



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 26, 2017

SUBJECT: Conditional Use Permit No. 1026-17

APPLICANT: Evadna Nesbit
1209 Cypress Circle
Carson, CA 90746

REQUEST: To permit a massage service use ("Pro-Occ Massage Therapy") in an existing multi-tenant office building in the CR-D (Commercial, Regional; Design Review) zone.

PROPERTY INVOLVED: 454 E. Carson Plaza Drive – Suite 103

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Diaz			Mitoma
		Vice-Chair Pimentel			Post
		Andrews			Thomas
		Fe'esago, Jr.			Alt. Osuna
		Guidry			Alt. Palmer

Item No. 8B

I. Introduction

Date Application Received
July 24, 2017

Property Owner
Cassandra J. Ndiforchu
454 E. Carson Plaza Drive
Carson, CA 90746
kcjones@cameric.com

Applicant/Business Owner
Evadna Nesbit
1209 Cypress Circle
Carson, CA 90746
Evadna.nesbit64@gmail.com

Project Description

The applicant requests approval of Conditional Use Permit (CUP) No. 1026-17 to authorize massage services ("Pro-Occ Massage Therapy") located in an existing multi-tenant office building in the CR-D (Commercial, Regional; Design Review) zone.

Current Improvements

The property site contains a 26,436 square-foot, two-story commercial building. The existing building can accommodate multiple tenants. The proposed 492-square-foot tenant space is currently vacant. Tenants of the building include various professional offices (insurance, accounting, non-profit, marketing, employment, law) but is primarily occupied by medical professional offices.

Previously Approved Discretionary Projects:

In 1978, DOR 21-78 was approved by the Planning Commission to construct the current building.

Public Safety Issues:

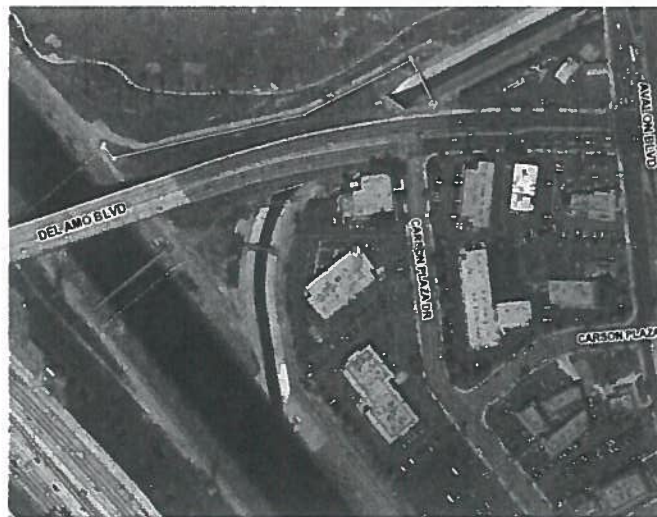
None.

II. Project Site and Surrounding Land Uses

The subject property is located on the west side of Carson Plaza Drive, north of Carson Plaza Court and south of Del Amo Boulevard. The following provides a summary of the site information:

Site Information	
General Plan Land Use	Regional Commercial
Zone District	CR-D (Commercial, Regional; Design Review)
Site Size	1.5 acres
Present Use and Development	Multi-Tenant Commercial Building within an existing business park
Surrounding Uses/Zoning	North: Victoria Golf Course zoned OS-ORL (Open Space; Organic Refuse Landfill) South / East: Multi-unit Commercial Buildings within existing business park zoned CR-D (Commercial, Regional; Design Overlay) West: Dominguez Channel zoned OS (Open Space)
Access	Ingress/Egress: Carson Plaza Drive

Surrounding land uses include commercial buildings to the south and east, the Dominguez Channel to the west and Victoria Golf Course to the north. The area has been developed for a number of decades and has a well-established commercial character.



