

CITY OF ARCADIA

Arcadia Business Permit and License Review Board Special Meeting Agenda and Planning Commission Regular Meeting Agenda



Tuesday, October 12, 2021, 7:00 p.m.

Location: City Council Chambers, 240 W. Huntington Drive, Arcadia

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from Planning Services at (626) 574-5423. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残障人法案》的规定，需要提供残障相关调整或便利设施才能参加会议的残障人士（包括辅助器材或服务），可向规划服务部请求获得此类调整或便利设施，电话号码 (626) 574-5423。请在会前 48 小时通知规划服务部，以便作出合理安排，确保顺利参加会议。

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根据阿凯迪亚市的语言便利服务政策，英语能力有限并需要翻译服务才能参加会议的人可与市书记官办公室联系（电话：626-574-5455），请求提供志愿或专业翻译服务，请至少在会前 72 小时提出请求。

BUSINESS PERMIT AND LICENSE REVIEW BOARD

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Marilynne Wilander, Chair
Zi Lin, Vice Chair
Kenneth Chan, Board Member
Brad Thompson, Board Member
Vincent Tsoi, Board Member

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Board, staff, or the public request that specific items be removed from the Consent Calendar for separate discussion and action.

1. Minutes of the September 28, 2021 Special Meeting of the Business Permit and License Review Board

Recommendation: Approve

ADJOURNMENT

The Business License and Review Board will adjourn this meeting to the Planning Commission Regular Meeting.

PLANNING COMMISSION REGULAR MEETING AGENDA

CALL TO ORDER

ROLL CALL

Marilynne Wilander, Chair
Zi Lin, Vice Chair
Kenneth Chan, Commissioner
Brad Thompson, Commissioner
Vincent Tsoi, Commissioner

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

PUBLIC COMMENTS (5 minute time limit per person)

Each speaker is limited to five (5) minutes per person, unless waived by the Planning Commission. Under the Brown Act, the Commission or Board Members are prohibited from discussing or taking action on any item not listed on the posted agenda.

PUBLIC HEARING

All interested persons are invited to appear at a public hearing and to provide evidence or testimony concerning any of the proposed items set forth below for consideration. Separate and apart from the applicant (who may speak longer in the discretion of the Commission) speakers shall be limited to **five (5) minutes per person**. The applicant may additionally submit rebuttal comments, at the discretion of the Commission.

You are hereby advised that should you desire to legally challenge in court or in an administrative proceeding any action taken by the City Council regarding any public hearing item, you may be limited to raising only those issues and objections you or someone else raised at the public hearing or in written correspondence delivered to the City Council at, or prior to, the public hearing.

1. **Resolution No. 2083** – Approving Conditional Use Permit No. CUP 21-03 with a Categorical Exemption under the California Environmental Quality Act (CEQA) for a new speakeasy-style bar and lounge and a nail salon at the front portion of the unit at 144 E. Huntington Drive

Recommendation: Adopt Resolution No. 2083

Applicant: Scott Chen of Urban Cowboys, LLC.

There is a ten day appeal period after the adoption of the Resolution. If adopted, appeals are to be filed by 5:30 p.m. on Monday, October 25, 2021.

2. **Resolution No. 2082** – Approving Multiple Family Architectural Design Review No. MFADR 20-03 and Tentative Parcel Map No. TPM 20-04 (83206) with a Categorical Exemption under the California Environmental Quality Act (CEQA) for a four-unit multi-family residential condominium development at 43 Genoa Street

Recommendation: Adopt Resolution No. 2082

Applicant: Thomas Li of Prestige Design, Planning and Development, Inc.

There is a ten day appeal period after the adoption of the Resolution. If adopted, appeals are to be filed by 5:30 p.m. on Monday, October 25, 2021.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Commission, staff, or the public request that specific items be removed from the Consent Calendar for separate discussion and action.

