



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

CONSENT: September 28, 2010

SUBJECT: Modification No. 1 to  
Conditional Use Permit No. 822-10

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

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

REQUEST: Modifications to conditions of approval of Planning  
Commission Resolution No. 10-2322

PROPERTY INVOLVED: 649 East Carson Street

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### COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

### COMMISSIONERS' VOTE

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

***Item No. 9B***

## I. Introduction

The Planning Division is requesting a modification of conditions for Conditional Use Permit (CUP) No. 822-10 to allow consideration of the issuance of a business license for a massage service prior to the property owner providing the required parking spaces on-site and prior to removing or obtaining a building permit for an unauthorized wall and gate behind the building. Staff has taken this unusual approach as a means of encouraging the property owner to comply with the Carson Municipal Code and the requirements of CUP No. 822-10. A modification to conditions, which is agreed upon by the property owner, would allow the applicant, Serenity Spa, to operate while the property owner completes steps necessary to gain compliance with applicable codes.

## II. Background

On July 13, 2010, the Planning Commission approved Conditional Use Permit (CUP) No. 822-10 subject to the conditions in Exhibit "B" of Resolution No. 10-2322 to approve a massage service known as Serenity Spa to operate at 649 East Carson Street. The property site is approximately 1.30 acres and contains multi-tenant buildings totaling 24,605 square feet. Currently, the buildings can accommodate up to 14 separate tenants.

A review of the commercial center permit history indicates that the property was developed in phases. The earlier buildings were constructed with a less stringent parking requirement of 1 parking space per 400 square feet of building versus the current requirement of 1 parking space per 300 square feet of building. Staff has calculated the parking requirement maintaining the legal, nonconforming status of the original parking requirement. As a result, this commercial center is required to provide less parking than a comparable development constructed more recently.

Since the approval of CUP No. 822-10, the applicant and property owner have addressed all conditions of approval except Condition No. 21 and Condition No. 27. At this time, the applicant has removed the unpermitted outdoor storage and can provide seven parking spaces at the rear of the property, resulting in a deficit of two parking spaces. Original plans for the commercial center show that nine parking spaces were previously approved and provided in this area. The deficiency in two parking spaces was due to the construction of an unpermitted wall and gate in the rear parking lot.

There have been numerous discussions with the property owner or their authorized representative regarding the need to comply with the conditions of approval. While the property owner agreed to these conditions at the Planning Commission meeting on July 13, 2010, they have subsequently expressed an unwillingness or difficulty in achieving compliance. The applicant, Serenity Spa, has substantially complied with all building permit requirements and is ready to obtain the business license to allow the massage service to operate. Staff has informed the applicant that the business



license cannot be issued until the property is in compliance with the agreed upon conditions of approval.

Staff has advised the property owner that failure to comply will negatively impact the ability for the massage service to start business. As a means of finding a temporary solution, staff recommended that the applicant or property owner request a modification to the conditions to allow additional time to comply and to allow a tenant space to remain vacant as a means of reducing the parking requirement. However, the property owner has failed to meet the requirements of CUP No. 822-10 within a reasonable amount of time and has chosen not to submit an application to modify the conditions. Therefore, in an effort to minimize delaying Serenity Spa's opening, staff has initiated a modification to potentially allow Serenity Spa to operate while the property owner completes necessary steps to achieve compliance.

### III. Analysis

The proposed modification to conditions would allow the applicant, Serenity Spa, to operate and require the property owner to retain a vacant tenant space, where its total square footage is equivalent to the number of deficit parking spaces on-site, until required parking is provided. The property owner will be allowed to utilize the vacant tenant space when parking requirements stated in Carson Municipal Code (CMC) Section 9162.21 are satisfied. In order to provide the parking, the applicant must remove the unpermitted wall and gate to provide the required nine parking spaces within the rear of the property unless alternative off-site parking can be identified. Coordinating with the property owner to provide the required number of spaces and resolve the issue with the unpermitted wall and gate may take additional time and further delay Serenity Spa from operating. Staff requests the Planning Commission approve the following modifications to Condition Nos. 21 and 27 to allow Serenity Spa to operate while outstanding conditions are being addressed (additions are in *italics* and deletions are in ~~strikethrough~~):

