



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
440 HARCOURT AVE (COUNCIL CHAMBER)
Wednesday, March 13, 2024
6:00 PM

NOTICE: *The Planning Commission will hold its public meetings in person, with options for viewing and listening virtually or telephonically, based on availability.*

1. To view this meeting: Please click on the following link to the City of Seaside YouTube Channel: <https://www.youtube.com/c/CityofSeasideCalifornia>
2. To view this meeting: Using the Zoom application on your smart phone, laptop, tablet or desktop and click on this link: <https://us02web.zoom.us/j/81555467580>
WEBINAR ID: 815 5546 7580
3. To listen by phone: Please call (669) 900-9128
Enter the **meeting ID 815 5546 7580** when prompted. There is no participate code – press the pound sign # after the recording prompts you.
4. To make public comment, the following options are available:

Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item # ____" (insert the agenda item number relevant to your comment). Written comments must be received at least two (2) hours prior to the meeting time on the day of the meeting.

During the Meeting via Oral Comments: When the Chair calls for public comment, members of the public participating in person and wishing to address the Commission may approach the podium when the Chair calls for public comment.

1. CALL TO ORDER

2. ROLL CALL - CITY COUNCIL

William Silva	Chair
Keith Dodson	Commissioner
John Owens	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
Danny Huynh	Commissioner

3. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

4. PUBLIC COMMENT FOR COMMISSIONS

Members of the public wishing to address the Commission on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three (3) minutes. Comments on specific agenda items are heard under that item. For the public record, please state your name.

5. BUSINESS ITEMS

A. ARCHITECTURAL REVIEW AR-23-02: DAN ROSA, APPLICANT AND PROPERTY OWNER, REQUESTS ARCHITECTURAL REVIEW APPROVAL FOR TWO SECOND STORY BALCONIES, ONE EACH TO BE LOCATED ON THE EAST AND WEST ELEVATIONS OF THE EXISTING SINGLE FAMILY RESIDENCE AT 1251 PHOENIX AVENUE (APN: 012-812-007) IN THE SINGLE FAMILY RESIDENTIAL (RS-12) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3 SECTION 15301(E) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

B. USE PERMIT APPLICATION UP-24-03: XIANGCAI LI, APPLICANT, AND 704 BROADWAY LLC, PROPERTY OWNER, REQUEST APPROVAL TO OPERATE A THERAPEUTIC MASSAGE BUSINESS LOCATED AT 704 C BROADWAY AVENUE (APN 011-292-020) IN THE MIXED USE ZONING DISTRICT WITHIN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN AREA. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15301 OF THE CEQA GUIDELINES FOR PERMITTING A USE IN AN EXISTING STRUCTURE.

C. USE PERMIT APPLICATION UP-24-01: DAN SONG, APPLICANT, AND RONALD K. LEE, PROPERTY OWNER, REQUEST APPROVAL TO OPERATE A THERAPEUTIC MASSAGE BUSINESS LOCATED AT 885 BROADWAY AVENUE (APN 011-545-001) IN THE MIXED USE ZONING DISTRICT WITHIN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN AREA. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15301 OF THE CEQA GUIDELINES FOR PERMITTING A USE IN AN EXISTING STRUCTURE WITH LIMITED INTERNAL RENOVATION AND NO EXPANSION OF FORMER USE.

6. REPORTS FROM COMMISSIONERS

7. REPORTS FROM STAFF

This is a time specifically set aside for the Staff Liaison to provide updates on non-agendized requests from the Commission, and to provide brief information on topics under the purview of the Commission.

8. ADJOURNMENT

Next Regularly Scheduled Meeting:
March 27, 2024
6:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:

<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



CITY OF SEASIDE STAFF REPORT

Item No.: 5.A.

TO: Planning Commission

BY: Beth Rocha, Senior Planner

DATE: March 13, 2024

SUBJECT: **ARCHITECTURAL REVIEW AR-23-02: DAN ROSA, APPLICANT AND PROPERTY OWNER, REQUESTS ARCHITECTURAL REVIEW APPROVAL FOR TWO SECOND STORY BALCONIES, ONE EACH TO BE LOCATED ON THE EAST AND WEST ELEVATIONS OF THE EXISTING SINGLE FAMILY RESIDENCE AT 1251 PHOENIX AVENUE (APN: 012-812-007) IN THE SINGLE FAMILY RESIDENTIAL (RS-12) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3 SECTION 15301(E) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE & RECOMMENDATION

The purpose of this item is to consider an Architectural Review application to create two second-story balconies. Architectural Review is required for all new second story elements per Seaside Municipal Code (SMC) 17.62.030.B.2.

Staff recommends the Commission approve Architectural Review AR-23-02 subject to Attachment 1: Draft Resolution and Exhibit A: Project Plans.

BACKGROUND

The existing single-story, single family residence is 1,226 square feet (sf) with a 428 sf detached garage, a 212 sf storage building, and two driveways on a 7,500 sf lot. There is an active building permit for a 402.5 sf first floor addition at the rear of the home, which is included in the site coverage and floor area ratio (FAR) analysis. Additionally, on February 1 2024, the City Council approved the applicant's appeal, allowing for the relocation the second driveway from Hilton Street to Phoenix Avenue.

Project Description

The project proposes creating two second-story balconies, one each located on the east and west elevations. The proposed attic addition of 483 sf will accommodate a mechanical room, which will also provide access to the utility balconies through French doors. The proposed balcony dimensions are 9'-4"d x 16'-0"w on the west and 5'-0"d x 16'-0"w on the east, both with 42" high walls measured from the finished floor. The following equipment will be located on the west balcony: one SolarEdge Home Backup Interface (20.59" h x 13.88"w x 8.62"d); and two SolarEdge Single Phase Inverters (30.5"h x 12.5"w x 7.2"d). One Chiltrex air-to-water heat pump unit will be located on the east balcony (38.5"h x 43.9"w x 16.74"d). The proposed equipment height does not exceed the 42" balcony wall height and a condition of approval has been added prohibiting equipment from being mounted or located such that it exceeds the balcony wall height; and the equipment will be screened from public view.

Staff Analysis

Zoning Compliance

The existing site coverage would be increased to 62.3% or 4,672 sf with the second story balcony addition, deck on the west elevation and the relocated second driveway, which is compliant with the maximum permitted site coverage of 65% or 4,875 sf. The existing FAR is .24 or 1,841 sf (428 sf of garage area excluded per SMC 17.12.050-Table 2-3) and would be increased by 483 sf for the attic-level addition to a total of .31 or 2,323 sf. The proposal is compliant with the maximum permitted FAR of .45 or 3,375 sf.

The project complies with all required setbacks: the utility balcony on the west elevation observes a street side setback of 6'-8" in accordance with SMC 17.30.100.E. *Allowed architectural projections into setbacks*, which allows for uncovered and unenclosed second story cantilevered balconies to project 6'-0" into the required 10'-0" setback; and the side setback along the east observes a distance greater than the required 5'-0" at 13'-9".

Architectural Review

The proposed balcony dimensions are 9'-4"d x 16'-0"w on the west and 5'-0"d x 16'-0"w on the east, both with 42" high walls measured from the finished floor. The proposed balconies are proportional to the existing width and height (19'-11"), contributing to a balanced feel, with 9'-7" of clearance from existing grade. Corbels, constructed from Douglas Fir and finished with linseed oil, are proposed with the balconies and serve as both a decorative and functional architectural feature. The first floor deck will feature an aluminum black railing by NewTechWood, who also manufactures the proposed composite decking that will be in the color Hawaiian Charcoal, finished in Wood Grain. Additionally, the roof will be upgraded with Malarky Midnight Black composition shingles will be installed on the roof. Bringing all the design elements together, the exterior of the entire home will be upgraded and finished with paint colors by Kelly Moore, including: Texan Angel; trim 1: Yin Mist; trim 2: Flint Rock; accent: Snow Globe; fascia: Black Cat. The painting will serve to both accentuate the

architectural elements and complement the scale of the design.

California Environmental Quality Act

California Environmental Quality Act (CEQA) Guidelines Section 15303(e) exempts accessory structures including garages, carports, patios, swimming pools, and fences from the provisions of CEQA. This project proposes the creation of two accessory structures. Both structures are accessory, similar to a patio.

ATTACHMENTS

1. Attachment 1 Draft Resolution
 2. Exhibit A to Attachment 1: Plans
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**PLANNING COMMISSION
RESOLUTION NO. 24-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING ARCHITECTURAL REVIEW APPLICATION NO. AR-23-02 FOR TWO SECOND STORY BALCONIES, ONE EACH TO BE LOCATED ON THE EAST AND WEST ELEVATIONS OF THE EXISTING SINGLE FAMILY RESIDENCE AT 1251 PHOENIX AVENUE (APN: 012-812-007) IN THE SINGLE FAMILY RESIDENTIAL (RS-12) ZONING DISTRICT

WHEREAS, Dan Rosa, applicant and owner, applied for Architectural Review No. AR-23-02; and

WHEREAS, the proposed project requires approval by the Planning Commission, and it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Planning Commission considered oral comments and written information concerning the Architectural Review application No. AR-23-02 at a duly noticed public hearing that the Planning Commission held on March 13, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following finding:

1. The project is Categorically Exempt, Class 3, under the California Environmental Quality Act (CEQA) Guidelines Section 15303(e):

Evidence: Approving the Architectural Review allows the construction of accessory structures. The structures are accessory and similar to a patio.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission approves AR-23-02 subject to the following Conditions of Approval:

Building:

1. Construction must comply with all requirements of the California Building Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.

Fire Department:

2. Complete the Fire Sprinkler Calculation form and provide at time of building permit submittal.

3. If the new construction is 50% or more of the existing structure, fire sprinklers shall be installed and the following paragraphs must be printed in the project plans submitted for a building permit under, "Fire Department Notes":
 - a. Fire Sprinklers Required – The residence shall be protected with an automatic fire sprinkler system in compliance with the National Fire Protection Association Standard 13D. Plans for the fire sprinkler system must be submitted and approved by the Seaside Fire Department prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection from the building department.
 - b. A fire alarm water flow switch is required on all residential fire sprinkler systems and shall be located so that it is audible to the occupants of the residence. The flow switch shall be wired to the kitchen refrigerator circuit.
 - c. It is the responsibility of the applicant to check with the local water service company (Cal Am) to insure the proper water meter size is provided for both the domestic and fire sprinkler flows. Generally, a 1 inch meter is required.
 - d. An indicating type valve shall be installed in a location where it shuts off both the fire sprinkler and the domestic system. The indicating valve shall be installed above grade and shall be a ball-type valve only. A separate valve just for the fire sprinkler system is not required.
 - e. All underground piping is to be flushed prior to the connection of any fire sprinkler piping.
 - f. Separate fire sprinkler plans need to be delivered to Seaside Fire Department, located at 1635 Broadway Avenue. A minimum of (3) set of plans are required. If the applicant requires (2) sets of approved plans, then (4) sets need to be delivered to the fire department. Applicant needs to submit to the fire department for prior approval.

Planning:

4. Equipment shall not be mounted or located such that it exceeds the balcony wall height and shall remain screened from public view by the balcony wall.

Engineering and Public Works:

5. The project must implement storm water best management practices (BMPs) during construction (SMC 8.46)
 - a. Complete and submit the Storm Water Compliance Tracking Form, with signature with building permit application.
6. Post-development peak storm water runoff rates shall not exceed predevelopment rate. A pro rata share of the cost of offsite erosion sediment, and flood control improvements and/or for maintenance to the principal

drainage way may be required by the City Engineer to handle the increase peak runoff and/or sediment generated by the project. (SMC 15.32.170)

- a. Site plans to clearly show direction of stormwater drainage from new or redeveloped impervious surfaces.
 - b. Drainage shall not be directed to adjacent properties.
 - c. Site plan to clearly denote site coverage type (ie. landscaping, building, concrete,)
 - d. Site plan to include table summarizing existing impervious surface square footage, proposed new impervious surface, redeveloped impervious surface and total impervious surface.
 - e. Proposed site plans to show location of new and existing downspouts.
 - f. Downspouts and/or overflow from cisterns or rain barrels to be directed to permeable surface
7. Applicant required to obtain separate encroachment permit for construction of proposed driveway approach and new sidewalk curb and gutter.
 8. Prior to final inspection, any curb, gutter and sidewalk damaged during construction shall be replaced by a licensed concrete contractor in conformance with the most current applicable engineering standards, and upon the prior issuance of an Encroachment Permit from the Public Work Department.

Standard:

9. Except as modified by the conditions of approval, plans submitted for Building Permits must be in compliance with Exhibit A Project Plans.
10. The applicant agrees as a condition and in consideration of the approval of this permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
11. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).

12. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.
13. This approval shall become null and void unless a Building Permit application is submitted within twelve (12) months of March 20, 2024. Time extensions may be granted by the original approval body if a written request and associated fee are received by the Community Development Department within 30 days prior to the expiration. This approval shall also become null and void if the implementing Building Permit application expires.
14. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of March 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

Exhibits:

Exhibit A: Project Plans

ARCHITECTURAL REVIEW APPLICATION No. AR-23-02
RESOLUTION No. 24-XX

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

Applicant's Signature

Date

Property Owner's Signature

Date

AN EXTERIOR RENOVATION FOR DAN ROSA

BUILDING CODE SUMMARY

APPLICABLE CODE:

2019 TITLE 24, PART 2.5 CALIFORNIA RESIDENTIAL BUILDING CODE (CA BLDG CODE)

PROJECT DESCRIPTION:

A EXTERIOR RENOVATION TO AN EXISTING 1-STORY SINGLE FAMILY RESIDENCE CONVENTIONAL WOOD FRAMING FRAMING ON STANDARD FOUNDATION, CONVENTIONAL SIDING & ROOFING.

