



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: July 13, 2010

SUBJECT: Conditional Use Permit No. 822-10

APPLICANT: Betty Lam
P.O. Box 4026
Alhambra, CA 91803

PROPERTY OWNER: Beverly Wilshire Medical
410 South Beverly Drive
Beverly Hills, CA 90212

REQUEST: To permit the operation of massage services on a site located in the CR-D (Commercial Regional, Design Overlay) zoning district

PROPERTY INVOLVED: 21601 South Avalon Boulevard

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Diaz			Verrett
		Gordon			

Item No. 11B

I. Introduction

The applicant, Betty Lam, is requesting approval of Conditional Use Permit (CUP) No. 822-10 to authorize massage services (Serenity Spa) located at the parcel addressed 21601 South Avalon Boulevard (Exhibit No. 2) and within Redevelopment Project Area 1.

The property site is approximately 1.30 acres and contains an existing 24,605-square-foot multi-tenant building. Currently the existing building can accommodate up to fourteen (14) separate tenants.

The subject property is zoned CR-D (Commercial Regional, Design Overlay) and has a General Plan land use designation of Regional Commercial.

The subject property is bound by Carson Street to the south and Avalon Boulevard to the east. South of the site across Carson Street are commercial uses and east of the street across Avalon Boulevard is City Hall. Directly north of the site is vacant land owned by the Carson Redevelopment Agency and directly west of the site is an office use and vacant land owned by the Carson Redevelopment Agency.

II. Background

Ordinance No. 06-1349

On June 7, 2006, the City Council approved the Massage Service Ordinance No. 06-1349 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.

Since the adoption of Ordinance No. 06-1349 there is only one (1) other permitted massage service within the city operating with a conditional use permit. However, there are several other businesses that provide ancillary massage services including beauty parlors, chiropractors, and health services. Under Ordinance No. 06-1349 ancillary massage services are allowed when in conjunction with an automatically permitted use.

The property site was first constructed with a 4,400-square-foot and 4,800-square-foot commercial building in 1979. In 1981, the existing buildings were remodeled and a 13,261-square-foot addition was constructed connecting the two separate commercial buildings and making it into one building. Since then, several tenant improvements and façade upgrades have been completed.

A code enforcement case is open for the property site which includes illegal tenant improvements, illegal storage, illegal removal of parking, and the operation of unauthorized uses. The case has been open since 2009 and in the process of being addressed by the property owner and applicable tenants.



The applicant's business partner (Mr. Riming Huang) currently has one other massage establishment in the city of Hacienda Heights (Dynasty Foot Spa) and it has been operating for approximately three (3) years. The applicant will mainly function as the facilities manager and substitute as a massage therapist when needed.

The hours of operation will be from 10:00 a.m. to 10:00 p.m. Monday – Friday and 11:00 a.m. to 11:00 p.m. on Saturday and Sunday. A maximum of five (5) massage rooms can be utilized at one time and four (4) to five (5) full and part-time employees are anticipated to be employed. Services offered will include full body massage, Swedish massage, deep tissue, relaxation therapy, aromatherapy, reflexology, and foot massage. Fitted towels and cover-ups will be offered to clients prior to any massage services. Disrobing will not be conducted.

In addition, prior to the issuance of a business license Sheriff's Department approval, fingerprinting, and background approval is required.

III. Analysis

Conditional Use Permits

Pursuant to Carson Municipal Code (CMC) Section 9138.91, a CUP is required for massage service. According to CMC Section 9172.21 – Conditional Use Permit, the Planning Commission shall recommend approval of the proposal if it is able to make affirmative findings based on the following criteria:

a. The proposed use and development will be consistent with the General Plan.

The proposed project is consistent with the General Plan of the city of Carson in that the subject property is designated for Regional Commercial and zoned CR-D (Commercial, Regional – Design Overlay). The proposed massage use is permitted with the approval of a conditional use permit.

b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.

The site generally meets the City's design and development standards. The proposed use is a retail use and will be replacing a tenant space for retail use, therefore there is no increase in parking demand. However, an open code enforcement case states that a separate tenant within the same commercial building has illegally constructed two gates and is illegally storing materials over nine (9) parking spaces, resulting in a deficit of parking. Staff recommends as a condition of approval, that nine (9) parking spaces must be provided prior to the issuance of a business license.

