



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

November 29, 2018
Agenda Item No. 6

SUBJECT: Coastal Body Care (PA2018-201)
Minor Use Permit No. UP2018-020
SITE LOCATION: 3520 Irvine Avenue
APPLICANT: Yanqing Hao
OWNER: Vehe Poladian
PLANNER: Chelsea Crager, Associate Planner
949-644-3227, ccrager@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **General Plan:** CG (General Commercial)
- **Zoning District :** CG (Commercial General)

PROJECT SUMMARY

A minor use permit to allow the operation of a massage establishment. The establishment will provide two massage rooms, a customer waiting area, and an employee break room. Proposed hours of operation are 10:00 a.m. to 7:00 p.m., daily. Included is a request to waive location restrictions associated with massage establishments

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, 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. UP2018-020 (Attachment No. ZA 1).

DISCUSSION

- The proposed massage establishment consists of two treatment rooms with two massage therapists working at one time. The business would occupy a 925-square-foot tenant space in an existing one-story two-tenant space commercial building.
- There is one other tenant space in the commercial building, which is used as storage by the property owner. Adjacent properties on Irvine Avenue include a mixture of

retail and service uses, including a convenience market and gas station. The proposed massage establishment will provide a service to residents and visitors in the surrounding area.

- The proposed establishment is not located within 500 feet of a public or private school, park or playground, civic center, cultural site or religious institution.
- OC Athletic Massage currently operates within 500 feet of the proposed establishment (20101 Southwest Birch Street Suite 110). Therefore, the applicant requests to waive location restrictions contained in Section 20.48.120 (Massage Establishments and Services) of the Zoning Code. The proposed establishment is located in a separate development and is sufficiently separated from the other massage services, which are located on a different street. The proposed establishment would operate during typical daytime hours and therefore is not anticipated to encourage the development of an urban blight area. Additionally, the establishment is not located near any religious institutions, schools, parks or playgrounds.
- The operation will consist of two treatment rooms, a customer waiting area, and an employee break room, all of which will be within the existing commercial tenant space. The hours of operation for are 10:00 a.m. to 7:00 p.m., daily. A maximum of two massage therapists will be on-site at one time.
- The subject property is located in the Commercial General (CG) Zoning District and designated General Commercial (CG) in the Land Use Element of the General Plan. The intent of these designations is to provide for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs. The proposed establishment intends to serve residents of Newport Beach, the surrounding community, and visitors to the City of Newport Beach. Therefore, the use is consistent with the CG Zoning District and CG land use designation.
- Pursuant to Table 2-4 of Zoning Code Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements), a massage establishment is a service use that may be permitted in the CG Zoning District subject to the approval of a minor use permit.
- Pursuant to Table 3-10 of 20.40.040 (Off-Street Parking Spaces Required), a massage establishment has a parking rate of one space for every 200 square feet of gross floor area. The proposed massage establishment is 925 square feet. The one other use within the building is a 900-square-foot tenant space which is currently used as storage by the property owner and has a parking rate of one space for every 250 square feet. Therefore, a total of nine parking spaces are required for the uses on site. Currently, 10 parking spaces are provided, resulting in a surplus of one parking space.

- The applicant is required to obtain an Operator's Permit from the Newport Beach Police Department in compliance with Chapter 5.50 (Massage Establishments) of the Municipal Code.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities). The Class 1 exemption includes the ongoing use of an existing building where there is negligible or no expansion of use. The proposed project will allow the operation of a massage establishment in an existing commercial tenant space.

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 action. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:


Chelsea Crager
Associate Planner
GBR/cc

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Project Description
	ZA 4	Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2018-###