III. Background/Analysis

Use

The project site is located in the CR-D zoning district, which permits operation of the proposed use with approval of a Conditional Use Permit (CUP). The proposed use would offer full-body massage services and will have 1 front desk staff and 1 therapist.

The 492-square-foot tenant space (Unit No. 103) will consist of a waiting room, a therapy room and an office. The proposed hours of operation are Monday – Friday, from 9:00 a.m. to 6:00 p.m. Massage therapy will be provided primarily but not limited to injured employees and athletes. Cover-up sheets will be provided to clients prior to any massage services. During massage sessions, therapists will only uncover the area of the body being worked on.

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.

The Planning Commission has discretion to deny a Conditional Use Permit for a massage use. More specifically, CMC Section 9138.91.C.c states:

"The Planning Commission retains the discretion to deny any application for a Conditional Use Permit where the massage establishment is within close proximity, as determined by the Planning Commission, to any adult business or establishment selling alcohol for on-site consumption, including bars and taverns."

Shakey's Pizza is the closest use serving alcohol and is located approximately a quarter of a mile away across Avalon Boulevard and Del Amo Boulevard. Staff believes the proposed use is sufficiently distant from Shakey's Pizza that would not be an issue of concern for the said uses.

Public Safety

The Sheriff Department has reviewed the subject application and proposes several conditions of approval which include a camera system, panic alarm, safe, and safety lighting. Additionally, prior to the issuance of a business license, Sheriff's Department approval which includes fingerprinting and background approval is required.

Parking

The project site provides a total of 88 parking spaces. The proposed office use is replacing an office use that previously occupied the space. Therefore, the project will not create additional parking demands.

Moratorium Area No. 5

On December 15, 2015, the City Council adopted Ordinance 15-1575U which placed a moratorium on approximately 600 acres of properties within the City. On January 19, 2016, the City Council adopted Ordinance 16-1578U extending the moratorium until December 15, 2017. Section 3 of this ordinance states lease agreements less than three years from the adoption of ordinance are not subject to the moratorium. Therefore, the lease cannot extend beyond December 15, 2018. However, the applicant's lease is from August 1, 2017 to July 31, 2019. Therefore, staff has concluded that an approval of an Exception by the City Council is required for this project. Section 4.C of Ordinance 16-1578U provides guidance for the exception that is applicable to this particular project:

"The request is for an exception from the application of this Ordinance for the leasing and tenant improvements of tenant space within an existing building or structure and either (1) the use proposed under the lease is consistent with and will not pose an impediment to the establishment of a signature project" as that concept is described in the Land Use and Economic Development Elements of the City's General Plan"

Staff believes the proposed project would qualify for this exception as it is a short term lease and the proposed use is consistent with and will not pose an impediment to the establishment of a signature project. Ordinarily, the approval of the Exception from the city Council would be secured prior to presenting the project to Planning Commission. However, in order to facilitate the consideration of this project by the Planning Commission, staff is recommending the following condition of approval (Condition of Approval No. 27):

"Conditional Use Permit No. 1026-17 shall not become effective until the applicant has obtained approval of an Exception from the City Council pursuant to Section 4.C. of Ordinance 16-1578U. Failure to obtain approval of the Exception shall make the approval of Conditional Use Permit No. 1026-17 null and void."

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 September 6, 2017. Notices were mailed to property owners and occupants within 500 feet by September 14, 2017. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

