

**CONDITIONAL USE PERMIT  
FINDINGS  
6480 E. Pacific Coast Highway, Suite 150  
Application No. 2204-38 (CUP22-016)  
August 4, 2022**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings:

**1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

The subject site is designated as Land Use District (LUD) No. 7, Mixed Use District, in the City's General Plan. This land use district is classified as regional serving and the land uses intended for LU No. 7 include employment centers, such as retail uses, offices, and medical facilities; higher density residential; visitor-serving facilities; personal and professional services; and recreational facilities.<sup>1</sup> The General Plan Land Use Element (1989) identifies this land use district as a careful blending of different types of land compatible uses that are located in large vital activity centers along major arterials. The operation of a massage establishment within the existing shopping center is consistent with this district as the use is compatible with the existing retail and personal services operating in the shopping center (General Plan Page 65).

The Local Coastal Program (LCP) identifies the area as the Southeast Specific Plan area. The SEASP regulates the project area through the application of eleven land use designations. The Mixed-Use Community Core area is envisioned as the primary activity center in the SEASP area and it provides for a mix of uses including residential, regional retail, overnight visitor serving accommodations, and office uses. The focus of this designation is to create a pedestrian scale environment, including increased connectivity, gathering spaces, and linkages to the marina and wetlands. Permitted, conditionally permitted and prohibited uses for this designation are identified in Chapter 4 of the Specific Plan. Development and design standards are found in Chapters 6 and 8 of the Specific Plan respectively. The operation of a massage establishment within the shopping center is consistent with the LCP.

The subject site is located within the boundary of the Southeast Area Specific Plan (SEASP – SP-2) zoning district and is zoned Mixed-Use Community Center (MUCC). This area is envisioned as the primary activity center in the SEASP area and provides for a mix of uses including residential, regional retail, and office uses. The operation of a massage establishment is compatible with the existing retail and personal service uses currently operating.

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<sup>1</sup> The General Plan Land Use Element was updated in 2019 and has not yet been certified as part of the City's Local Coastal Program. Therefore, the previous General Plan Land Use Element (1989), designation of Land Use District (LUD) No. 8P in the 1989 General Plan remains applicable to the project site.

**2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

The proposed use, the operation of a massage establishment will not be detrimental to the surrounding community including public health, safety or general welfare, environmental quality or quality of life as specific conditions of approval have been incorporated to mitigate any potential impacts. These conditions include measures pertaining to security, lighting, hours of operations and ownership responsibility. The 2,094 square foot massage establishment will be composed of a reception area, a large room that contains nine (9) massage beds, and smaller rooms located in the rear that contain two bathrooms, and breakdown for employees. By imposing these conditions, the proposed use shall operate in a manner that is sensitive to surrounding uses and residents and will not create negative impacts.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED IN CHAPTER 21.52**

Section 21.52.030 states that the following conditions shall apply to massage establishments uses requiring a Conditional Use Permit unless waived with written findings:

**A. For new massage establishments, the proposed location for the massage establishment must not be fewer than seven hundred fifty (750) feet from another massage establishment as measured from the property lines. For existing massage establishments that are located within seven hundred fifty (750) feet of another massage establishment at the time this Section is enacted, those massage establishments are not required to relocate but are subject to the provisions of Chapter 5.58 and Title 21 of the Long Beach Municipal Code, and any other applicable federal, state and local law.**

The subject site is located more than 750 feet from another massage establishment; the nearest massage establishment is located at 5870 E Naples Plaza which is 2,715 feet from the project site. (Attachment E – Radius Map)

**B. No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs or substantially darkens the view into the premises at any time. The interior of the business shall be plainly visible from the exterior of the business by passing vehicles and pedestrians.**

As conditioned, the project site is ensured to provide adequate visibility of the interior of the business reception and/or waiting area. The project site is an interior unit that is located in front of a walkway towards which leads into the shopping center and the public-right-of-way. (Attachment B – Site Plan)

- C. A massage establishment shall post, near the public entrance of the establishment or in another conspicuous place in clear view of the public and employees where similar notices are customarily posted, a notice sized at least 8.5 inches by 11 inches with a minimum of 16-point font stating as follows: If you or someone you know is being forced to engage in any activity and cannot leave —whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity — call the National Human Trafficking Resource Center at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.**

As conditioned, the applicant shall be required to post signage to provide information related to Human Trafficking.