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2018-020 FOR A MASSAGE ESTABLISHMENT LOCATED AT 3520 IRVINE AVENUE (PA2018-201)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Yanqing Hao with respect to property located at 3520 Irvine Avenue, and legally described as Parcel 1, as shown on a map filed in Book 59, Page 4 of Parcel Maps in the City of Newport Beach, requesting approval of a minor use permit.
2. The applicant requests a minor use permit to allow the operation of a massage establishment. The establishment will provide two massage rooms, a customer waiting area, and an employee break room. Proposed hours of operation are 10:00 a.m. to 7:00 p.m., daily. Included is a request to waive location restrictions associated with massage establishments.
3. The subject property is located within the Commercial General (CG) Zoning District and the General Plan Land Use Element category is General Commercial (CG).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on November 29, 2018, in the Corona del Mar Conference Room (Bay E-1st floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. 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, Chapter 3, because it has no potential to have a significant effect on the environment.
2. This exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The proposed project involves alterations to the interior floor plan of an existing commercial space with no expansion in floor area.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the Newport Beach Municipal Code, 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 General Plan land use designation for this site is CG (General Commercial). The CG designation is intended to provide for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs.
2. The proposed massage establishment is a commercial use intended to serve nearby residents and the surrounding community. Therefore, the use is consistent with this land use category.
3. The subject property is not 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. The subject property is located in the Commercial General (CG) Zoning District, which is intended to provide for areas appropriate or a wide variety of commercial activities oriented primarily to serve Citywide or regional needs.
2. A massage establishment is permitted with the approval of a minor use permit in the CG Zoning District. The establishment will provide services that support the surrounding neighborhood and the region.
3. Pursuant to Table 3-10 of 20.40.040 (Off-Street Parking Spaces Required), a massage establishment has a parking rate of one (1) space for every 200 square feet of gross floor area. The proposed massage use would occupy 925 square feet and require a total of five parking spaces. There is one other 900-square-foot tenant space at the building, which is used for property owner storage and therefore has a parking rate of one (1) space for every 250 square feet of gross floor area. There are nine total parking spaces required onsite, which are provided.
4. The proposed massage establishment is consistent with the legislative intent of Section 20.48.120 (Massage Establishments and Services) and Chapter 5.50 (Massage

Establishments) of the Municipal Code. 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 accompany and result from large numbers 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 massage establishment will occupy a 925-square-foot tenant space in an existing commercial building. The operation will consist of two massage rooms, a customer waiting area, and an employee break room, all of which will fit within the existing commercial space.
2. The proposed hours of operation for the business are 10:00 a.m. to 7:00 p.m., daily. The surrounding uses are convenience markets, a gas station, car wash, and fast food restaurant. The facility has proposed hours of operation that are compatible with the allowed uses in the vicinity, as there will not be any late hours which may contribute to noise or blight in the area.
3. The project site and surrounding area consist of a mixture of offices, retail and service uses which serve residents and the surrounding community. There are some residential uses located on Birch Street, approximately 60 feet from the subject property. These residential uses are nonconforming and are located within the Business Park area of the Santa Ana Heights Specific Plan. The proposed massage establishment will provide a service that supports residents and visitors, consistent with the existing uses in the area.

Finding:

- D. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and 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 subject property is located on Irvine Avenue, near commercial uses. The Newport Beach Golf Course is located across Irvine Avenue. The property contains one commercial building with two tenant spaces. The property does not have a street frontage, and the site is accessible via a 15-foot private ingress/egress easement through 3530 Irvine Avenue (Minute King Market). The parking lot provides parking and is conveniently located for patrons and employees.

2. Adequate public and emergency vehicle access, public services, and utilities are provided on the property and the proposed massage establishment will not change this.

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 use has been conditioned with typical daytime hours of operation that will minimize any potential detriment to the area.
2. The proposed massage establishment would provide additional services to the residents and visitors in the surrounding area.
3. The proposal has been reviewed by the Building and Code Enforcement Division, and Police Department and recommended conditions of approval have been included to limit any detriment to the City or general welfare of persons visiting or working in the surrounding neighborhood.

In accordance with Section 20.48.120.B (Massage Establishments and Services – Waiver of Location Restrictions) of the Newport Beach Municipal Code, the following findings and facts in support of such findings for a Minor Use Permit are set forth:

Finding:

- F. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.*

Facts in Supporting of Finding:

1. The intent of the section is to promote the operation of legitimate massage services and to prevent problems of blight and deterioration, which accompany and are brought about by large numbers of massage establishments that may act as fronts for prostitution and other illegal activity.
2. Although the massage establishment is located within 500 feet of other establishments offering massage, the establishment is located in a separate development and is sufficiently separated from the other massage services, the closest of which is located 200 feet away, at 20101 Southwest Birch Street Suite 110.
3. There will be no late hours of operation, as the proposed hours are 10:00 a.m. to 7:00 p.m., daily.

4. A condition of approval is included to ensure the applicant will obtain an Operator's Permit from the Newport Beach Police Department in compliance with Chapter 5.50 (Massage Establishments) of the Newport Beach Municipal Code prior to continuation of the business.