BLDG. CODE SUMMARY (2019 CA BLDG CODE):

1.)	RESIDENTIAL ENERGY CODE:	(TABLE N1101.1(1))	STANDARD BASE CASE APPLIES, U.O.N.
		PER TABLE N1101.1(2), ENVELOPE ENHANCEMENT MEASURE 3, AND CONSERVATION MEASURE A WILL BE USED.	
	WALL INSULATION-ABOVE GRADE:		R-25 SPRAY FOAM INSULATION AT WALLS W/ THERMAL BREAK AT METAL FRMG.
	FLAT CEILINGS:		R-49 SPRAY FOAM INSULATION AT CEILING BETWEEN LIVING AND UNFINISHED SPACE
	VAULTED CEILINGS:		NA
	UNDER FRAMED FLOORS:		SLAB W/ R-15 2'-0" AT PERIMETER
	WINDOWS:		U-0.30, SHGC: 0.25
	WINDOW AREA LIMITATION:		N/A
	SKYLIGHTS:		U-0.50
	EXTERIOR DOORS:		R-5
	EXTERIOR DOORS W/ > 2.5 s.f. GLAZING:		R-2
	FORCED AIR DUCT INSULATION:		R-8
	HIGH EFFICACY LIGHTING:		100% HIGH EFFICACY LIGHTING
	RECESSED LIGHTING FIXTURES:		SHALL MEET CA BLDG CODE REQUIREMENTS.
	WINDOW AIR LEAKAGE:		SHALL MEET CA BLDG CODE REQUIREMENTS.
	VAPOR BARRIERS:		PROVIDE MIN. (1) PERM. VAPOR BARRIER AT WARM SIDE OF ALL INSULATION.
	GROUND COVER:		IF WE HAVE TO
	HVAC EQUIPMENT:		SHALL MEET CA BLDG CODE REQUIREMENTS.
	PIPING INSULATION:		SHALL MEET CA BLDG CODE REQUIREMENTS.
2.)	STRUCTURAL DESIGN CRITERIA:	(CA BLDG CODE SEC. 301)	PRE-ENGINEERED SYSTEM
	-		SEE STRUCTURAL ENGINEERING
	-		-
	-		-
	CONSTRUCTION SYSTEM TYPE:		PORTAL FRAME & POLE FRAMED W/ HORIZONTAL PURLINS & GIRTS
	CLIMATIC AND GEOGRAPHIC DESIGN DATA:		-
	ELEVATION:		1140 FT.
	SEISMIC DESIGN CATEGORY:		D1 (VERIFY W/ STRUCTURAL)
	FLOOD HAZARD DESIGN CRITERIA:		N/A
	FROST DEPTH:		12"
	WIND EXPOSURE CLASSIFICATION:		B
	STORY HEIGHT:		SEE CROSS SECTIONS
	LIVE LOADS:		
	NON-SLEEPING AREAS:		40 LB./S.F. (VERIFY W/ STRUCTURAL)
3.)	FIRE-RESISTIVE CONSTRUCTION:		N/A
	EXTERIOR WALLS, PROJECTIONS, & OPENINGS:		-
	FLAME SPREAD AND SMOKE-DEV. INDEXES		
	SMOKE AND CO2 ALARMS:		CONTRACTOR SHALL VERIFY EXISTING ALARMS ARE SATISFACTORY AND SHALL PROVIDE (1) NEW CO2 ALARM W/ POWER CONNECTION OUTSIDE NEW BEDROOM AND SMOKE ALARMS AS REQUIRED BY 2019 CA BLDG CODE.
4.)	VENTILATION:	ROOF VENTILATION - NO ATTIC	UNDERFLOOR VENTILATION - NO UNDERFLOOR

ZONE CODE SUMMARY

PROJECT/SITE INFORMATION:

1.)	GOVERNING AGENCY:	CITY
2.)	BUILDING ZONE:	SINGLE FAMILY
	SITE ADDRESS:	SEE TITLE BLOCK
	TAX LOT #:	012-812-007-000
	PERMITTED USE:	SINGLE FAMILY RESIDENCE (EXISTING TO REMAIN)
3.)	SETBACKS:	NORTH: EXISTING TO REMAIN UNCHANGED SOUTH: EXISTING TO REMAIN UNCHANGED EAST: EXISTING TO REMAIN UNCHANGED WEST: PER SITE PLAN +10'-0"
4.)	TOTAL SITE AREA:	PER SITE PLAN
5.)	BUILDING AREA:	EXISTING TO REMAIN UNCHANGED
6.)	BUILDING HEIGHT:	EXISTING TO REMAIN UNCHANGED
7.)	SEPTIC AUTHORIZATION:	EXISTING TO REMAIN UNCHANGED

BLDG. CODE SUMMARY (2019 CA BLDG CODE):

- 1.) NOTES PER CHAPTER 7A MATERIALS CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE:
- ROOF COVERINGS:** ROOF COVERINGS WALLS ARE OF APPROVED, NON-COMBUSTIBLE MATERIAL, AND ARE MADE OF PAINTED, GALVANIZED STEEL.
- ROOF VALLEYS:** NO ROOF VALLEYS PROPOSED.
- ROOF GUTTERS:** ROOF GUTTERS ARE PROVIDED WITH THE MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER.
- ATTIC VENTS:** ATTIC VENTS ARE PROTECTED BY CORROSION RESISTANT, NON-COMBUSTIBLE WIRE MESH WITH ¼ INCH (6 MM) OPENINGS OR ITS EQUIVALENT.
- EAVE VENTS:** NO EAVE VENTS PROPOSED.
- EXTERIOR WALLS:** EXTERIOR WALLS ARE OF APPROVED, NON-COMBUSTIBLE MATERIAL, AND ARE MADE OF GALVANIZED STEEL.
- EXTERIOR WALL VENTS:** NO EXTERIOR WALL VENTS PROPOSED.
- EXTERIOR GLAZING:** THIS BUILDING CONTAINS NO EXTERIOR GLAZING.
- EXTERIOR DOOR ASSEMBLIES:** EXTERIOR DOORS AND VEHICLE ACCESS DOORS ARE OF APPROVED, NON-COMBUSTIBLE MATERIAL, AND ARE MADE OF GALVANIZED STEEL.
- UNDERSIDE OF APPENDAGES AND FLOOR PROJECTIONS:** THE BUILDING OVERHANGS ARE ENCLOSED WITH METAL SOFFITS.
- UNENCLOSED UNDER-FLOOR PROTECTION:** THIS BUILDING HAS NO PROPOSED UNDER-FLOOR AREA.
- DECKING, ETC.:** ALL PORTIONS OF SUCH SURFACES IS WITHIN 10 FEET (3048 MM) OF THE PRIMARY STRUCTURE OF APPROVED NON-COMBUSTIBLE MATERIAL, AND ARE MADE OF GALVANIZED STEEL.
- 2.) 4.408.2 CONSTRUCTION WASTE MANAGEMENT PLAN
- 4.408.2 CONSTRUCTION WASTE MANAGEMENT PLAN
- SUBMIT A CONSTRUCTION WASTE MANAGEMENT PLAN IN CONFORMANCE WITH ITEMS 1 THROUGH 5. THE CONSTRUCTION WASTE MANAGEMENT PLAN SHALL BE UPDATED AS NECESSARY AND SHALL BE AVAILABLE DURING CONSTRUCTION FOR EXAMINATION BY THE ENFORCING AGENCY.
1. IDENTIFY THE CONSTRUCTION AND DEMOLITION WASTE **MATERIALS** TO BE DIVERTED FROM **DISPOSAL** BY RECYCLING, REUSE ON THE PROJECT OR SALVAGE FOR FUTURE USE OR SALE.
- a. WASTE AND DEMOLITION MATERIALS THAT WILL BE PRESENT ON THE SITE ARE: BRUSH/GREEN CLIPPINGS, WOOD FORMS WILL BE COLLECTED AND REUSED BY CONCRETE COMPANY, BASE ROCK TO BE BROUGHT IN TO BRING BUILDING TO GRADE.
2. SPECIFY IF CONSTRUCTION AND DEMOLITION WASTE **MATERIALS** WILL BE SORTED ON-SITE (SOURCE-SEPARATED) OR BULK MIXED (SINGLE STREAM).
- a. ALL CONSTRUCTION AND WASTE MATERIALS WILL BE SORTED ON SITE FOR APPROPRIATE DISPOSAL ACCORDINGLY.
3. IDENTIFY **DIVERSION** FACILITIES WHERE THE CONSTRUCTION AND DEMOLITION WASTE MATERIAL WILL BE TAKEN.
- a. GREEN WASTE MATERIAL WILL BE MOVED TO THE CHICO COMPOST FACILITY LOCATED AT 4441 COHASSET RD, CHICO, CA 95973.
- b. ALL STEEL WASTE (IF ANY) WILL BE TAKEN TO CHICO SCRAP METAL, INC LOCATED AT 878 E 20TH ST, CHICO, CA 95928
- c. ALL BASE ROCK REMNANT WILL BE REUSED ONSITE
- d. WOODEN FORMS FOR CONCRETE WILL BE COLLECTED BY JR CEMENT INC, (530) 330-6465
4. IDENTIFY CONSTRUCTION METHODS EMPLOYED TO REDUCE THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE GENERATED
- a. STRUCTURE PROVIDED IS A PRE-CUT PREFORMED STRUCTURE, FOLLOWING CONSTRUCTION INSTRUCTIONS PROVIDED WILL RESULT IN NO WASTE
- b. SLAB WILL BE POURED ON SITE DELIVERED IN TRUCKS, FORMS PROVIDED AND COLLECTED TO BE REUSED BY CONCRETE CONTRACTOR
- c. NO EXCAVATION OF SITE WILL RESULT IN NO REMNANT SOIL TO BE DISPOSED OF.
5. SPECIFY THAT THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE **MATERIALS** DIVERTED SHALL BE CALCULATED BY WEIGHT OR VOLUME, BUT NOT BY BOTH.
- a. WASTE MATERIALS THAT ARE DIVERTED WILL BE CALCULATED BY WEIGHT

SHEET INDEX:

PROJECT DRAWINGS:

A0.1	PROJECT/CODE SUMMARY INFORMATION
A0.2	STRUCTURAL NOTES

SITE & DRAWINGS:

A1.0	OVERALL ARCHITECTURAL SITE PLAN
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ARCHITECTURAL DRAWINGS

A2.2	FOUNDATION PLAN
A3.0	ARCHITECTURAL FIRST FLOOR PLAN
A3.1	ARCHITECTURAL SECOND FLOOR PLAN
A4.1	SECOND FLOOR DECK FRAMING PLAN
A8.0	EXTERIOR ELEVATIONS
A8.1	EXTERIOR ELEVATIONS

CALIFORNIA CODE DOCUMENTS:

CG1.0-CG4.0	CALIFORNIA GREEN CODE MANDATORY MEASURES
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MECHANICAL DRAWINGS:

NOTE: THE MECHANICAL SYSTEM FOR THIS PROJECT IS TO BE BIDDER/DESIGNED. THE MECHANICAL PLANS ARE NOT A PART OF THESE DOCUMENTS AND WILL BE SUBMITTED AT A LATER DATE. BIDDER/DESIGNER IS RESPONSIBLE FOR OBTAINING A PERMIT PRIOR TO CONSTRUCTION. MECHANICAL WORK TO MEET ALL APPLICABLE CODES. DEFERRED SUBMITTAL. PETER LYLE STRAUHAL, AIA ASSUMES NO RESPONSIBILITY FOR THE INFORMATION CONTAINED IN THE MECHANICAL DRAWINGS.

PLUMBING DRAWINGS:

NOTE: THE PLUMBING BUILDING AND PLUMBING SITE LAYOUT FOR THIS PROJECT IS TO BE BIDDER/DESIGNED. THE FULL PLUMBING PLANS ARE NOT A PART OF THESE DOCUMENTS AND WILL BE SUBMITTED AT A LATER DATE. BIDDER/DESIGNER IS RESPONSIBLE FOR OBTAINING A PERMIT PRIOR TO CONSTRUCTION. PLUMBING WORK TO MEET ALL APPLICABLE CODES. DEFERRED SUBMITTAL. PETER LYLE STRAUHAL, AIA ASSUMES NO RESPONSIBILITY FOR THE INFORMATION CONTAINED IN THE PLUMBING DRAWINGS.

ELECTRICAL DRAWINGS:

NOTE: THE ELECTRICAL SYSTEM FOR THIS PROJECT IS TO BE BIDDER/DESIGNED. THE ELECTRICAL PLANS ARE NOT A PART OF THESE DOCUMENTS AND WILL BE SUBMITTED AT A LATER DATE. BIDDER/DESIGNER IS RESPONSIBLE FOR OBTAINING A PERMIT PRIOR TO CONSTRUCTION. ELECTRICAL WORK TO MEET ALL APPLICABLE CODES. DEFERRED SUBMITTAL. PETER LYLE STRAUHAL, AIA ASSUMES NO RESPONSIBILITY FOR THE INFORMATION CONTAINED IN THE ELECTRICAL DRAWINGS.

FIRE SPRINKLER & FIRE ALARM DRAWINGS:

NOTE: THE FIRE SPRINKLER & FIRE ALARM FOR THIS PROJECT IS TO BE BIDDER/DESIGNED. THE FIRE DRAWINGS ARE NOT A PART OF THESE DOCUMENTS AND WILL BE SUBMITTED AT A LATER DATE. BIDDER/DESIGNER IS RESPONSIBLE FOR OBTAINING A PERMIT PRIOR TO CONSTRUCTION. FIRE SUPPRESSION & ALARM WORK TO MEET ALL APPLICABLE CODES. DEFERRED SUBMITTAL. PETER LYLE STRAUHAL, AIA ASSUMES NO RESPONSIBILITY FOR THE INFORMATION CONTAINED IN THE FIRE DRAWINGS.



BLS Green
Steel Buildings
Peter Strauhal, CEO
AIA, LEED GA
PO BOX 3164
Salem, OR 97302
971-240-5309
www.blsgreenbuildings.com



AN EXTERIOR RENOVATION FOR DAN ROSA

PROJECT ADDRESS:
1251 PHEONIX AVE
SEASIDE, CA

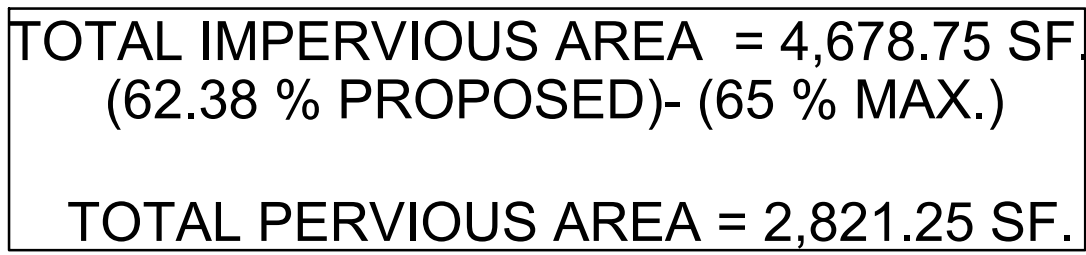
Studio M of A - Laney LA Partnership
Architect, Anthony Laney
PO BOX 3164, SALEM, OR 97302
PH: 971-239-1519
CONTACT: PETER LYLE STRAUHAL, AIA

A0.1

COVER SHEET

PROJ.#: 22096

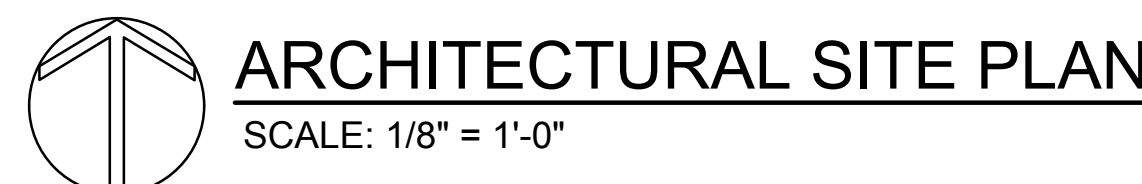
DATE: 10.10.22



LEGEND

Diagram illustrating a cross-section of a roof edge assembly. The assembly includes a concrete parapet wall, a metal downspout, and a sloped metal roof panel. The roof panel is labeled "CEILING/ROOF DETAIL". The downspout is labeled "DOWNSPOUT". The ground level is labeled "LANDSCAPING".

