



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 27, 2007
SUBJECT: Conditional Use Permit No. 614-06
APPLICANT: David Zhang
12700 Avalon Boulevard
Carson, CA 90745
REQUEST: The operation of a body massage service at the South Bay Pavilion shopping center in the CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay) zone and within Redevelopment Project Area No. 1
PROPERTY INVOLVED: 20700 S. Avalon Boulevard

COMMISSION ACTION

- Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Cottrell – Chairman			Saenz
		Pulido – Vice-Chairman			Tyus
		Faletogo			Verrett
		Graber			Wilson
		Hudson			

Item No. 12 C

I. Introduction

Date Application Received

- April 20, 2006: Conditional Use Permit No. 614-06

Applicant / Property Owner

The Relation Stop
Attention: David Zhang
20700 S. Avalon Boulevard, Carson, CA 90746

Project Address

- 20700 S. Avalon Boulevard, Suite 315

Project Description

- The applicant is currently operating a massage establishment within the South Bay Pavilion shopping center, which is in the CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay) zone, and within Redevelopment Project Area No. 1. Hours of operation are Monday to Friday from 10 a.m. to 9 p.m., Saturday from 10 a.m. to 8 p.m., and Sunday from 11a.m. to 7p.m.
- The subject massage facility consists of two main rooms – a larger room which is in full public view and used for massage only, and a second room which is separated by a partition wall with an open doorway, this room is used for storage only. The large room used for massage only is equipped with four (4) massage chairs, two (2) beds and two (2) foot massage stations.
- The facility employs two (2) massage technicians at any one time.

II. Background

Current Use of Project Site

- The South Bay Pavilion shopping center was built in 1972 and was originally named Carson Mall. The total site is approximately 71 acres. The South Bay Pavilion is currently being renovated. The major department stores are Sears, JC Penney, Target and IKEA. The indoor shopping center and other areas of the South Bay Pavilion were purchased by Hopkins Real Estate Group (HREG) in 2003. HREG received Redevelopment Agency approval on May 4, 2004, to renovate the South Bay Pavilion (DOR No. 831-03).
- The Relaxation Stop is a body massage business, located within the South Bay Pavilion shopping center and has been operating in Carson since the April 1, 2006
- The Relaxation Stop provides Classic Chinese Massage services (Ancient Chinese Acupressure). Acupressure is an ancient Chinese healing method that involves applying pressure to certain meridian points on the body to relieve pain. A chair massage session typically lasts 12 to 24 minutes, not requiring disrobing. The bed and foot massage sessions typically last 28 minutes, the application of massage oils can occur (if requested) during the massage sessions, again no disrobing is involved.

Previously Approved Discretionary Permits

- None

Public Safety Issues

- The Public Safety Department has not reported any current code enforcement cases associated with this facility.
- The South Bay Pavilion has its own security team that patrols the mall. Major code enforcement issues have not been reported by the City's Public Safety Division.

Ordinance for Massage Services

- On June 7, 2006, the City Council approved the Massage Service Ordinance to regulate the use of massage service. The Ordinance became effective on July 7, 2006, and requires businesses to obtain a conditional use permit (CUP) to service full body massage. The CUP process allows the city to regulate to the skill and experience of massage operators and massage technicians. The Planning Commission may require reasonable conditions on the operation of massage establishments to protect the health, safety, and welfare of the public.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located in the central west section of the South Bay Pavilion shopping center.
- The applicant, David Zhang is leasing approximately 1,100 sq. ft from the South Bay Pavilion. The business is located in Suite "315" of the shopping center.
- Access to the site from Avalon Boulevard to the west, Del Amo Boulevard to the north, Leapwood Avenue to the east, and Dominguez Street to the south.

Existing Businesses

Massage Parlors:

This business is the first in the city to offer massage service as the primary use. Other businesses that provide ancillary massage service include beauty parlors, chiropractors, and health services.