Finding:

G. The proposed use will not enlarge or encourage the development of an urban blight area.

Fact in Supporting of Finding:

1. The proposed use is located in a one tenant space within a two-tenant building. The subject property is located behind an existing convenience market, however it is proposed to operate with typical daytime hours, and is intended to provide a service that supports the surrounding residents and visitors to Newport Beach.

Finding:

H. The proposed use will not adversely affect a religious institution, school, park, or playground.

Fact in Supporting of Finding:

1. There are no religious institutions, schools, parks, or playgrounds in the immediately surrounding area. The nearest religious institution is located approximately 4,500 feet away on Monte Vista Avenue in Costa Mesa. The closest school is located approximately 1,100 feet away on Cypress Street, which is within a residential area of the Santa Ana Heights Specific Plan. The closest park and playground is located approximately 6,000 feet away in Costa Mesa. The property is also located approximately 3,500 feet away from the Peter and Mary Muth Interpretive Center.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2018-020 (PA2018-201), subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 29TH DAY OF NOVEMBER 2018.

Patrick J. Alford, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan and floor plans stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Minor Use Permit.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval
4. 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 is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
5. The hours of operation for the establishment shall be limited to 10:00 a.m. through 7:00 p.m., daily.
6. Any change in operational characteristics, expansion in area, expansion to hours of operation, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new use permit.
7. If applicable, a copy of the Resolution, including conditions of approval Exhibit "A", shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
8. 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 the leasing agent.
9. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
10. The exterior of the business shall be maintained free of litter and graffiti at all times. 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.
11. All employees shall park onsite.

12. There shall be a maximum of two massage therapists working onsite at any time.
13. A maximum of two rooms shall be used for massage therapy.
14. The owner, operator, or responsible manager's contact information for the massage establishment shall be provided to the City of Newport Beach Code Enforcement Division.
15. The names of employees shall be posted upon entry and contact information and list of state certifications shall be provided upon request. A current list of employees shall be kept onsite and maintained at all times.
16. All windows (except treatment room windows) shall remain visible and transparent in nature. Window signage shall comply with the City of Newport Beach Municipal Code.
17. The facility shall be maintained in a safe and sanitary condition.
18. No alcohol shall be served or offered onsite.
19. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all 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 Coastal Body Care including, but not limited to, Minor Use Permit No. UP2018-020 (PA2018-201). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Police Department

20. Strict adherence to Newport Beach Municipal Code 5.50 must be upheld.
21. The applicant business must apply for and obtain an Operator's Permit from the Chief of Police, and keep said permit in good standing.
22. All employees of the applicant business who conduct massage on or off premises must be certified by the CAMTC (physicians, physical therapists, and chiropractors exempt).
23. As outlined in Newport Beach Municipal Code 5.50.030, the business must maintain requirements of operation, and submit to inspections by officers of the Police Department.

Code Enforcement

- 24. All exterior windows must be transparent.
- 25. All proposed signs shall be in compliance with Newport Beach Municipal Code Chapter 20.42 (Signs).

Building Division

- 26. Revisions to parking facilities must illustrate compliance with Section 11B-202 California Building Code (CBC)
- 27. If applicable, accessible path of travel must be illustrated on approved building plans.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Minor Use Permit No. UP2018-020
PA2018-201

3520 Irvine Avenue

Attachment No. ZA 3

Project Description

Project Description and Justification

Basic Information

Location	3520 Irvine Ave, Newport Beach, CA 92660		
Name of Business	Coastal Body care		
Parking	6	Number of Employees	2
Gross Floor Area	925 SF	Hours of Operation	10:00am - 7:00pm
Use of Rooms	2		

Summary

We offer massage in a variety of styles-Swedish Massage, Deep Tissue, Sport Massage, Hot Stone Massage, Shiatsu and others.

Mission

Our mission is to run a profitable business by providing therapeutic massage in a caring professional environment, we offer massage in a variety of styles-Swedish Massage, Deep Tissue, Sports Massage, Hot Stone Massage, Shiatsu and others, our goal is to tailor the clients experience base 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 overall experience-using quality oils and lotions, appropriate scents, and soothing music, nature sounds or silence-as the client prefers.

1. Every massage lasts between 30 minutes and 1 hour. We expect 6 to 8 customers per day. Current owner does not have other massage shop.

