



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

November 26, 2025
Agenda Item No. 4

SUBJECT: Vive Spa (PA2025-0167)
▪ Minor Use Permit

SITE LOCATION: 410 West Coast Highway, Suite E

APPLICANT: Anh Nguyen

OWNER: Russell Fluter

PLANNER: Laura Rodriguez, Assistant Planner
lrodriguez@newportbeachca.gov, 949-644-3216

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** General Commercial (CG)
- **Zoning District:** Commercial General (CG)

PROJECT SUMMARY

A request for a minor use permit to allow the operation of a massage establishment within an existing multi-tenant commercial building. The establishment is located within a 325-square-foot suite and is proposing to operate daily with no late hours (after 11:00 p.m.). No alteration or improvement to the existing suite are proposed.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Draft Zoning Administrator Resolution No. _ approving Minor use permit No. PA2025-0167 (Attachment No. ZA 1).

DISCUSSION

Land Use and Zoning

- The subject property is categorized as General Commercial (CG) by the Land Use Element of the General Plan and located in the Commercial General (CG) Zoning District. The CG category is intended to provide for areas appropriate for a wide variety

of commercial activities oriented primarily to serve citywide or regional needs. The proposed massage establishment is consistent with the land uses permitted within these categories, as it provides an additional service to the nearby residents and visitors to the city in an otherwise vacant tenant space. Pursuant to Table 2-5 of Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the Newport Beach Municipal Code (NBMC), a massage establishment is a permitted land use in the CG Zoning District, subject to approval of a minor use permit.

Proposed Operation

- The establishment is proposing to provide massage therapy services within an existing 325-square-foot commercial suite (Suite E), located within an existing multi-tenant commercial building (Exhibit 1, below). No alterations or improvements to the existing suite are proposed as a part of the project.



Exhibit 1: Project Location

- As conditioned, the hours of operation are limited to between Monday through Friday, 10:00 a.m. to 7:00 p.m., Saturday 11:00 a.m. to 6:00 p.m., and Sunday 11:00 a.m. to 5:00 p.m. The surrounding uses consists of office, personal services, restaurants, and retail. The proposed hours of operation are compatible with the surrounding uses.
- The property is oriented towards West Coast Highway and approximately 120 feet from residential dwellings across West Coast Highway south of the property. Additionally, the property directly abuts residential properties located north of the site on Kings Road. However, the establishment is not expected to disturb the nearby

residences as there are limited hours of operation, and the establishment is relatively small (325 square feet).

Required Parking

- Pursuant to Table 3-10 of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC, massage establishments must provide one parking space per 200 square feet of gross-floor area. Alternatively, the City may also establish the parking requirements for a massage establishment through the use permit process. Based on a massage establishment's required parking ratio, the project is required to provide two parking spaces on the property. The suite was previously used as an administrative office, which was also required to supply two parking spaces. Since there is no change to the parking requirement of two spaces, the Project complies with the parking requirements of the NBMC.

Location Requirements

- The project is not located within 500 feet of a public or private school, park or playground, civic center, cultural site, or religious institution. The nearest school is Ensign Intermediate School, which is located at the corner of Cliff Drive and Irvine Avenue and is approximately 1,700 feet northwest of the subject property. The nearest park is Lower Castaways Park which is located at the corner of East Coast Highway and Dover Drive and is approximately 725 feet easterly of the subject property. The nearest religious institution is Saint Andrew Presbyterian Church which is located at the corner of Saint Andrews Road and Clay Street and is approximately 1,820 feet north of the subject property.
- The project is not located within 500 feet of another massage establishment.

Police Department Review

- The Newport Beach Police Department (NBPD) has reviewed the project and has no concerns regarding the proposed massage establishment.
- Condition of Approval No. 30 is included to ensure the applicant will obtain an Operator's Permit from the NBPD in compliance with Chapter 5.50 (Massage Establishments) of the NBMC prior to operation of the business.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.

