



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, January 27, 2016
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

John Owens	Chair
Michael Lechman	Vice Chair
Keith Dodson	Commissioner
Margaret Leighton	Commissioner
Arlington LaMica	Commissioner
Denise Ross	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**

5. **APPROVAL OF MINUTES**

6. **BUSINESS ITEMS**

- A. **USE PERMIT APPLICATION NO. UP-15-08. CONGDON FAMILY TRUST (PROPERTY OWNER) AND LILY YANG (APPLICANT), ARE REQUESTING APPROVAL OF A USE PERMIT TO ALLOW FOR MODIFICATIONS TO THE INTERIOR OF AN EXISTING THERAPEUTIC MASSAGE BUSINESS LOCATED WITHIN THE PACIFIC HEIGHTS SHOPPING CENTER AT 1173-A FREMONT BOULEVARD, LOCATED IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.**

PURPOSE:

The applicant is requesting use permit approval to modify the interior floor plan of an existing therapeutic massage business to add an additional massage table to increase the massage tables from two to three and to create three private rooms for the three massage

tables within a 1,200 square-foot tenant space located in the Pacific Heights Shopping Center. In accordance with Table 2-4, allowed land uses and use permit requirements for Commercial Zones, therapeutic massages services are permitted in the CC zoning district subject to receiving use permit approval from the Planning Commission.

RECOMMENDATION:

City staff recommends that the Planning Commission approve this use permit application based on the findings and subject to the conditions of approval and project floor plan in Attachment 1.

7. **REPORTS FROM COMMISSIONERS**

8. **REPORTS FROM STAFF**

9. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
Wednesday, February 10, 2016
Seaside City Hall
7:00 PM

The City of Seaside is an ADA accessible facility and is committed to include the disabled in all of its services, programs and activities. Any person who requires accommodation to be able to participate in this meeting is asked to contact the office of the City Clerk at 899-6707, no fewer than two business days prior to the meeting to allow for reasonable arrangements.

The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are also available.

Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Meetings are also available through live streaming at: <http://cvp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300> Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

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.: 6.A.

TO: Planning Commission

BY: Diana Ingersoll, Deputy City Manager Resource Management Services
Rick Medina, Senior Planner

DATE: January 27, 2016

SUBJECT: **USE PERMIT APPLICATION NO. UP-15-08. CONGDON FAMILY TRUST (PROPERTY OWNER) AND LILY YANG (APPLICANT), ARE REQUESTING APPROVAL OF A USE PERMIT TO ALLOW FOR MODIFICATIONS TO THE INTERIOR OF AN EXISTING THERAPEUTIC MASSAGE BUSINESS LOCATED WITHIN THE PACIFIC HEIGHTS SHOPPING CENTER AT 1173-A FREMONT BOULEVARD, LOCATED IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.**

PURPOSE

The applicant is requesting use permit approval to modify the interior floor plan of an existing therapeutic massage business to add an additional massage table to increase the massage tables from two to three and to create three private rooms for the three massage tables within a 1,200 square-foot tenant space located in the Pacific Heights Shopping Center. In accordance with Table 2-4, allowed land uses and use permit requirements for Commercial Zones, therapeutic massages services are permitted in the CC zoning district subject to receiving use permit approval from the Planning Commission.

RECOMMENDATION

City staff recommends that the Planning Commission approve this use permit application based on the findings and subject to the conditions of approval and project floor plan in Attachment 1.

BACKGROUND

In accordance with Use Permit No UP-10-07 that was granted by the Planning Commission on January 12, 2011, the project tenant space has been authorized as therapeutic foot and body massage business within the Pacific Heights Plaza Shopping Center. The conditions of approval for UP-10-07 are provided as Attachment 4.

The current business owner, Lily Yang, acquired the business in January of 2015. Provided as

Attachment 5, is a letter from the applicant describing her background as a certified cosmetologist and massage therapist for over 10 years and her request to upgrade the existing business décor. As stated, Ms. Yang owns three foot and body massage businesses in the City of Monterey. Whereas the original use permit was issued for 12 foot massage sofas, the business owner has reduced the number of foot massage sofas to six with the full body and back massage consisting of two standard massage tables at the rear of the tenant space per the original approval.

SITE LOCATION AND DESCRIPTION

The project is located at Pacific Heights Plaza, a 14,403 square-foot shopping center on a 1.1 acre site that was constructed in 1988. The center contains 11 tenant spaces in two main structures, with suites ranging in size from 1,071 to 1,650 square feet. A total of 61 common parking spaces are provided in both front and to the side of the plaza, with vehicular access provided from Fremont Boulevard, Hilby Avenue, and Francis Avenue. The ten existing tenant spaces unaffected by the proposed project contain the land uses listed in Table 1 below:

Table 1

Space	Tenant	Area
1	Sushi Time Restaurant	43 Seats/Seats
2	Lee's Video and Liquor	1,449 Square Feet
3	Gonzales Insurance	1,071 Square Feet
4	Metro PCS Phone Store	1,071 Square Feet
5	Royal Nail Salon	1,169 Square Feet
6	A New Image Dental	1,380 Square Feet
7	H&R Block	1,380 Square Feet
8	Seaside Cleaners	1,520 Square Feet
9	Check 'n' Go	1,650 Square Feet
10	Sun Foot and Therapeutic Massage	1,200 Square Feet
11	Lab Corp	1,650 Square Feet

The adjoining land uses along Fremont Boulevard to the east are commercial in nature, with a fast food restaurant (Kentucky Fried Chicken) and paint store (Kelly Moore) to the north, a home appliance store (Ferguson's) to the east and motel to the south. Adjacent land uses along Francis Boulevard to north include a plumbing business and single family dwellings. Adjacent land uses on Hilby Avenue to the south include a Planned Parenthood Medical Clinic and single family dwellings. Location map is provided as Attachment 2. Site photographs are provided as Attachment 3.

PROJECT DESCRIPTION

The applicant's proposed floor plan features a reception area at the entrance, a foot massage area consisting of six foot massage sofas in the middle of the tenant space, and a general back and body massage area to the rear within three enclosed rooms. A single unisex rest room and office is located at the far end of the tenant space. The business will be open seven days a week from

10:00 AM to 10:00 PM.

As part of the interior remodel, the applicant is seeking to increase the massage tables from two to three and to be able to have the massage tables placed within enclosed rooms so that the clients can feel more comfortable and provide privacy. The existing ceilings are at 10 feet so the eight-foot walls that would enclose the rooms would maintain a two-foot separation from the ceiling. The applicant is also requesting to increase the height of the front entry wall dividing the reception area and massage area from five feet to eight feet to provide shade from the afternoon sun. Per the Condition #7 for UP-10-07, the front windows must remain clear of any curtains, blinds or window covering.

ENVIRONMENTAL

REVIEW

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301 (Existing Facilities). Class 1 consists of minor interior alterations involving such things as interior partitions, plumbing and electrical conveyances.

Evidence: The proposed project would involve remodeling the interior of an existing commercial tenant space located within a multiple-tenant commercial shopping center to operate a therapeutic massage business. Interior improvements will include minor wall and electrical improvements to set-up the reception area, massage therapy area, and office. Proposed improvements would be exempt from further CEQA review.

