



# **CITY OF CARSON**

## **PLANNING COMMISSION STAFF REPORT**

PUBLIC HEARING: March 8, 2016

SUBJECT: Conditional Use Permit No. 999-16

APPLICANT: Aimee Minh Thy Huynh

REQUEST: To authorize operation of a massage services business located in the CG-D (Commercial General, Design Overlay) zoning district

PROPERTY INVOLVED: 23401 S. Main Street

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### **COMMISSION ACTION**

\_\_\_\_ Concurred with staff

\_\_\_\_ Did not concur with staff

\_\_\_\_ Other

### **COMMISSIONERS' VOTE**

<b>AYE</b>	<b>NO</b>		<b>AYE</b>	<b>NO</b>	
		<b>Chairman Diaz</b>			<b>Mitoma</b>
		<b>Vice-Chair Madrigal</b>			<b>Pimentel</b>
		<b>Andrews</b>			<b>Post</b>
		<b>Fe'esago, Jr.</b>			<b>Thomas</b>
		<b>Guidry</b>			

***Item No. 9-B***

## I. **Introduction**

### *Property Owner*

Anchor Investments/Sav-Mart Inc.  
John Papadakis  
660 W. 6<sup>th</sup> Street  
San Pedro, CA 90731

### *Applicant/Business Owner*

Aimee Minh Thi Huynh  
331 S. New Avenue Unit F  
Monterey Park, CA 91755  
[orangehinh@gmail.com](mailto:orangehinh@gmail.com)

### *Project Address*

23401 Main Street, Unit 23413

### *Project Description*

The applicant requests approval of Conditional Use Permit (CUP) No. 999-16 to authorize the operation of a massage services business (Serenety Spa) located in a 920 square-foot suite within an existing multi-tenant commercial building.

### *Current Improvements*

The proposed use will be located in one of the nine (9) suites in an existing 9,900-square-foot multi-tenant commercial building.

*Previously Approved Discretionary Projects:* None.

*Public Safety Issues:* None.

## **Project Site and Surrounding Land Uses**

The following provides a summary of the site information:

<b>Site Information</b>	
General Plan Land Use	General Commercial
Zone District	CG-D (Commercial, General – Design Overlay)
Site Size	22,819 square feet
Present Use and Development	1 Multi-Tenant Commercial Building
Surrounding Uses/Zoning	North, Small Commercial Strip Mall in zone CG-D (Commercial, General – Design Overlay); South and East, Single-Family Dwellings in zone RS (Residential, Single-Family); West, Single-Family Dwellings in zone RM-8-D (Residential, Multiple-Family-8 units/acre)

### III. Analysis

#### Current Operations – 649 E Carson Street

On July 13, 2010, Serenety Spa obtained Planning Commission approval for CUP No. 822-10 to operate its current massage service at property 649 E. Carson Street. However, in preparation for the construction of “The Avalon” mixed-use project, the current site must be vacated. Subsequently, Serenety Spa is relocating its business to the subject property.

#### CMC Section 9138.91 – Massage Service

The project site is located in the Commercial, General with a Design Overlay (CG-D) zoning district. CMC Section 9138.91 permits operation of the proposed use with approval of a Conditional Use Permit (CUP). The Planning Commission can approve the CUP to allow the proposed use by adopting the attached resolution and the related findings. The proposed use would offer full-body massage services in four semi-private treatment rooms. Two California licensed massage therapists will be available on-site. The proposed hours of operation are Monday – Sunday, from 11:00 a.m. to 9:00 p.m. (Exhibit 2). The City has not received any complaints regarding the operator in their existing location.

CMC Section 9138.91 also requires that operators of massage establishments comply with specific requirements to ensure that all massage activity taking place within the establishment is legitimate, and all conduct by the establishment’s staff and clientele is of an appropriate and professional nature. In addition, the operator is required to obtain approval from the Sheriff’s Department prior to the issuance of a Business License.

