



Planning Commission Agenda Report

Meeting Date: October 3, 2024

Department: Community Development

INITIATED BY: Marie Luna, Senior Planner

SUBMITTED BY: Gayle Ackerman, AICP, Director of Community Development

REVIEWED BY: Amy Stonich, AICP, Assistant Director of Community Development

SUBJECT: USE PERMIT 06-24-5718 TO OPERATE A MASSAGE ESTABLISHMENT IN AN EXISTING TENANT SPACE AT LAKE FOREST MARKETPLACE LOCATED AT 23805 EL TORO ROAD (REVISED AGENDA REPORT)

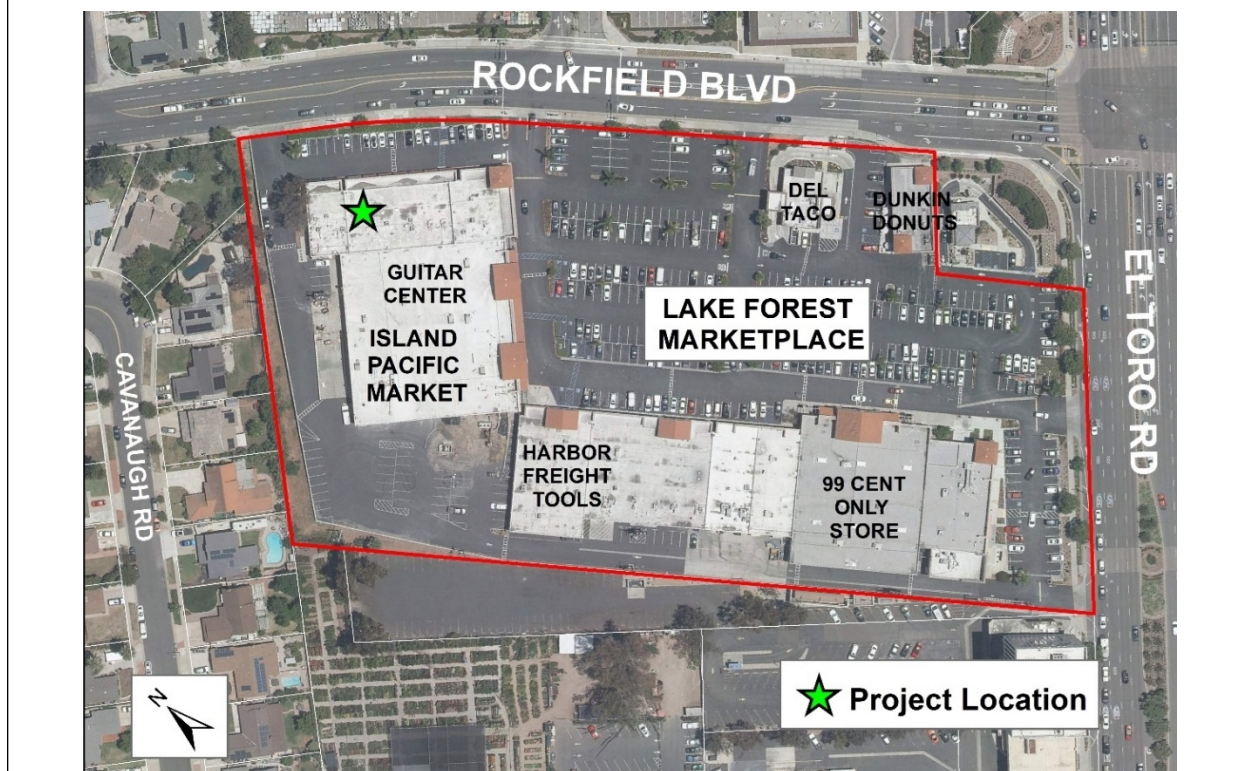
EXECUTIVE SUMMARY:

Use Permit 06-24-5718 is a request for the operation of a massage establishment (Twilight Massage & Spa) in an existing 1,436 square-foot tenant space at the Lake Forest Marketplace shopping center. The business provides a range of massage services, including therapeutic, relaxation, deep tissue, sports massage, Tuina massage, and traditional Swedish Massage. The project site is zoned Mixed-Use 43 (MU 43) and, with approval of this Use Permit, is in compliance with all applicable zoning code requirements. In addition, the massage establishment will be subject to the City's massage establishment license, which is required to be renewed annually.