3. Minutes of the September 14, 2021 Regular Meeting of the Planning Commission

Recommendation: Approve

MATTERS FROM CITY COUNCIL LIASION

MATTERS FROM PLANNING COMMISSIONERS

MATTERS FROM ASSISTANT CITY ATTORNEY

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

ADJOURNMENT

The Planning Commission will adjourn this meeting to Tuesday, October 26, 2021, at 7:00 p.m.



**ARCADIA BUSINESS PERMIT AND LICENSE REVIEW BOARD
SPECIAL MEETING MINUTES
TUESDAY, SEPTEMBER 28, 2021**

CALL TO ORDER Chair Wilander called the meeting to order at 6:00 p.m. in the Council Chamber.

ROLL CALL

PRESENT: Chair Wilander, Board Members Chan, Thompson, and Tsoi
ABSENT: Vice Chair Lin

PUBLIC HEARING

1. **Resolution No. 2081** – Denying the Appeal and uphold the revocation of the business license for Saybrook Media Group Inc., located at 529 Las Tunas Drive

Recommendation: Adopt

Appellant: Saybrook Media Group, Inc.

Chair Wilander introduced the item and turned it over to Business License Officer Ms. Amber Abeyta to present the report.

Board Member Thompson inquired about the Notice of Violation process and if it is typical to issue a second Notice of Violation?

Ms. Abeyta said it was typical to send out a second Notice of Violation, but in this particular situation the second Notice of Violation was sent to make clear that the violation was pertaining to the unpermitted residential use only and violations of the conditions of approval of the business license.

Deputy City Prosecutor Mr. Brandon Sanchez clarified that a Notice of Violation is not required of the business license revocation process, but rather was performed as a part of the City's Code Enforcement process.

Mr. Chan inquired as to whether kitchens/kitchenettes are allowed in an office building?

Ms. Abeyta replied that in this location, the kitchen was existing, and was intended to be used as a common area. Though kitchens in offices are common.

Mr. Sanchez added and wanted to clarify that the issue did not include the use of the kitchen, but the residential use of the business location.

Chair Wilander opened the public hearing and asked if the Appellant would like to speak on the item.

There were four (4) speakers who spoke in support of the Appellant:

1. **Ron Betty, Representative for the Appellant:** Explained that Dr. Susan Block's, business model includes "bedside chats;" the beds on-site are beds from previous sets, other engagements, etc.; The City investigation revealed that no one detained was living at the property; As he understands, only one individual attempted to register

their address to live at the property and the Appellant responded that no, they cannot live at the property; they operate a 24/7 business, but there is no phone sex business, nor does anyone live at the property; the environment is such that rest/breaks can be taken; nothing in the Code addresses this; He introduced several of the speakers who would be providing testimony in support of the business including Ms. Block who will explain how her work relates to the approved uses of the business license.

2. **Charlene Lee, Personal Assistant to the Landlord:** Works with the tenants and monitors property; property is used as a business not residence; tried to find other tenants but they have uses that are not allowed by the city; this business is compliant with business license, and kitchens, etc. came with the building.
3. **Appellant and Business Owner, Maximilian Lobkowicz:** Mr. Lobkowicz described his career background; that the issue at hand is about sex and politics; he explained that his wife is writer/author and Yale graduate, with a legitimate business spanning 40 years; as a journalist he works 24 hours and the City has no right to tell him that working 24 hours is not allowed; he cleaned up the building and did not change the business use; he discussed the inspection of his business location that was conducted; does not live there but rather in a motor home; his wife has been defamed; explained that he is doing a podcast from his office.
4. **Susan Block, Wife of Appellant and Business Owner of the Dr. Susan Block Institute:** As a Sexologist and sex therapist she explained her career background which includes bedside virtual chats and interviews; she talks about a variety of topics and does a radio podcast; she explained that offices and storage are the use; no one on-site conducts sexual related acts; they are following proper protocols; she explained a situation where a volunteer was able to stay overnight; beds are stored there; beds can be used for occasional naps and she referenced age and health related concerns related to using the beds; provided information the day that the investigation took place; have been good tenants and neighbors; she is an artist and conducts a show from bed; discussed the City inspection.