Condition No. 21: "~~Prior to the issuance of a business license,~~ *Within six (6) months of the approval date for modification no. 1 to CUP No. 822-10,* the property owner must provide nine (9) additional parking spaces to address parking demand for a total of seventy (70) parking spaces ~~on-site to serve the subject property.~~ *All parking must be made available to the public during regular business hours. Until parking requirements are met, the property owner shall retain a vacant tenant space, where the total square footage is equivalent to the number of deficient parking spaces on-site. Parking calculations shall be in compliance with Carson Municipal Code (CMC) Section 9162.21.*"

Condition No. 27: "~~Prior to the issuance of a business license,~~ *t*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 *within*



six (6) months of the approval date for Modification No. 1 to CUP No. 822-10.

Staff also recommends the following conditions be added to ensure compliance by the property owner and applicant:

*Condition No. 28: "The property owner and applicant shall sign an affidavit of acceptance agreeing to all conditions of approval to Conditional Use Permit No. 822-10 within five (5) days of Planning Commission approval. The business license for the massage service shall not be issued until all conditions have been satisfied and payment of \$350 has been received for the costs of processing Modification No. 1 to Conditional Use Permit No. 822-10"*

#### **IV. Environmental Review**

Pursuant to Section 15301 – Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA), the approval of Modification No. 1 to Conditional Use Permit No. 822-10 is exempt and does not have the potential to cause a significant effect on the environment.

#### **V. Recommendation**

That the Planning Commission:

- APPROVE Modification No. 1 to Conditional Use Permit No. 822-10; and
- ADOPT Resolution No. 10-\_\_\_\_\_ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 822-10 TO MODIFY CONDITION NO. 21, CONDITION NO. 27, AND ADD CONDITION NO. 28."

#### **VI. Exhibits**

1. Resolution No. 10-2322
2. Draft Resolution
3. Planning Commission Minutes dated July 13, 2010

Prepared by:

  
Sharon Song, Associate Planner

Reviewed by:

  
John F. Signo, AICR, Senior Planner

Approved by:

  
Sheri Repp Loadman, Planning Officer

**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 10-2322**

**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 EAST CARSON STREET**

**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 East Carson Street) 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



**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.

Modifications to Condition No. 21, Condition No. 27 , and the addition of Condition No. 28 approved by the Planning Commission on September 28, 2010 by Resolution No. 10-XXXX.



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.

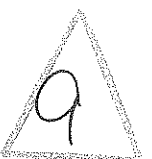
Modifications to Condition No. 21, Condition No. 27 , and the addition of Condition No. 28 approved by the Planning Commission on September 28, 2010 by Resolution No. 10-XXXX.





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. Within six (6) months of the approval date for Modification No. 1 to CUP No. 822-10, the property owner must provide nine (9) additional parking spaces to address parking demand for a total of seventy (70) parking spaces to serve the subject property. All parking must be made available to the public during regular business hours. Until parking requirements are met, the property owner must retain a vacant tenant space, where the total square footage is equivalent to the number of deficient parking spaces on-site. Parking calculations shall be in compliance with Carson Municipal Code (CMC) Section 9162.21.
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.

Modifications to Condition No. 21, Condition No. 27 , and the addition of Condition No. 28 approved by the Planning Commission on September 28, 2010 by Resolution No. 10-XXXX.



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. 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 within six (6) months of the approval date for Modification No. 1 to CUP No. 822-10.
28. The property owner and applicant shall sign an affidavit of acceptance agreeing to all conditions of approval to Conditional Use Permit No. 822-10 within five (5) days of Planning Commission approval. The business license for the massage service shall not be issued until all conditions have been satisfied and payment of \$350 has been received for the costs of processing Modification No. 1 to Conditional Use Permit No. 822-10.