#### Parking

The site generally meets the City’s design and development standards for parking lots. The number of required parking spaces for the center is 44 spaces; however, the center currently has 24 parking spaces. The number of parking spaces for the site is considered legal non-conforming. CMC Section 9182.41.D, Nonconformity Requiring Capital Expenditure to Conform, allows legal non-conforming status in regards to the number of parking spaces to continue indefinitely if there is no intensification in the use. For purpose of calculating the required number of parking spaces, the proposed use is considered a retail or office use with a requirement of 1 space per 300 square feet of space. Therefore, the proposed use is not considered an intensification of the use for a retail center. Intensification would only occur if the required number of parking spaces for a proposed use exceeds the required number of parking spaces for retail or office uses. For example, a restaurant use would be an intensification of use since it requires 1 space per 200 square feet.

#### Issues

None

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

Pursuant to 15301 (Existing Structures or Facilities) of the California Environmental Quality Act (CEQA) Guidelines, the proposed project is deemed to be a minor alteration of an existing private structure involving negligible or no expansion of use beyond that existing at the time of the Lead Agency's determination and is therefore, Categorical Exempt.

#### **V. Public Notice**

Public notice was posted to the project site on February 17, 2016. Notices were mailed to property owners and occupants within 500 feet by February 25, 2016. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

#### **VI. Recommendation**

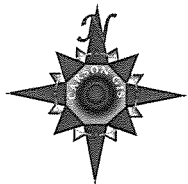
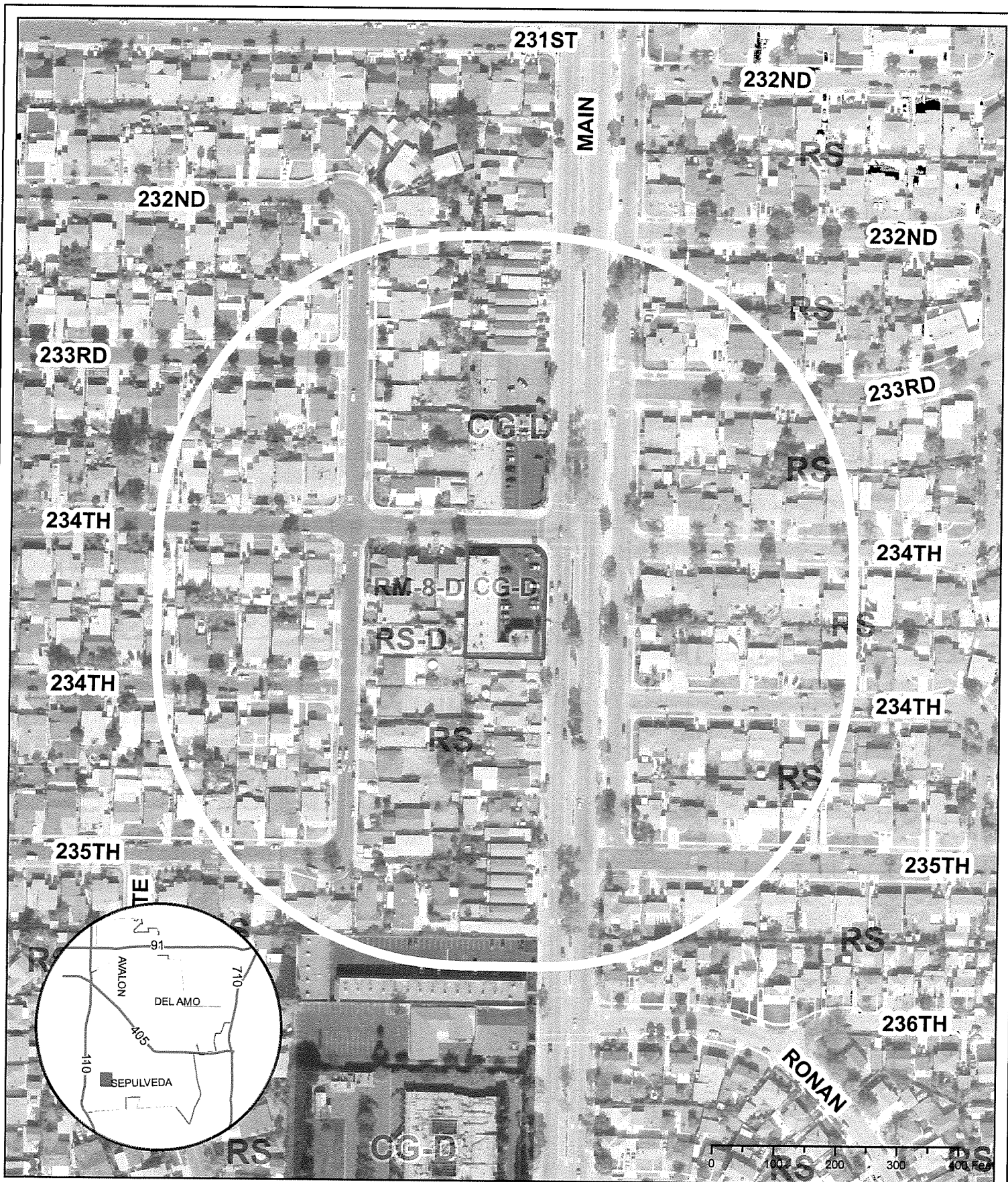
That the Planning Commission:

- **APPROVE** Categorical Exemption and Conditional Use Permit No. 996-16 subject to the conditions attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. \_\_\_\_\_, APPROVING CONDITIONAL USE PERMIT NO. 999-16 TO AUTHORIZE OPERATION OF A MASSAGE SERVICES BUSINESS LOCATED AT 23401 S. MAIN STREET

#### **VII. Exhibits**

1. Zoning Map
2. Business Operations Letter dated and California Massage Therapist Certifications
3. Proposed Resolution
4. Development Plans

Prepared by: McKina Alexander, Associate Planner



City of Carson  
500 Foot Radius Map  
23401 S. Main Street

EXHIBIT NO. 01

Date Printed: Wednesday, February 17, 2016

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January 17, 2016

McKina Alexander  
City of Carson Planning Division

SUBJECT:      CONDITIONAL USE PERMIT NO. 999-16  
                  SERENETY SPA BUSINESS OPERATIONS DESCRIPTION  
                  23401 S. Main Street


Dear McKina,

As you know a conditional use permit (CUP) application has been submitted for the Planning Commission consideration to allow my business (Serenety Spa) relocation and operation at property 23401 S. Main Street. In response to your comment letter dated February 11, 2016, requesting a business operations letter please review the following information:

- **Business Description:**  
Serenety Spa is a massage parlor that provides only full body massage service. No other services are provided.
- **Business Operations:**  
Our business is open Monday through Sunday from 11:00 a.m. – 9:00 p.m.
- **Number of Employees:**  
I am a California licensed massage therapist and will have one employee who is also a licensed massage therapist. Both of us provide full-body massage service. Copies of our current licenses and certificates are attached.

Thank you for processing my CUP application.


Sincerely,



"Aimee" Minh Thi Huynh  
Business Owner – Serenety Spa  
Cell: 626-782-3075; Email: [orangehinh@gmail.com](mailto:orangehinh@gmail.com)

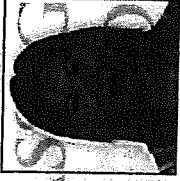
EXHIBIT NO. 02






**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

**CERTIFIED  
MASSAGE  
THERAPIST**





**Sonia Wu**  
El Monte, CA  
Cert # 40936  
Since 01/03/13  
Expires 01/03/17



**CALIFORNIA**  
MASSAGE THERAPY  
COUNCIL

**CERTIFIED  
MASSAGE  
THERAPIST**





**Minh Thi Huynh**  
Monterey Park, CA  
Cert # 30968  
Expires 03/01/18

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**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 16-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 999-16 TO AUTHORIZE OPERATION OF A MASSAGE  
SERVICES BUSINESS LOCATED AT 23401 S. MAIN STREET**