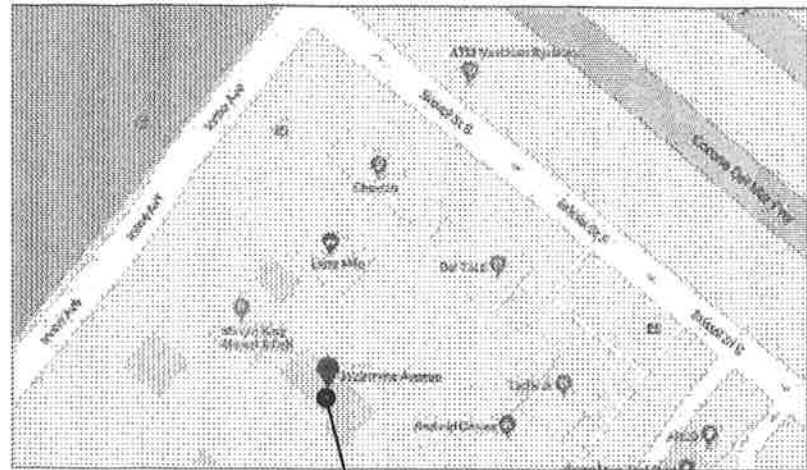
2. There is no school, park, civic center, culture site, or religious institutions within 500 feet of the massage business.

3. The unit with no work purpose is the landlord's supermarket's storage room.

Attachment No. ZA 4

Project Plans

VICINITY MAP



PROJECT LOCATION

ABBREVIATIONS

A.F.F.	-ABOVE FINISH FLOOR	MISC.	-MISCELLANEOUS
C.J.	-CONTROL JOINT	MET.	-METAL
CONC.	-CONCRETE	NEW	-NEW
DET.	-DETAIL	NO	-NOT TO SCALE
DIA	-DIAMETER	N.T.S.	-NOT TO SCALE
DM	-DIMENSION	O.C.	-ON CENTER
(E)	-EXISTING	PL	-PROPERTY LINE
EQ.	-EQUAL	REQ.	-REQUIRED
F.F.	-FINISH FLOOR	S.F.	-SQUARE FEET
F.G.	-FINISH GRADE	SM	-SIMILAR
FIN	-FINISH	SQ.	-SQUARE
FUR	-FLOOR	TYP.	-TYPICAL
FDN	-FOUNDATION	U.O.M.	-UNLESS OTHERWISE NOTED
FTD	-FOOTING	V.I.F.	-VERIFY IN FIELD
G.P.	-CITY BOARD	WB	-WOOD
ISOL.	-ISOLATION	W/D	-WASH AND DRY
MAY	-MASONRY		
MECH.	-MECHANICAL		
MFR	-MANUFACTURER		
MIN.	-MINIMUM		

SYMBOLS



DIRECTORY
DESIGNER
GARY MA
626-390-7151

SHEET DIRECTORY

A-1 COVER SHEET, VICINITY MAP & SITE PLAN
A-2 FLOOR PLAN

PROJECT DATA

ADDRESS	3820 Irvine Ave, Newport Beach, CA 92660
APN	499-362-11
PROPERTY TYPE	COMMERCIAL
YEAR BUILT	1961
ZONING	CI
CONSTRUCTION TYPE	V
OCCUPANCY GROUP	RETAIL
LOT SIZE	6,032 SF
EXISTING BUILDING	925 SF
PROPOSED BUSINESS AREA	885 SF
REQ'D PARKING SPACES	6 PARKING SPACES
PARKING SPACES PROPOSED	6 PARKING SPACES
PROPOSED OCCUPANCY	MESSAGE STORE TWO EMPLOYEE

IRVINE BLVD

66'

(E) MEAT SHOP (NO WORK)

(E) GARBAGE BIN

66'

PROPERTY LINE

(E) UNIT (NO WORK)

(E) GARAGE

(E) GARAGE

ROOM 2

ROOM 1

WAITING AREA

SERVICE AREA

LOBBY

WAITING AREA

(E) DRIVEWAY

(E) DRIVEWAY

PROPERTY LINE

125.07' (not to scale)