STAFF

ANALYSIS

AND

FINDINGS

USE PERMIT FINDINGS

In accordance with S.M.C. Section 17.24.030.B (Table 2-4 Commercial Zone Land Use and Requirements), an application for a therapeutic massage business shall be filed under the use permit process to determine whether the following findings prescribed under S.M.C Section 17.52.070.F can be made concerning the proposed project:

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

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is Community Commercial. The land use classification is intended for retail and service oriented business activities primarily serving the local community or neighborhood. Uses may include restaurants, supermarkets, health clubs, retail goods and services, personal services, neighborhood-oriented retail uses. The proposed project would consist of a personal service oriented land use consistent with the Community Commercial General Plan Land Use designation. The project would be consistent with the following General Plan Goals and Policies:

<u>Land</u>	<u>Use</u>	<u>Element</u>
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Goal LU-4: Ensure that new development compliments existing land uses and

enhances the character of the community and neighborhoods.

Policy LU-4.1: Require that all new development is compatible with surrounding uses, the site, and available infrastructure

Evidence: *The Pacific Heights Plaza shopping center offers a wide variety of retail services, professional offices, and personal services; allowing the therapeutic massage business to locate in the subject site provides a convenient personal service for those shoppers/customers who wish to treat themselves to massage treatment and enhances the commercial viability and opportunities of the shopping center. The interior modifications to the business would not alter or impact the character of the shopping center or introduce any traffic impacts.*

ECONOMIC ELEMENT

Goal ED-1: Establish a diverse and balanced mix of businesses that will generate a stable, long-term stream of revenue to fund city services.

Policy ED-1.2: Diversify the local economy by targeting business development and attraction efforts toward businesses whose economic cycles are less likely to correspond to those of major retailers in the city.

Evidence: *The modifications to the existing business would introduce a new business opportunity to the city that would diversify the city's personal services and serve to capitalize on the adjacency of the surrounding retail sales/services at the existing shopping center. The proposed use also has the potential to attract visitors from outside the city that would further enhance economic viability of the shopping center and support business expansion and growth in the City of Seaside.*

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.

Zoning Ordinance Conformance

This project is located within the Community Commercial Zoning District. This zoning district is intended for retail and service oriented businesses activities primarily serving the local community and neighborhood. Seaside Municipal Code Section 17.24.030.B (Table 2-4) requires approval of a use permit by the Planning Commission for all therapeutic massage establishments. The definition for "Therapeutic Massage" as contained under Section 17.70 of the SMC (See Attachment 6) outlines the practices and methods that the applicant must adhere to ensure that all massage activity is taking place within the establishment is legitimate and all conduct is of an appropriate nature. The definition also requires that the operator and all individuals performing massage have received certification by the California Massage Therapy Council (CAMTC). The applicant will offer foot massage as the primary service on six foot massage sofas and back and body massage as a secondary service on three standard massage tables. Applicant's current California Massage Therapy Council

certification is provided as Attachment 7.

Parking

In accordance with Section 17.34.040.C.1 of the SMC, the city computes parking requirements for tenants in a shopping center based on the aggregate number spaces required for use. The parking requirements for this project are summarized in Table 2, below, which includes the existing and proposed use within the shopping center.

Table 2

Space	Tenant	Area/Seats	Ratio	Spaces Required
1	Sushi Time Restaurant	43 Seats/Seats	1/3 seats	14
2	Lee's Video and Liquor	1,449 Square Feet	1/300 sq. ft.	5
3	Gonzales Insurance	1,071 Square Feet	1/300 sq. ft.	5
4	Metro PCS Phone Store	1,071 Square Feet	1/500 sq. ft.	2
5	Royal Nail Salon	1,169 Square Feet	1/200 sq. ft.	6
6	A New Image Dental	1,380 Square Feet	1/200 sq. ft.	6
7	H&R Block	1,380 Square Feet	1/300 sq. ft.	5
8	Seaside Cleaners	1,520 Square Feet	1/500 sq. ft.	3
9	Check 'n' Go	1,650 Square Feet	1/500 sq. ft.	2
10	Proposed Therapeutic Massage	1,200 Square Feet	1/300 sq. ft.	4
11	Lab Corp	1,650 Square Feet	1/200 sq. ft.	8
Total Required: 60 Total Existing: 61				

Per the City's parking requirements, the number of spaces needed for the two buildings is 60 spaces, a surplus of one parking space exists on-site.

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

The proposed improvements for the use will consist of interior improvements only. No changes are proposed to the exterior façade or site. Per Condition # 2, the front windows will remain clear of any window covering, curtains, or blinds; except for window signs

installed in compliance with Section 17.38.080.H of the SMC. With the windows remaining clear for visibility into the tenant space, the design of the business would be compatible with the adjoining tenant spaces and overall appearance of the shopping center from the public right-of-way.

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

The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

- 5) 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.**

The granting of a use permit will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

CONCLUSION

Based on staff's analysis of the application, all of the findings prescribed by S.M.C Section 17.52.070.F can be made. As such, staff recommends that the Planning Commission approve the application based on the findings and subject to the conditions of approval contained in the Draft Resolution provided as Attachment 1.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

1. Attachment 1 - Draft Resolution No. 16-XX
 2. Attachment 1 - Exhibit A - Project Plans
 3. Attachment 2 - Location Map
 4. Attachment 3 - Site Photographs
 5. Attachment 4 - Conditions of Approval for UP-10-07
 6. Attachment 5 - Applicant's Business Statement
 7. Attachment 6 - SMC Definition for Therapeutic Massage
 8. Attachment 7 - Applicant's current CA Massage Therapy Council Certification
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RESOLUTION NO. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A USE PERMIT TO ALLOW FOR INTERIOR MODIFICATIONS TO AN EXISTING THERAPEUTIC MASSAGE BUSINESS AT 1173-A FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL ZONING DISTRICT.

WHEREAS, Congdon Family Trust, property owner, and Lily Yang, applicant have applied for a use permit to allow:

- A. Interior renovations within an existing therapeutic massage business to consist of six foot massage sofas and three general massage tables in a 1,200 square-foot tenant space located in the Pacific Heights Shopping Center at 1173-A Fremont Boulevard in the Community Commercial Zoning District.

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 Seaside Planning Commission considered oral comments and written information concerning the proposed use permit at a duly noticed public hearing at public meeting held on January 27, 2016, and

WHEREAS, the project is a Categorically Exempt, Class 1, Section 15301 meeting the following conditions:

- a) The proposed project would involve remodeling the interior of an existing commercial tenant space located within a multiple-tenant commercial shopping center to operate a therapeutic massage business. Interior improvements will include minor wall and electrical improvements to set-up the reception area, massage therapy area, and office. Proposed improvements would be exempt from further CEQA review.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-15-08:

- 1. 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: The proposed project is a permitted use in the Community Commercial Zoning District as a therapeutic massage business, subject to a Use Permit under Seaside Municipal Code Section (SMCS) 17.24.030, Table 2-4: Allowed Land Uses and Permit Requirements.