- 4. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.**

The project consists of the operation of a massage establishment located in an existing shopping center. No new construction is proposed for the existing shopping center other than interior renovations of the existing commercial tenant space.

**LOCAL COASTAL DEVELOPMENT PERMIT  
FINDINGS  
6480 E. Pacific Coast Highway  
Application No. 2204-38 (LCDP22-024)  
August 4, 2022**

Pursuant to Section 21.56.904 of the Zoning Ordinance, a Local Coastal Development Permit shall not be approved unless the following findings, in addition to any findings applicable under Chapter 21.25, are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings:

**1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM, INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW- AND MODERATE-INCOME HOUSING; AND**

The proposed project entails the allowance to operate a massage establishment in an existing commercial unit located within the existing commercial center, 2<sup>nd</sup> and PCH. The proposed use includes interior tenant improvements. Due to the site zoning, SP-2-MUCC Zoning District require approval of a Conditional Use Permit (CUP) is required for the establishment of a massage establishment. A Local Coastal Development Permit (LCDP) is required for the new massage establishment and the scope of work covered under the CUP. There is no new building square footage proposed as part of this application. The project site is presently developed with a two-story commercial center (2<sup>nd</sup> and PCH).

The Local Coastal Program (LCP) is generally organized by area. The project site is in Southeast Area (SEADIP) of the Coastal Zone (City Jurisdiction) (see map of Coastal Zone in project file 2204-38). The project site is located on the southeast portion of the existing shopping center, 2<sup>nd</sup> and PCH shopping center, which is located south the intersection of 2<sup>nd</sup> Street and Pacific Coast Highway. 2<sup>nd</sup> Street and Pacific Coast Highway is nearly exclusively commercial in character. Southeast Area permits commercial uses on the south side of Second Street and west side of Pacific Coast Highway.

The proposed project, the tenant improvement of an existing commercial unit into a massage establishment, would comply with the permitted commercial uses permitted by the SP-2-MUCC zoning district and would comply with the applicable development standards. The proposed massage establishment would continue to promote coastal access with a personal service use for enjoyment by the broader public and local residents, consistent with LCP goals that encourage visitor-serving uses within the Coastal Zone. Consistent with the LCP, the proposed massage establishment use would serve the residents of the area. The new massage establishment use is small in scale and would not represent a regional-serving facility. The proposed massage establishment use would be consistent with the existing context of the 2<sup>nd</sup> and PCH shopping center that consists of small-scale personal service use. The CUP would not affect coastal access or impede the ability for the existing light commercial use to

continue in conformance with the LCP. Therefore, the CUP would be consistent with the policies outlined in the LCP.

No low and moderate-income housing will be removed as a result of the project.

**2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**

Chapter 3 of the Coastal Act deals with the public's right to use beach and water resources for recreational purposes. The chapter provides the basis for State and local government to require beach access dedication and to prohibit development, which restricts public access to the beach or/and water resources. The project area is located within the larger PCH and 2<sup>nd</sup> Shopping Center. The project site currently has 1,093 parking stalls. The proposed use will be located within the existing shopping center and will share the onsite parking spaces with the other tenants. The parking analysis determines that there is ample onsite parking for this proposed massage establishment and the uses currently operating in the center. This proposed use will still ensure there is sufficient parking for any visitors to the coast for enjoyment.

This second finding only applies to development located seaward of the nearest public highway to the shoreline. The subject site is not within this area. Thus, this second finding does not apply.

**3. FOR AN APPLICATION FOR A RELIGIOUS ASSEMBLY USE, IF AN EXCEPTION OR WAIVER OF LCP REQUIREMENTS IS SOUGHT UNDER SECTION 21.52.219.8.G, THAT THE EXCEPTION OR WAIVER ALLOWS THE MINIMUM DEVIATION FROM LCP REQUIREMENTS NECESSARY TO COMPLY WITH RLUIPA, AND THAT THE DECISION MAKER HAS IMPOSED ALL CONDITIONS NECESSARY TO COMPLY WITH ALL PROVISIONS OF THE LCP, WITH THE EXCEPTION OF THE PROVISION(S) FOR WHICH IMPLEMENTATION WOULD VIOLATE RLUIPA.**

The project does not include a religious assembly use; therefore, this finding is not applicable to the proposed project.

