problem with legitimate massage establishments and stressed the Sheriff's will be going to the business and the City will be conducting regular inspections to investigate any unlawful activity.

Director Hart noted there are standard provisions per state law and a business license will be required for the establishment and when there are new technicians, the business license will be updated. If there is no worker's compensation, the new technician will be required to obtain a business license as an independent contractor.

Director Hart informed the Commission if they approve the conditional use permit, the massage establishment permit process is a rigorous application process which includes inspections and interviews with the business owner. She noted the business owner is fully informed of all the requirements by the time they complete the application process.

Motion/Second: Taylor/Frazier

Motion carried (4 - 1) by the following vote:

AYES:	Frazier, Grand, Moua, Taylor
NOES:	None
ABSTAIN:	None
ABSENT:	Ash

**ACTION TAKEN:**

The Planning Commission conducted a public hearing, declared that the project is categorically exempt per the California Environmental Quality Act (CEQA), under Section 15301 (Existing Facilities), and adopted Resolution No. 2477 approving Conditional Use Permit C18-02.

Director Hart announced the 10-day period during which the Planning Commission's decision on this matter may be appealed to the City Council via written appeal submitted to the City Clerk's Office.

**8. NEW BUSINESS**

None.

9. **OLD BUSINESS**

None.

10. **PLANNING COMMISSION COMMENTS**

Commissioner Frazier expressed appreciation of the public input on this particular item.

[CHAIRMAN MOUA'S COMMENTS WERE UNINTELLIGIBLE]

11. **DIRECTOR'S REPORT**

Community and Economic Development Director Kelly Hart announced there are no scheduled items for the November 21<sup>st</sup> Planning Commission meeting and proposed canceling the meeting if there were no objections; and there may be a meeting on December 5, 2018.

Director Hart wished congratulations to Vice Chairman Taylor for his recent victorious District 3 election to the Stanton City Council.

12. **ADJOURNMENT**

Commission adjourned at 7:30 p.m.



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Kelly Hart  
Community & Economic Development Director