Evidence: The proposed development would be subject to the regulations set forth in the Seaside General Plan and Zoning Ordinance and would result in an improved site that would enhance the character of the community and surrounding commercial businesses.

2. **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 location, size, and operating characteristics of the project will be compatible with the character of the site, and the land uses and development intended for the Pacific Heights shopping center and the surrounding neighborhood by the Seaside General Plan.

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

Evidence: The proposed project is consistent with the underlying Community Commercial General Plan land use designation as a personal service land use.

Evidence: In accordance with General Plan Land Use Policy LU-4.1, the Pacific Plaza shopping center offers a wide variety of retail services, professional offices, and personal services; allowing the proposed therapeutic massage business to compete the proposed interior renovations would provide a convenient and enhanced personal service for those shoppers/customers who wish to treat themselves to massage treatment and would enhance the commercial viability and opportunities of the shopping center.

Economic Element

Goal ED-1: Establish a diverse and balanced mix of businesses that will generate a stable, long-term stream of revenue to fund city services.

Policy ED-1.2: Diversify the local economy by targeting business development and attraction efforts toward businesses whose economic cycles are less likely to correspond to those of major retailers in the city.

Evidence: In accordance with Economic Development Policy ED-1.2, the proposed interior improvements for the therapeutic massage business would serve to enhance and diversify the city's personal services and serve to capitalize on the adjacency of the surrounding retail sales/services at the existing shopping center. The proposed use also has the potential to attract visitors from outside the city that would further enhance economic viability of the shopping center and support business expansion and growth in the City of Seaside.

4. **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 served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

4. **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 granting of a Use Permit will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

BE IT FURTHER RESOLVED, that the Planning Commission approves Use Permit Application No. UP-15-08 subject to the following conditions:

Project Specific

Planning:

1. Except as modified by required conditions of approval, plans submitted for a Certificate of Occupancy shall substantially conform to the plans identified as “Sun Foot and Body Therapeutic Massage” stamped as received on January 15, 2016, and approved on January 27, 2016. The use permit is approved to allow the establishment of a therapeutic massage business in accordance with the project plans provided as Exhibit “A”.
2. Minor modifications to the use permit consistent with Seaside Municipal Code Section 17.54.090.C may be made subject to the review and approval by the Zoning Administrator and the Planning Commission if such modifications are in keeping with the intent of the original approval,
3. Signage is not a part of this review. The applicant shall apply for a separate sign permit for the installation of any permanent exterior or window signs. All signage shall conform to the regulations contained in Master Sign Program for Pacific Heights Plaza.
4. The operation of the therapeutic massage business must be operated in compliance with the following standards:
 - a. All employees and independent contractors engaged in conducting massage practices at the premise must possess a valid Certified Massage Therapist Certificate issued by the California Massage Therapy Council. Each massage practitioner must display his or her original certificate issued by the California Massage Therapy Council while providing massage services for compensation.
 - b. Provide his or her full name and 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.
 - c. “Massage” means the scientific manipulation of the soft tissues. For purposes of this chapter, the terms “massage” and “bodywork” shall have the same meaning.

- d. “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.
- e. “Massage practitioner” means a person who is certified by the California Massage Therapy Council pursuant to Section 4604.2 of the California Government Code and who administers massage for compensation.
- f. “Massage therapist” means a person who is certified by the California Massage Therapy Council under Section 4604 of the California Government Code.
- g. The applicant shall require each massage practitioner to undergo a background check with the Seaside Police Department as a condition of their employment, formation of a contractual relationship, or participation in massage related activities. Fees related to the processing of the background check by the Police Department shall be paid as listed in the City’s adopted fees and charges.
- h. All massage practitioners must be at least 18 years of age.
- i. 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 Zoning Administrator to revoke the Use Permit or to impose discipline on a certificate holder:
 - (1) Unprofessional conduct related to massage services shall consist of the following activities:
 - (A) Engaging in sexually suggestive advertising related to massage services.
 - (B) Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation.
 - (C) Engaging in sexual activity while providing massage services for compensation.
 - (D) Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.
 - (E) Providing massage of the genitals or anal region.
 - (2) Procuring or attempting to procure a Massage Practitioner certificate by fraud, misrepresentation, or mistake.
 - (3) Failing to fully disclose all information requested on the background application completed by the Seaside Police Department.

- (4) 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.
- (5) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a Massage certificate holder.
- (8) Dressing while engaged in the practice of massage for compensation or while visible to clients in a massage establishment, in any of the following:
 - (A) Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
 - (B) Swim attire, if not providing a water-based massage modality approved by the council.
 - (C) Attire displayed in a manner that exposes the certificate holder's breasts, buttocks, or genitals.
 - (D) Attire displayed in a manner that constitutes a violation of Section 314 of the Penal Code.
 - (E) Attire in a manner that is otherwise deemed to constitute unprofessional attire based on the custom and practice of the massage practitioner profession as deemed inappropriate in the State of California by the California Massage Therapy Council.
- (9) 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.
- (10) The Zoning Administrator shall deny an application for a Massage Certificate, or revoke the Massage Certificate, if the applicant or certificate holder is 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 is required to register as a sex offender in another state.
- (11) It is an unfair business practice for a person to do any of the following:
 - (A) To hold 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.

(B) To falsely state or advertise or put out any sign or card or other device, or to falsely represent 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.

5. The applicant shall display the certification from the CAMTC for each massage technician employed in the establishment in a conspicuous place in the facility in such a manner that it can be easily seen by any person entering the establishment.
6. The hours of operation for the massage establishment shall generally be limited to the hours of 10:00 AM to 10:00 PM, daily. The use permit may not permit anyone to engage in massage therapy outside of the permitted hours of operation.
7. The storefront windows shall remain clear without any type of window covering, blinds, walls, or other solid, opaque materials, except for window signs designed in accordance with Seaside Municipal Code Section 17.38.080.H.

Fire Department:

1. Prior to the issuance of a Certificate of Occupancy, applicant shall comply with the requirements of the Seaside Fire Marshall for the placement and spacing of the foot sofa massage chairs and standard massage tables.

Building Department:

1. Prior to commencing business, the applicant must receive a Certificate of Occupancy from the Building Division.

Standard:

1. Use Permit approval is subject to revocation procedures contained in S.M.C.S. 17.69.060 in the event any of the conditions of this approval are violated, this discretionary permit was granted on the basis of false or misleading information, written or oral, given willingly or negligently by the applicant or property owner, and/or there has been a discontinuance of the use, or purposed for which the permit was issued, for a period of 180 days or more.
2. This Use Permit is subject to procedures and requirements of Chapter 17.54 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration) of Title 17 of the Municipal.
3. The applicant agrees as a condition and in consideration of the approval of this discretionary 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.

