

# PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING:	May 10, 2011
SUBJECT:	Conditional Use Permit No. 867-11
APPLICANT:	Bonita Massage Attention: Jeerawan Tandee 949 W. 26th Street, Apt. 210 San Pedro, CA 90731
REQUEST:	Operation of a full-body massage service in an approximate 1,120-square-foot tenant space within a multi-tenant retail and commercial complex in the CR-D (Commercial, Regional – Design Overlay) zone and within the Carson Consolidated Redevelopment Project Area.
PROPERTY INVOLVED:	20930 E. Bonita Street
COM	MISSION ACTION
Concurred with staff	
Did not concur with staff	
Other	
COMI	<u> WISSIONERS' VOTE</u>

AYE	NO		AYE	NO	
1		Chairman Faletogo		***************************************	Gordon
		Vice-Chair Park			Saenz
		Brimmer			Schaefer
***************************************	•	Diaz			Verrett
		Goolsby			***

## I. Introduction

#### Date Application Received

March 21, 2011: Conditional Use Permit No. 867-11

#### **Applicant**

Bonita Massage; Attention: Jeerawan Tandee; 949 W. 26th Street, Apt. 210; San Pedro, CA 90731

#### Property Owner

Southbay Plaza Equities, LLC; Attn: David Nosrati; 806 S. Hill Street., Ste. 501;
 Los Angeles, CA 90014

#### Project Address

20930 E. Bonita Street, Unit "V"

#### Project Description

- The applicant proposes to operate a full-body massage service in an approximate 1,120-square-foot tenant space in an existing multi-tenant retail and commercial complex in the CR-D (Commercial, Regional – Design Overlay) zone.
- The tenant space the applicant intends to occupy is currently vacant.
- The full-body massage service will be administered in seven (7) semi-private rooms, six of which have single massage tables, with one that holds two massage tables in the same semi-private room. The rooms are all located along each side of the lease area. Each room is approximately 65 square feet in area. The seventh and largest room is approximately 105 square feet. The total area reserved for full-body massage service measures 495 square feet, or 44 percent of the total 1,120-square-foot leasable area.
- Massage service will be administered by no more than seven (7) massage technicians working at the same time during any given hour of business. Each massage therapist is an independent contractor with their own liability insurance, state licensing for massage therapy, and massage technician/therapist permit issued by the City of Carson.
- The proposed massage clinic hours of operation are Monday through Sunday, 10 a.m. to 9 p.m.

## II. Background

#### Current Use of Property

The subject property is part of a shopping center known as the South Bay Plaza. The shopping center is comprised of three properties with one building on each property. The building on the subject property is 8,000 square feet and



rectangular shaped. The buildings on the southern and eastern properties are connected by a breezeway and are L-shaped. The L-shaped buildings are approximately 35,900 square feet. A common driveway and parking are located between the rectangular building and the L-shaped buildings.

- The shopping center has recently undergone a major aesthetic transformation with new building facades with a modern flair, including glass fronts, metal awnings, enhanced decorative walkways with pavers and brickwork, and new landscaping. See *Previously Approved Discretionary Permits* below for more information.
- The shopping center includes 30 tenant spaces. The current tenant mix includes restaurants, salons, medical offices, retail uses, a dry cleaner, and various professional offices.

## Previously Approved Discretionary Permits

- Design Overlay Review No. 56-78: On November 28, 1978, the Planning Commission approved a series of fascia signs at the Carson Commercial Center. All signs were required to be blue background with white letters. Up to 973 square feet was permitted. These signs have since been replaced by way of a new sign program approved in 2009 in conjunction with Design Overlay Review No. 1331-09 (see below).
- Design Overlay Review No. 191-82: On August 2, 1982, the Redevelopment Agency approved a 288 square-foot pole sign bringing the total approved sign area for the center to 1,261 square feet. This sign has since been removed and replaced with a new pylon sign in conjunction with Design Overlay review No. 1331-09.
- Conditional Use Permit No. 622-06: On July 11, 2006, the Planning Commission approved the operation of a full-body massage service at an existing alternative healthcare facility on the subject site called Healtheee-U Alternative Healthcare. Healtheee-U originally occupies an approximate 2,800-square-foot lease area within the stand-alone building on the northwest portion of the subject site. In 2009, Healtheee-U relocated to the southernmost tenant space in the building on the east side of the subject property. Healtheee-U maintains the same number of massage tables (5) set up in five private rooms, keeps the same business hours, and the same number of licensed massage technicians.
- Design Overlay Review No. 1331-09: On September 15, 2009, the Redevelopment Agency approved a major façade remodel and related site improvements for the existing multi-tenant retail and commercial center. As a result of the improvements completed under new ownership of the retail center, the occupancy rate of the center has increased to 90%, up from 35% prior to the remodel. If the proposed massage use materializes, then there will be only two vacancies out of 30 tenant spaces in the site.