DOWNSPOUT DETAIL (TYP.) # 1



AN EXTERIOR RENOVATION FOR DAN ROSA

PROJECT ADDRESS:
1251 PHEONIX AVE
SEASIDE, CA

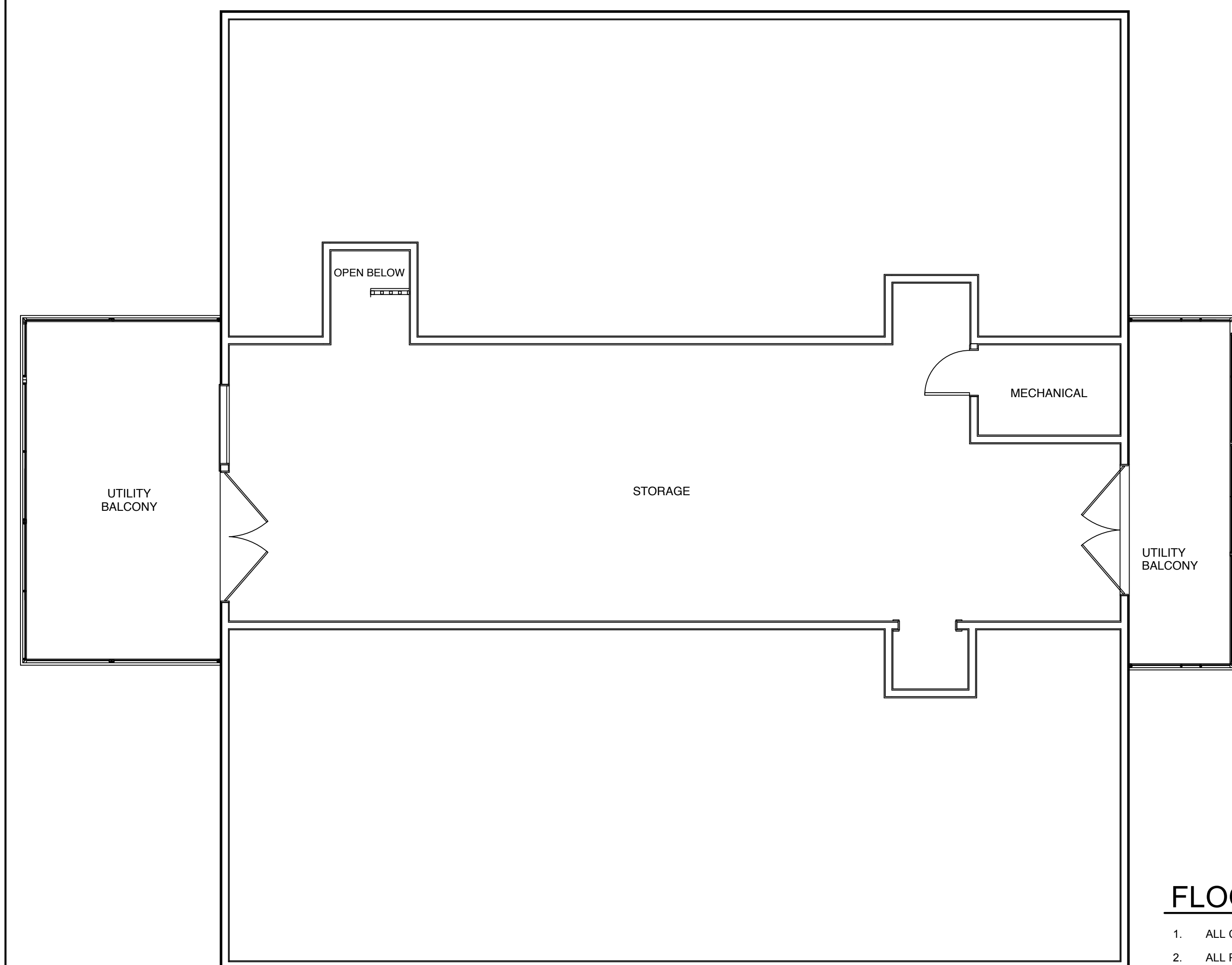
PETER LYLE STRAUHAL, AIA
PO BOX 3164, SALEM, OR 97302
PH: 971-239-1519

A1.0

SITE PLAN

PROJ.#: 22096

DATE: 10.10.22



ATTIC LEVEL / MECHANICAL ROOM FLOOR PLAN

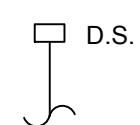
SCALE: 1/4" = 1'-0"

FINISHES SCHEDULE NOTES:

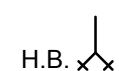
1. GYPSUM WALLBOARD CEILING FINISH TO BE LEVEL 4 WITH VERY LIGHT ORANGE PEEL TEXTURE APPROVED SAMPLE REQUIRED PRIOR TO APPLICATION.
2. ALL ACCESS PANELS TO BE PAINTED TO MATCH WALL/CEILING COLOR.
3. ALL INTERIOR GLAZING TO BE CLEAR.
4. GENERAL CONTRACTOR TO VERIFY ALL FINISHES WITH BUILDING OWNER PRIOR TO ORDERING FINISHES.
5. VERIFY WITH BUILDING OWNER - LOCATION OF WALK-OFF MATS.
6. PROVIDE INSULATION IN INTERIOR WALLS AT LOCATIONS PER OWNER.

LEGEND:

WOOD WALL FRAMING, SEE FLOOR PLAN GENERAL NOTES.



D.S.
ROOF DOWNSPOUT LOCATION. REFER TO EXTERIOR ELEVATIONS (SHEET A&0), ROOF PLAN (SHEET A5.0) AND BIDDER/DESIGNED PLUMBING DRAWINGS FOR ADDITIONAL INFORMATION. DOWN SPOUTS TO DRAIN AWAY FROM BUILDING MIN. 6'-0". PROVIDE DRYWELLS OR APPROVED METHOD AT DOWNSPOUTS TO ALLOW STORM WATER TO RETURN TO LOCAL AQUIFER.



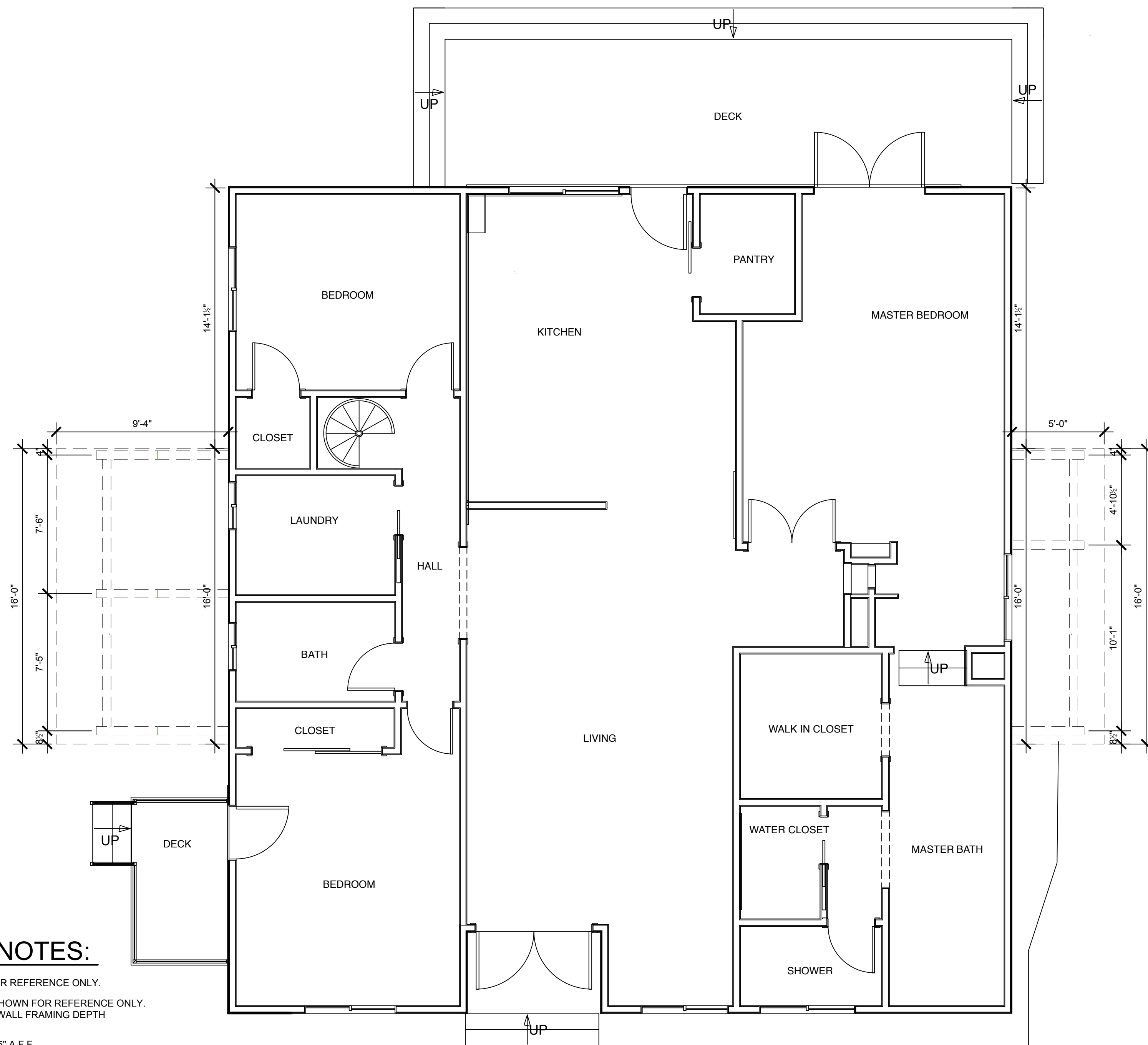
H.B. PER PLUMBER BIDDER/DESIGNER, VERIFY LOCATIONS W/ OWNER



S.D.
CEILING MOUNTED SMOKE DETECTOR (ADD'L ABBREVIATON [C.O.] SHALL ALSO INCLUDE CARBON MONOXIDE TESTING)

FLOOR PLAN GENERAL NOTES:

1. ALL CASEWORK TO BE VERIFIED BY OWNER - SHOWN FOR REFERENCE ONLY.
2. ALL PLUMBING FIXTURES TO BE VERIFIED BY OWNER - SHOWN FOR REFERENCE ONLY. GENERAL CONTRACTOR RESPONSIBLE FOR VERIFYING WALL FRAMING DEPTH REQUIRED BEHIND ALL PLUMBING FIXTURES.
3. ALL ELECTRICAL AND DATA OUTLETS TO BE MOUNTED 15" A.F.F. UNLESS OTHERWISE NOTED.
4. VERIFY LOCATION OF ALL WD 2x BLOCKING REQUIRED FOR OWNER EQUIPMENT, ACCESSORIES AND CASEWORK.
5. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED (U.O.N.).
6. REFER TO BIDDER/DESIGNED ELECTRICAL, MECHANICAL, AND PLUMBING DRAWINGS FOR ADDITIONAL INFORMATION.
7. ALL JAMB FRAMING @ HINGE SIDE OF DOOR TO BE 3" UNLESS OTHERWISE NOTED.
8. DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES OR QUESTIONABLE DIMENSIONS FOR CLARIFICATION PRIOR TO PROCEEDING WITH AREA OF REQUIRED WORK.
9. VERIFY ALL VENTING INSTALLATION W/ OWNER PRIOR TO POURING CONCRETE.
10. ALL EXTERIOR WALLS TO BE TO THE FOLLOWING, UNLESS NOTED OTHERWISE PER STRUCTURAL DRAWINGS:
 - METAL FRAMING PER STRUCTURAL DRAWINGS WITH:
 - R-21 MIN. ADVANCED FRAMING SPRAY FOAM INSULATION AT THE WALL CAVITY AT SECOND FLOOR WALLS ONLY, VERIFY W/ OWNER,
 - 1/2" GYP. BRD. (SEE PLAN ABOUT # DRYWALL LOCATIONS AT GARAGE SEPARATION) AT INTERIOR SIDE OF WALL, VERIFY W/ OWNER; AND
 - AT THE EXTERIOR SIDE THE OF WALL, MIX OF:
 - VERTICAL METAL SIDING, TYPE PER OWNER,
 - OVER RAIN SCREEN MOISTURE BARRIER,
 - OVER "LOW-E" EXTERIOR THERMAL BREAK ALUMINUM SURFACED R-5.3 FOAM HOUSE WRAP



ARCHITECTURAL FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

11. ALL INTERIOR WALLS TO BE TO THE FOLLOWING, UNLESS NOTED OTHERWISE PER PLAN NOTES THIS SHEET:
 - SSMA 125S350-137 @ 16" O.C. WITH:
 - R-13 BATT WALL INSULATION AT THE WALL CAVITY ONLY AT LOCATIONS BY OWNER,
 - 1/2" GYP. BRD. AT INTERIOR SIDE OF WALL, VERIFY W/ OWNER;
12. VERIFY LOCATION OF HOSE BIBS AND W.P. GFIC OUTDOOR ELEC. OUTLETS W/ OWNER.
13. SEE STRUCTURAL PLAN SHEETS FOR BRACED FRAME LOCATIONS AND REQUIREMENTS, AND FOR ATTACHMENT TO STRUCTURE.
14. ELECTRICAL CONTRACTOR TO VERIFY SCOPE OF WORK WITH OWNER ON RUNNING COAXIAL CABLE, LIGHT GAUGE CABLE, AND POWER TO PORTIONS OF EXISTING AND NEW BUILDING.

NOTE:
GLAZING IN DOORS AND WINDOWS SHALL MEET MIN. EGRESS OPENING SIZE., MIN. STRENGTH AND TEMPERED GLAZING REQ'MNTS., CONTRACTOR TO VERIFY W/ LOCAL JURISDICTION PRIOR TO ORDERING AND/OR FABRICATION.