4. These conditions shall be binding on the applicant and all successors in interest, subject to the business operations not lapsing for a period 180 consecutive days. In the case of a transfer of ownership, the new owner of the establishment shall sign the adopted Resolution acknowledging these conditions of approval. Failure to comply with this requirement may result in revocation of this use permit.
5. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
6. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
7. The project shall be responsible for all applicable local and/or regional development and/or impact fees including, but not limited to, sewer, water, and traffic fees, which shall be paid prior to building permit issuance.
8. 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 fifteen (15) days from the date of its approval.
9. This Use Permit shall expire and become void 12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless use has commenced within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.54.080.B.1.a of the Zoning Code, the applicant must file request for time extension at least 30 days prior to expiration date in order to receive consideration of time extension by the Commission.
10. 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 the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 27th of January, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Dominique L Jones, Planning Commission Secretary

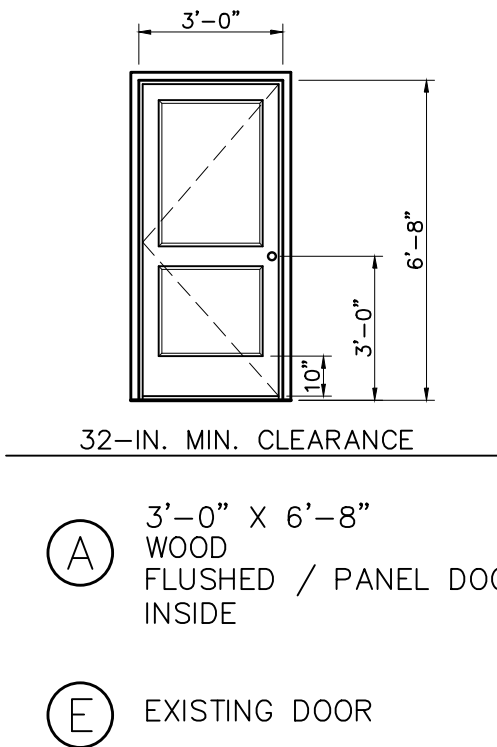
DOOR WIDTH AND HEIGHT

1133B.2.2 Width and height. Every required exit doorway shall be of a size as to permit the installation of a door not less than 3 feet (914 mm) in width and not less than 6 feet 8 inches (2032 mm) in height.

When installed in exit doorways, exit doors shall be capable of opening at least 90 degrees and shall be so mounted that the clear width of the exitway is not less than 32 inches (813 mm) measured between the face of the door and the opposite stop (see Figure 11B-5B). In computing the exit width the net dimension of the exitway shall be used.

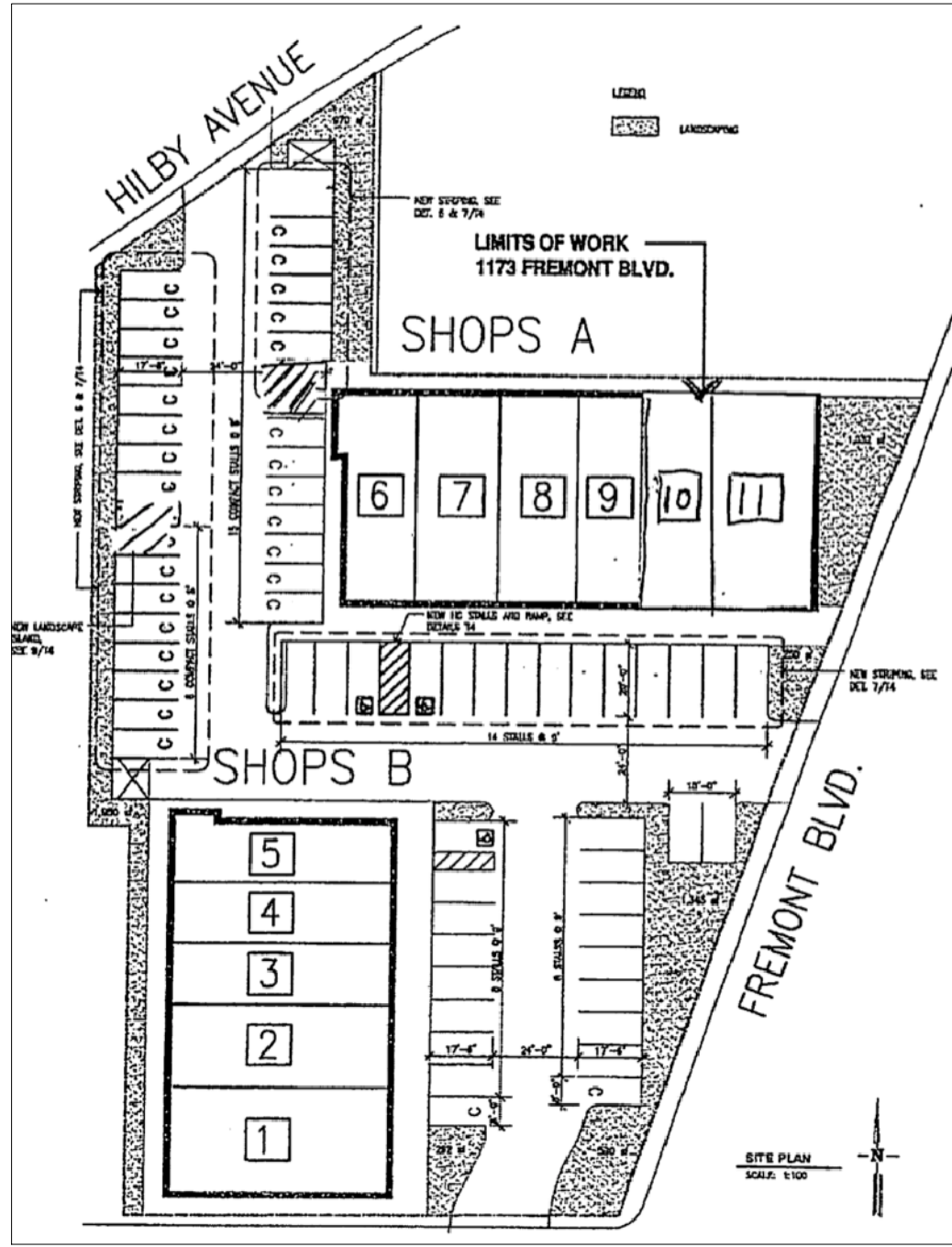
Exception: Doors not requiring full user passage, such as shallow closets, may have the clear opening reduced to 20 inches (510 mm) minimum.