#### Public Safety Issues

The Public Safety Department has not reported any current code enforcement cases associated with this property.

## 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 a massage establishment by imposing reasonable standards relative 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.
- The Ordinance exempts certain uses such as chair massages if those uses are ancillary to a primary use and are conducted in an open area where customers would not have to disrobe. However, businesses that offer ancillary massage services and massage technicians must still have to obtain necessary licensing and permits through the Business License Division.

#### III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located in the central part of the City just south of the South Bay Pavilion.
- The project site is part of the shopping center known as the Southbay Plaza and has a current tenant mix includes restaurants, salons, medical offices, retail uses, a dry cleaner, and various professional offices.
- The applicant, Bonita Massage, is leasing 1,120 square feet from the property owner, Southbay Plaza Equities, LLC. The business is located in Unit "V" located in between an orthodontics office and professional staffing service use, within the building located along the south side of the subject property.
- Access to the site is from Dominguez Street to the north and Bonita Street to the west.

## Zoning/General Plan/Redevelopment Area Designation

- The subject property and all surrounding properties are zoned CR-D (Commercial, Regional Design Overlay). The South Bay Pavilion to the north is in the Mixed Use Residential Overlay, making the zoning CR-MUR-D.
- The subject property and all surrounding properties to the south, east, and west have a General Plan land use designation of Regional Commercial. The South Bay Pavilion to the north across Dominguez Street is designated Mixed-Use Residential.
- The subject property and all surround properties are within the Carson Consolidated Redevelopment Project Area.



#### Conditional Use Permit

Pursuant to Section 9138.91 of the Carson Municipal Code (CMC), a conditional use permit (CUP) is required for full body 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 is 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 Heath 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 used in the shopping center and those within the surrounding area. The proposed use will provide a service to general public 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 may be conducted to ensure that the facility meets all conditions of approval.

## V. <u>Environmental Review</u>

Pursuant to Section 15321(a) of the California Environmental Quality Act (CEQA) Guidelines, 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. 867-11 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. 867-11 to Allow a Full Body Massage Service for Bonita Massage Located at 29930 E. Bonita Street, Unit V."

## VII. Exhibits

- 1. Proposed Resolution
- 2. Bonita Massage Business Plan Summary, dated March 21, 2011

3. Site and Floor Plan

Prepared by:

Steven C. Newberg, AlCP, Associate Planner

Reviewed by:

John F. Sano, AICP, Senior Planne

Approved by:

Sheri Repp, Planning Officer

Planning Commission Staff Report Conditional Use Permit No. 867-11 May 10, 2011 Page 6 of 6

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#### PLANNING COMMISSION

#### **RESOLUTION NO. 11-**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 867-11 TO ALLOW A FULL BODY MASSAGE SERVICE FOR BONITA MASSAGE LOCATED AT 29930 E. BONITA STREET, UNIT V

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

<u>Section 1</u>. An application was duly filed by the applicant, Jeerawan Tandee, on behalf of the Bonita Massage, with respect to real property located at 29930 E. Bonita Street and described in Exhibit "A" attached hereto, requesting approval of Conditional Use Permit No. 867-11 for the operation of a full-body massage service at in an approximate 1,120-square-foot tenant space within a multi-tenant retail and commercial complex in the CR-D (Commercial, Regional – Design Overlay) zone and within the Carson Consolidated Redevelopment Project Area.

A public hearing was duly held on May 10, 2011, 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.

<u>Section 3</u>. 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 in that it will be located in an existing commercial center. The proposed use is consistent with the General Plan land use designation of Commercial General and the CR-D (Commercial, Regional – Design Overlay) zone;
- b) The project site is adequate to support the proposed use in that it is fairly flat and existing utilities are connected;
- c) The proposed use will have adequate street access onto Dominguez Street and will not impact traffic capacity in the area. Access to the 405 Freeway is available less than one-quarter mile to the west via Avalon Boulevard;
- d) The proposed use will provide adequate access to emergency vehicles, including fire, by way of a common driveway for the commercial center. There is adequate water supply in the area for fire protection;
- e) The proposed use is compatible with other uses in the Southbay Plaza shopping center, which include commercial, office, and medical uses. 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; and

EXHIBIT NO. 1-

Page 1 of 2 K:\PC\2011\_PC\Resolutions\5-10\c86711pr\_051011.doc

EMIGT NO. 1

f) The proposed project is consistent with applicable commercial and general 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 15321(a), Enforcement Actions by Regulatory Agencies.

Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 867-11, with respect to the real property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

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

This action shall become final and effective fifteen days after the Section 8. 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 10th DAY OF MAY, 2011.

	CHAIRMAN				
ATTEST:					
SECRETARY					

#### OFFICE OF ECONOMIC DEVELOPMENT

#### PLANNING DIVISION

#### EXHIBIT "A"

#### LEGAL DESCRIPTION

#### **CONDITIONAL USE PERMIT NO. 867-11**

## **Property Addresses:**

The subject premises is comprised of the three following properties:

## a) 930 E. Dominguez Street

The land referred to as parcel no. 7381-025-011 is situated in the City of Carson, County of Los Angeles, State of California and is described as follows:

Lot 11 of Tract No. 56-51 in the City of Carson, County of Los Angeles, State of California, As per Map recorded in Book 38, Page 6 of Maps, in the Office of the County Recorder of said County.

## b) <u>940 E. Dominguez</u>

The land referred to as parcel no. 7381-025-012 is situated in the City of Carson, County of Los Angeles, State of California and is described as follows:

Lot 12 of Tract No. 56-51 in the City of Carson, County of Los Angeles, State of California, As per Map recorded in Book 38, Page 6 of Maps, in the Office of the County Recorder of said County.

## c) 20930 Bonita Street (SUBJECT PROPERTY)

The land referred to as parcel no. 7381-025-010 is situated in the City of Carson, County of Los Angeles, State of California and is described as follows:

Lot 10 of Tract No. 56-51 in the City of Carson, County of Los Angeles, State of California, As per Map recorded in Book 38, Page 6 of Maps, in the Office of the County Recorder of said County.

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## OFFICE OF ECONOMIC DEVELOPMENT

#### **PLANNING DIVISION**

#### EXHIBIT "B"

#### CONDITIONS OF APPROVAL

#### **CONDITIONAL USE PERMIT NO. 867-11**

#### **GENERAL CONDITIONS**

- 1. If Conditional Use Permit No. 867-11 is not used within one year of its effective date, said permit 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. 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.
- 5. 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.
- 6. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
- 7. 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.
- 8. 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.
- 9. 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.



10. 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. 867-11 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

- 11. 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.
- 12. Private rooms used to administer massage service shall be provided with windowed doors to allow inspectors to check for compliance with the requirements herein and in accordance with Section 63134, 63135, and 9138.91 of the Carson Municipal Code.
- 13. 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.
- 14. Massage service shall be limited to the hours of Monday through Sunday 10 a.m. and 9 p.m. and in no event shall massage service be administered between the hours of 10 p.m. and 8 a.m.
- 15. 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. This condition shall not require applicant to violate the privacy rights of any customer.
- 16. Applicant shall obtain any necessary permits and approval from the health department and all other regulatory agencies.

17. Except as may otherwise be specially provided under applicable regulations for massage technicians, all massage technicians on site shall wear smocks or similar garments that provide appropriate coverage of the massage technician's upper and lower torsos.

## **Bonita Massage Business Plan Summary**

MAR 2 1 2011

CITY OF CARSON 701 E. CARSON ST. CARSON, CA 90745

Bonita Massage is a general partnership owned by Wanida Keowen and Jeerawan Tandee.

We offer therapeutic massage in a variety of modalities – Traditional Thai Yoga Massage, Swedish Massage, Deep Tissue work, Sports Massage, Hot Stone Massage, Reflexology, and others

The nature of the therapy session is 60 minutes, 90 minutes and 120 minutes.

#### Goal and Mission

Our mission is to run a profitable business by providing therapeutic massage in a caring, professional environment.

Our goal is to tailor the client's experience based on initial interview information. as well as in-the-minute feedback during the massage, to insure the client's comfort and satisfaction, and to increase repeat business. We intend to offer massage that is effective, yet respectful of the client's personal boundaries, so that the experience is relaxing and energizing for both the client and the provider. We are mindful of the overall experience - using clean sheets and towels, quality oils and lotions, appropriate scents, and soothing music.