BLS Green Steel Buildings
Peter Strauhul, CEO
AIA, LEED GA
PO BOX 3164
Salem, OR 97302
971-240-5309
www.blsgreenbuildings.com



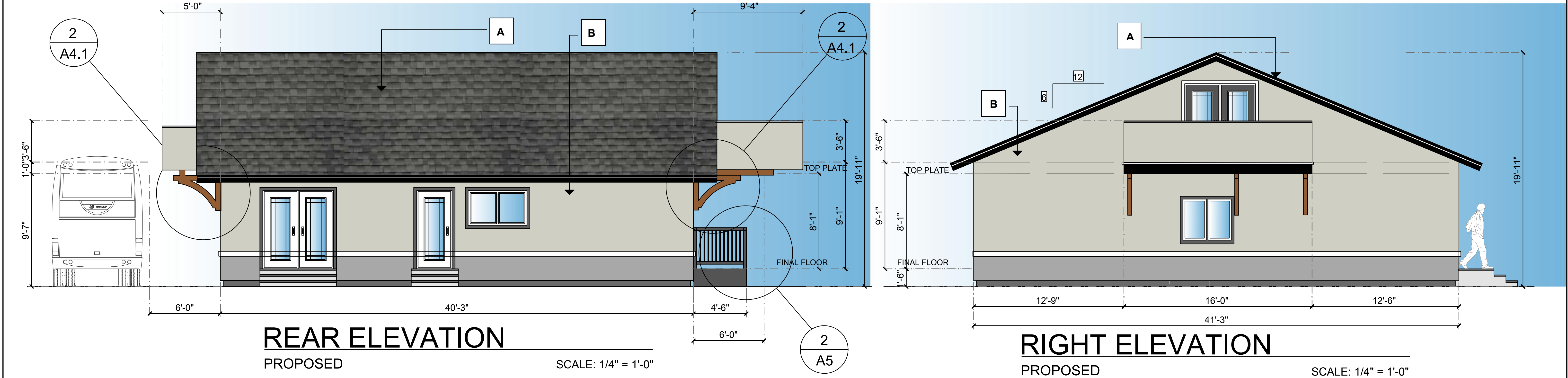
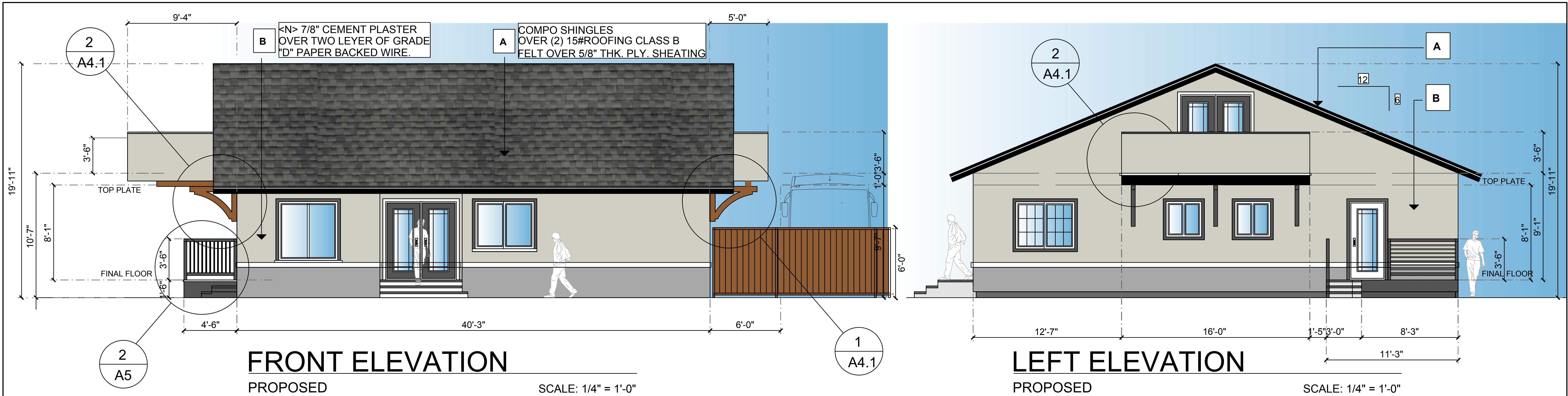
AN EXTERIOR RENOVATION
FOR DAN ROSA

PROJECT ADDRESS:
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Studio M of A - Laney LA Partnership
Architect, Anthony Laney
PO BOX 3164, SALEM, OR 97302
PH: 971-239-1519
CONTACT: PETER LYLE STRAUHAL, AIA

A3.0

FLOOR PLANS
PROJ.#: 22096
DATE: 12.22.23



COLOR SCHEDULE

BODY Texan Angel KM4597	TRIM 1 Yin Mist KM4897	ACENT Snow Globe HLS4304	FASCIA Black Cat KM4883	TRIM 2 Flint Rock KM4922
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<https://kellymooreshop.com/collections/popular-color-trends/products/copy-of-8-1-2-x-11-color-swatch-1>

	BLS Green Steel Buildings Peter Strauhal, CEO AIA, LEED GA PO BOX 3164 Salem, OR 97302 971-240-5309 www.blsgreenbuildings.com		AN EXTERIOR RENOVATION FOR DAN ROSA		A8.0
			PROJECT ADDRESS: 1251 PHEONIX AVE SEASIDE, CA	Studio M of A - Laney LA Partnership Architect, Anthony Laney PO BOX 3164, SALEM, OR 97302 PH: 971-239-1519 CONTACT: PETER LYLE STRAUHAL, AIA	

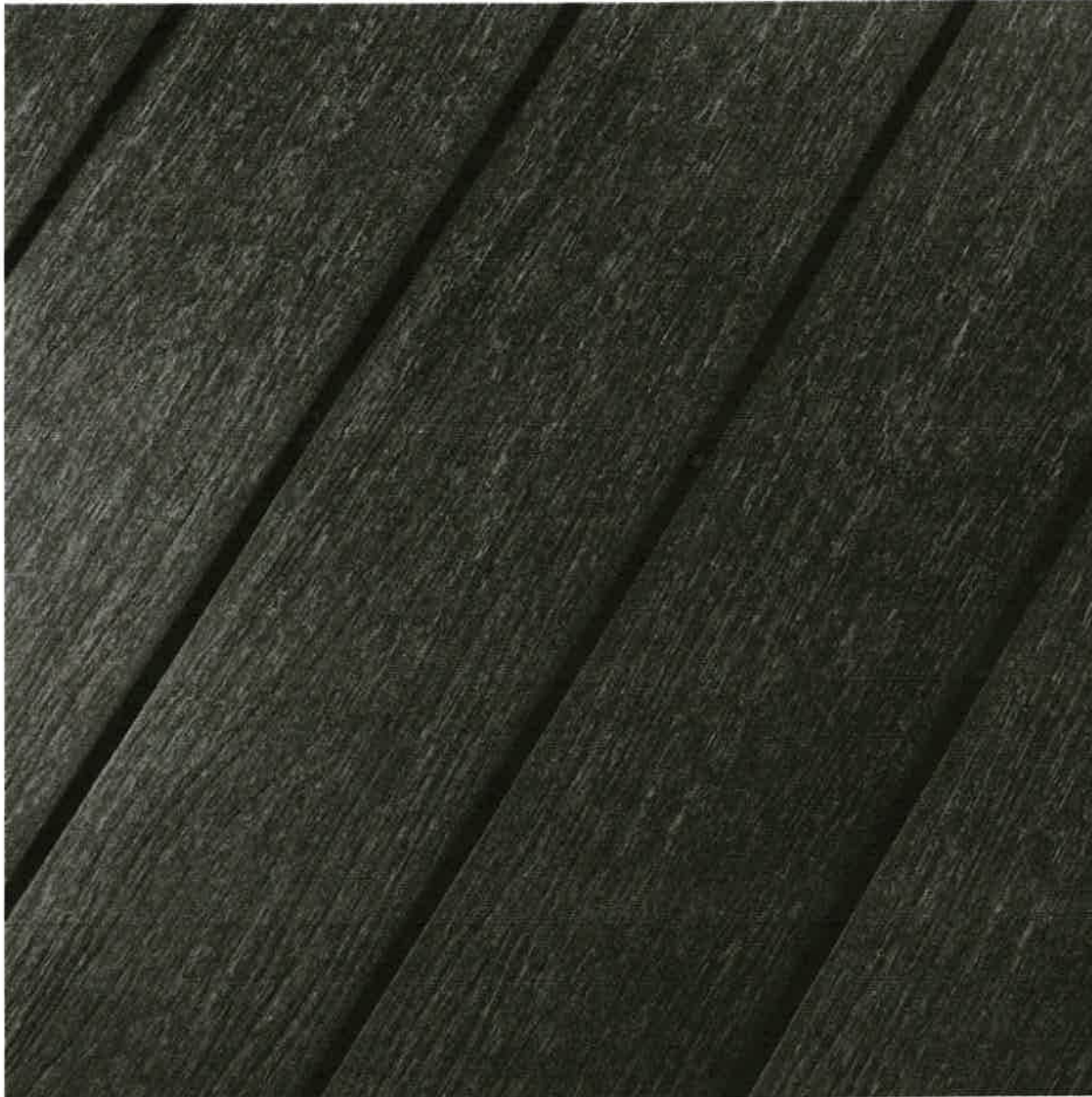
1251 PHOENIX AVE

EAST SIDE AND WEST SIDE
UTILITY BALCONIES

NewTechWood
Deck Railing
Material: Aluminum
Color: Black



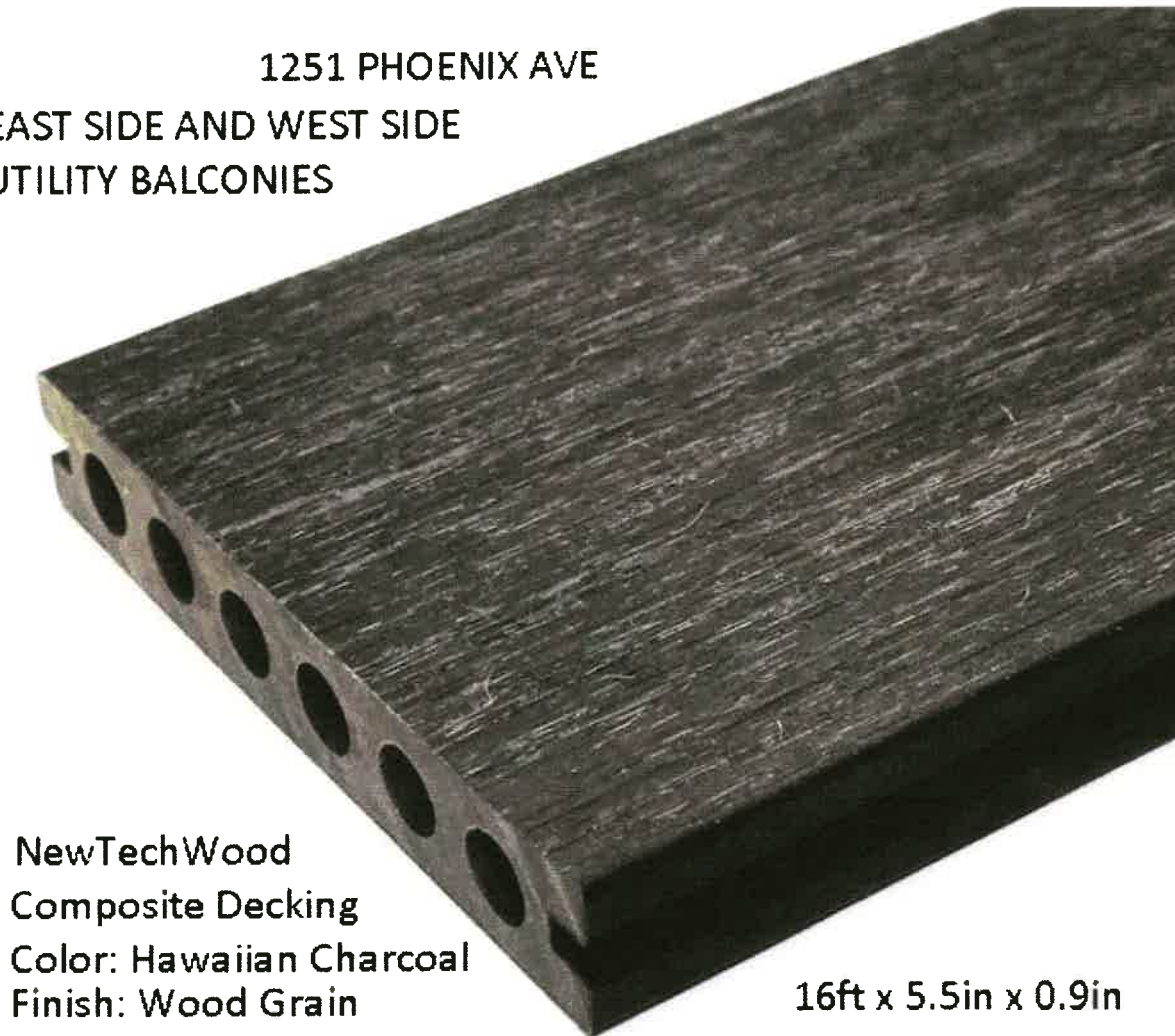
1251 PHOENIX AVE



EAST SIDE AND WEST SIDE
UTILITY BALCONIES

NewTechWood
Composite Decking
Color: Hawaiian Charcoal
16ft x 5.5in x 0.9in

1251 PHOENIX AVE
EAST SIDE AND WEST SIDE
UTILITY BALCONIES



NewTechWood
Composite Decking
Color: Hawaiian Charcoal
Finish: Wood Grain

16ft x 5.5in x 0.9in



TECHNICAL PRODUCT DATA SHEET

TECHNICAL DETAILS

WIDTH $\pm \frac{1}{8}$ "
13 $\frac{3}{4}$ " [337 mm]

LENGTH $\pm \frac{1}{4}$ "
38 $\frac{7}{8}$ " [0.99 m]

EXPOSURE
5 $\frac{5}{8}$ " [143 mm]

GRANULE ADHESION
0.35 g [typical results]

SHINGLES/SQUARE
66 [3 bundles/square]

SQUARES/PALLET
16

TEST COMPLIANCE

ASTM D7158 CLASS H

ASTM D3462 ASTM D3161 CLASS F

ASTM D3018 TYPE I

ASTM E108 CLASS A FIRE RATING

UL 2218 CLASS 3 CSA A123.5

ICC APPROVAL – ESR-3150

ICC-ES AC438

FBC APPROVAL – FL36890



See page 2 for solar reflectance technical data.

FEATURES & BENEFITS

- Sustainable NEX® asphalt technology
- Superior granular embedment and tear resistance
- Larger nailing area of The Zone®
- Double rain seal protection
- 3M™ Smog-Reducing Granules



¹ CRRC and California Energy Code Title 24, Part 6 only applies to Highlander® Golden Amber, Ivory Mist, Sienna Blend, and Silverwood shingles.

Effective 10/23
Supersedes all previously published data.

Check for most current version at
WWW.MALARKEYROOFING.COM

HIGHLANDER®

NEX® Polymer Modified Architectural Shingles

PRODUCT USE

241 Highlander® is a laminated asphalt shingle fortified with sustainable NEX® polymer modified asphalt technology for enhanced granule adhesion and increased weather protection. Highlander® features the exclusive nailing accuracy-enhancing design of The Zone®, a larger nailing area that dramatically improves correct fastener placement. Highlander® *Golden Amber*, *Ivory Mist*, *Sienna Blend*, and *Silverwood* shingles have measured radiative property values listed with the Cool Roof Rating Council, and can be used to comply with California Energy Code Title 24 Part 6 Cool Roof Requirements and Los Angeles County, California Title 31 Cool Roof Requirements. Please consult Malarkey's Technical Services Department for approval of roof systems.

COMPOSITION & MATERIALS

Highlander® is manufactured on a non-woven fiberglass mat and impregnated on both sides with NEX® polymer modified bitumen (asphalt) that is compounded with a fire-retardant mineral stabilizer. Its surface incorporates an innovative combination of ceramic granules that provide varied color, weatherability, even smog reduction; other granules increase energy efficiency by adding solar reflectivity.

APPLICATION

Shingles should be applied over a Malarkey underlayment or an approved, code-compliant substitute. Installation instructions, in three languages, are available on the shingle wrapper by scanning the corresponding Quick Response [QR] code, on our website at WWW.MALARKEYROOFING.COM, or by contacting your local Malarkey representative. Industry standards are found in NRCA manuals. Shingles should be attached to decking with approved fasteners, and Malarkey recommends the use of corrosion-resistant nails for this purpose. Staples are not allowed.