ALL ROOMS TO HAVE A 1-INCH SPACE BENEATH DOOR FOR RETURN AIR FLOW

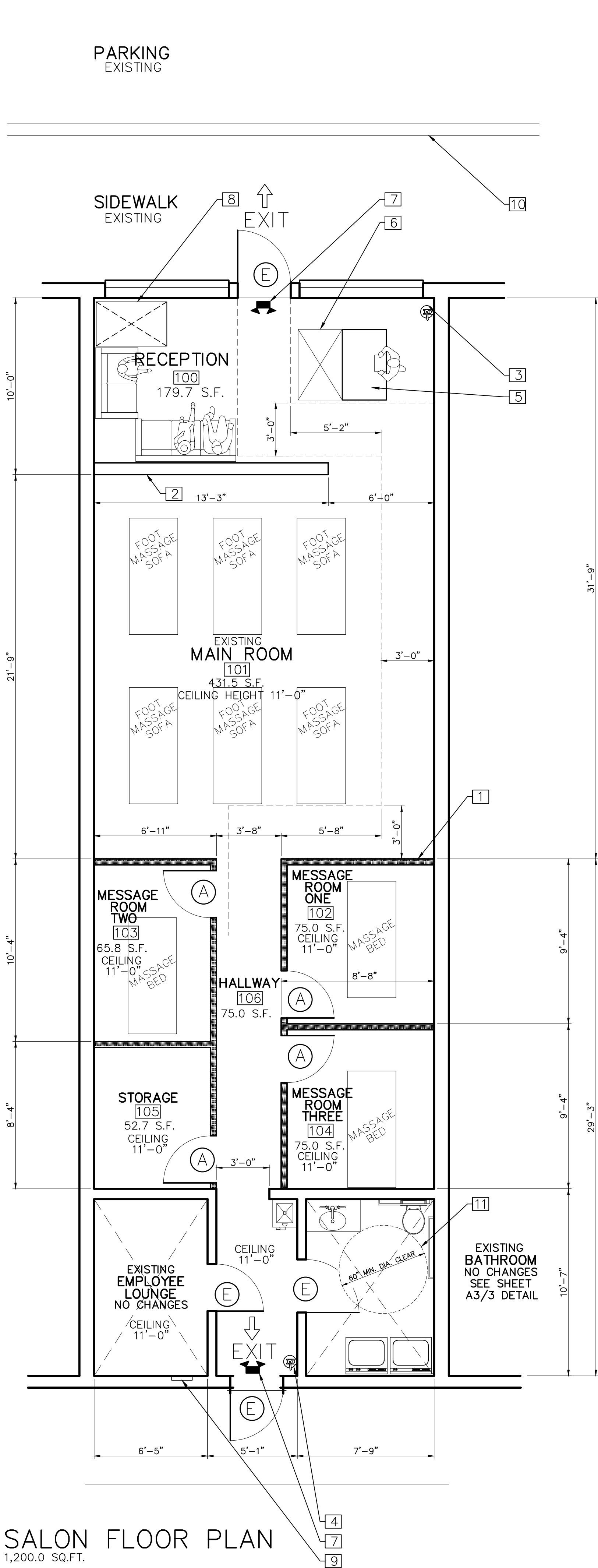


DOOR DETAILS

A



SITE PLAN N.T.S.



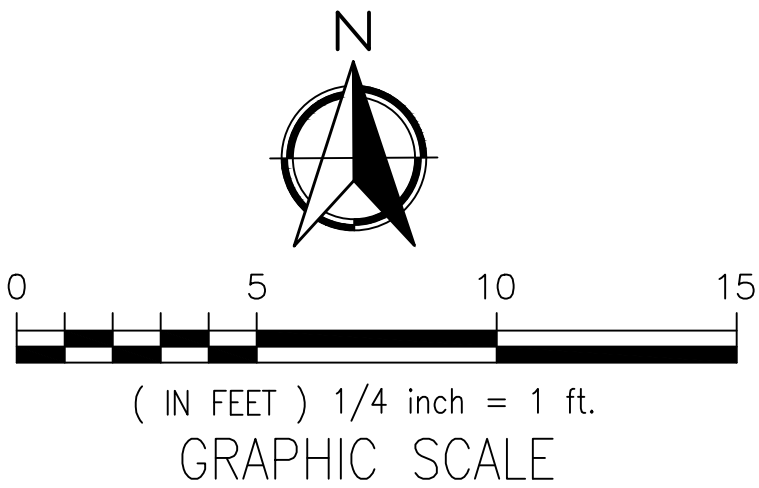
SALON FLOOR PLAN
1,200.0 SQ.FT.

KEY NOTES

100 RECEPTION 19'-3" X 19'-4"	103 ROOM TWO 9'-7" X 10'-0"
101 MAIN ROOM 19'-3" X 21'-9"	104 ROOM THREE 8'-4" X 9'-0"
102 ROOM ONE 8'-4" X 9'-0"	105 STORAGE ROOM 8'-7" X 8'-0"

GENERAL

- 1 NEW WALL: 8-FOOT 2X4 D.F.#2
- 2 NEW WALL: 8-FOOT 2X4 D.F.#2
- 3 PROVIDE A 2-A 10-BC FIRE EXTINGUISHER MOUNT ON WALL
- 4 EXISTING A 2-A 10-BC FIRE EXTINGUISHER MOUNT ON WALL
- 5 EXISTING 30"x48" DESK
- 6 30"x48" CLEAR FLOOR OR GROUND SPACE
- 7 EXISTING EMERGENCY ILLUMINATED EXIT SIGN WITH BATTERY BACKUP
- 8 30"min. X 48"min. CLEARANCE FLOOR SPACE FOR SIDE ACCESS WHEELCHAIR SEATING SPACE.
- 9 EXISTING 200 AMP ELECTRICAL SUB-PANEL
- 10 EXISTING CURB
- 11 30"min. X 48"min. CLEARANCE FLOOR SPACE FOR SIDE ACCESS WHEELCHAIR SEATING SPACE.



PROJECT DATA

LOT SIZE	UNKNOWN
A.P.N.	011-352-021-000
CONSTRUCTION	5B
OCCUPANCY	GROUP B
FIRE SPRINKLERS	NO
FLOOR AREA	1,200.0 SQ.FT.