Zoning/General Plan/Redevelopment Area Designation

- The South Bay Pavilion is zoned CR-MUR-D (Commercial, Regional – Mixed Use Residential – Design Overlay). Properties to the west and south are zoned CR-D (Commercial, Regional – Design Overlay); properties to the north are zoned CR-D, and OS (Open Space); and properties to the east are zoned RM-25 (Residential Multifamily – 25 units per acre) and ML (Manufacturing, Light).
- The subject property and all surrounding properties to the south, east, and west have a General Plan land use designation of Regional Commercial; Properties to the north are designated Light Industrial.
- The subject property and all surround properties are within Redevelopment Project Area No. 1.

Current Regulations

Massage use is only allowed pursuant to Municipal Code Section 9138.9 regulating adult businesses. A conditional use permit is required unless the activity is associated with a medical office, physical therapist, licensed chiropractor, or other exempt use.

Conditional Use Permit

Pursuant to Section 9138.91 of the Carson Municipal Code (CMC), a conditional use permit (CUP) is required for massage service. Section 9172.21 (D) of the Zoning Ordinance requires that the Planning Commission, by resolution, render its approval based on the ability to make affirmative findings on the following criteria:

- a. The proposed use and development will be consistent with the General Plan.
- b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.
- c. There will be adequate street access and traffic capacity.
- d. There will be adequate water supply for fire protection.
- e. The proposed use and development will be compatible with the intended character of the area.
- f. Such other criteria as are specified for the particular use in other Sections of this Chapter.

All of the required findings listed above can be made in the affirmative. Specific details are incorporated in the attached resolution.

Issues of Concern / Proposed Condition/Change:

Issue – Massage Service: On July 7, 2006, the Massage Service Ordinance went into effect. Its purpose and intent are to protect the health, safety, and welfare of the citizens of Carson and regulate massage establishments by imposing reasonable standards relative to the skill and experience of massage operators and massage technicians and reasonable conditions on the operation of massage establishments. It is staff's opinion that the proposed massage service will meet the purpose and intent of the new Ordinance, including all requirements described in Section 9138.91 of the Carson Municipal Code. However, in the event that the business is sold or changes management, conditions of approval must be included to protect Carson citizens and assure that the facility is compatible with the rest of the commercial center.

Proposed Condition/Change: Staff has included a number of project specific conditions that regulate future inspections, allow for visibility into rooms designated for massage service, require massage technicians to obtain valid permits from the City Business License Division, limit the hours of operation for massage use, require proper record keeping, and comply with all the requirements of the County Health Department. These conditions can be found in the attached resolution.

IV. Conclusion

Staff believes that the massage use is appropriate for the location and will be compatible with the surrounding area. The proposed use will provide a service to customers that is not widely available within the city at this time. Conditions of approval have been included to ensure that the business is well maintained. Periodic inspections by staff will be conducted to ensure that the facility meets all conditions of approval. The business is located within the South Bay Pavilion and will operate only when the South Bay Pavilion is open. Massage service will be provided in an open area visible to the public and there will be no disrobing of customers or private sessions. The massage business will provide a service to customers that will enhance the ambiance at the South Bay Pavilion.

V. Environmental Review

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15321(a), Enforcement Actions by Regulatory Agencies, the city's approval of a conditional use permit (CUP) for massage service is "Categorically Exempt."

VI. Recommendation

That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 614-06 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled "A Resolution of the Planning Commission of the City of Carson Approving Conditional Use Permit No. 614-06 to Operate a Massage Establishment at the South Bay Pavilion Located at 20700 S. Avalon Boulevard."

VII. Exhibits

1. Proposed Resolution
2. Massage and Tattoo Ordinance
3. Plan Depicting Business Location

Prepared by: _____
Maribel Aldana, Planner

Reviewed by: _____
John F. Signo, AICP, Senior
Planner

Approved by: _____
Sheri Repp, Planning Manager