VI. **Recommendation**

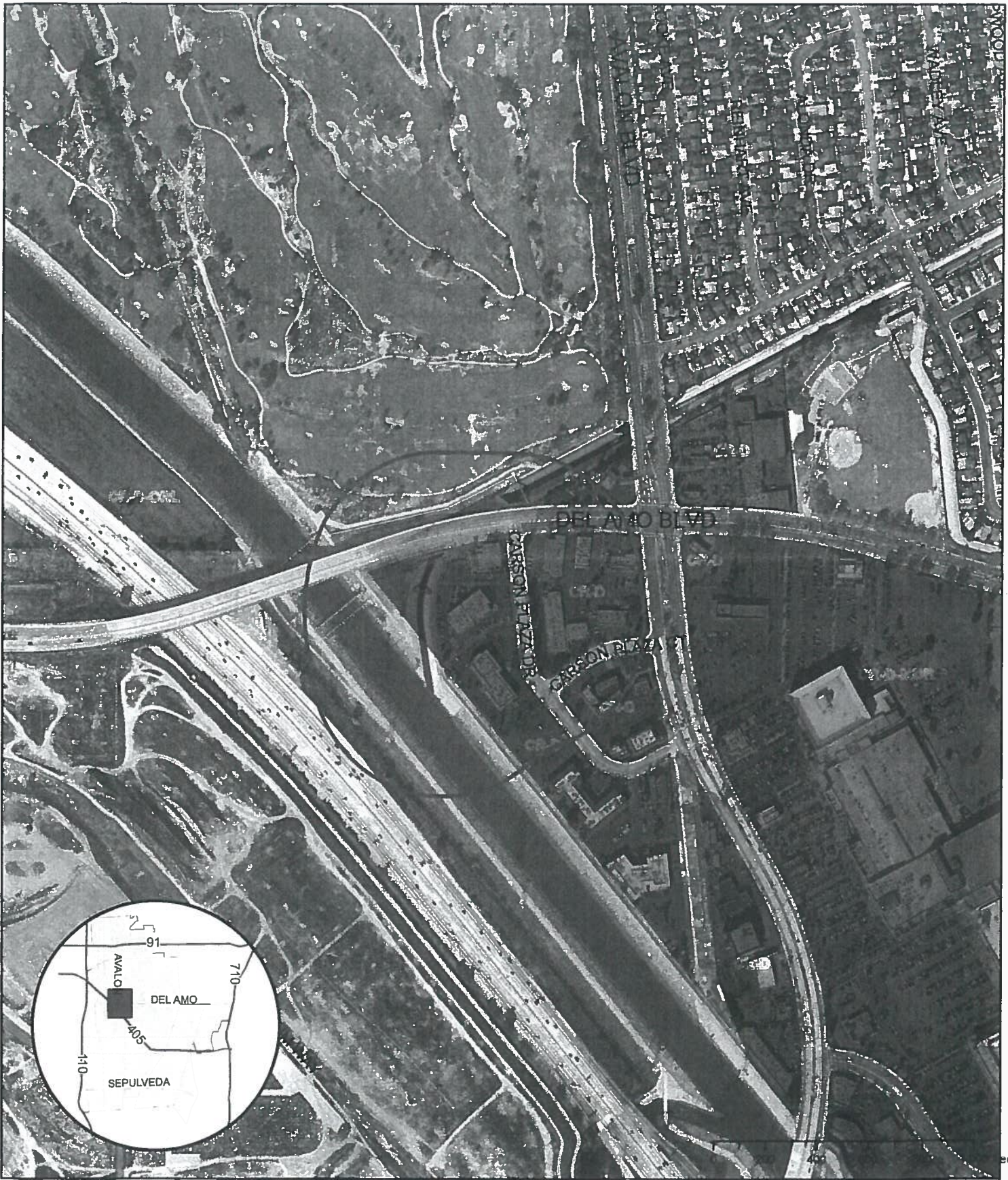
That the Planning Commission:

- **APPROVE** Categorical Exemption and Conditional Use Permit No. 1026-17 subject to the conditions attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, **APPROVING CONDITIONAL USE PERMIT NO. 1026-17 TO AUTHORIZE MASSAGE SERVICES LOCATED AT 454 E. CARSON PLAZA DRIVE**".