In addition, the tenant space to be occupied was illegally divided without proper building permits. Prior to the issuance and approval of a business license and as a condition of approval, the applicant must submit for all applicable building permits to legalize the existing tenant improvement.



If the above conditions of approval are implemented, staff believes the site is adequate in size, shape, topography, location, and utilities to accommodate the proposed use.

There will be adequate street access and traffic capacity.

Adequate driveway widths and street access are provided on the site. The project will not affect or impact the safe circulation of either pedestrians or vehicular traffic.

c. There will be adequate water supply for fire protection.

The site is existing, therefore adequate water supply for fire protection is currently provided by the Los Angeles County Fire Department.

d. The proposed use and development will be compatible with the intended character of the area.

The use is permitted with the approval of a conditional use permit by the Planning Commission. A massage service among other commercial uses is considered to be a compatible use and appropriate for the general area.

e. Such other criteria as are specified for the particular use in other sections of this chapter (Zoning Ordinance).

The proposed project is subject to the requirements in CMC Section 9138.91. The requirements stated in CMC Section 9138.91 have been added to the conditions of approval. The project meets all the minimum requirements stated within this section.

Issues of Concern

Addresses – Since 1979, the property site has been addressed as 21601 S. Avalon Blvd. Instead of providing the tenant spaces with suite numbers, the tenant spaces have been inadvertently given addresses, resulting in several addresses for one property site. Several permitted and unpermitted tenant improvements have resulted in exacerbating the addresses of the tenant spaces on-site. As a condition of approval, staff recommends the property owner be required to register all addresses on-site with the post office and Building and Safety division prior to the issuance of a business license. When the tenant space is approved by Building and Safety, the tenant space for the applicant will be addressed as 649 East Carson Street. In addition, some corrections must be made to the existing addresses on-site for safety and emergency response purposes.

Tenant improvements – Several illegal tenant improvements have been noted by staff and code enforcement, including the construction of a partition wall for 649 and 651 East Carson Street, the merger of two tenant spaces for 21629 S. Avalon Blvd, and interior modifications for 21619 and 21601 S. Avalon Blvd. Prior to the issuance of a business license and as a condition of approval, staff recommends all illegal tenant improvements must be submitted to the planning division for consideration and for applicable building permits.

Parking – As stated above, an open code enforcement case is pending for illegal storage covering nine (9) parking spaces. Staff recommends, prior to the issuance of



a business license and as a condition of approval, nine (9) parking spaces must be provided on-site to adequately accommodate parking demand for the proposed use.

Sign Program – The existing commercial building does not have a sign program. As part of the conditions of approval, staff recommends the property owner submit a sign program to the planning division for review and approval. Staff recommends, prior to the issuance of any permits, a sign program must be approved by the planning division.

Unauthorized Use – A code enforcement case is pending for a tenant on the same site which is illegally operating as a warehouse use within a commercial zone. The tenant and property owner have been notified by code enforcement of the violation. No conditions of approval are recommended for this issue since it is an ongoing case between the tenant, property owner, and code enforcement.

Staff believes no additional requirements or limitations are needed. Staff believes the proposed massage use is appropriate for the location and will be compatible with the surrounding area with the conditions of approval. 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 and operating as a legitimate use. Inspections may be conducted by staff to ensure that the facility meets all conditions of approval. Massage services will be provided in an area with curtains in lieu of doors.

Therefore, the project meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations subject to compliance with the conditions of approval. Therefore all of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit, Commission Findings and Decision" can be made in the affirmative.

IV. Environmental Review

Pursuant to Section 15301 – Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA), the approval of a conditional use permit for massage services in an existing building is exempt. The project does not have the potential to cause a significant effect on the environment.

V. Recommendation

That the Planning Commission:


- APPROVE Conditional Use Permit No.822-10;
- WAIVE further reading and ADOPT Resolution No. 10-_____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 822-10 TO PERMIT MASSAGE SERVICES LOCATED AT 649 SOUTH AVALON BOULEVARD."