The Class 1 exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The Applicant indicated that no tenant improvements were requested as a result of the Project. The existing commercial suite is proposed to operate as a massage establishment with no intensification of use. Additionally, no new floor area is proposed.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant, and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal or call for review may be filed with the Director of Community Development within 14 days following the date of the action. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:



Laura Rodriguez, Assistant Planner

DL/lr

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Newport Beach Police Department Memorandum

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2025-###

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A MINOR USE PERMIT FOR A MASSAGE ESTABLISHMENT LOCATED AT 410 WEST COAST HIGHWAY, SUITE E (PA2025-0167)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Anh Nyguen (Applicant) of Vive Spa, concerning property located at 410 West Coast Highway, Suite E, and legally described as Lots 10 and 11 of Tract No.1210 (Property) requesting approval of a minor use permit.
2. The Applicant requests a minor use permit to allow the operation of a massage establishment within an existing multi-tenant commercial building. The establishment is located within a 325-square-foot suite and is proposing to operate daily with no late hours (after 11:00 p.m.). No alteration or improvement to the existing suite are proposed (Project).
3. The Property is designated General Commercial (CG) by the General Plan Land Use Element and is located within the Commercial General (CG) Zoning District.
4. The Property is not located within the coastal zone.
5. A public hearing was held on November 26, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Class 1 exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The Applicant indicated that no tenant improvements were requested as a result of the Project. The existing commercial suite is proposed to operate as a massage establishment with no intensification of use. Additionally, no new floor area is proposed.

SECTION 3. REQUIRED FINDINGS.

Minor Use Permit

By Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

A. *The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding:

1. The Property is designated CG by the Land Use Element of the General Plan. The CG category is intended to provide for areas appropriate for a wide variety of commercial activities oriented primarily to serve citywide or regional needs.
2. The Project is consistent with the land uses permitted within this land use designation. The Project will provide a massage therapy service to the nearby residents and visitors to the City in an otherwise vacant tenant space.
3. The Property is not a part of a specific plan area.

Finding:

B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding:

1. Fact 1 in Support of Finding A is hereby incorporated by reference.
2. Pursuant to Table 2-5 of Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the NBMC, a massage establishment is a permitted land use in the CG Zoning District, subject to approval of a minor use permit.
3. Pursuant to Table 3-10 of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC, massage establishments must provide one parking space per 200 square feet of gross-floor area. Alternatively, the City may also establish the parking requirements for a massage establishment through the use permit process. Based on a massage establishment's required parking ratio, the Project is required to provide two parking spaces on site. The suite was previously used as an administrative office, which was also required to provide two parking spaces. Since there is no change to the parking requirement of two spaces, the Project complies with the parking requirements of the NBMC.

4. The Project is consistent with the legislative intent of Section 20.48.120 (Massage Establishments and Services) and Chapter 5.50 (Massage Establishments) of the NBMC. These sections provide standards for the establishment, location, and operation of massage establishments operated as an independent use. The intent is to promote the operation of legitimate massage services and to prevent problems of blight and deterioration that may result from an overconcentration of massage establishments.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The tenant space is located on the first floor of a multi-tenant commercial building. The Project is proposed within an existing 325-square-foot suite and no tenant improvements are proposed as a result of the Project.
2. The proposed hours of operation are Monday through Friday, 10:00 a.m. to 7:00 p.m., Saturday 11:00 a.m. to 6:00 p.m., and Sunday 11:00 a.m. to 5:00 p.m. The surrounding uses consists of office, personal services, restaurants, and retail. The proposed hours of operation are compatible with the surrounding uses.
3. The Property is oriented towards West Coast Highway and approximately 120 feet from residential dwellings across West Coast Highway south of the property. Additionally, the Property directly abuts residential properties located north of the site on Kings Road. However, the Project is not expected to disturb the nearby residences as there are limited hours of operation, and the establishment is relatively small (325 square feet).

Finding:

- D. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and for the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. The Project is located within an existing multi-tenant commercial building along West Coast Highway in Mariner's Mile. The Property includes an 18-space, on-site parking lot which is accessible from West Coast Highway.
2. Given that the Project does not intensify parking on the Property, the provided parking should be adequate to accommodate the Project.
3. The Fire Department has reviewed the Project to ensure adequate public and emergency vehicle access is provided and has no concerns with the Project.

Finding:

- E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The Project is conditioned with typical daytime and evening hours of operation that will minimize any detriment to the surrounding area and encourage compatibility with the existing uses in the surrounding neighborhood.
2. The Project will provide additional services to the residents in the surrounding area and visitors to the City.
3. The Project has been reviewed by the Building Division, Public Works Department, Fire Department, and Newport Beach Police Department (NBPD). All recommended conditions of approvals have been included to help limit any negative effects to persons visiting or working in the surrounding neighborhood.
4. The NBPD has reviewed the Project and has no objections. Condition of Approval No. 30 has been included to ensure the applicant obtains an Operator's Permit from the NBPD in compliance with Chapter 5.50 (Massage Establishments) of the NBMC.