Modifications to Condition No. 21, Condition No. 27 , and the addition of Condition No. 28 approved by the Planning Commission on September 28, 2010 by Resolution No. 10-XXXX.



**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 10-XXXX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING MODIFICATION NO. 1 TO  
CONDITIONAL USE PERMIT NO. 822-10 TO MODIFY  
CONDITION NO. 21, CONDITION NO. 27, AND ADD CONDITION  
NO. 28**

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

**Section 1.** The city of Carson Planning Division is requesting approval of Modification No. 1 to Conditional Use Permit No. 822-10, with respect to real property located at 649 East Carson Street and described in Exhibit "A" attached hereto, to modify the original conditions of approval within Resolution No. 10-2322, which allows a massage establishment, Serenity Spa, to operate and requires the property owner to retain a vacant tenant space, where its total square footage is equivalent to the number of deficient parking spaces on-site, until required parking is provided. The subject property is zoned CR-D (Commercial, Regional – Design Overlay) and located within Redevelopment Project Area No. 1.

**Section 2.** A meeting was duly held on September 28, 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 3.** Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

**Section 4.** The Planning Commission finds that:

- a) The Planning Commission approved Conditional Use Permit No. 822-10 and Resolution No. 10-2322 on July 13, 2010;
- b) Since the approval of Conditional Use Permit No. 822-10, the applicant and property owner have addressed all conditions of approval except Condition No. 21 and Condition No. 27;
- c) Original plans for the commercial center show that nine (9) parking spaces were previously approved and provided in the rear of the property. Subsequently, an unpermitted wall and gate were constructed in the rear parking lot resulting in the loss of two parking spaces and noncompliance with the Carson Municipal Code;



d) The property owner is required to provide a total of 70 parking spaces within six (6) months of the approval date of Modification No. 1 to CUP No. 822-10. Until parking requirements are met, the property owner must retain a vacant tenant space, where the total square footage is equivalent to the number of deficient parking spaces on-site;

e) The applicant, Serenity Spa, has substantially complied with all building permit requirements and is ready to obtain a business license to allow the massage service to operate. In an effort to minimize delaying Serenity Spa's opening, the Planning Commission approves the following modifications and additions to Conditional Use Permit No. 822-10 (additions are in *italics* and deletions are in ~~strikethrough~~):

Condition No. 21: ~~"Prior to the issuance of a business license,~~ *Within six (6) months of the approval date for modification no. 1 to CUP No. 822-10,* the property owner must provide nine (9) additional parking spaces to address parking demand for a total of seventy (70) parking spaces ~~on-site to serve the subject property. All parking must be made available to the public during regular business hours. Until parking requirements are met, the property owner shall retain a vacant tenant space, where the total square footage is equivalent to the number of deficient parking spaces on-site. Parking calculations shall be in compliance with Carson Municipal Code (CMC) Section 9162.21."~~

Condition No. 27: ~~"Prior to the issuance of a business license,~~ *t*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 *within six (6) months of the approval date of Modification No. 1 to CUP No. 822-10.*

Condition No. 28: *"The property owner and applicant shall sign an affidavit of acceptance agreeing to all conditions of approval to Conditional Use Permit No. 822-10 within five (5) days of Planning Commission approval. The business license for the massage service shall not be issued until all conditions have been satisfied and payment of \$350 has been received for the costs of processing Modification No. 1 to Conditional Use Permit No. 822-10."*

**Section 5.** The Planning Commission further finds that the approval of Modification No. 1 to Conditional Use Permit No. 822-10 will not have a significant effect on the environment and is exempt under the California Environmental Quality Act (CEQA) Section 15301 – Existing Facilities (Class 1).

**Section 6.** Based on the aforementioned findings, the Commission hereby approves Modification No. 1 to Conditional Use Permit No. 822-10, with respect to the real property described in Section 1 hereof, subject to the modified conditions set forth in Exhibit "B" attached hereto. All other conditions of approval described in Resolution No. 10-2322 remain in effect.