SITE INFORMATION:

Site Address	23805 El Toro Road	
Assessor Parcel Number(s)	617-053-11	
Applicant/Agent	Vincent Jiang, ANG Construction & Design	
Property Owner	ICS Property Group	
General Plan Designation	Mixed-Use 43	
Zoning District	Mixed-Use 43 (MU 43)	
Surrounding Area		
	Land Uses	Zoning
North:	Commercial Shopping Center	CC! MU 43
South:	Multi-story office building and commercial nursery	Community Commercial (CC)
East:	Commercial Shopping Centers	CC! MU 43
West:	Single-family residential neighborhood	Single-Family Residential (R1)

Location Map

RECOMMENDED ACTION(S):

1. Find that Use Permit 06-24-5718 is exempt under Section 15301, Class 1, of the California Environmental Quality Act, Article 19, Categorical Exemptions, which exempts minor interior alterations to an existing facility; and

2. Adopt a resolution entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST, CALIFORNIA APPROVING USE PERMIT 06-24-5718 TO OPERATE A MASSAGE ESTABLISHMENT (TWILIGHT MASSAGE & SPA) IN AN EXISTING TENANT SPACE IN THE LAKE FOREST MARKETPLACE SHOPPING CENTER LOCATED AT 23805 EL TORO ROAD

BACKGROUND:

The Lake Forest Marketplace, located on the southwest corner of El Toro Road and Rockfield Boulevard, was originally built in the 1980s under the County of Orange. The shopping center has a mix of service, retail, and restaurant tenants, including but not limited to Harbor Freight, Island Pacific Supermarket and Seafood, Guitar Center, Del Taco, and Dunkin Donuts. The parking at Lake Forest Marketplace is shared by all the tenants in the shopping center.

PROJECT DESCRIPTION:

This project is a request for the operation of a new massage establishment, Twilight Massage, in an existing 1,436 square-foot tenant space at the Lake Forest Marketplace shopping center. The business will offer massage services including therapeutic, relaxation, deep tissue, sports massage, Tuina massage, and traditional Swedish massage. The establishment would operate from 10:00 a.m. to 8:30 p.m. daily. Clients would be accepted on both walk-in and scheduled-appointment basis. The business intends to employ 3-5 massage therapists at the business.

The applicant's project description, which includes additional information about the business, is included as PC Attachment 2.

The project includes interior improvements to the tenant space. As shown in Graphic 1, the proposed floor plan includes a reception/waiting area, two-foot massage chairs, five massage treatment rooms, a restroom, a storage area, and a laundry room. No exterior modifications are proposed as part of this project. Any future signage for the business would be subject to issuance of a separate permit from the City. The plans for this project are included with this report as PC Attachment 3.

ANALYSIS:

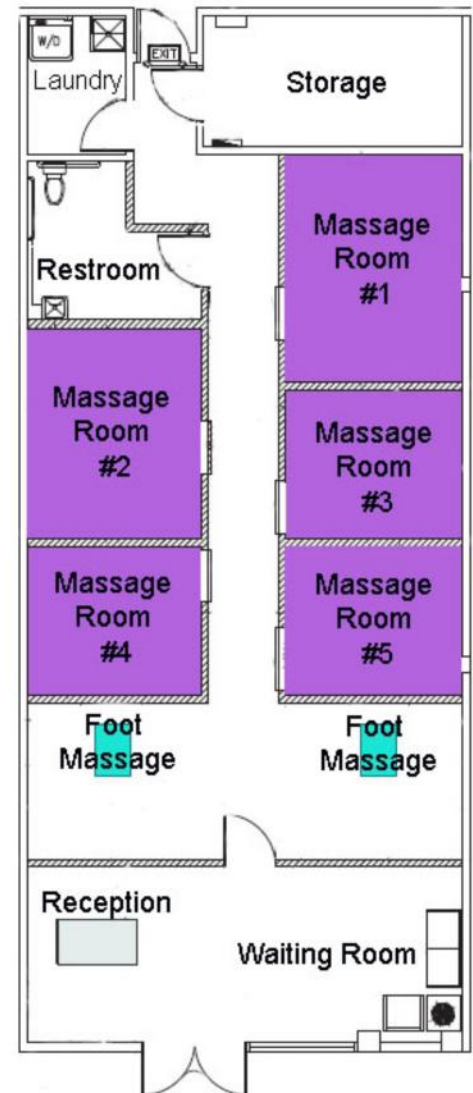
Compliance with General Plan:

The subject property is designated Mixed-Use 43 in the General Plan Land Use Element. This designation provides opportunities for mixtures of commercial, office, and residential uses in the same building, on the same parcel of land, or within the same area. Single-use projects, such as a commercial shopping centers are also allowed in this land use designation. The proposed massage establishment is a service use that is typically located in a commercial shopping center. As such, the use is consistent with the Mixed-Use 43 General Plan Land Use designation and is not in conflict with any General Plan goals or policies.