OCCUPANT LOAD

GROUP B	SPACE	OCCUPANT LOAD FACTOR	FLOOR AREA	OCCUPANT LOAD ALLOWED
	SALON	100 GROSS	1,200.0	12

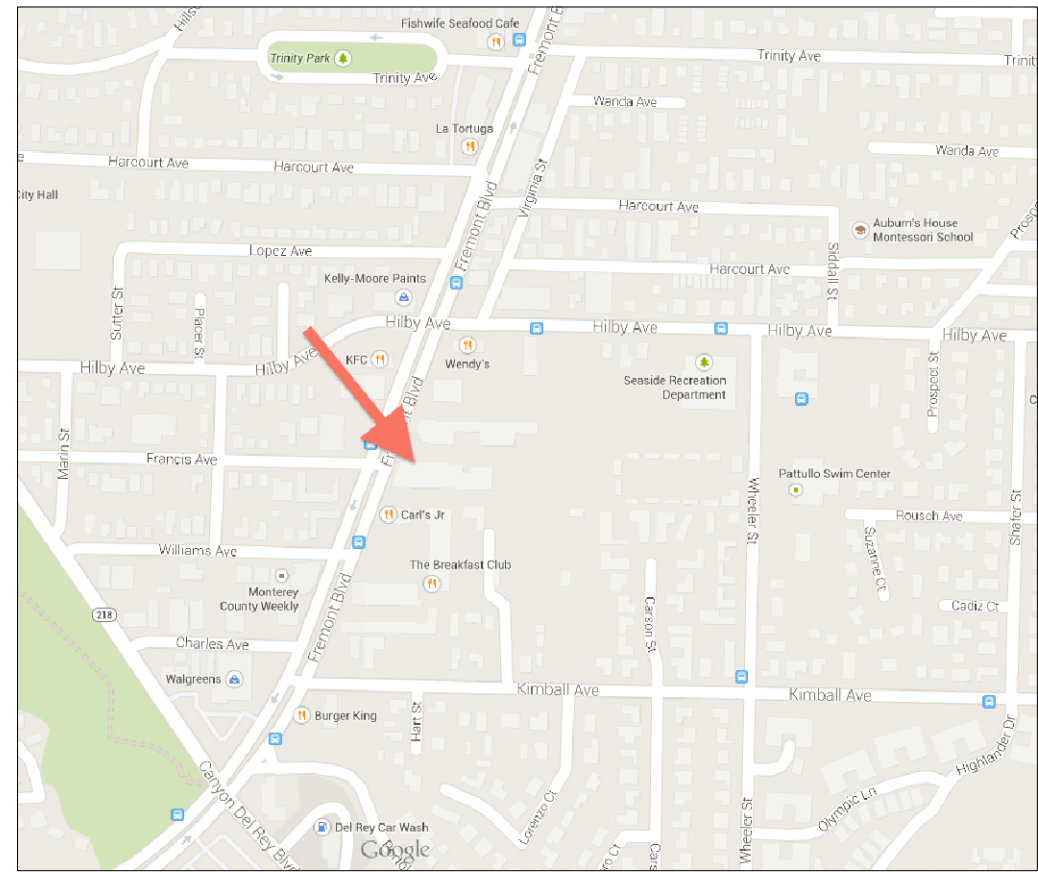
SCOPE OF WORK

1. INTERIOR WORK ONLY. ADDING 8 FT TALL INTERIOR WALLS.
2. NO MODIFICATIONS TO EXISTING BATHROOM AND EMPLOYEE LOUNGE.
3. NO ELECTRICAL WORK, NO PLUMBING WORK.

SHEET INDEX

- 1 PROPOSED FLOOR PLAN

VICINITY MAP NOT TO SCALE

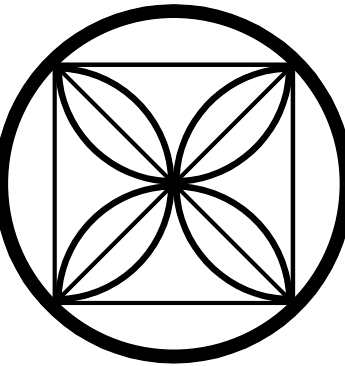


OWNER

LILY YANG
500 Polk Street
Monterey, Ca. 93940
(831) 655-3132

WALL LEGEND

2x ALL INTERIOR WALLS
2x NEW WALLS



C.O.D.G.
CLAUDIO ORTIZ DESIGN GROUP, INC.
P.O. BOX 3775 Carmel, CA 93921
OFFICE: 831.626.4146
WWW.CODGNC.COM

CLIENT:
Lily Yang
500 Polk Street
Monterey, Ca. 93940
(831) 655-3132

PROJECT:
Sun Massage Spa
1173-A Freemont Blvd.
Seaside Ca. 93955
APN: 011-352-021-000
PROJECT NO.
14-08

ISSUE:
01-14-16

DRAWN BY:
C.O.

PROPOSED
FLOOR PLAN
& NOTES

SCALE: 1/4" = 1'

1

Location Map

Project Site: 1173 Fremont Boulevard



Site Photos

Project Tenant Space



Front Façade of Tenant Space

Project Tenant Space



View of Shopping Center looking northwest at Fremont Blvd. and Franis Ave.



View of shopping center from Francis Avenue



View of interior massage area

RESOLUTION NO. 11-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A USE PERMIT APPLICATION TO ALLOW A THERAPEUTIC MASSAGE BUSINESS AT 1173-A FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL ZONING DISTRICT.

WHEREAS, Kathleen Congdon Trust, property owner, and Ye Sun, applicant have applied for a use permit to allow:

- A. A therapeutic massage business consisting of 12 foot massage sofas and two general massage tables in a vacant, 1,200 square-foot tenant space in the Pacific Heights Shopping Center at 1173-A Fremont Boulevard in the Community Commercial Zoning District.

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 Seaside Planning Commission considered oral comments and written information concerning the proposed use permit at a duly noticed public hearing at public meeting held on January 12, 2011, and

WHEREAS, the project is a Categorically Exempt, Class 1, Section 15301 meeting the following conditions:

- a) The proposed project would involve remodeling the interior of an existing vacant, unimproved commercial tenant space located within a multiple-tenant commercial shopping center to operate a therapeutic massage business. Interior improvements will include minor plumbing and electrical improvements to set-up the reception area, massage therapy area, and office. Proposed improvements would be exempt from further CEQA review.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-10-07:

- 1. 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: The proposed project is a permitted use in the Community Commercial Zoning District as a therapeutic massage business, subject to a Use Permit under Seaside Municipal Code Section (SMCS) 17.24.030, Table 2-4: Allowed Land Uses and Permit Requirements.

Evidence: The proposed development would be subject to the regulations set forth in the Seaside General Plan and Zoning Ordinance and would result in an improved site that would enhance the character of the community and surrounding commercial businesses.

2. **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 location, size, and operating characteristics of the project will be compatible with the character of the site, and the land uses and development intended for the Pacific Heights shopping center and the surrounding neighborhood by the Seaside General Plan.

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

Evidence: The proposed project is consistent with the underlying Community Commercial General Plan land use designation as a personal service land use.

Evidence: In accordance with General Plan Land Use Policy LU-4.1, the Pacific Plaza shopping center offers a wide variety of retail services, professional offices, and personal services; allowing the proposed therapeutic massage business to locate in the subject site would provide a convenient personal service for those shoppers/customers who wish to treat themselves to massage treatment and would enhance the commercial viability and opportunities of the shopping center. Additionally, there are no other personal services businesses within the shopping center thereby expanding the range of services and products available for consumers.

Economic Element

Goal ED-1: Establish a diverse and balanced mix of businesses that will generate a stable, long-term stream of revenue to fund city services.

Policy ED-1.2: Diversify the local economy by targeting business development and attraction efforts toward businesses whose economic cycles are less likely to correspond to those of major retailers in the city.

Evidence: In accordance with Economic Development Policy ED-1.2, the proposed therapeutic massage business would introduce a new business opportunity to the city that would diversify the city's personal services and serve to capitalize on the adjacency of the surrounding retail sales/services at the existing shopping center. The proposed use also has the potential to attract visitors from outside the city that would further enhance economic viability of the shopping center and support business expansion and growth in the City of Seaside.