**Section 7.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**Section 8.** 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 28th DAY OF SEPTEMBER, 2010.**

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**CHAIRMAN**

**ATTEST:**

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**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.

Modifications to Condition No. 21, Condition No. 27 , and the addition of Condition No. 28 approved by the Planning Commission on September 28, 2010 by Resolution No. 10-XXXX.



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.

Modifications to Condition No. 21, Condition No. 27 , and the addition of Condition No. 28 approved by the Planning Commission on September 28, 2010 by Resolution No. 10-XXXX.





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. Within six (6) months of the approval date for Modification No. 1 to CUP No. 822-10, the property owner must provide nine (9) additional parking spaces to address parking demand for a total of seventy (70) parking spaces to serve the subject property. All parking must be made available to the public during regular business hours. Until parking requirements are met, the property owner must retain a vacant tenant space, where the total square footage is equivalent to the number of deficient parking spaces on-site. Parking calculations shall be in compliance with Carson Municipal Code (CMC) Section 9162.21.
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.

Modifications to Condition No. 21, Condition No. 27 , and the addition of Condition No. 28 approved by the Planning Commission on September 28, 2010 by Resolution No. 10-XXXX.



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. 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 within six (6) months of the approval date for Modification No. 1 to CUP No. 822-10.
28. The property owner and applicant shall sign an affidavit of acceptance agreeing to all conditions of approval to Conditional Use Permit No. 822-10 within five (5) days of Planning Commission approval. The business license for the massage service shall not be issued until all conditions have been satisfied and payment of \$350 has been received for the costs of processing Modification No. 1 to Conditional Use Permit No. 822-10.

Modifications to Condition No. 21, Condition No. 27 , and the addition of Condition No. 28 approved by the Planning Commission on September 28, 2010 by Resolution No. 10-XXXX.



## 11. PUBLIC HEARING

### B) Conditional Use Permit No. 822-10

#### Applicant's Request:

The applicant, Betty Lam, is requesting to permit the operation of massage services on a site located in the CR-D (Commercial Regional, Design Overlay) zoning district. The subject property is located at 21601 South Avalon Boulevard.

#### Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to APPROVE Conditional Use Permit No. 822-10; WAIVE further reading and ADOPT Resolution No. 10-2322, 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."

Associate Planner Song noted for Vice-Chairman Saenz that there is only one other approved full-bodied massage business located in Carson.

Chairman Faletogo opened the public hearing.

Betty Lam, applicant, stated that this is a massage therapy business that supports holistic wellness; and advised that her partner owns and operates two other similar facilities in other cities.

Associate Planner Song noted for Commissioner Diaz that staff is working with Code Enforcement and the property owner to remedy the parking deficiency.

Maurice Refoug, property owner, noted his plans to make this a more aesthetically appealing shopping center; noted his hope that in 4 to 5 years, he will be able to redevelop this site; and noted that he is now getting the back portion cleaned up now that that tenant is gone. He explained that the removal of the gate and cleaning up the back area will alleviate the parking deficiency.

Planning Officer Repp advised that the parking at this center will be re-calculated.

Mr. Refoug noted for Commissioner Graber that Mobil's lease has been extended for another 5 years.

There being no further input, Chairman Faletogo closed the public hearing.

#### Planning Commission Decision:

Commissioner Schaefer moved to deny the applicant's request. This motion died due to the lack of a second.

Commissioner Schaefer highlighted the plans to make improvements along the Carson Street Corridor and expressed her belief that a massage establishment creates a poor image and may create problems in this community.

Commissioner Park stated, echoed by Commissioner Graber, that he will be approving the applicant's request because he believes this establishment will be well regulated.

Chairman Faletogo stated he too had reservations about a massage establishment but indicated his support because of the extra regulations in place.

Commissioner Graber moved, seconded by Commissioner Diaz, to approve the applicant's request, thus adopting Resolution No. 10-2322. Motion carried as follows:

AYES: Diaz, Faletogo, Gordon, Graber, Park, Saenz  
NOES: Schaefer  
ABSENT: Brimmer, Verrett

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