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

**Section 1.** An application was duly filed by the applicant and business owner, Minh Thi Huynh, with respect to real property located at 23401 S. Main Street, and described in Exhibit "A" attached hereto, requesting approval of the following:

- Conditional Use Permit No. 999-16 to authorize operation of a massage services business within the CG-D (Commercial, General – Design Overlay) zoning district.

A public hearing was duly held on March 8, 2016, at 6:30 P.M. at City Hall, Helen Kawagoe 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.** In regards to Section 9172.21(D), "Conditional Use Permit" 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 CG-D (Commercial, General - Design Overlay) zone. The proposed use will offer full-body massage services in a commercial center where such services are not currently offered and, therefore, would fulfill a demand while also attracting additional patrons to the commercial center for the benefit of the other businesses in the building;
- b) The project site is adequate to support the proposed use and existing utilities are connected. The proposed use is located in a commercial building containing a variety of other service uses, which would be compatible with massage services, and it is possible that the massage services customers would patronize other establishments in the commercial center while they are on-site. Furthermore, there should be ample parking for the proposed use as well as the other tenants on the property even though the parking is considered legal non-conforming, and the tenant space already meets all of the applicable building and fire safety codes governing the proposed use, so no significant modifications to the building need be made to accommodate the business;
- c) The proposed use will have adequate street access onto Main Street and will not impact traffic capacity in the area. The proposed use and design would not have a substantial adverse effect on vehicular, bicycle, or pedestrian circulation

EXHIBIT NO. 68





\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**

**EXHIBIT A**  
**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARSON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOTS 1, 2, 3, 4, 5, 6, AND 7 IN BLOCK 2 OF TRACT 7043, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 86, PAGE(S) 12 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY,

SAID LAND IS ALSO KNOWN AS PARCEL NO. 1 ON PARCEL MAP 8753 RECORDED IN BOOK 95 PAGE 41 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY..

APN: 7330-010-045



**CITY OF CARSON**  
**OFFICE OF ECONOMIC DEVELOPMENT**  
**PLANNING DIVISION**  
**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NO. 999-16**

GENERAL CONDITIONS


1. If Conditional Use Permit No. 999-16 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 Indemnification. 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, or in any way related to the approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 999-16. The applicant shall provide a deposit in the amount of 100 percent of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and the City shall have no liability to the applicant.

### MESSAGE SERVICE

11. The establishment must be in compliance with Carson Municipal Code Section 9138.91 – Massage Service.
12. 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.
13. Private rooms used to administer massage service shall be provided windowed doors with clear glass 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.
14. Cubicles, rooms, booths, or other areas within which massage services are administered shall not be fitted with a door capable of being locked.
15. 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.
16. Massage service shall be limited to the hours of Monday through Sunday 11 a.m. and 9 p.m.
17. All massage technicians on site shall wear smocks or similar garments that provide appropriate coverage of the massage technician upper and lower torso.
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. 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.
20. The applicant shall obtain written clearance to operate the massage use from the Los Angeles County Sheriff Department.
21. Applicant shall obtain any necessary permits and approval from the health department and all other regulatory agencies.

### SIGNAGE

#### *Prior to Issuance of Building Permits*

22. Business signage shall be submitted for approval by the Planning Division in compliance with the CMC.

### BUILDING AND SAFETY

23. All building improvements shall comply with City of Carson Building and Safety Division requirements.

### ENGINEERING

24. Any City-owned improvement damaged during the construction of a proposed project shall be removed and reconstructed per City Standard Plan and to the satisfaction of the City Engineer prior to the issuance of a building permit.

### BUSINESS LICENSE

25. All parties involved in the subject project located at 23401 Main Street including to but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.