



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 24, 2012

SUBJECT: Conditional Use Permit No. 892-11

APPLICANT: Carol Kim
2140 W. Olympic Blvd. #424
Los Angeles, CA 90006

OWNER: Marie Jaubin
2006 E. Gladwick St.
Rancho Dominguez, CA 90220

REQUEST: Operation of an acupuncture and massage therapy use in a multi-tenant commercial building located in the CG-D (Commercial, General; Design Overlay) zone.

PROPERTY INVOLVED: 1822 East Carson Street

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Saenz
		Vice-Chair Gordon			Schaefer
		Brimmer			Verrett
		Diaz			Williams
		Goolsby			

ITEM NO. 11B

I. **Introduction**

Date Application Received

December 20, 2011: Conditional Use Permit No. 892-11

Applicant

Carson VIP Clinic; Attention: Carol Kim; 2140 W. Olympic Boulevard #424; Los Angeles, CA 90006

Property Owner

Marie Jaubin; 2006 E. Gladwick Street; Rancho Dominguez, CA 90220

Project Address

1822 East Carson Street

Project Description

The applicant proposes to operate acupuncture and massage therapy use located in a 1,388-square-foot tenant space in a multi-tenant commercial building in the CG-D (Commercial, General; Design Overlay) zone. The proposed space is currently vacant.

The acupuncture and massage therapy use will be administered in four (4) semi-private rooms with single examination tables. The semi-private rooms will be fitted with windowed doors that cannot be locked. Each room ranges from 87 square feet to 94 square feet in area. The total area reserved for therapy services measures 362 square feet, or 26 percent of the total 1,388-square-foot leasable area.

Massage services will be administered by no more than four (4) massage technicians working at the same time during any given hour of business. Each massage therapist will be 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 business will be open seven days a week, 10 a.m. to 9 p.m.

II. **Background**

Current Use of Property

The subject property is part of a shopping center known as Car-Wil Plaza. There are two buildings on the subject property totaling 34,132 square feet.

The shopping center includes 14 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. 423-87 and Variance No. 273-88: On February 23, 1988, the Planning Commission approved the expansion and remodel of the existing shopping center. The Planning Commission also approved a variance to provide a less than the required 26-foot wide drive aisleway.



Zone Change Case No. 103-87: On June 8, 1988, the City Council approved a change in zone from ML-D (Manufacturing, Light; Design Overlay) and CG-D (Commercial, General; Design Overlay) zones to entirely CG-D (Commercial, General; Design Overlay).

Public Safety Issues

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

For the proposed address, the County of Los Angeles Sheriff's Department has cited nine incidents (eight involving prostitution) that resulted in arrests since 2007. These arrests were associated with previous uses at 1822 E. Carson Street which included a chiropractic office. The Sheriff's Department has recommended denial of the project.

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 is 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.

Business Owner

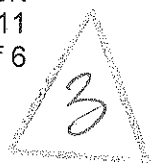
The business owner currently operates two acupuncture uses (without massage services) in Baldwin Park and Los Angeles.

III. Analysis

Location/Site Characteristics/Existing Development

The subject property is located in the central part of the City on the southwestern corner of Carson Street and Wilmington Avenue. The project site is part of the shopping center known as the Car-Wil Plaza and has a current tenant mix that includes restaurants, salons, medical offices, retail uses, a dry cleaner, and various professional offices.

The applicant, Carson VIP Clinic, is leasing 1,388 square feet from the property owner, Marie Jaubin. The business is located within the building located along the south side of the subject property. Access to the site is from Carson Street to the north and Wilmington Avenue to the east.



Zoning/General Plan/Redevelopment Area Designation

The subject property is zoned CG-D (Commercial, General; Design Overlay). Commercial uses are located to the north across Carson Street. To the east and west of the property are light industrial uses. Residential uses are located to the south of the property.

The subject property and properties to the north have a General Plan land use designation of General Commercial. Uses to the east and west of the property are designated Light Industrial. The single-family homes to the south across are designated Low-Density Residential.

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.

Staff believes that the proposed use is not appropriate for the area in that it will be located in a non-regional commercial center. Previous massage uses approved by the Planning Commission were located in CR (Commercial, Regional) zoned districts. Staff believes that the proposed use would be more compatible if located in a CR-zoned district.

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

The project site is adequate to support the proposed use in that it is fairly flat and existing utilities are connected.

- c. There will be adequate street access and traffic capacity.

The proposed use will have adequate street access onto Carson Street and Wilmington Avenue and will not impact traffic capacity in the area. Access to the 405 Freeway is available to the south via Wilmington Avenue.

- d. There will be adequate water supply for fire protection.

The proposed use will provide adequate access to emergency vehicles, including fire, by way of four (4) common driveways for the commercial center. There is adequate water supply in the area for fire protection.

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

Previous uses at Car-Wil Plaza included the Galaxy Bar and the former chiropractic office. Both uses involved several arrests as a result of their operations. Staff believes that the proposed massage use would be a detriment to the intended character of the area. The proposed use would not be compatible with other uses in the Car-Wil Plaza shopping center, which include commercial and office uses.



- f. Such other criteria as are specified for the particular use in other Sections of this Chapter.

The proposed project is consistent with applicable commercial and general development standards, including Section 9138.91, Massage Service, of the Carson Municipal Code.

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.

Due to its location and the past history of the site, staff believes that the proposed massage service will not meet the purpose and intent of the new Ordinance. In addition, based on the history of arrests at this address, the Sheriff's Department believes that if the use is allowed, the Sheriff's station would not be able to provide the additional resources to monitor this use. The Sheriff's Department has recommended denial of this proposal due to past practices at this location and the potential impact on quality of life issues for the area.

IV. Conclusion

Staff believes that the massage use is not appropriate for the location and will be not be compatible with uses in the shopping center and those within the surrounding area. Based on staff discussions with the applicant, the applicant has proposed several options for the use, including 1) providing large windows (four feet by five feet) for each examination room; and/or 2) eliminating massage services from the primary use of acupuncture. Staff recommends that the item be continued so that the applicant and staff have additional time to resolve these issues prior to a final Planning Commission decision.

V. 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 acupuncture and massage therapy in an existing building is exempt. The project does not have the potential to cause a significant effect on the environment.

VI. Recommendation

That the Planning Commission:

- **DISCUSS** the information provided in this report;
- **DIRECT** staff and the applicant to reach a mutually acceptable agreement; and

- CONTINUE the Public Hearing to May 22, 2012.

VII. Exhibits

1. Site and Floor Plan

Prepared by: _____
Max Castillo, Assistant Planner

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

Approved by: _____
Sheri Repp, Planning Officer

MC/c89211_1822ECarsonSt_p