#### **Client Target Groups**

- 1. Clients pampering themselves
  - High disposable income individuals

1 EXHIBIT NO. 2-



ERHIBIT NO.2

- Sometimes have chronic pain or old injury issues
- Massage 1 4 times a month for relaxation

## 2. Clients who prefer alternative health care

- Use massage as preventative health care
- Use other alternative practices e.g. acupuncture, Chiropractor,
   Naturopath, Herbalist, etc.
- Try to have massage as regularly as they can afford usually once per month

#### 3. Serious Athletes

- Injury and workout recovery, also preventative
- Many serious runners/bicyclists in local area
- Massage for improved performance great for word-of mouth referrals if they see results

#### Marketing

The key element in purchase decisions made by potential massage clients is trust in the professional reputation, and ultimately, in the skill and knowledge of the massage therapist as experienced in the initial massage. For this reason, a discount coupon or donation to a charity auction or event can be an effective way to troll the waters for new clients. Recommendations from other clients and alternative health service providers are also critical.

While there is a range of prices charged for massage service in the area, there is some price sensitivity among the long-term clientele or membership. Since the variable cost of each massage is nominal, the best bet has seemed to be to charge less than the market will bear.



Our "competitive edge" is our ability to give intuitive massage – to sense in the client's musculature, posture and presence what work is needed – where the pain is, where the tension is.

Each client comes with a specific personal agenda, both emotional and physical, and the goal is to "read" that client, and provide the pain relief, relaxation, and feeling of increased well-being that will allow that client to leave feeling satisfied.

## **Employees**

This is one business where the service is the sales technique. The total environment in which the service is offered - smells, lighting, sounds, feel of the linens and oils, emotional presence of the therapist - all combine with the techniques of actual tissue manipulation and knowledge of the musculo-skeletal systems to create the client's unforgettable experience.

Every employee is an independent contractor who is California certified massage therapist with liability insurance, and hold the massage technician permit from City of Carson. There will be no more than seven (7) therapists working at the same period of time during shop hours. We offer flexible working hours. Therefore, some therapists might work shorter hours than others.

The scheduled store hours are Monday - Sunday, 10 AM - 9 PM.

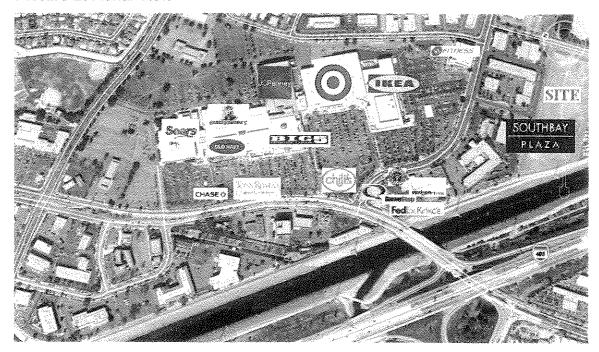
Therapeutic massage help others reduce stress, gain relief from pain and at the same time, help others relax and enjoy life.



Picture 1: South Bay Plaza



Picture 2: Aerial View



Picture 3: Front Walk Way





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Pedro Silva Gardena, Ca 90247

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# NOTES WINDOW SCHEDULE MATERIAL K SIZE TYPE M MARK 0

EQUIPMENT SCHEDULE
A-Electric Washer & Dryer
B- Employee Lockers 3' w
C- Massages Bed (3'x 6')
D- Recoption
D- Recoption
E- Water Heater Tank Lass
F- Hand sink soap dispenser

-Tollet room not absorbent Materials ceramic tile with 3/8cove base 6' up ceramic tile see finish schedule
-Walls for completed bathroom shall be finish 4' high min., not affected by moisture example (F.R.P.)finish Panels.
-Door handles shall be lever type, push /pull or equivalent Maximum effort to operate doors shall not exceed 5Lbs.
-Existing Ceiling to remain unchanged, changing Ceiling Panel only, not Grid Framing for Suspended Ceiling
-Primary Entrance of Building shall display and mounted sign decal and Exit signs for door hallways, route, Tactile

signs are required see plan.

-Win., size doors 36" clear opening 32" 90 degrees open position

-Win., size doors 36" clear opening 32" 90 degrees open position

-Mocressible counter area shall have 36' wide section of 34" above floor see Page HD 1122B

-Flooring: the Surface of floors shall be silt resistant when sated in accordance w/ASTM C1028B Test procedure

-Flooring: the Surface of floors shall be slip resistant when sated in accordance w/ASTM C1028B Test procedure

for coefficient of Friction, Tile must achieve a wet & day value not less than 60. Prior to the installation of the floor

covering, a written statement from floor manufacturer must be submitted to the Building Division, Community

Development Depart, stating that the product meets current industry Standards for slip resistance Test information or samples of flooring.

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Picture 4: Site Plan