PRECAUTION

Highlander® should be protected from the weather and stored in a cool, dry, well-ventilated area until applied. Do not double-stack pallets. Do not use on roofs where pitch is less than 2:12 [2" [51 mm] per 12" [305 mm]]. For slopes 2:12 up to 4:12 [4" [102 mm] per 12" [305 mm]], a double layer of underlayment is required [IBC & IRC have an exception for a single layer of ASTM D1970 underlayment in lieu of a double layer]. Highlander® has a factory-applied self-sealing strip that activates in warm weather. When applied in cold weather or windy locations, hand-sealing is recommended but not required if sealant activates. On slopes greater than 21" [533 mm] per 12" [305 mm], hand-sealing underneath and six nails are required. Contact Malarkey for further conditions and instructions.

WARRANTY

Malarkey Roofing Products® offers various warranties to meet specific requirements. The warranty packages available for Highlander® include a Limited Lifetime Warranty, a 110 mph [177 kph] Limited Wind Warranty, and can be combined with other Malarkey products for a 130 mph [209 kph] Enhanced Wind Warranty. Contact your roofer, local distribution center, or Malarkey for full details. See below for TECHNICAL ASSISTANCE contact information.

Highlander® and other Malarkey products are available throughout North America and Pacific Rim countries.

Visit WWW.MALARKEYROOFING.COM for additional product information and availability.

Note: Malarkey Roofing Products® Inventory SKU number for this product: 241 Highlander®

TECHNICAL ASSISTANCE:
Malarkey has technical services assistance available.

Contact Malarkey for details:
Call weekdays 7:00 am to 5:00 pm Pacific Time at
800-545-1191 or 503-283-1191.

technicalinquiries@malarkeyroofing.com

CORPORATE OFFICE:
3131 N. Columbia Blvd. Portland, OR 97217-7472
P.O. Box 17217 Portland, OR 97217-0217

TELEPHONE:
503-283-1191 or 800-545-1191

FAX: 503-289-7644

PAGE 1 OF 2

HIGHLANDER[®]

NEX[®] Polymer Modified Architectural Shingles

SOLAR REFLECTANCE TECHNICAL DATA

Highlander[®] Golden Amber, Ivory Mist, Sienna Blend & Silverwood are listed with the Cool Roof Rating Council.

Highlander[®] Golden Amber, Ivory Mist, Sienna Blend & Silverwood have tested to these radiative property values:



Cool Roof Rating Council ratings are determined for a fixed set of conditions, and may not be appropriate for determining seasonal energy performance. The actual effect of solar reflectance and thermal emittance on building performance may vary.

Manufacturer of product stipulates that these ratings were determined in accordance with the applicable Cool Roof Rating Council procedures.

	HIGHLANDER [®] [GOLDEN AMBER]		HIGHLANDER [®] [IVORY MIST]		HIGHLANDER [®] [SIENNA BLEND]		HIGHLANDER [®] [SILVERWOOD]	
	INITIAL	WEATHERED	INITIAL	WEATHERED	INITIAL	WEATHERED	INITIAL	WEATHERED
SOLAR REFLECTANCE	0.21	0.21	0.25	0.24	0.21	0.20	0.21	0.21
THERMAL EMITTANCE	0.94	0.91	0.92	0.95	0.92	0.92	0.93	0.93
SOLAR REFLECTIVE INDEX (SRI)	22	21	26	26	21	20	21	21
Related Product ID Licensed Manufacturer ID: 0850 Classification: Production Line	0850-0024		0850-0055		0850-0025		0850-0065	

TECHNICAL ASSISTANCE:
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Contact Malarkey for details:
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FAX: 503-289-7644



CITY OF SEASIDE STAFF REPORT

Item No.: 5.B.

TO: Planning Commission

BY: Eric Azriel, Assistant Planner

DATE: March 13, 2024

SUBJECT: **USE PERMIT APPLICATION UP-24-03: XIANGCAI LI, APPLICANT, AND 704 BROADWAY LLC, PROPERTY OWNER, REQUEST APPROVAL TO OPERATE A THERAPEUTIC MASSAGE BUSINESS LOCATED AT 704 C BROADWAY AVENUE (APN 011-292-020) IN THE MIXED USE ZONING DISTRICT WITHIN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN AREA. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15301 OF THE CEQA GUIDELINES FOR PERMITTING A USE IN AN EXISTING STRUCTURE.**

PURPOSE & RECOMMENDATION

The purpose of this item is to consider Use Permit application UP-24-03 to operate a therapeutic massage business in accordance with Chapter 7 Section B.1.1 Table 7-1 of the development standards for the West Broadway Urban Village Specific Plan (WBUVSP).

A resolution has been prepared for the Commission's consideration that would approve Use Permit Application Number UP-24-03, subject to the conditions of approval in the Draft Resolution and project plans (See Attachment 1: Draft Resolution).

BACKGROUND

The multi-tenant commercial building was approved by BAR-06-04 and finalized on January 26, 2007. The Board of Architectural Review approved Master Sign Program SP-06-15 on February 21, 2007. The suite located at 704 C Broadway Avenue was previously occupied by a therapeutic massage business, permitted under the previous property owner and a different operator through Minor Use Permit MUP-18-02 on February 12, 2018. In 2019 a second operator took over the massage business and in

2020 the current owner purchased the property. The Minor Use Permit was subsequently revoked by the Planning Commission on December 13, 2023 for violations of the conditions of approval (see Attachment 2: MUP-18-02 Revocation Resolution). The current applicant was not involved in either previous iteration of the massage therapy business.

PROJECT DESCRIPTION

The proposed therapeutic massage business would be located within a 1,254 square foot tenant space with a main entrance that fronts onto Broadway Avenue (north side) and a rear exit/entry that fronts onto a rear parking lot (south side). The applicant proposes business operating hours from 9 AM to 9 PM, seven days a week (see Attachment 3: Operational statement). Two therapists certified by the California Massage Therapy Council, applicant Xiangcai Li (certificate #91910) and Aiyang Zhao (certificate #94688), would provide therapeutic massage services.

STAFF ANALYSIS

The project site is located on the south-east corner of the intersection of Broadway Avenue and Alhambra Street and is developed with a three-tenant commercial building. The rear of the site opens to a parking lot which then abuts a public alley (see Attachment 4: Location Map). The adjoining parcels are developed with one-story retail commercial buildings to the east, north, and west, and single family dwellings to the south.

Per WBUVSP Chapter 7 Section B.8, "Requirements for renovation, enlargements or use changes apply only to net new floor area and/or the incremental increase in parking demand." Therefore, with no increase in floor area, and no change in use or intensity of required parking, no changes to parking are required. Nevertheless, the existing site provides eight parking spaces at the rear of the site and two on-street parking spaces on Alhambra Street directly on the west side of the building. In accordance with Chapter 7 Section B.8.1.3 of the WBUVSP, on-street parking along the street frontages of projects may be counted towards any parking requirement. Therefore, a total of ten parking spaces are available for the site. Were the entire 3,858 square foot building newly developed today, only eight parking spaces would be required at the rate of one parking space per every 500 square-feet of development (WBUVSP Chapter 7 Section B.8.1.1).

ENVIRONMENTAL REVIEW AND FINDINGS

In accordance with Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA), projects consisting of an existing building with no expansion of use are categorically exempt from CEQA review provided that the area in which the project is located is not environmentally sensitive.

1. The project is categorically exempt from the California Environmental Quality Act per section 15301 of the CEQA guidelines for permitting a use in an existing structure.

Evidence: *The proposed project involves issuing a Use Permit to allow a therapeutic*

massage business within an existing 1,254 square-foot commercial tenant space. No improvements are proposed. The project site is located within an urbanized commercial area of the community where all public services and facilities are available and is located on an existing developed property that is not environmentally sensitive.

In accordance with Chapter 7 Section B.1.1 Table 7-1 of the West Broadway Urban Village Specific Plan Mixed Use Zoning District, the operation of a therapeutic massage business would be allowed with Use Permit approval. In accordance with Section 17.62.070.F of the Seaside Municipal Code, all the following findings must be made in order to approve the Use Permit.

2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: *Massage therapy use in the WBUVSP area can be permitted with a Use Permit. The previous use of the tenant space was also a massage therapy business; approving this Use Permit involves no change of use and no addition of floor area. Therefore, there is no requirement for any physical changes to the structure or parking. The proposed Conditions of Approval would ensure the use remains in the character of the pedestrian and appearance focused nature of the WBUVSP.*

3. The proposed use is consistent with the General Plan and any applicable specific plan.

Evidence: *The project site is designated as the WBUVSP area in the General Plan Land Use Element. The project would be consistent with the following General Plan and WBUV Goals and Policies:*

General Plan

Goal LU-2: Revitalize existing commercial areas.

Policy LU-2.1: Encourage consolidation of under-performing and under-utilized commercial properties.

Evidence: *The project would occupy an existing vacant commercial lease area on a primary street.*

Goal ED-5: Attract new regional and visitor serving businesses.

Policy ED-5.1: Attract and support commercial and employment generating development that is consistent with the General Plan and City Ordinances.

Evidence: *The proposed project will create additional employment opportunities and its hours of operation would provide opportunities for existing businesses to capitalize on the attraction of both local residents and visitors frequenting the WBUVSP area who may not have otherwise frequented the WBUVSP area.*

West Broadway Urban Village

Goal: Create a balance of community and visitor serving mix of uses in the West Broadway Urban Village.

Evidence: *The proposed therapeutic massage business will attract both local residents and regional visitors to a location that fronts on a primary street within the urban core*

of the City and diversify the mix of businesses envisioned for the MX zoning district of the WBUVSP.

Goal: Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village.

Evidence: The project would occupy an existing vacant commercial lease area on a primary street.

4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

***Evidence:** The project proposed is consistent with location, size and use of the existing and planned future uses of the mixed-use commercial area. The proposed therapeutic massage business will be compatible with the existing businesses surrounding the project site in that it will not detract from the character of the mix of land uses envisioned for the WBUVSP and would encourage a pedestrian-oriented atmosphere by occupying a storefront building on a primary street. The Use Permit process will enable the City to place conditions on the land use which would regulate how the therapeutic aspects of the business would take place to reduce the likelihood of illegal adult business activities and ensure that visual access into the storefront window would be maintained to blend with the retail character of the WBUVSP area.*

5. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

***Evidence:** The project site is developed with a commercial building containing adequate utilities and off and on-street parking.*

6. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare or materially injurious to persons, property or improvements in the vicinity and zone district in which the property is located.

***Evidence:** The Conditions of Approval have been written in consultation with the Police, Building, Fire, Public Works, and Code Enforcement divisions to mitigate the potential for detriment to the public interest, health, safety, and welfare of the vicinity and zone district.*

ATTACHMENTS

1. Attachment 1: Draft Resolution
 2. Exhibit A: Project Plans
 3. Attachment 2: MUP-18-02 Revocation Resolution
 4. Attachment 3: Operational Statement
 5. Attachment 4: Location Map
-

**PLANNING COMMISSION
RESOLUTION NO. 24-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT APPLICATION NUMBER UP-24-03 TO ALLOW FOR THE OPERATION OF A THERAPEUTIC MASSAGE BUSINESS LOCATED AT 704-C BROADWAY AVENUE (APN 011-292-020) IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN AREA.

WHEREAS, Xiangcai Li, applicant, and 704 Broadway LLC, property owner, have applied for a Use Permit to operate a therapeutic massage business located at 704-C Broadway Avenue; and

WHEREAS, the Use Permit has been reviewed in accordance with Section 17.62.070 of the Seaside Municipal Code; and

WHEREAS, the proposed project requires discretionary approval, and it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Planning Commission considered oral comments and written information concerning the proposed Use Permit at a duly noticed public hearing held on March 13th, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following finding:

1. The project is Categorically Exempt from the California Environmental Quality Act per section 15301 of the CEQA guidelines for permitting a use in an existing structure.

Evidence: The proposed project involves issuing a Use Permit to allow a therapeutic massage business within an existing 1,254 square-foot commercial tenant space. No improvements are proposed. The project site is located within an urbanized commercial area where all public services and facilities are available and is located on an existing developed property that is not environmentally sensitive.

BE IT FURTHER RESOLVED, that the Planning Commission adopts the following findings approving Use Permit Application No. UP-24-03:

2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: *Massage therapy use in the West Broadway Urban Village Specific Plan (WBUVSP) area can be permitted with a Use Permit. The previous use of the tenant space was also a massage therapy business; approving this Use Permit involves no change of use and no addition of floor area. Therefore, there is no requirement for any physical changes to the structure or parking. The proposed Conditions of Approval would ensure the use remains in the character of the pedestrian and appearance focused nature of the WBUVSP.*

3. The proposed use is consistent with the General Plan and any applicable specific plan:

Evidence: *The project site is designated as the WBUVSP area in the General Plan Land Use Element. The project would be consistent with the following General Plan and WBUVSP Goals and Policies:*

General Plan

Goal LU-2: Revitalize existing commercial areas.

Policy LU-2.1: Encourage consolidation of under-performing and under-utilized commercial properties.

Evidence: *The project would occupy an existing vacant commercial lease area on a primary street.*

Goal ED-5: Attract new regional and visitor serving businesses.

Policy ED-5.1: Attract and support commercial and employment generating development that is consistent with the General Plan and City Ordinances.

Evidence: *The proposed project will create additional employment opportunities and its hours of operation would provide opportunities for existing businesses to capitalize on the attraction of both local residents and visitors frequenting the WBUVSP area who may not have otherwise frequented the WBUVSP area.*

West Broadway Urban Village

Goal: Create a balance of community and visitor serving mix of uses in the West Broadway Urban Village.

Evidence: *The proposed therapeutic massage business will attract both local residents and regional visitors to a location that fronts on a primary street within the urban core of the City and diversify the mix of businesses envisioned for the MX zoning district of the WBUVSP.*

Goal: Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village.

Evidence: *The project would occupy an existing vacant commercial lease area on a primary street.*

4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

Evidence: The project proposed is consistent with location, size, and use of the existing and planned future uses of the mixed-use commercial area. The proposed therapeutic massage business will be compatible with the existing businesses surrounding the project site in that it will not detract from the character of the mix of land uses envisioned for the WBUVSP and would encourage a pedestrian-oriented atmosphere by occupying a storefront building on a primary street. The Use Permit process will enable the City to place conditions on the land use which would regulate how the therapeutic aspects of the business would take place to reduce the likelihood of illegal adult business activities and ensure that visual access into the storefront window would be maintained to blend with the retail character of the WBUVSP area.

5. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

Evidence: The project site is developed with a commercial building containing adequate utilities and off and on-street parking.

6. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare or materially injurious to persons, property or improvements in the vicinity and zone district in which the property is located.