VI. Exhibits

1. Draft Resolutions
2. Site Map
3. Development Plans and Photographs (under separate cover)

Prepared by:


Sharon Song, Associate Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Officer



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 822-10 TO OPERATE A MASSAGE SERVICES LOCATED
AT 649 AVALON BOULEVARD**

**THE PLANNING COMMISSION OF THE CITY OF CARSON HEREBY FINDS,
RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by the applicant, Betty Lam, on behalf of Serenity Spa, with respect to real property located at 21601 Avalon Boulevard (649 Avalon Boulevard) and described in Exhibit "A" attached hereto, requesting approval of a Conditional Use Permit for the operation of a massage establishment. The subject property is zoned CR-D (Commercial, Regional – Design Overlay) and located within Redevelopment Project Area No. 1.

A public hearing was duly held on July 13, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. Pursuant to Section 9172.21(D), "Conditional Use Permit – Commission Findings and Decision", the Planning Commission finds that:

- a) The proposed use is appropriate for the area. The proposed use is consistent with the General Plan land use designation of Commercial Regional and the CR-D (Commercial, Regional - Design Overlay) zone;
- b) The project site is adequate to support the proposed use and existing utilities are connected;
- c) The proposed use will have adequate street access onto Avalon Boulevard and Carson Street and will not impact traffic capacity in the area;
- d) The proposed use will provide adequate access to emergency vehicles, including the Fire Department, by way of a common driveway for the commercial center. Addressing will be corrected by the property owner to ensure adequate response and safety. There is adequate water supply in the area for fire protection;



e) The proposed use is compatible with other uses in the commercial center. The proposed use is not anticipated to create any incompatibilities with any adjacent uses since it will be conducted indoors within the existing business area. The use complies with the City's development standards, including Section 9138.91, Massage Service, of the Carson Municipal Code.

Section 4. The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use will not alter the character of the commercial center and meets or exceeds all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under CEQA, Section 15301 – Existing Facilities (Class 1).

Section 5. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 822-10, with respect to the real property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF JULY, 2010.

CHAIRMAN

ATTEST:

SECRETARY

Exhibit "A"

PARCEL 2, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
AS SHOWN ON PARCEL MAP NO. 14207, AS PER MAP FILED IN BOOK 142, PAGE 28 OF
PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 822-10

GENERAL CONDITIONS

1. If Conditional Use Permit No. 822-10 is not used within one year of its effective date, said permit(s) shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial changes will require review by the Planning Commission.
4. Prior to any changes to the operations and/or conditions of approval, all proposed changes must be reviewed and approved by the Planning division. Any substantial/major modifications will require review and approval by the Planning Commission.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. All buildings, grounds, parking areas, signs and landscaping shall be maintained in a neat and orderly manner at all times.
8. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a business license.



9. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
10. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
11. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 822-10 and associated modifications. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

Massage Service

12. The establishment must be in compliance with Carson Municipal Code Section 9138.91 – Massage Service and Section 63134, 63134.1, 63134.2 and 63134.3.
13. The City retains the right to inspect the massage establishment, at minimum on an annual basis, after issuance of a business license to ensure the owner's continued compliance with the Conditional Use Permit. The cost of such inspection shall be paid by the operator pursuant to a fee set forth in the City's fee schedule. City inspection shall be made available subject to reasonable notice.
14. No person shall work as a massage technician in a massage establishment without first having obtained a valid massage technician permit in accordance with Section 63135 of the Carson Municipal Code. A valid massage technician permit shall be required for any person who offers to, engages in, conducts, or provides massage services from any location within the city whether in the capacity of an employee or an independent contractor.
15. All massage technicians on site shall wear smocks or similar garments that provide appropriate coverage of the massage technician upper and lower torso.
16. The applicant shall retain a record of massage services to be made available for City inspectors to review during inspections. The record shall include the number



of massages per day, the hour each massage was administered, and the name of the massage technician administering such massage.