**4. THE PROPOSED DEVELOPMENT IS SITED, DESIGNED AND MANAGED TO MINIMIZE THE TRANSPORT OF POLLUTANTS BY RUNOFF INTO COASTAL WATERS AND GROUNDWATER, AND TO MINIMIZE INCREASES IN RUNOFF VOLUME AND VELOCITY FROM THE SITE WHICH MAY ADVERSELY IMPACT COASTAL RESOURCES OR COASTAL BLUFF STABILITY. BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED, AS APPLICABLE, INCLUDING BUT NOT LIMITED TO APPLICABLE LOCAL, REGIONAL, STATE AND FEDERAL WATER QUALITY PERMITS, STANDARDS AND GUIDANCE**

**PROVIDED IN THE LCP, BEST PRACTICES AND OTHER MEASURES AS MAY BE RECOMMENDED BY THE CITY ENGINEER.**

The project the entire 2,094 square feet of ground floor area (previous a vacant unit) would be converted to a massage establishment. The proposed floor plan illustrates a reception area, a large room that contains nine (9) massage beds, and smaller rooms located in the rear that contain two bathrooms, and breakroom for employees. No changes are proposed to the exterior façade of the commercial unit. All onsite construction related to the tenant improvement are required to comply with all applicable local, regional, state, and federal water quality permits. Therefore, adherence to permit requirements would minimize the transport of pollutants and runoff that could impact coastal resources.

5. **FOR AN APPLICATION TO RESTRICT SHORT-TERM RENTALS IN ACCORDANCE WITH THE PROVISIONS AND PROCEDURES OUTLINED IN CHAPTER 5.77 (SHORT-TERM RENTALS) OF THE CERTIFIED LCP, THE PROJECT SHALL CONFORM WITH THE CERTIFIED LOCAL COASTAL PROGRAM, INCLUDING WITH THE PROVISIONS RELATING TO COASTAL ACCESS AND RECREATION. THE REQUIRED FINDINGS MUST INCLUDE A CUMULATIVE IMPACTS ANALYSIS INFORMED, AT LEAST IN PART, BY MONITORING DATA COLLECTED ON APPROVED PROJECTS THAT RESTRICT STRS AND ON STRS THROUGHOUT THE COASTAL ZONE. THE RESPONSIBLE HEARING BODY SHALL ALSO FIND:**
- I. THE PROPOSED RESTRICTION WOULD NOT RESULT IN THE SUBSTANTIAL LOSS OF VISITOR-SERVING ACCOMMODATIONS (I.E., A REDUCTION IN AVAILABLE OVERNIGHT ACCOMMODATION ROOMS, INCLUDING BUT NOT LIMITED TO SHORT-TERM RENTALS, HOTELS, AND/OR MOTELS, WITHIN ¼ MILE OF VISITOR-SERVING RECREATIONAL USES, THE BEACH, BAY, OCEAN, OR TIDELANDS).**
  - II. THE PROPOSED RESTRICTION WOULD NOT RESULT IN THE LOSS OF LOWER-COST OVERNIGHT ACCOMMODATIONS. LOWER-COST OVERNIGHT ACCOMMODATIONS SHALL BE DEFINED AS THOSE CHARGING APPROXIMATELY TWENTY FIVE PERCENT (25%) LESS THAN THE STATEWIDE AVERAGE DAILY ROOM RATE OR LESS.**
  - III. THE PROPOSED RESTRICTION WOULD NOT RESULT IN THE NET LOSS OF SHORT-TERM RENTALS BELOW FOUR HUNDRED TWENTY-FIVE (425) SHORT-TERM RENTAL UNITS (BOTH HOSTED AND UN-HOSTED AND/OR PRIMARY OR NON-PRIMARY) HISTORICALLY OCCURRING IN THE COASTAL ZONE.**
  - IV. THE PROPOSED RESTRICTION WOULD BE NECESSARY TO PROTECT THE NEIGHBORHOOD STABILITY, HOUSING ACCESS, AND WOULD BE CONSISTENT WITH THE NEIGHBORHOOD CHARACTER ESTABLISHED IN THE LOCAL COASTAL PROGRAM (LCP).**

The project does not include an application to restrict short-term rentals; therefore, this finding is not applicable to the proposed project.