Evidence: The Conditions of Approval have been written in consultation with the Police, Building, Fire, Public Works, and Code Enforcement divisions to mitigate the potential for detriment to the public interest, health, safety, and welfare of the vicinity and zone district.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. UP-24-03 subject to the following terms and agreements:

Project Specific

Planning:

1. The interior lighting in the front room/receiving/waiting area must be kept at a level that allows for clear, unobscured visibility of the interior of the establishment from the sidewalk/public right-of-way.
2. The storefront windows facing the front room/receiving/waiting area shall remain completely uncovered and unobscured. This includes but is not limited to: curtains, blinds, drapes, films or reflective surfaces, signage,

window tinting, or any other sort of covering (whether located inside or outside the building) which would obscure any view into any portion of the front room/receiving/waiting area of the business.

3. No window signs are permitted other than address numbers and operating hours.
4. Prior to installing a permanent sign, the applicant must receive Sign Permit approval from the Planning Division.
5. As used in these conditions of approval, the following terms shall have the following meanings:
 - a. "Compensation" means a payment, loan, advance, donation, contribution, deposit, or gift of money, or anything of value.
 - b. "Massage" means the scientific manipulation of the soft tissues.
 - c. "Massage establishment" or "establishment" means a fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.
 - d. "Massage practitioner" means a person who is certified by the California Massage Therapy Council pursuant to Section 4604.2 of the California Business and Professions Code (BPC) and who administers massage for compensation.
 - e. "Massage therapist" means a person who is certified by the California Massage Therapy Council under Section 4604 of the BPC.
6. The therapeutic massage business must operate in compliance with the following standards. Any violation of these standards shall be considered a violation of this Use Permit and grounds for revocation of the Use Permit.
 - a. Prior to commencing massage services at the establishment, each massage practitioner shall submit sufficient information to the Planning Department for the Zoning Administrator to verify that they hold a valid Certified Massage Therapist Certificate issued by the California Massage Therapy Council (CAMTC). Upon renewal of a practitioner's Certified Massage Therapist Certificate, each practitioner shall present the renewal to the Planning Department. It is the responsibility of the massage practitioner to keep their certification valid and to prove its validity to the City.
 - b. Any massage performed for compensation shall be performed by a certified Massage Practitioner.

- c. All employees and independent contractors engaged in conducting massage services at the premises must possess a valid and active Certified Massage Therapist Certificate issued by the CAMTC. Each massage practitioner must display his or her original certificate issued by the CAMTC while providing massage services for compensation.
 - d. All employees and independent contractors engaged in conducting massage services at the premises shall provide his or her full name and CAMTC certificate number upon the request of a member of the public, the council, or a member of law enforcement, or a local government agency charged with regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.
 - e. All massage practitioners must be at least 18 years of age.
- 7. It is a violation of this Use Permit for a business proprietor or a certificate holder conducting massage services under the authority of the business proprietor to commit any of the following acts, the commission of which is grounds for the Planning Commission to revoke the Use Permit:
 - a. Unprofessional conduct, including, but not limited to, any of the following:
 - 1. Engaging in sexually suggestive advertising related to massage services.
 - 2. Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation.
 - 3. Engaging in sexual activity while providing massage services for compensation.
 - 4. Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.
 - 5. Providing massage of the genitals or anal region.
 - 6. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.
 - b. Procuring or attempting to procure a Massage Practitioner certificate by fraud, misrepresentation, or mistake.

- c. Impersonating a Massage Practitioner certificate holder, or permitting or allowing a noncertified person to use a Massage certificate issued by the California Massage Therapy Council.
- d. Holding himself or herself out or to use the title of "certified massage therapist" or "certified massage practitioner," or any other term, such as "licensed," "certified," "CMT," or "CMP," in any manner whatsoever that implies or suggests that the person is certified as a massage therapist or massage practitioner, unless that person currently holds an active and valid massage practitioner certificate issued by the California Massage Therapy Council.
- e. Falsely stating or advertising or putting out any sign or card or other device, or falsely representing to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner.
- f. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a Massage certificate holder.
- g. Being convicted of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act, that is substantially related to the qualifications, functions, or duties of a certificate holder. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.
- h. Dressing while engaged in the practice of massage for compensation or while visible to clients in a massage establishment, in any of the following:
 - 1. Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
 - 2. Swim attire, if not providing a water-based massage modality approved by the California Massage Therapy Council.
 - 3. A manner that exposes the certificate holder's breasts, buttocks, or genitals.
 - 4. Attire displayed in a manner that constitutes a violation of Section 314 of the Penal Code.

5. A manner that is otherwise deemed by the California Massage Therapy Council to constitute unprofessional attire based on the custom and practice of the profession in California.
- i. Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.

Building:

8. Comply with all requirements of the California Building Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.

Fire Department:

9. Comply with all requirements of the California Fire Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.
10. A suitable number of 2A10BC fire extinguishers shall be placed throughout the building on each level approximately 75 linear feet apart with the appropriate signage to make them visible. The top of the fire extinguisher shall be no higher than 5 feet from the finished floor. The fire extinguishers are required to be serviced annually by a licensed fire extinguisher company.
11. Exit signs shall be placed above front and back doors.

Standard:

12. Except as modified by the conditions of approval, plans submitted for Building Permits must be in compliance with Exhibit A: Project Plans.
13. The applicant agrees as a condition and in consideration of the approval of this permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

14.The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).

15.This approval shall become null and void unless a Building Permit application is submitted or the Use Permit is otherwise exercised (Certificate of Occupancy applied for or the Use begun) within twelve (12) months of March 20, 2024. Time extensions may be granted by the original approval body if a written request and associated fee are received by the Community Development Department within 30 days prior to the expiration. This approval shall also become null and void if the implementing Building Permit application expires.

16.For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of March, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

Exhibits:

Exhibit A: Project Plans

**USE PERMIT APPLICATION No. UP-24-03
RESOLUTION No. 24-XX**

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

Applicant's Signature

Date

Property Owner's Signature

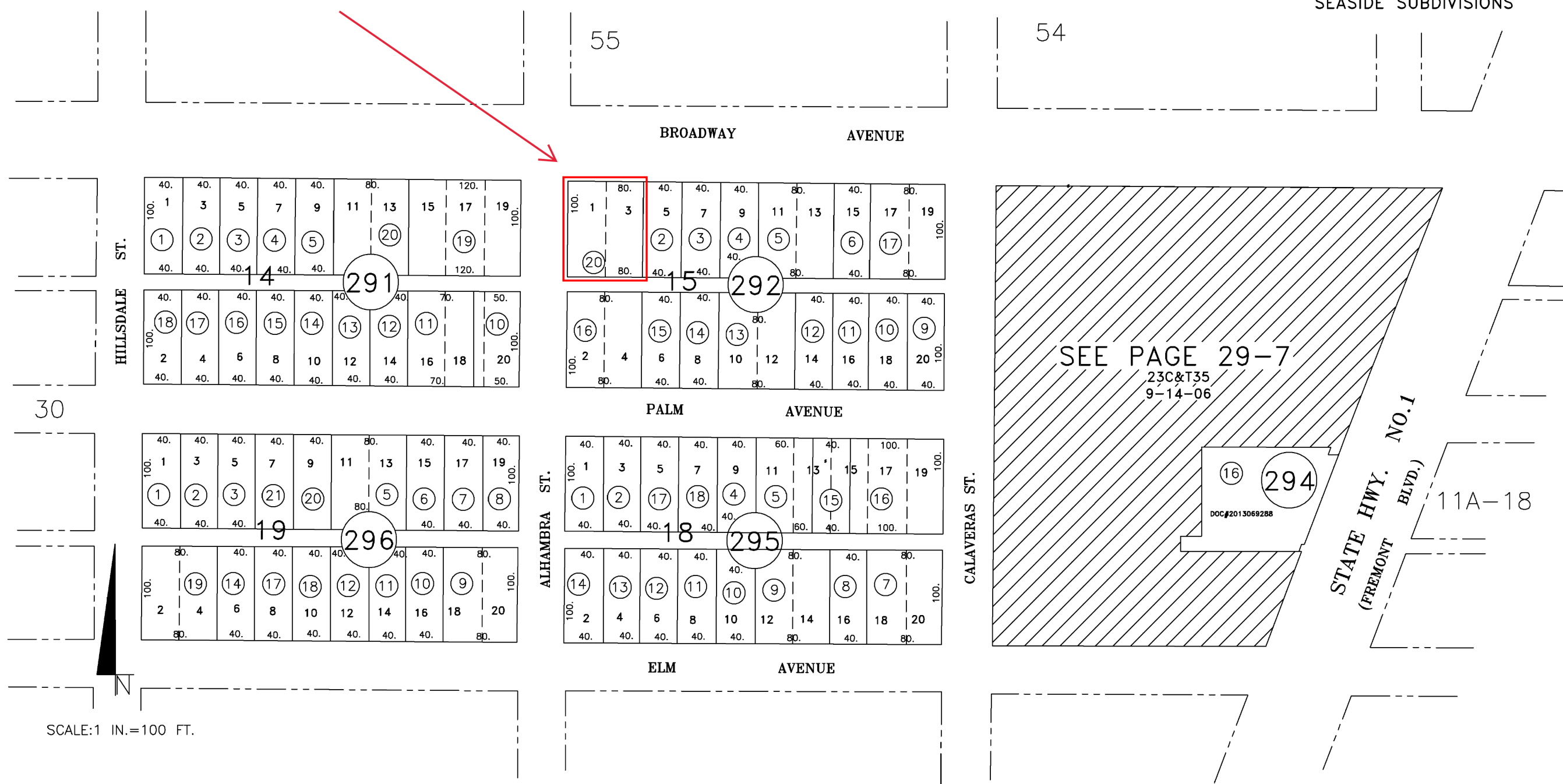
Date

“Unit C” As-Built - Broadway, Seaside

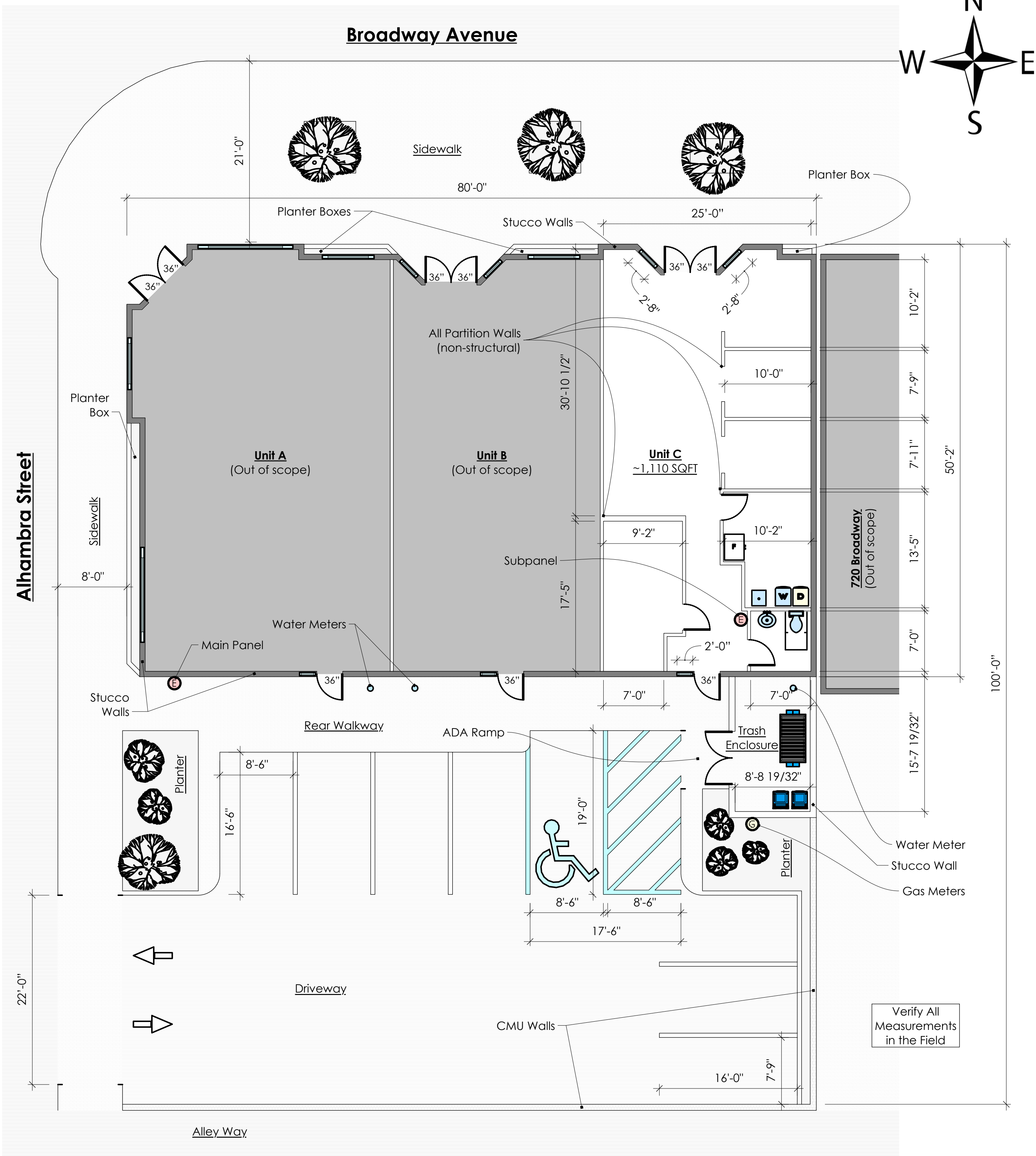
APN: 011-292-020-000

704 Broadway Avenue, Unit C, Seaside, CA 93955

Provided by:
PARCELOQUEST



Parcel Map
(NTS)



Existing Site & Floor Plan
Scale: 1/8" = 1'

“Unit C” As-Built - Broadway, Seaside

APN: 011-292-020-000

704 Broadway Avenue

Unit C

Seaside, CA 93955

Designer of Record:
Robert Burns
Icon Building & Development, Inc.



Icon Building & Development, Inc.

CSLB: 1016505 | (831) 920-6007

2560 Garden Road, Suite 205, Monterey, CA 93940

REVISIONS	MM/DD/YY	REMARKS
1	01/23/2024	As-Built completed -RB
2	01/25/2024	As-Built Plans Revised -RB
3	-	-
4	-	-
5	-	-

**PLANNING COMMISSION
RESOLUTION NO. 23-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SEASIDE REVOKING MINOR USE PERMIT MUP-18-02 FOR
THERAPEUTIC MASSAGE LOCATED AT 704-C BROADWAY AVENUE
(APN 011-292-020) DUE TO VIOLATIONS OF THE CONDITIONS OF
APPROVAL.**

WHEREAS, Minor Use Permit MUP-18-02 for Therapeutic Massage was approved by the Seaside Zoning Administrator on February 12, 2018; and

WHEREAS, MUP-18-02 includes several conditions of approval, including conditions prohibiting sexually suggestive advertising, engaging in sexual activity, and/or providing massage of the genitals or anal region, and provides that violations of these conditions is grounds for revocation of the permit; and

WHEREAS, an investigation by the Seaside Police Department has determined that the business operating at 704-C Broadway Avenue has violated all of the conditions referenced above; and

WHEREAS, the revocation of MUP-18-02 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(d) and 15270 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that the conditions of MUP-18-02 have not been complied with, and hereby revokes MUP-18-02 effective immediately.