17. Applicant shall obtain any necessary permits and approval from the health department and all other regulatory agencies.
18. No person, operator and/or manager shall employ or allow any person to work in the establishment as a massage technician who does not have a valid massage technician permit issued by the City Business License Division. A valid massage technician permit shall be required for any person who offers to, engages in, conducts, or provides massage services from any location within the City whether in the capacity of an employee or an independent contractor.
19. Cubicles, rooms, booths, or other areas within which massage services are administered shall not be fitted with a door capable of being locked.
20. Business shall not be conducted between the hours of 11:00 p.m. and 9:00 a.m.
21. Prior to the issuance of a business license, the property owner must provide nine (9) additional parking spaces to address parking demand for a total of seventy (70) parking spaces on-site.
22. The applicant must submit for building permits to legalize the illegal tenant improvement for the proposed tenant space.
23. The property owner must submit for building permits to legalize all illegal tenant improvements on-site, including but not limited to illegal partitions and mergers.
24. The applicant must register the address "649 East Carson Street" for the proposed tenant space.
25. The property owner must register all addresses on-site to the post office and building and safety for approval.
26. Prior to the issuance of any permits, a sign program must be submitted by the property owner to the Planning Division for approval.
27. Prior to the issuance of a business license, the property owner shall remove all illegal storage on-site and submit a site plan to the Planning division for all improvements such as gates and additions for approval or remove all unpermitted structures/gates.