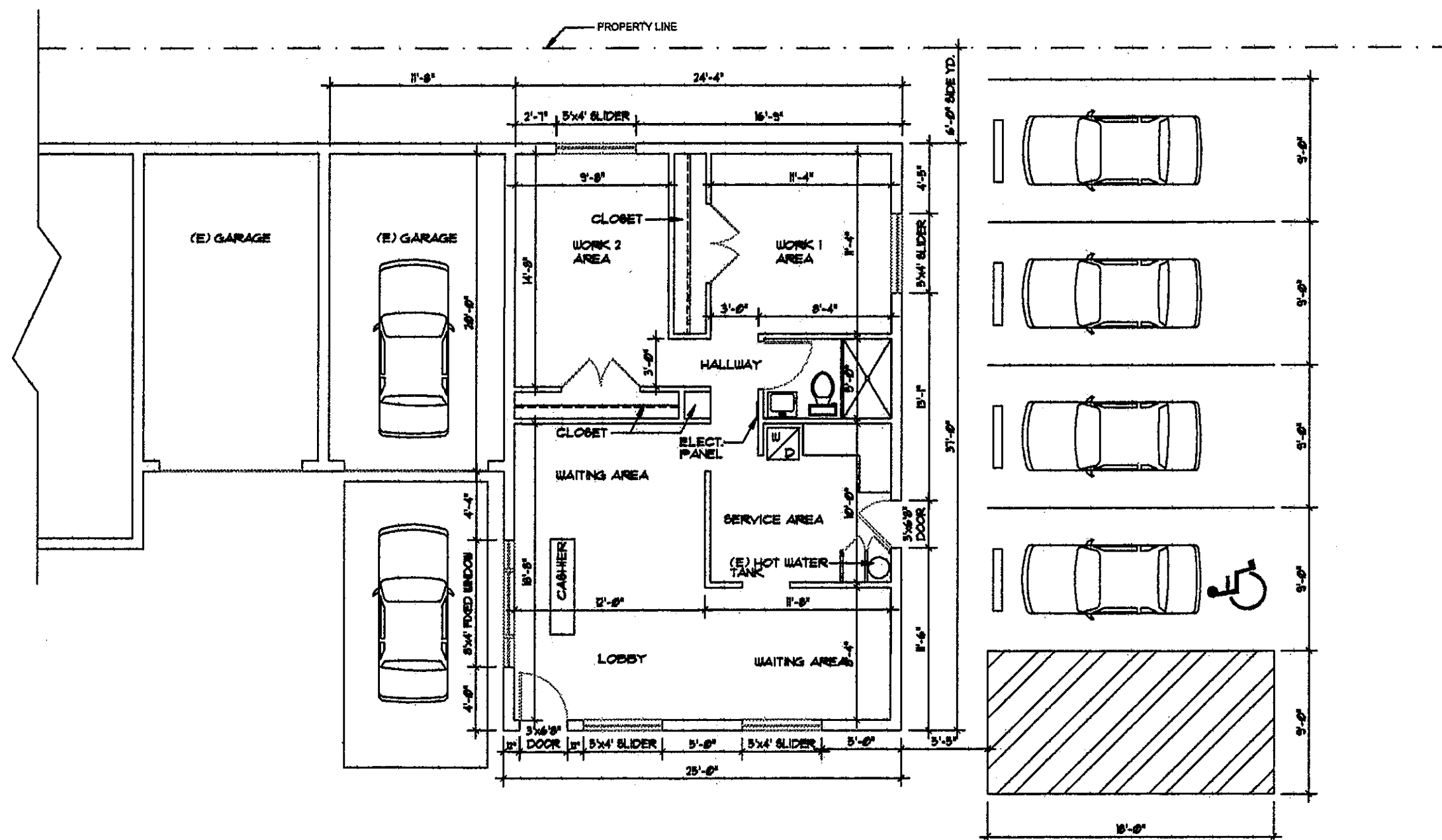
PROPERTY LINE

155'

1 SITE PLAN
SCALE: 1/8" = 1'-0"

LEGEND

(E) 2x STUDS EXT. WALL
(E) 2x STUDS INT. WALL



1 FLOOR PLAN (NO WORK)
SCALE: 1/4" = 1'-0"

REVISIONS	BY	ISSUE DATE	BY
1		1st	
2		2nd	
3		3rd	

PROJECT NAME/ADDRESS
MASSAGE STORE
3820 Irvine Ave, Newport Beach, CA 92660

SHEET CONTENT
FLOOR PLAN

DATE	SHEET
10/10/17	A-2
DESIGN BY	Gary Ma
DRAW BY	Gary Ma
FILE	