Chair Wilander asked the Board Members if they had any questions of the Appellant.

Mr. Sanchez clarified that the reason for the business license revocation was not related to an adult-oriented business or phone sex business, but rather related to the results of the inspection which revealed evidence of the building being used as a residence; the inspection was initiated due to an advertisement for a "live-in" position, and because the person that came to register the address as a residence had said that he lived there for several days. The inspection revealed the offices being utilized as bedrooms, which appeared to be well lived in. Further, there is a deviation from the approved floor plan which does not adhere to the conditions of approval of the approved business license, which warrants revocation.

Mr. Betty, Representative for the Appellant, explained that beds were placed in the rooms as a part of storage and/or break room and are allowed as part of the business use. There is nothing that he is aware of, including in the City's code, that does not allow beds to be stored in a room. The beds are used for naps at times. There is no evidence that there is anyone using the place as their domicile.

Board Member Chan asked Mr. Lobkowicz, in the tenure of the business, what other locations have the business operated prior to Arcadia?

Mr. Lobkowitz mentioned several previous locations where the business operated prior to Arcadia, such as the Hollywood Hills and Downtown – the latter which was raided by the police. Most recently, the

business operated in Inglewood, CA and on Wilshire Blvd. He discussed the history further and thanked the Board.

MOTION- PUBLIC HEARING

It was moved by Thompson, seconded by Tsoi to close the public hearing. Without objection, the motion was approved.

DISCUSSION

Board Member Tsoi noted the inconsistencies between the materials presented and the testimony provided by the Appellant and attorney. He has seen a bed in an office, as mentioned for breaks or rest, but one, not ten beds. The business license originally approved is for office use and he noted the activities listed on the license, and broadcasting and conducting bedside business were not mentioned – and that needs further clarification. Based upon the report, he would be inclined to uphold staff’s position. Lastly, he stated that the City has a responsibility to inspect a business if there is a suspicion or cause to do so.

Board Member Chan agreed with Board Member Tsoi regarding the inconsistencies. In his experience, he has seen business with kitchens, showers, or washer and dryers at a hair salon. He has no issues with sex therapy; however, unless staged, some of the rooms appear to be home-like. Ultimately, what the business license was approved for differs from the actual use and he would agree with the Staff’s recommendation on this item.

Board Member Thompson has reviewed all the applicable materials related to this case. The City has done their due diligence in this case, the approved uses do not appear consistent with what is taking place at the property. The City has met the burden of proof and the “preponderance of evidence” standard as it relates to business license and approved uses, and he is in favor adopting the Resolution.

Chair Wilander stated that the conditions of the business license have not been met. Beds do not appear to be used for a broadcast or occasional use but rather appear to be used for people living there. There is a clear deviation from the approved floor plan. The City has met the burden of proof in this case. The job advertisement asking for a live-in position further adds to the evidence. She would support the revocation of the license.

MOTION

It was moved by Board Member Thompson, seconded by Board Member Tsoi to adopt Resolution No. Resolution No. 2081, denying the appeal and uphold the decision to revoke the City’s business license for Saybrook Media Group, Inc. and that Saybrook’s employees, agents, partners, directors, officers, controlling stockholders or managers not be allowed to apply for a new business license in the City of Arcadia for a period of 12 months from the date of this revocation.

ROLL CALL

- AYES: Chair Wilander, Board Members Chan, Thompson, and Tsoi
- NOES: None
- ABSENT: Vice Chair Lin

Chair Wilander announced the ten-day appeal period for the item.

ADJOURNMENT

The Business Permit & License Review Board adjourned the meeting at 6:50 p.m.

Marilynne Wilander
Chair, Business Permit and License Review Board

ATTEST: _____
Lisa Flores
Secretary, Business Permit and License Review Board