Compliance with Zoning Code:

The subject property is located within the Mixed-Use 43 zoning district. Pursuant to Zoning Code Section 9.73.065, massage establishments in this zoning district require Planning Commission approval of a Use Permit. Lake Forest Marketplace is parked as a shopping center. Pursuant to the City's parking requirements (Zoning Code Section 9.168.070), typical shopping center uses, such as retail, food-related, office and service uses may use the shopping center ratio. As such, this newly proposed business complies with the parking. The proposed project does not include any exterior changes and will not expand the square footage of the existing building. Accordingly, with the approval of this Use Permit, the project complies with all applicable requirements in the City's Zoning Code.

Graphic 1: Proposed Floor Plan



Compliance with Lake Forest Municipal Code Chapter 5.07- Massage Establishments

The Lake Forest Municipal Code Chapter 5.07 (Massage Establishments) includes licensing and operational requirements for massage establishments. The chapter requires each massage establishment obtain a Lake Forest Massage Establishment license that must be renewed annually. The licensing process includes the completion of a background investigation of the business owners by the City's Police Services Division, to determine if the owner has been engaged in any disqualifying conduct (e.g., conviction of a felony that occurred at a massage establishment). There are currently 16 licensed massage establishments in the City. In addition to obtaining a City issued Massage Establishment license for the business, each massage therapist employed at the establishment is required to obtain a California Massage Therapy Council license, which is also required to be renewed annually.

Chapter 5.07 (Massage Establishments) also includes operational requirements for massage establishments. Code Section 5.07.230 (Massage establishment facilities and operation requirements) lists 25 operational requirements (PC Attachment 4), most of which are requirements related to the health, safety, and security of the employees and clients. Based on staff's review of the project, the proposed business operation and floor plan does not conflict with any of the operational requirements, including but not limited to, the allowed hours of operation which are limited to 7:00 am to 9:00 pm daily. The proposed massage establishment would be open daily from 10:00 a.m. To 8:30 p.m. Furthermore, the draft resolution (PC Attachment 1) includes a condition of approval requiring compliance with all the regulations in the Chapter. Lastly, before approving a new massage establishment license or renewal, the City's Code Enforcement Division inspects compliance with these operational requirements. Inspections may also occur on an unscheduled basis, for example, in response to a complaint.

If the massage establishment owner or a massage therapist employed at the location does not comply with the City's regulations or engages in any disqualifying conduct (as described in Code Section 5.07.100), a massage establishment license may be revoked or a renewal may be denied through the process prescribed in the City's Code. If a license is denied or revoked for a location, then another massage establishment cannot be issued at that location for two years. Similarly, the Planning Commission may also revoke the establishment's related Use Permit if the project is not in compliance with the conditions approved in the resolution or if the findings which were the basis of the approval can no longer be made.

Compatibility with Surrounding Uses

Lake Forest Marketplace shopping center is located on the southwest corner of El Toro Road and Rockfield Blvd. The center contains several retail and service businesses and is directly south of the Home Depot, and just east of a single-family residential neighborhood. The proposed massage establishment will be conducted entirely within the tenant space and would not be open late at night. As such, the establishment would not generate any noise, traffic or parking impacts that are inconsistent with other businesses in the Lake Forest Marketplace shopping center or the surrounding residential areas.

Background of Adjacent Establishments at 23803 El Toro Road

In 2008, the City Council adopted Ordinance No. 195, which created the requirement for massage establishments to obtain Use Permits. The ordinance also required all existing massage establishments to obtain Planning Commission approval of a Use Permit by September 4, 2010.

The current project site is proposed at 23805 El Toro Road, in the same suite as the former “Coin Laundry”, in the Lake Forest Marketplace shopping center. The adjacent suite at 23803 El Toro Road was formerly a massage business and then a spa, both of which have been subject to City code enforcement activity. The massage business’s massage license was non-renewed by the City at the end of 2023, which means a new massage business cannot locate at that site for a minimum of two years. However, the proposed massage establishment, located at 23805 El Toro Road, is under different business ownership. The City has discussed the code enforcement issues with the shopping center property owner.

ENVIRONMENTAL REVIEW:

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 19, Categorical Exemptions, Sec. 15301, Class 1: Existing Facilities, of the CEQA Guidelines. This exemption applies to the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures involving negligible or no expansion of use.

PUBLIC NOTICING:

In accordance with Section 9.184.040(C)(2) of the Municipal Code of the City of Lake Forest, this project has been noticed in a newspaper of general circulation on September 19, 2024. In addition, on September 16, 2024, public notices were posted at City Hall, sent to the tenants in the Lake Forest Marketplace, and sent to owners of all property within 300 feet of the project boundary.

ATTACHMENTS:

1. Planning Commission Resolution
2. Applicant's Project Description
3. Plans
4. Lake Forest Municipal Code Section 5.07.230 (Massage establishment facilities and operation requirements)