VII. **Exhibits**

1. Zoning Map
2. Proposed Resolution
3. Development Plans

Prepared by: Max Castillo, Assistant Planner



City of Carson
500 Foot Radius Map
454 E. Carson Plaza Dr



Date Printed: Monday, August 14, 2017

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 1026-17 TO PERMIT MASSAGE SERVICES FOR A
PROPERTY LOCATED AT 454 E. CARSON PLAZA DRIVE**

**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, Evadna Nesbit, with respect to real property located at 454 E. Carson Plaza Drive, and described in Exhibit "A" attached hereto, requesting approval of the following:

- Conditional Use Permit No. 1026-17 to permit a massage service within the CR-D (Commercial, Regional; Design review) zone

A public hearing was duly held on September 26, 2017, 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 Regional Commercial and the CR-D (Commercial, Regional; Design review) 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 Carson Plaza Drive 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. 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 all uses are of commercial or office in nature. The use complies with the City's development standards, including Section 9138.91, Massage Service, of the Carson Municipal Code.

EXHIBIT NO. 2 -



- f) All of the required findings pursuant to Section 9171.21(d), "Conditional Use Permit, Approval Authority and Findings and Decision" can be made in the affirmative.
- g) The Planning Commission has discretion to deny this application based on its proximity to any adult business or establishment selling alcohol for on-site consumption. The Commission finds the use is sufficiently distant from any of these types of uses, with the closest use (Shakey's Pizza) being located approximately a quarter of a mile away across Avalon Boulevard and Del Amo Boulevard.
- h) Conditional Use Permit No. 1026-17 shall not become effective until the applicant has obtained approval of an Exception from the City Council pursuant to Section 4.C. of Ordinance 16-1578U. Failure to obtain approval of the Exception shall make the approval of Conditional Use Permit No. 1026-17 null and void."

Section 4. Pursuant to Section 15301 (Existing Structures or Facilities) of the California Environmental Quality Act (CEQA) Guidelines, the project is categorical exempt. The proposed project reasonably falls within this exemption category and no foreseeable significant impacts would result. As such, the Planning Commission hereby approves the Categorical Exemption.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit No. 1026-17 with respect to the 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 Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF SEPTEMBER, 2017.

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

Legal Description

PARCEL 2 OF PARCEL MAP NO. 10722, IN THE CITY OF CARSON, AS PER MAP FILED IN BOOK 103, PAGE 23 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL WITH AND 800 FEET BELOW THE NATURAL SURFACE OF SAID LAND, WITHOUT HOWEVER ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP AND REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME BY MEANS OF WELLS OR EQUIPMENT HAVING SURFACE LOCATIONS OUTSIDE OF THE OUTER BOUNDARIES OF SAID REAL PROPERTY, AS EXCEPTED IN THE DEED FROM DEL AMO ESTATES COMPANY, A CORPORATION, RECORDED NOVEMBER 06, 1963, IN BOOK D2250, PAGE 752, OFFICIAL RECORDS.



CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 1026-17

GENERAL CONDITIONS

1. Development project approval shall become null and void one year following the effective date of application approval unless a building permit is issued and construction is commenced and diligently pursued toward completion or a time extension has been approved by the Planning Commission. This Permit does not supersede an individual time limits specified herein for performance of specific conditions or improvements.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
5. The project site shall be developed and maintained in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Division prior to building permit issuance and may require review and approval by the Planning Commission and/or City Council.
6. All construction documentation shall be coordinated for consistency including but not limited to architectural structural mechanical electrical plumbing landscape and irrigation, grading, utility, traffic signal, street lighting, traffic signing, traffic striping and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department Division.



7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
13. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
14. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days, and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
15. Indemnification. The applicant, the owner, tenant(s), and their subsequent successors (Parties) agree to 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 any damage or harm to people or



property, real and personal, that may result from the Parties operations or any claims against the City for or as a result of the granting of the approval. The City will promptly notify the Parties of any such claim, action, or proceeding against the City, and Parties will pay the City's associated legal costs and will advance funds assessed by the City 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 Parties' 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. Parties shall provide a deposit in the amount of 100% 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 Parties fails to provide or maintain the deposit, the City may abandon the action and Parties shall pay all costs resulting therefrom and the City shall have no liability to Parties.