Location Requirements

In accordance with Section 20.48.120 (A) (Massage Establishments and Services – Location Requirements) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of such findings are set forth:

Finding:

- F. The massage establishment shall not be located within 500 feet of a public or private school, park or playground, civic center, cultural site, or religious institution.*

Facts in Support of Finding:

1. The intent of this section is to promote the operation of legitimate massage services and prevent problems of blight and deterioration, which accompany and are brought about by large number of massage establishments and the misuse of massage therapy as a front for prostitution and other illegal activities.
2. The nearest park is Lower Castaways Park, which is located at the corner of East Coast Highway and Dover Drive and is approximately 725 feet east of the Property.

3. The nearest school is Ensign Intermediate School, which is located at the corner of Cliff Drive and Irvine Avenue and is approximately 1,700 feet northwest of the Property.
4. The nearest religious institution is Saint Andrew Presbyterian Church which is located at the corner of Saint Andrews Road and Clay Street and is approximately 1,820 feet north of the Property.

Finding:

- G. *The massage establishment shall not be located within 500 feet of another massage establishment site.*

Fact in Support of Finding:

1. The Project is not located within 500 feet of another massage establishment.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit (PA2025-0167) subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or a call for review is filed with the Community Development Director by the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF NOVEMBER, 2025.

Benjamin M. Zdeba, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL****Planning Division**

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be cause for revocation of this Minor Use Permit.
3. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
4. Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
5. *The hours of operation shall be between Monday through Friday, 10:00 a.m. to 7:00 p.m., Saturday 11:00 a.m. to 6:00 p.m., and Sunday 11:00 a.m. to 5:00 p.m.*
6. This Minor Use Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
7. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
8. Any change in operational characteristics, expansion in the area, or other modification to the approved Project, shall require an amendment to this Minor Use Permit or the processing of a new Use Permit.
9. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
10. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards)

and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the Newport Beach Municipal Code (NBMC).

11. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
12. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
13. No outside paging system shall be utilized in conjunction with this establishment.
14. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
15. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
16. The exterior of the business shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
17. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
18. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Use Permit.
19. Storage outside of the building in the front or at the rear of the property shall be prohibited, except for the required trash container enclosure.
20. A Special Events Permit is required for any event or promotional activity outside the normal operating characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site

media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

21. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Vive Spa including, but not limited to, Minor Use Permit (PA2025-0167)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Building Division

22. The Applicant shall obtain a building permit for the change of use and/or occupancy.
23. An accessible path of travel shall be required from the parking lot and public right of way to the tenant space.