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

Evidence: The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

5. 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 granting of a Use Permit will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

BE IT FURTHER RESOLVED, that the Planning Commission approves Use Permit Application No. UP-10-07 subject to the following conditions:

Project Specific

Planning:

1. Except as modified by required conditions of approval, plans submitted for a Certificate of Occupancy shall substantially conform to the plans identified as "Ye Sun Therapeutic Massage" stamped as received on November 17, 2010, and approved on January 12, 2011. The use permit is approved to allow the establishment of a therapeutic massage business in accordance with the project plans provided as Attachment 1.
2. Minor modifications to the use permit consistent with Seaside Municipal Code Section 17.54.090.C may be made subject to the review and approval by the Zoning Administrator and the Planning Commission if such modifications are in keeping with the intent of the original approval,
3. Signage is not a part of this review. The applicant shall apply for a separate sign permit for the installation of any permanent exterior or window signs. All signage shall conform to the regulations contained in Master Sign Program for Pacific Heights Plaza.
4. The therapeutic massage business shall remain in compliance with the following requirements of the Seaside Municipal Code:
 - a. All Individuals performing massage on the premises of the establishment must receive certification from the California Massage Therapy Council (CAMTC) and are able to demonstrate current certification at the time of the business license issuance and annual business license renewal by the City; and
 - b. All individuals performing massage on the premises of the establishment must maintain reasonable attire and personal hygienic practices; and
 - c. The establishment must maintain a safe, clean and hygienic facility; and

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

4. These conditions shall be binding on the applicant and all successors in interest, subject to the business operations not lapsing for a period 180 consecutive days. In the case of a transfer of ownership, the new owner of the establishment shall sign the adopted Resolution acknowledging these conditions of approval. Failure to comply with this requirement may result in revocation of this use permit.
5. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
6. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
7. The project shall be responsible for all applicable local and/or regional development and/or impact fees including, but not limited to, sewer, water, and traffic fees, which shall be paid prior to building permit issuance.
8. 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 fifteen (15) days from the date of its approval.
9. This Use Permit shall expire and become void 12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless use has commenced within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.54.080.B.1.a of the Zoning Code, the applicant must file request for time extension at least 30 days prior to expiration date in order to receive consideration of time extension by the Commission.
10. 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.

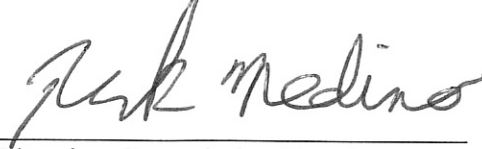
PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 12th of January, 2011, by the following vote:

AYES:	M. Claypool, J. Craghead, M. Lechman, P. Mugan, J. Robinson
NOES:	J. Owens
ABSENT:	A. Taketomo
ABSTAIN:	None



Mary Claypool, Chairperson

ATTEST:



Planning Commission Secretary

USE PERMIT APPLICATION NO. UP-10-07

These permits are 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.

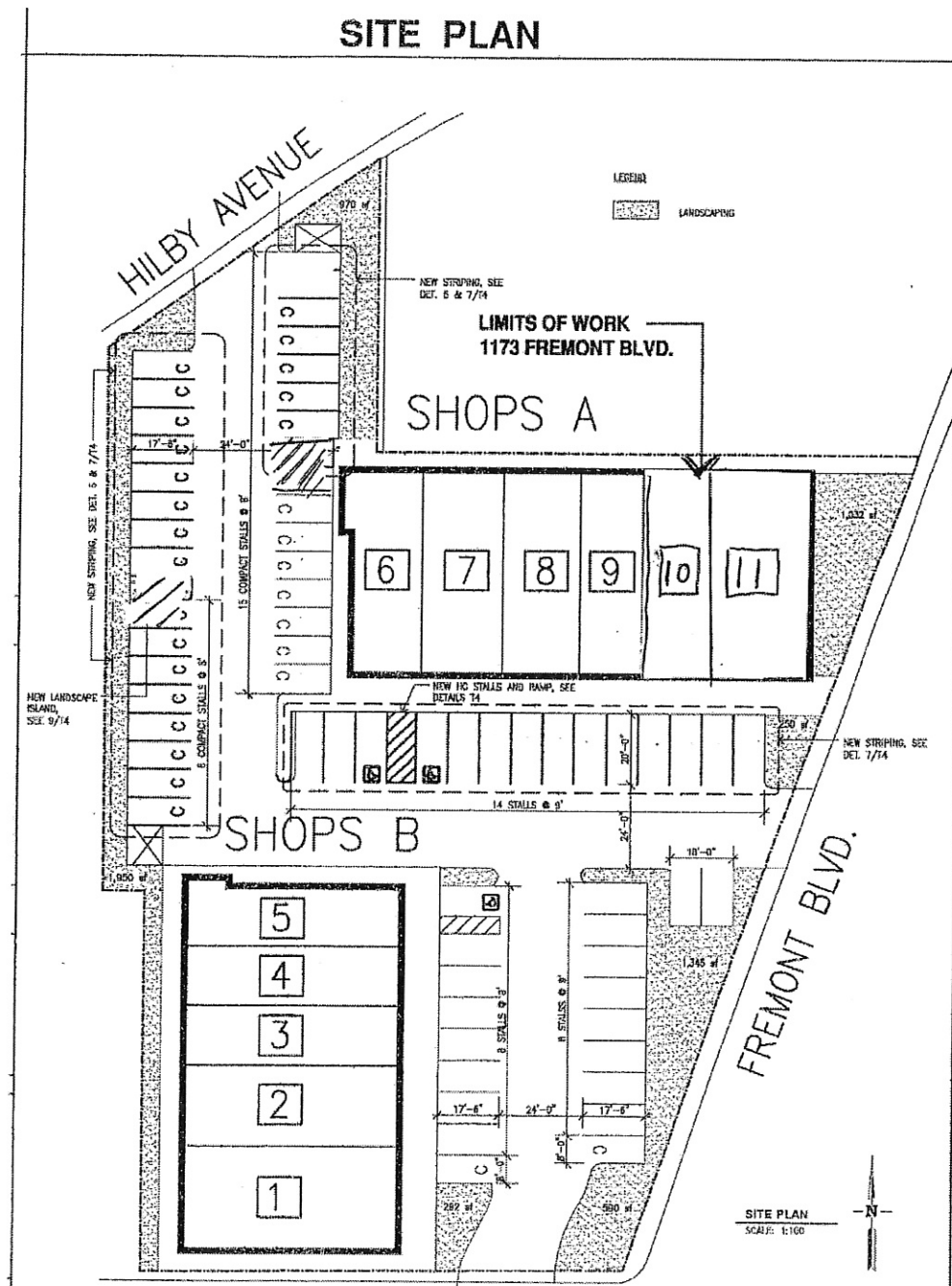
Samuel
Applicant's Signature

2/2/2011
Date

[Signature], Property Manager
Property Owner's Signature (if different from above)