MESSAGE SERVICE

16. The establishment must be in compliance with Carson Municipal Code Section 9138.91 – Massage Service.
17. 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.
18. Cubicles, rooms, booths, or other areas within which massage services are administered shall not be fitted with a door capable of being locked.
19. Prior to issuance of the occupancy permit, copies of state of California licenses for all massage technicians shall be provided to the Planning Division.
20. 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.
21. Massage service shall be limited to the hours of Monday through Friday 9:00 a.m. and 6:00 p.m. and in no event shall massage service be administered Monday through Friday between the hours of 6 p.m. and 9 a.m. and on Saturday and Sunday.



22. All massage technicians on site shall wear smocks or similar garments that provide appropriate coverage of the massage technician upper and lower torso.
23. 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.
24. 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.
25. The applicant shall obtain written clearance to operate the massage use from the Los Angeles County Sheriff Department.
26. Applicant shall obtain any necessary permits and approval from the health department and all other regulatory agencies.

PLANNING

27. Conditional Use Permit No. 1026-17 shall not become effective until the applicant has obtained approval of an Exception from the City Council pursuant to Section 4.C. of Ordinance 16-1578U. Failure to obtain approval of the Exception shall make the approval of Conditional Use Permit No. 1026-17 null and void.

SIGNAGE

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

BUILDING AND SAFETY

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

ENGINEERING

30. 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.

SHERIFF'S DEPARTMENT

31. Prior to the issuance of building permits, the applicant shall provide a Security Plan that includes a camera system at the front and rear entrances, a panic alarm that will immediately alert law enforcement, a safe for cash storage, and All



exterior lighting shall be provided in such a manner as to help deter any criminal activity

32. Prior to issuance of occupancy permits the applicant shall comply with the following:
 - a. Install a camera system at the front and rear entrances.
 - b. Install a panic alarm that will immediately alert law enforcement.
 - c. Provide a safe for cash storage.
 - d. All exterior lighting shall be provided in such a manner as to help deter any criminal activity.

BUSINESS LICENSE

33. All parties involved in the subject project located at 454 E. Carson Plaza Drive 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.





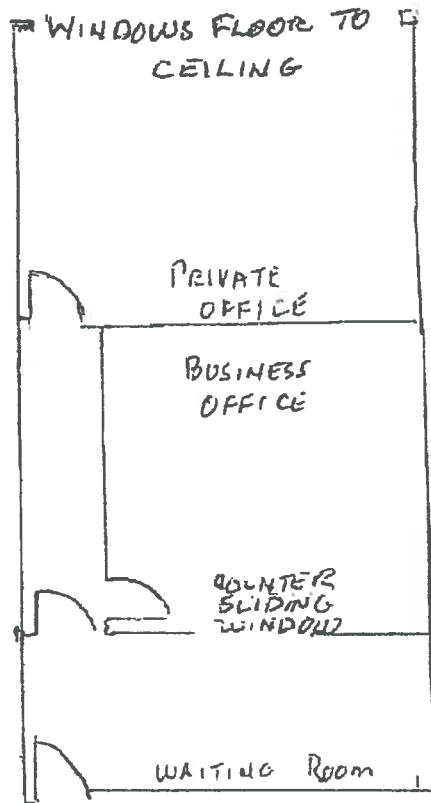
CAMERIC INTERNATIONAL DEVELOPMENTS

Business and Health

Fombé Ndiforchu, MD, MPH, MBA
President

Cassandra J. Ndiforchu, MD, MPH, MBA
Vice President

Floor Layout
NOT TO SCALE



LOBBY

454 E. Carson Plaza Drive
Suite 103
Approx 492 SF

Cassandra J. Ndiforchu
7/18/2017

EXHIBIT NO. 3 -