PASSED AND ADOPTED at a meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of December 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

BUSINESS OPERATIONS – 704 “C” BROADWAY AVENUE

FILE # 0026261

1. Business Use: Massage Therapy
2. Operating Hours: 9am – 9pm, 7 days per week, with rotating breaks
3. Number of Employees: 2
4. Number of Cars: 1

Attachment 4: Location Map of 704 Broadway Avenue





**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.C.

TO: Planning Commission

BY: Eric Azriel, Assistant Planner

DATE: March 13, 2024

SUBJECT: USE PERMIT APPLICATION UP-24-01: DAN SONG, APPLICANT, AND RONALD K. LEE, PROPERTY OWNER, REQUEST APPROVAL TO OPERATE A THERAPEUTIC MASSAGE BUSINESS LOCATED AT 885 BROADWAY AVENUE (APN 011-545-001) IN THE MIXED USE ZONING DISTRICT WITHIN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN AREA. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15301 OF THE CEQA GUIDELINES FOR PERMITTING A USE IN AN EXISTING STRUCTURE WITH LIMITED INTERNAL RENOVATION AND NO EXPANSION OF FORMER USE.

PURPOSE & RECOMMENDATION

The purpose of this item is to consider Use Permit application UP-24-01 to operate a therapeutic massage business in accordance with Chapter 7 Section B.1.1 Table 7-1 of the development standards for the West Broadway Urban Village Specific Plan.

A resolution has been prepared for the Commission's consideration that would approve Use Permit Application Number UP-24-01, subject to the conditions of approval in the Draft Resolution and project plans (See Attachment 1: Draft Resolution).

BACKGROUND

The multi-tenant commercial building was built in 1962. The suite identified as 885 Broadway was previously occupied by a therapeutic massage business, permitted under the previous property owner and a different operator through Minor Use Permit MUP-15-01 on April 13, 2015. In 2017, the property was purchased by the current owner and a second operator took over the massage business in 2021; the Minor Use Permit was subsequently revoked by the Planning Commission on December 13, 2023 for

violations of the conditions of approval (see Attachment 2: MUP-15-01 Revocation Resolution). The current applicant was not involved in either previous iteration of the massage therapy business.

PROJECT DESCRIPTION

The therapeutic massage business would be located within a 2,198 square-foot tenant space with a main entrance that fronts onto Broadway Avenue (south side) and rear exit that fronts onto a public alley (north side). The applicant proposes operating hours from 9 AM to 9 PM (see Attachment 3 Operational Statement). Three therapists certified by the California Massage Therapy Council, applicant Dan Song (certificate #47933), Cuizhu Xiang (certificate #95646), and Tian Gao (certificate #92496) would provide therapeutic massage services.

STAFF ANALYSIS

The project site is located at the northwest corner of the intersection of Broadway Avenue and Santa Barbara Street on an 8,000 square-foot parcel in the West Broadway Urban Village Specific Plan (WBUVSP) area. The site is developed with a nominal 7,539 square-foot one-story commercial building comprised of five tenant spaces. Three tenant spaces front onto Broadway Avenue and two front onto Santa Barbara Street. The rear of the site backs up to a public alley (see Attachment 4: Location Map). Tenant space 885 Broadway fronts onto Broadway Avenue and has a door exiting to the rear alley. The adjoining parcels are developed with one-story retail commercial buildings to the north, south, and west; a vacant lot zoned mixed-use sits directly to the east at the corner of Broadway Avenue and Fremont Boulevard.

The existing floor plan of 885 Broadway has two exits to the alley (See Exhibit A: Existing Floor Plan). Upon expressions of concern regarding alley access from the City, the applicant revised their proposed floor plan to remove the internal door to the common corridor, thereby eliminating one possible entrance from the alley (See Exhibit B: Proposed Floor Plan). No other physical changes are proposed.

Per WBUVSP Chapter 7 Section B.8, "Requirements for renovation, enlargements or use changes apply only to net new floor area and/or the incremental increase in parking demand." Therefore, with no increase in floor area, and no change in use or intensity of required parking, no changes to parking are required. Nevertheless, two parking spaces exist along the Broadway Avenue frontage and four parking spaces exist along the Santa Barbara Street frontage. These spaces count towards any parking requirement per Chapter 7 Section B.8.1.3. Further, an off-street parking lot with 10 parking spaces and under the same ownership is located approximately 80 to 150 feet west of the site. Therefore, a total of 16 parking spaces are available for the site; were the entire 7,539 square-foot building newly developed today, only 15 parking spaces would be required at the rate of one parking space per every 500 square-feet of development (WBUVSP Chapter 7 Section B.8.1.1).

ENVIRONMENTAL REVIEW AND FINDINGS

In accordance with Section 15301(a) (Existing Facilities) of the California Environmental Quality Act (CEQA), interior or exterior alterations to existing structures are categorically exempt from CEQA review provided that the project involves negligible or no expansion of the existing use and the area in which the project is located is not environmentally sensitive.

1. The project is categorically exempt from the California Environmental Quality Act per Section 15301 of the CEQA Guidelines for permitting a use in an existing structure with limited internal renovation and no expansion of the former use.

Evidence: *The proposed project involves issuing a Use Permit to allow a therapeutic massage business within an existing 2,198 square-foot commercial tenant space. Proposed improvements consist of replacing the door in the common corridor with a wall. The project site is located within an urbanized commercial area where all public services and facilities are available and is located on an existing developed property that is not environmentally sensitive.*

In accordance with Chapter 7 Section B.1.1 Table 7-1 of the West Broadway Urban Village Specific Plan (WBUVSP) Mixed Use Zoning District, the operation of a therapeutic massage business is allowed with Use Permit approval. In accordance with Section 17.62.070.F of the Seaside Municipal Code, all the following findings must be made in order to approve the Use Permit:

2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: *Massage therapy use in the West Broadway Urban Village Specific Plan (WBUVSP) area can be permitted with a Use Permit. The previous use of the tenant space was also a massage therapy business; approving this Use Permit involves no change of use and no addition of floor area. Therefore, there is no requirement for any physical changes to the structure or parking. The proposed Conditions of Approval would ensure the use remains in the character of the pedestrian and appearance focused nature of the WBUVSP.*

3. The proposed use is consistent with the General Plan and any applicable specific plan.

Evidence: *The project site is designated as the WBUVSP area in the General Plan Land Use Element. The project would be consistent with the following General Plan and WBUVSP Goals and Policies:*

General Plan

Goal LU-2: *Revitalize existing commercial areas.*

Policy LU-2.1: *Encourage consolidation of under-performing and under-utilized commercial properties.*

Evidence: *The project would occupy an existing vacant commercial lease area on a primary street.*

Goal ED-5: *Attract new regional and visitor serving businesses.*

Policy ED-5.1: Attract and support commercial and employment generating development that is consistent with the General Plan and City Ordinances.

Evidence: The proposed project will create additional employment opportunities and its hours of operation would provide opportunities for existing businesses to capitalize on the attraction of both local residents and visitors frequenting the WBUVSP area who may not have otherwise frequented the WBUVSP area.

West Broadway Urban Village

Goal: Create a balance of community and visitor serving mix of uses in the West Broadway Urban Village.

Evidence: The proposed therapeutic massage business will attract both local residents and regional visitors to a location that fronts on a primary street within the urban core of the City and diversify the mix of businesses envisioned for the MX zoning district of the WBUVSP.

Goal: Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village.

Evidence: The project would occupy an existing vacant commercial lease area on a primary street.

4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

***Evidence:** The project proposed is consistent with location, size, and use of the existing and planned future uses of the mixed-use commercial area. The proposed therapeutic massage business will be compatible with the existing businesses surrounding the project site in that it will not detract from the character of mix of land uses envisioned for the WBUVSP and would encourage a pedestrian-oriented atmosphere by occupying a storefront building on a primary street. The Use Permit process will enable the City to place conditions on the land use which would regulate how the therapeutic aspects of the business would take place to reduce the likelihood of illegal adult business activities and ensure that visual access into the storefront window would be maintained to blend with the retail character of the WBUVSP area.*

5. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

***Evidence:** The project site is developed with a commercial building containing adequate utilities and off and on-street parking.*

6. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare or materially injurious to persons, property or improvements in the vicinity and zone district in which the property is located.

***Evidence:** The Conditions of Approval have been written in consultation with the Police, Building, Fire, Public Works, and Code Enforcement divisions to mitigate the potential for detriment to the public interest, health, safety, and welfare of the vicinity*

and zone district.

ATTACHMENTS

1. Attachment 1: Draft Resolution
 2. Exhibit A: Existing Floor Plan
 3. Exhibit B: Proposed Floor Plan
 4. Attachment 2: MUP-15-01 Revocation Resolution
 5. Attachment 3: Operational Statement
 6. Attachment 4: Location Map
-

**PLANNING COMMISSION
RESOLUTION NO. 24-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT APPLICATION NUMBER UP-24-01 TO ALLOW FOR THE OPERATION OF A THERAPEUTIC MASSAGE BUSINESS LOCATED AT 885 BROADWAY AVENUE (APN 011-545-001) IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN AREA.

WHEREAS, Dan Song, applicant, and Ronald K. Lee, property owner, have applied for a Use Permit to operate a therapeutic massage business located at 885 Broadway Avenue; and

WHEREAS, the Use Permit has been reviewed in accordance with Section 17.62.070 of the Seaside Municipal Code; and

WHEREAS, the proposed project requires discretionary approval, and it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Planning Commission considered oral comments and written information concerning the proposed Use Permit at a duly noticed public hearing held on March 13th, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following finding:

1. The project is Categorically Exempt from the California Environmental Quality Act per section 15301 of the CEQA guidelines for permitting a use in an existing structure with limited internal renovation and no expansion of the former use.

Evidence: The proposed project involves issuing a Use Permit to allow a therapeutic massage business within an existing 2,198 square-foot commercial tenant space. Proposed improvements consist of replacing the door in the common corridor with a wall. The project site is located within an urbanized commercial area where all public services and facilities are available and is located on an existing developed property that is not environmentally sensitive.

BE IT FURTHER RESOLVED, that the Planning Commission adopts the following findings approving Use Permit Application No. UP-24-01:

2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: *Massage therapy use in the West Broadway Urban Village Specific Plan (WBUVSP) area can be permitted with a Use Permit. The previous use of the tenant space was also a massage therapy business; approving this Use Permit involves no change of use and no addition of floor area. Therefore, there is no requirement for any physical changes to the structure or parking. The proposed Conditions of Approval would ensure the use remains in the character of the pedestrian and appearance focused nature of the WBUVSP.*

3. The proposed use is consistent with the General Plan and any applicable specific plan:

Evidence: *The project site is designated as the WBUVSP area in the General Plan Land Use Element. The project would be consistent with the following General Plan and WBUVSP Goals and Policies:*

General Plan

Goal LU-2: Revitalize existing commercial areas.

Policy LU-2.1: Encourage consolidation of under-performing and under-utilized commercial properties.

Evidence: *The project would occupy an existing vacant commercial lease area on a primary street.*

Goal ED-5: Attract new regional and visitor serving businesses.

Policy ED-5.1: Attract and support commercial and employment generating development that is consistent with the General Plan and City Ordinances.

Evidence: *The proposed project will create additional employment opportunities and its hours of operation would provide opportunities for existing businesses to capitalize on the attraction of both local residents and visitors frequenting the WBUVSP area who may not have otherwise frequented the WBUVSP area.*

West Broadway Urban Village

Goal: Create a balance of community and visitor serving mix of uses in the West Broadway Urban Village.

Evidence: *The proposed therapeutic massage business will attract both local residents and regional visitors to a location that fronts on a primary street within the urban core of the City and diversify the mix of businesses envisioned for the MX zoning district of the WBUVSP.*

Goal: Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village.

Evidence: *The project would occupy an existing vacant commercial lease area on a primary street.*

4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

Evidence: The project proposed is consistent with location, size, and use of the existing and planned future uses of the mixed use commercial area. The proposed therapeutic massage business will be compatible with the existing businesses surrounding the project site in that it will not detract from the character of mix of land uses envisioned for the WBUVSP and would encourage a pedestrian-oriented atmosphere by occupying a storefront building on a primary street. The Use Permit process will enable the City to place conditions on the land use which would regulate how the therapeutic aspects of the business would take place to reduce the likelihood of illegal adult business activities and ensure that visual access into the storefront window would be maintained to blend with the retail character of the WBUVSP area.

5. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

Evidence: The project site is developed with a commercial building containing adequate utilities and off and on-street parking.

6. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare or materially injurious to persons, property or improvements in the vicinity and zone district in which the property is located.

Evidence: The Conditions of Approval have been written in consultation with the Police, Building, Fire, Public Works, and Code Enforcement divisions to mitigate the potential for detriment to the public interest, health, safety, and welfare of the vicinity and zone district.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. UP-24-01 subject to the following terms and agreements:

Project Specific

Planning:

1. The doorway from the alley shall remain closed and locked to customer entry; only employees shall have keys and/or be permitted entrance via the alley.
2. The interior lighting in the front room/receiving/waiting area must be kept at a level that allows for clear, unobscured visibility of the interior of the establishment from the sidewalk/public right-of-way.

3. The storefront windows facing the front room/receiving/waiting area shall remain completely uncovered and unobscured. This includes but is not limited to: curtains, blinds, drapes, films or reflective surfaces, signage, window tinting, or any other sort of covering (whether located inside or outside the building) which would obscure any view into any portion of the front room/receiving/waiting area of the business.
4. No window signs are permitted other than address numbers and operating hours.
5. Prior to installing a permanent sign, the applicant must receive Sign Permit approval from the Planning Division.
6. As used in these conditions of approval, the following terms shall have the following meanings:
 - a. "Compensation" means a payment, loan, advance, donation, contribution, deposit, or gift of money, or anything of value.
 - b. "Massage" means the scientific manipulation of the soft tissues.
 - c. "Massage establishment" or "establishment" means a fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.
 - d. "Massage practitioner" means a person who is certified by the California Massage Therapy Council pursuant to Section 4604.2 of the California Business and Professions Code (BPC) and who administers massage for compensation.
 - e. "Massage therapist" means a person who is certified by the California Massage Therapy Council under Section 4604 of the BPC.
7. The therapeutic massage business must operate in compliance with the following standards. Any violation of these standards shall be considered a violation of this Use Permit and grounds for revocation of the Use Permit.
 - a. Prior to commencing massage services at the establishment, each massage practitioner shall submit sufficient information to the Planning Department for the Zoning Administrator to verify that they hold a valid Certified Massage Therapist Certificate issued by the California Massage Therapy Council (CAMTC). Upon renewal of a practitioner's Certified Massage Therapist Certificate, each practitioner shall present the renewal to the Planning Department. It is the responsibility of the massage practitioner to keep their certification valid and to prove its validity to the City.