1-31-2011
Date

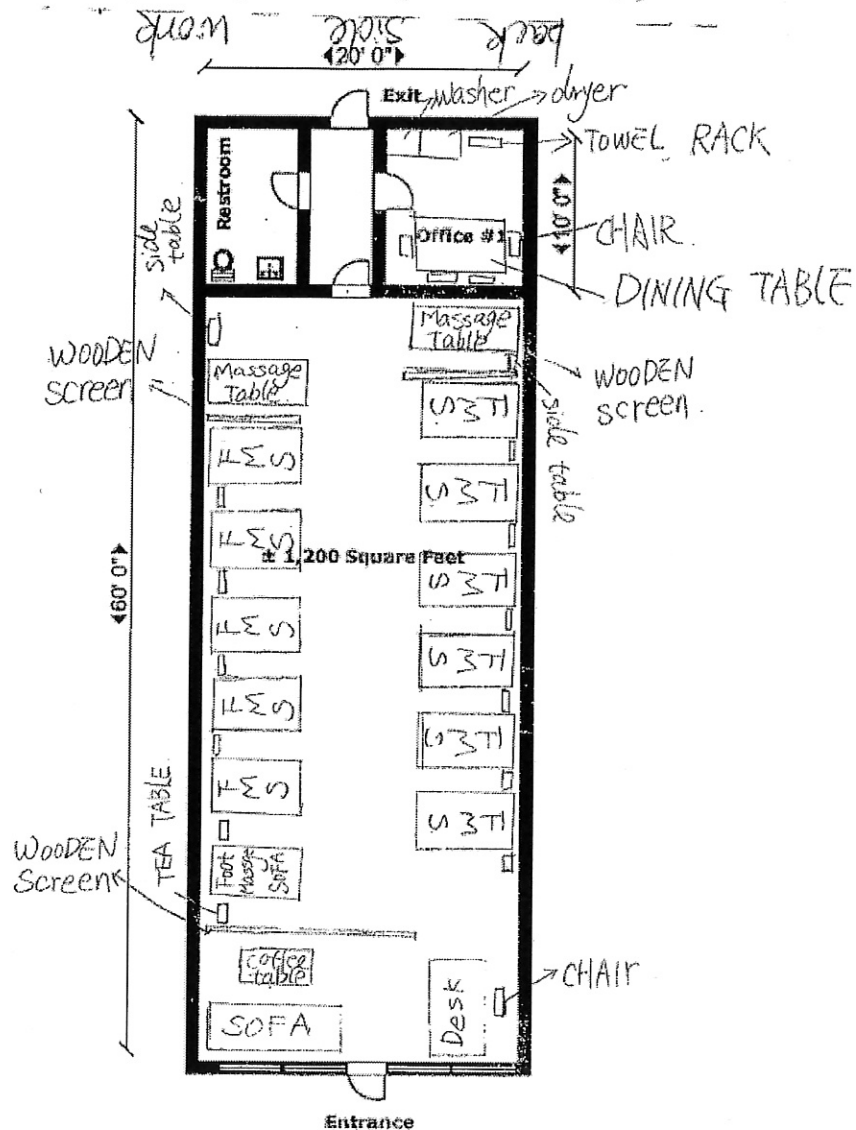
As Authorized Agent for Property Owner



Floor Plan

PACIFIC HEIGHTS PLAZA
1173-A Fremont Blvd. • Seaside, CA 93955
± 1,200 Square Feet (±20' W x 60' D)

↑ N



1/10/2008

park lots.

1:10

To the Seaside Planning Department regarding the application for the Sun Foot Spa

I am a certified cosmetologist and massage therapist for over 10 years. I have owned and operated three Foot massage establishments in Monterey starting with the Comfoot Spa on Polk St which I have owned for seven years. In the Monterey locations I have a total of twenty fold flat foot massage chairs and six table massage rooms. The rooms and chairs are fully booked several times each week. My clientele are eighty percent women. Right now I have ten masseurs and three masseuses as full time employees. I usually work about two to three hours a day in each Spa and we also have a manager at each location. I only employ licensed therapists. My business is well respected on the Peninsula and has won the Weekly best of Monterey County Spa award for the last two years. (See attachment #1)

A percentage of clientele are from Seaside and Marina and the Seaside location is more convenient for them. The standard menu in the Monterey locations include chair and table massage which we would like to duplicate and offer at the Seaside location. (Attachment #2) Currently there is a use permit at the Seaside location for six chairs and two massage tables. The proposal to add a third table would represent a slight change from the original use permit approval. The purpose of the third table is to provide better service for our clientele and to bring the Seaside location consistent with the City of Monterey locations. On our menu we offer Deep tissue Acu-pressure massage and would like to enclose the rooms so the clients can feel comfortable when removing clothing. The existing ceilings are at ten feet the enclosed walls will be

at eight feet leaving a two foot space above the walls. The current wall dividing the office with the main room is five feet tall. We would like to increase the height to eight feet. This change will provide shade from the afternoon sun.

I bought the Sun Spa twelve months ago and put in plans to remodel. I did not know about the current use permit conditions. When I found out that the previous owner had made improvements without a building permit, I Applied for a permit to remove her work. The work has been done, the permit has been finaied and the building is currently in compliance.

Thank you!







though gorgeous, cannot do them justice.

BEST FOOT SPA

Happy Feet Massage Spa

409 Washington St., #102, Monterey
(831) 655-9998

The name doesn't say it all, because in addition to stress-relieving foot massages, this place also does full-body and deep-tissue massages, too. And the price seems to be an indisputable bargain, as these things go. Owner Lilly Yang, who took over the store a year ago after running a foot massage store for 10 years in L.A., thinks that customers return to her spa for the good customer service, the sound training of her masseuses, the cleanliness and quiet. "People are happy here," Yang says. Apparently happy feet = happy people.

SHOPPING *continued on page 94*

BEST OF MONTEREY COUNTY® 2014

READERS' PICK

BEST FOOT SPA

ComFOOT SPA

MONTEREY COUNTY
WEEKLY

CALIFORNIA MASSAGE THERAPY COUNCIL

By authority of the State of California Code B&P Section 4600,
the California Massage Therapy Council hereby awards to

Li Yang

the designation of

CERTIFIED MESSAGE PRACTITIONER

Let it be known by all that, having met the standards set forth by the California Massage Therapy Council and having demonstrated knowledge of applicable disciplines related to the practice of massage therapy, Li Yang is recognized as a CMTCP in good standing, including all the rights and privileges pertaining thereto, as witnessed by the signature below.

Given at Sacramento, California, Tuesday, December 08, 2015.



Mark Dixon, Chairman of the Board
California Massage Therapy Council
CAMTC, One Capitol Mall, Suite 320, Sacramento, CA 95814

CERTIFICATE # 54435
EXPIRES: 2/25/2018

The validity and authenticity of this certificate may be verified online
by entering the name and certificate number at: www.camtc.org

Therapeutic Massage

Therapeutic Massage. An establishment with a fixed place of business where any individual, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on or permits to be engaged in, conducted or carried on, massage, baths, or health treatments involving massage or baths as the principle functions where the establishment adheres to the following criteria:

1. All individuals performing massage on the premises of the establishment are engaged in legitimate, therapeutic, non-sexual massage, have received certification by the California Massage Therapy Council (CAMTC), and are able to demonstrate current certification at the time of business license issuance and annual business license renewal by the City; and
2. All individuals performing massage on the premises of the establishment maintain reasonable attire and personal hygienic practices, and the establishment maintains safe, clean, and hygienic facilities; and
3. The establishment shall be subject to reasonable inspections during regular business hours by duly authorized law enforcement officials, to ensure compliance with all applicable building, fire, and health and safety requirements.

Establishments whose principle function involves the methods of practice or the legitimate techniques of licensed physicians, chiropractors, physical health therapists, or athletic trainers are classified as "Medical Services – Doctor Office." Massage establishments that are engaged in sexual massage, or do not satisfy all of the above criteria, are classified as an "Adult Oriented Business."

CALIFORNIA MASSAGE THERAPY COUNCIL

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the California Massage Therapy Council hereby awards to*

Li Yang

the designation of

CERTIFIED MASSAGE PRACTITIONER

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