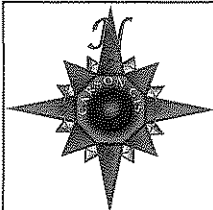
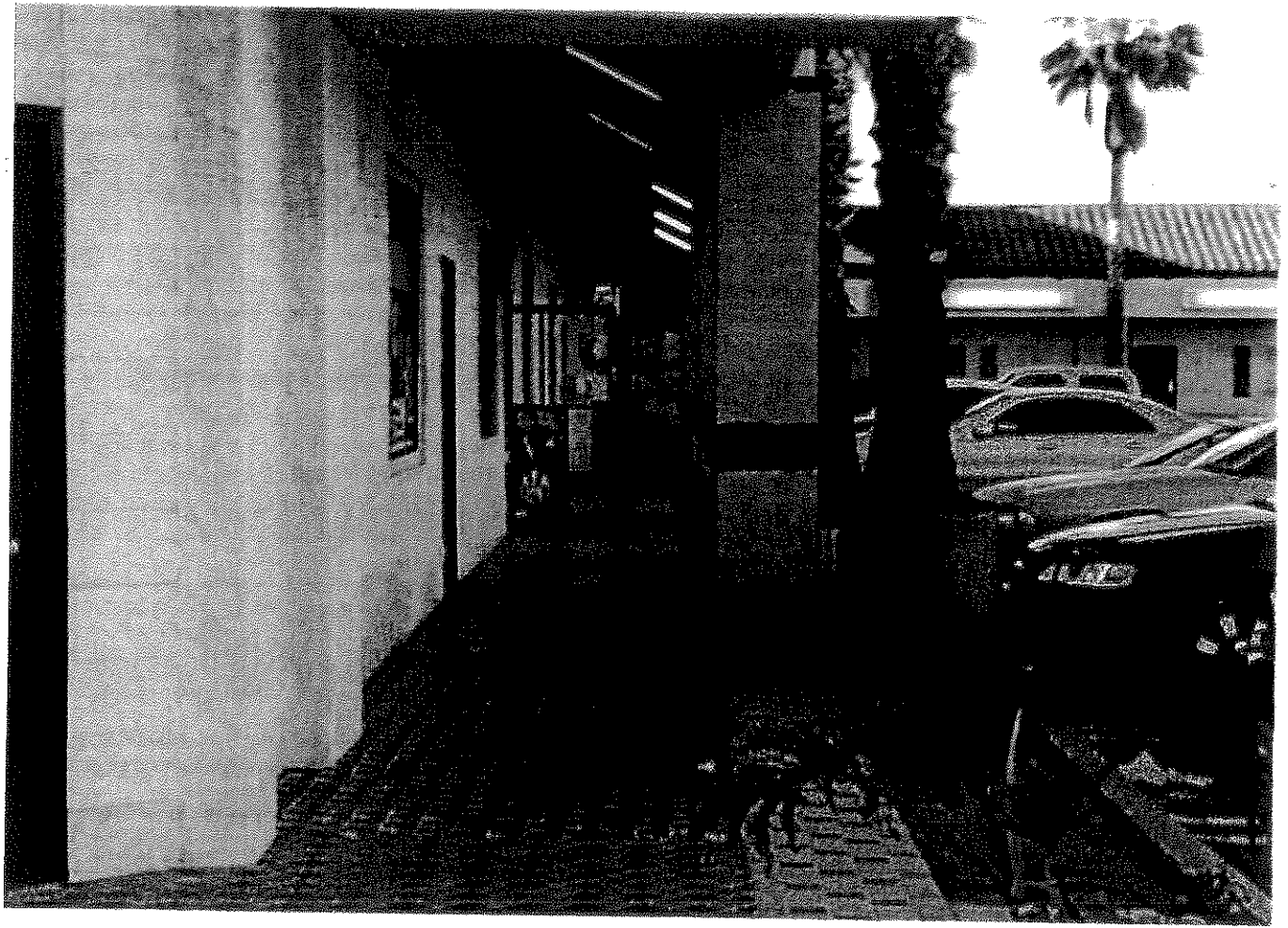
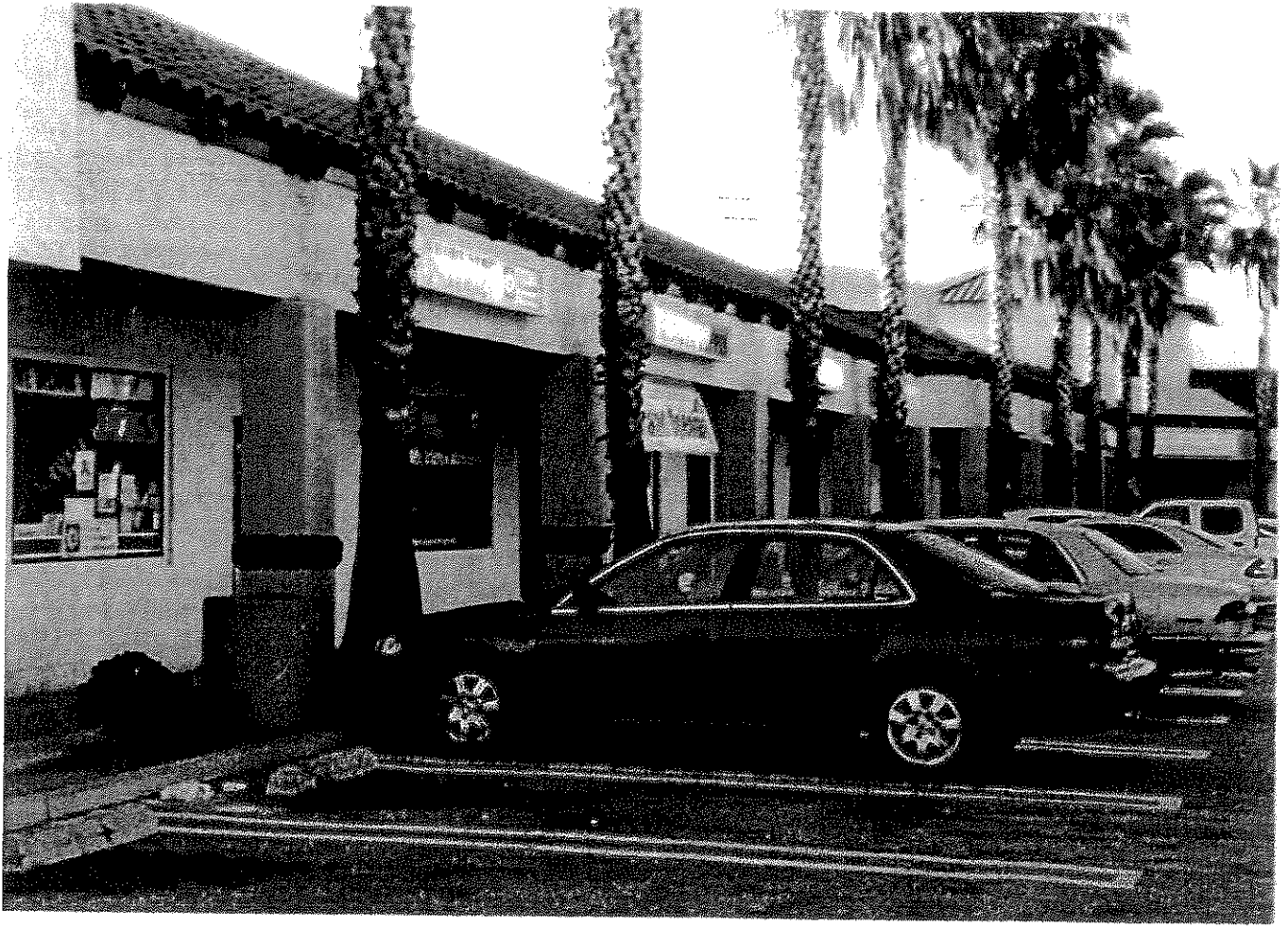