- b. Any massage performed for compensation shall be performed by a certified Massage Practitioner.
 - c. All employees and independent contractors engaged in conducting massage services at the premises must possess a valid and active Certified Massage Therapist Certificate issued by the CAMTC. Each massage practitioner must display his or her original certificate issued by the CAMTC while providing massage services for compensation.
 - d. All employees and independent contractors engaged in conducting massage services at the premises shall provide his or her full name and CAMTC certificate number upon the request of a member of the public, the council, or a member of law enforcement, or a local government agency charged with regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.
 - e. All massage practitioners must be at least 18 years of age.
8. It is a violation of this Use Permit for a business proprietor or a certificate holder conducting massage services under the authority of the business proprietor to commit any of the following acts, the commission of which is grounds for the Planning Commission to revoke the Use Permit:
- a. Unprofessional conduct, including, but not limited to, any of the following:
 - 1. Engaging in sexually suggestive advertising related to massage services.
 - 2. Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation.
 - 3. Engaging in sexual activity while providing massage services for compensation.
 - 4. Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.
 - 5. Providing massage of the genitals or anal region.
 - 6. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.

- b. Procuring or attempting to procure a Massage Practitioner certificate by fraud, misrepresentation, or mistake.
- c. Impersonating a Massage Practitioner certificate holder, or permitting or allowing a noncertified person to use a Massage certificate issued by the California Massage Therapy Council.
- d. Holding himself or herself out or to use the title of "certified massage therapist" or "certified massage practitioner," or any other term, such as "licensed," "certified," "CMT," or "CMP," in any manner whatsoever that implies or suggests that the person is certified as a massage therapist or massage practitioner, unless that person currently holds an active and valid massage practitioner certificate issued by the California Massage Therapy Council.
- e. Falsely stating or advertising or putting out any sign or card or other device, or falsely representing to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner.
- f. Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a Massage certificate holder.
- g. Being convicted of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act, that is substantially related to the qualifications, functions, or duties of a certificate holder. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.
- h. Dressing while engaged in the practice of massage for compensation or while visible to clients in a massage establishment, in any of the following:
 - 1. Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
 - 2. Swim attire, if not providing a water-based massage modality approved by the California Massage Therapy Council.
 - 3. A manner that exposes the certificate holder's breasts, buttocks, or genitals.

4. Attire displayed in a manner that constitutes a violation of Section 314 of the Penal Code.
5. A manner that is otherwise deemed by the California Massage Therapy Council to constitute unprofessional attire based on the custom and practice of the profession in California.
- i. Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.

Building:

9. Comply with all requirements of the California Building Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.

Fire Department:

10. Comply with all requirements of the California Fire Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.
11. A suitable number of 2A10BC fire extinguishers shall be placed throughout the building on each level approximately 75 linear feet apart with the appropriate signage to make them visible. The top of the fire extinguisher shall be no higher than 5 feet from the finished floor. The fire extinguishers are required to be serviced annually by a licensed fire extinguisher company.
12. Exit signs shall be placed above front and back doors.

Standard:

13. Except as modified by the conditions of approval, plans submitted for Building Permits must be in compliance with Exhibit B: Proposed Floor Plan.
14. The applicant agrees as a condition and in consideration of the approval of this permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall

promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

15. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
16. This approval shall become null and void unless a Building Permit application is submitted or the Use Permit is otherwise exercised (Certificate of Occupancy applied for or the Use begun) within twelve (12) months of March 20, 2024. Time extensions may be granted by the original approval body if a written request and associated fee are received by the Community Development Department within 30 days prior to the expiration. This approval shall also become null and void if the implementing Building Permit application expires.
17. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of March, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

Exhibits:

Exhibit A: Existing Floor Plan
Exhibit B: Proposed Floor Plan

**USE PERMIT APPLICATION No. UP-24-01
RESOLUTION No. 24-XX**

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

Applicant's Signature

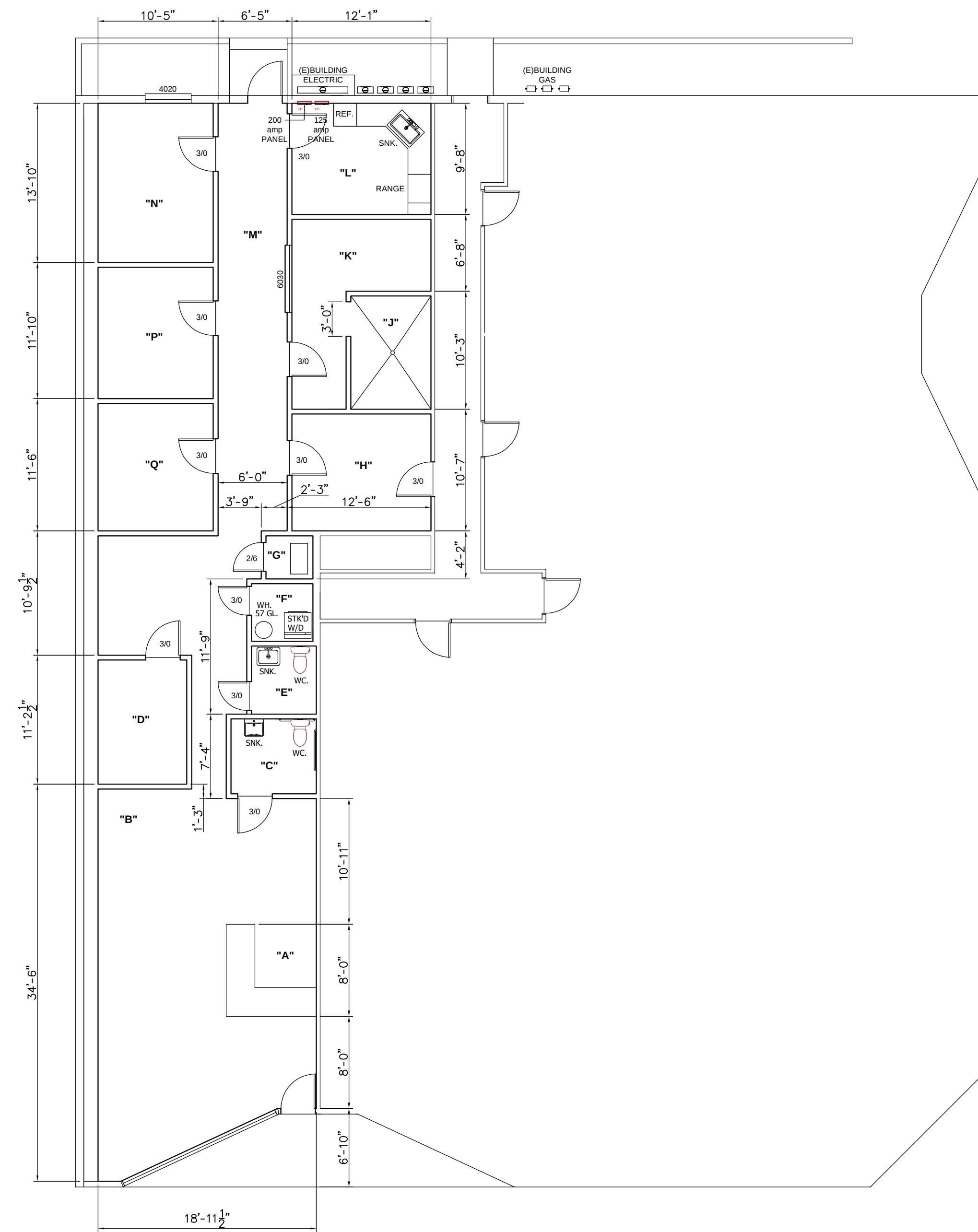
Date

Property Owner's Signature

Date

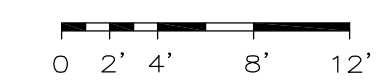
LEGEND

- | | |
|-----|------------------------|
| "A" | RECEPTION |
| "B" | FOOT MESSAGE |
| "C" | ACCESSIBLE
RESTROOM |
| "D" | WAITING
ROOM |
| "E" | PRIVATE
RESTROOM |
| "F" | LAUNDRY
ROOM |
| "G" | FURNACE
ROOM |
| "H" | OFFICE |
| "J" | SHOWER |
| "K" | DRY SAUNA |
| "L" | BREAK ROOM |
| "M" | HALL |
| "N" | STORAGE ROOM |
| "P" | THERAPY ROOM (A) |
| "Q" | THERAPY ROOM (B) |



FLOOR PLAN

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



*MANDURRAGO
&
ASSOCIATES*



P.O. BOX 1504 CARMEL, CA. 93921
PHONE: 831 595-0709
EMAIL: CHARLES@MANDURRAGO.NET

DRAWN BY: MANDURRAGO

DRAWING DATE: 2-13-24

REVISIONS:



PROJECT:

885 BROADWAY
AS-BUILT'S

885 BROADWAY AVE.
SEASIDE, CA. 93955
APN: ---

OWNER:

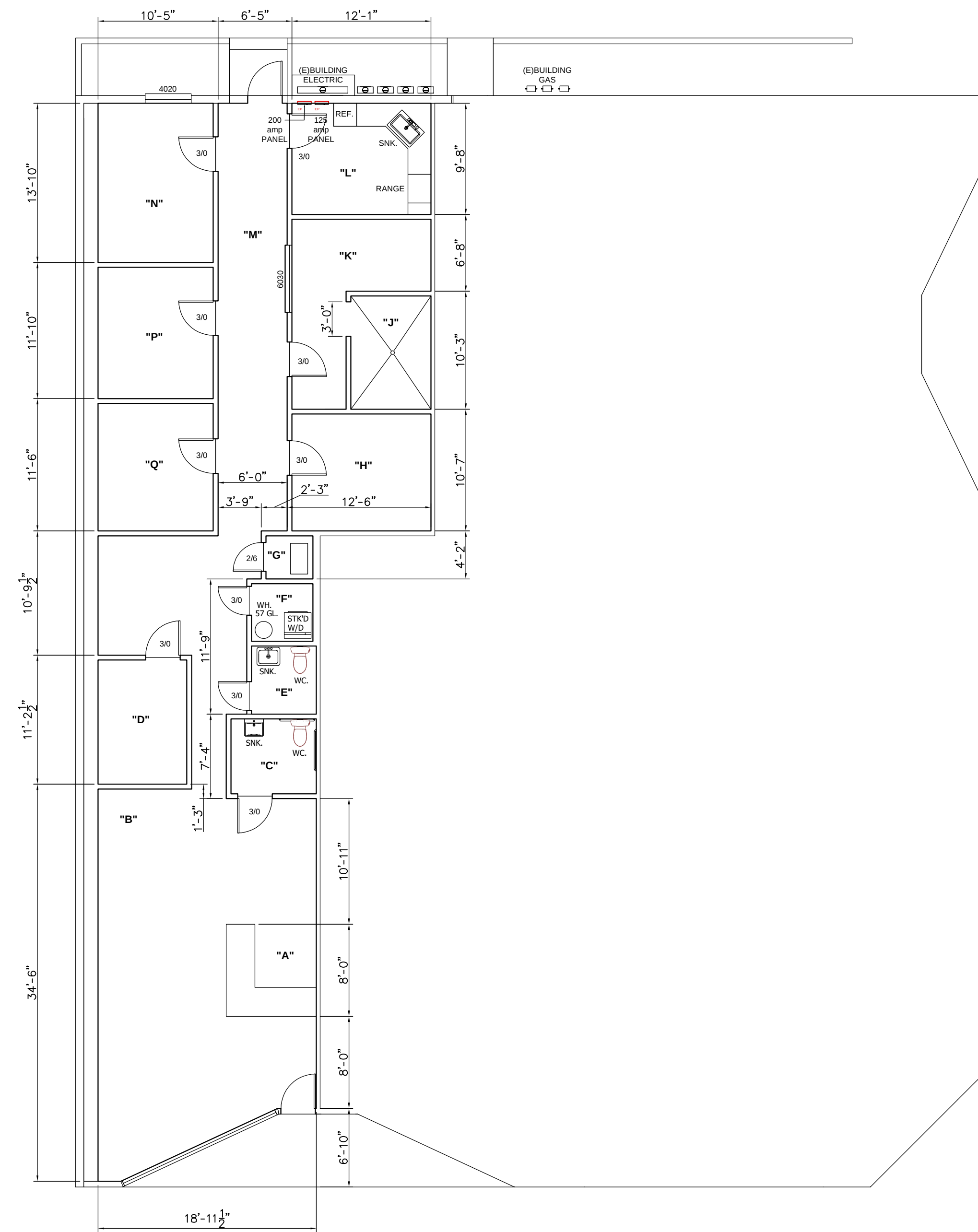
RON LEE
1506 MIRA MONTE
SEASIDE, CA. 93955

SHEET NUMBER:

A2.0

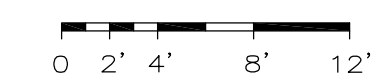
LEGEND

- | | |
|-----|------------------------|
| "A" | RECEPTION |
| "B" | FOOT MESSAGE |
| "C" | ACCESSIBLE
RESTROOM |
| "D" | WAITING
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ROOM |
| "G" | FURNACE
ROOM |
| "H" | OFFICE |
| "J" | SHOWER |
| "K" | DRY SAUNA |
| "L" | BREAK ROOM |
| "M" | HALL |
| "N" | STORAGE ROOM |
| "P" | THERAPY ROOM (A) |
| "Q" | THERAPY ROOM (B) |



FLOOR PLAN

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



MANDURRAGO
&
ASSOCIATES

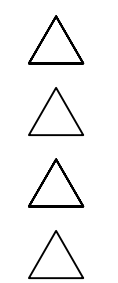


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PROJECT:

885 BROADWAY
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885 BROADWAY AVE.
SEASIDE, CA. 93955
APN: ---

OWNER:

RON LEE
1506 MIRA MONTE
SEASIDE, CA. 93955

SHEET NUMBER:

A2.0

**PLANNING COMMISSION
RESOLUTION NO. 23-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SEASIDE REVOKING MINOR USE PERMIT MUP-15-01 FOR
THERAPEUTIC MASSAGE LOCATED AT 885 BROADWAY AVENUE
(APN 011-545-001) DUE TO VIOLATIONS OF THE CONDITIONS OF
APPROVAL.**

WHEREAS, Minor Use Permit MUP-15-01 for Therapeutic Massage was approved by the Seaside Zoning Administrator on April 13, 2015; and

WHEREAS, MUP-15-01 includes several conditions of approval, including conditions prohibiting sexually suggestive advertising, engaging in sexual activity, and/or providing massage of the genitals or anal region, and provides that violations of these conditions is grounds for revocation of the permit; and

WHEREAS, an investigation by the Seaside Police Department has determined that the business operating at 885 Broadway Avenue has violated all of the conditions referenced above; and

WHEREAS, the revocation of MUP-15-01 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(d) and 15270 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that the conditions of MUP-15-01 have not been complied with, and hereby revokes MUP-15-01 effective immediately.

PASSED AND ADOPTED at a meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of December 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

Planned Operation of New Business

Business type: Therapeutic Massage

Massage types: Full body massage, Foot massage, Shoulder massage

Layout: 3 separate rooms for full body massage; 1 separate room for 2 foot massage chairs; 1 massage armchair in the front room for shoulder massage.

Operation hour: 9am to 9pm

Manager: Dan Song

Therapists: Dan Song, Cuizhu Xiang, Tian Gao

Attachment 4: Location Map of 885 Broadway Avenue