Fire Department

24. A fire extinguisher sized at 2A:10BC shall be installed within the tenant space.

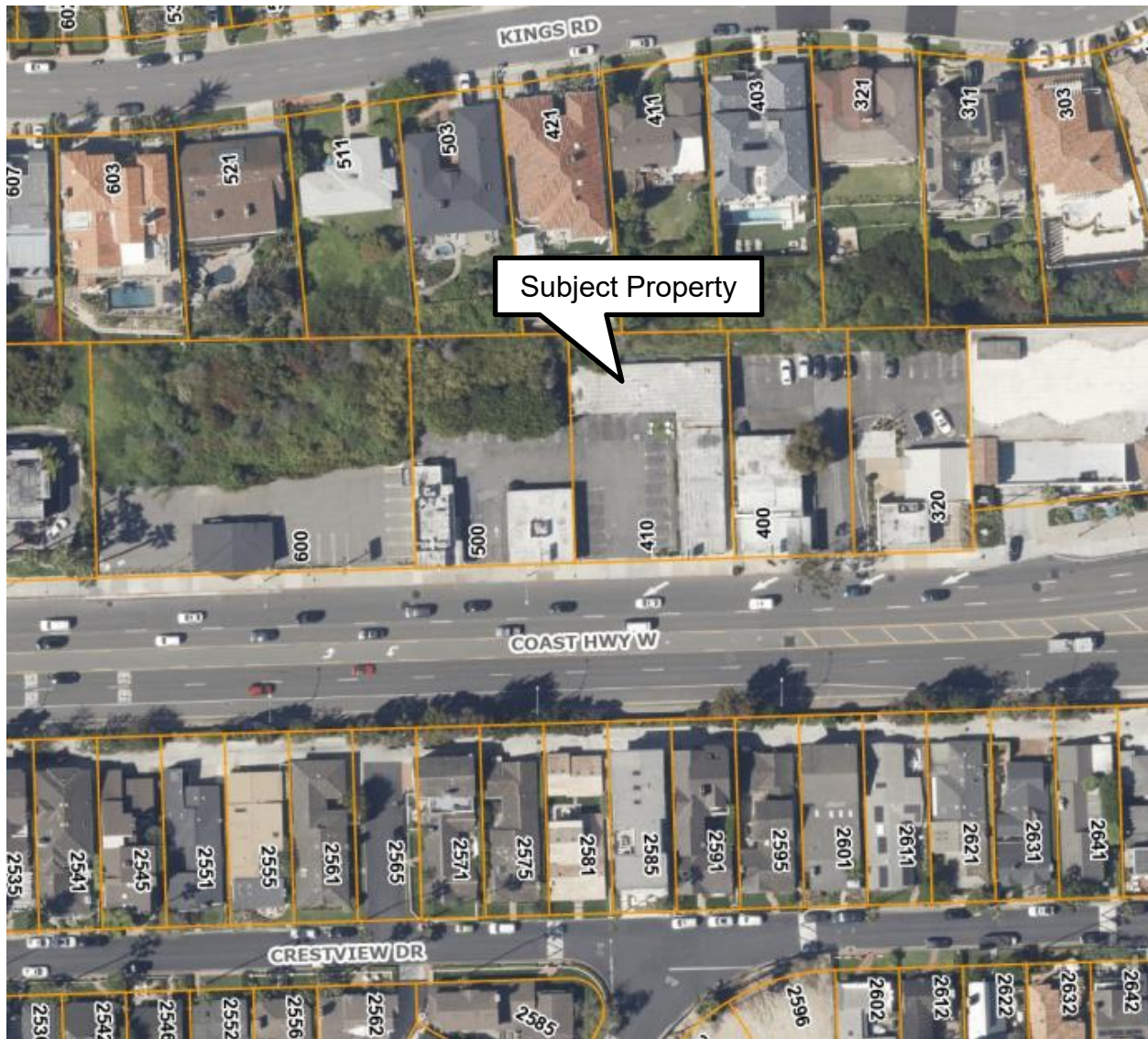
Police Department

25. Strict adherence to the NBMC Section 5.50 (Massage Establishments) shall be upheld.
26. All employees of the Applicant business who conduct massages shall be certified by the California Massage Therapy Council (CAMTC) (physicians, physical therapists, and chiropractors exempt).
27. The Applicant or primary massage therapist shall obtain and hold in good standing, a Massage Operator License issued by the Newport Beach Police Department.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Minor Use Permit
PA2025-0167
410 West Coast Highway, Suite E

Attachment No. ZA 3

Newport Beach Police Department Memorandum



NEWPORT BEACH POLICE DEPARTMENT DETECTIVE DIVISION

MEMORANDUM

TO: Laura Rodriguez, Assistant Planner

FROM: Wendy Joe, Police Civilian Investigator

DATE: October 15, 2025

SUBJECT: Vive Spa
410 West Coast Highway
PA2025-0167

At your request, the Police Department has reviewed the project application for Vive Spa located at 410 West Coast Highway, Newport Beach. The applicant requests a minor use permit to establish a small massage space where the owner will be the only massage therapist.

The proposed business will require a Massage Operator License issued by the Newport Beach Police Department per Municipal Code (NBMC) 5.50.040.

Per NBMC 5.50.015, all employees of the applicant business who conduct massage must be certified massage therapists by the California Massage Therapy Council (CAMTC) (physicians, physical therapists, and chiropractors exempt). The applicant is a permitted therapist and is currently in good standing with the CAMTC. Her permit will expire March 5, 2026.

The Police Department has no objections to this project as proposed by the applicant at this time.

The following conditions would be appropriate for the business:

- Strict adherence to Newport Beach Municipal Code 5.50 must be upheld.
- All employees of the applicant business who conduct massage must be certified by the California Massage Therapy Council (CAMTC) (physicians, physical therapists, and chiropractors exempt).
- The applicant or primary massage therapist must obtain and hold in good standing, a Massage Operator License issued by the Newport Beach Police Department.

If you have any questions, please contact me at (949) 644-3705 or wjoe@nbpd.org.

A handwritten signature in blue ink, appearing to read "W Joe".

Wendy Joe
Civilian Investigator, Special Investigations