EXHIBIT NO. 2 FBI



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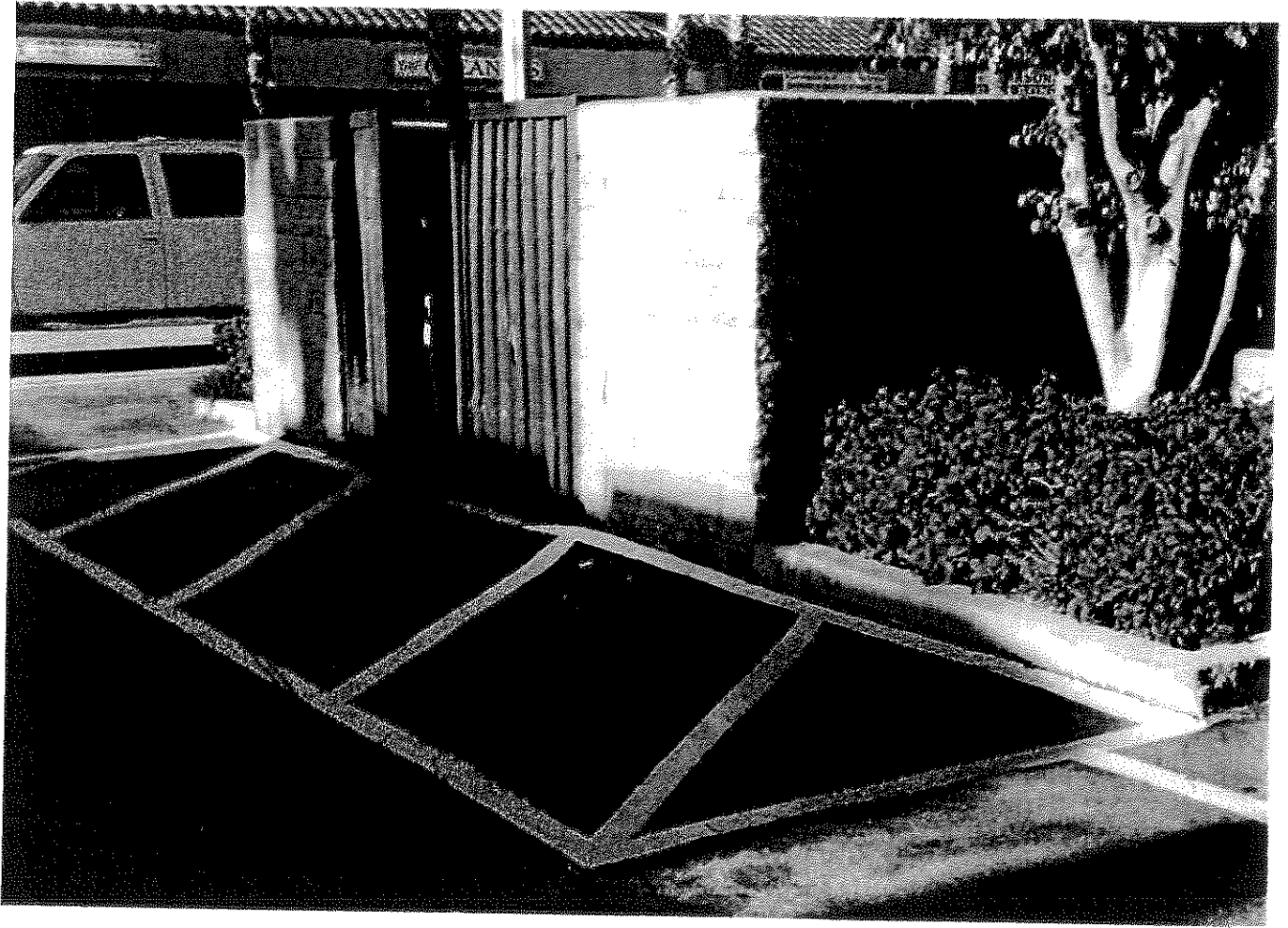
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