

January 12, 2006

**Honorable Chairman and Members
of the Hermosa Beach Planning Commission**

**Regular Meeting of
January 17, 2006**

SUBJECT: TEXT AMENDMENT 06-1 – LARGE DAY SPAS

Recommendation:

To recommend the City Council adopt an ordinance to add day spas with greater than 3,000 square feet of gross floor area as a conditionally permitted use.

ALTERNATIVE:

To continue to allow day spa facilities as a permitted use by right, and specifically list and define this use as a permitted use.

Background:

Large day spas with greater than 3,000 sq. ft. of gross floor area are becoming a more frequent and popular use in commercial areas of the city. These spas typically offer a combination of non-medical personal services that includes nail, skin, or hair care and treatment, and massage therapy. The businesses also provide relaxation rooms, spa tubs, and upscale bathroom facilities to enhance the customer experience and encourage them to stay for a while. Trilogy was the first such business to open, located in the commercial building at 1301 Manhattan Avenue, and more recently, Tropical Waters Spa in the Plaza Hermosa and Glen Ivy Spa in the Hermosa Pavilion have opened or will be opening soon. Currently these types of uses are not subject to a Conditional Use Permit and have been approved pursuant to the permitted use list as beauty shops that contain a portion of their use for massage therapy. These facilities all exceed 3,000 sq. ft. of gross floor area and are distinguished from beauty shops which are typically smaller, and may not offer the same combination of personal services.

The Zoning Ordinance does not currently specifically identify or regulate large day spa uses. A day spa is generally considered to be part beauty shop and part message therapy business. The Zoning Ordinance does, however, regulate massage therapy and permits beauty shops by right, as follows:

Massage Therapy Business - is defined in Chapter 17.04¹, and is permitted only with a C.U.P. when it exclusively massage, or part of a business with more than 25% of the floor area dedicated to massage therapy as defined. Parking is required at the retail-parking ratio of 1 space per 250 sq. ft. of gross floor area.

Beauty Shop- Beauty or barber shop uses are allowed by right in the commercial zone with parking required at a retail parking ratio of 1 space per 250 sq. ft. of gross floor area.

Chapter 5.74 of the Municipal Code pertaining to business licensing requirements has specific regulations for message therapy business and includes as similar definition as in the Zoning Ordinance. Chapter 5.74 also requires that massage therapists within these massage therapy businesses meet minimum training requirements and are subject to a background check.

Analysis:

There is currently no evidence that these day spas have contributed to or will cause any significant traffic or parking problems in the buildings or shopping centers where they are

located. However, there is a potential that larger spas could potentially impact the community relative to parking, traffic and business operations if they were not located in shopping centers with ample shared parking areas. For example, if a spa use contains 5000 sq. ft. of floor area and provides parking at a retail-parking ratio, 20 parking spaces are required. Commercial properties large enough to accommodate 20 spaces of surface parking are rare in the city.² If such uses are not adequately parked the customer parking may spill over into the surrounding neighborhood. The Glen Ivey Day Spa is not anticipated to contribute significantly to neighborhood parking problems in the Hermosa Pavilion, although as part of their required Parking Plan review in February, their traffic engineer will be evaluating the impact of all the uses in the center.

These larger day spas that include massage therapy, are typically not regulated with a CUP since the message therapy portion of the business may occupy up to 25% of the area of the establishment as defined under Section 5.74.010. For example, a spa with 10,000 sq. ft. of floor area could have up to 2,500 sq. ft. of floor area devoted to this use.³²

The Commission should consider whether there is potential adverse impact of large day spa facilities to neighborhoods and address the lack of explicit regulations that apply to them. This can be accomplished by listing large day spas as a conditionally permitted use in the C-2 and C-3 zone. This will allow a review of floor plans by the Commission, and allow the imposing of conditions deemed necessary to regulate business operations and development standards on a case by case basis. Alternatively, if these business are not perceived to need such regulation, large day spa facilities may simply be added to the permitted use list in the C-2 and C-3 zone, and the massage portion of the use will be regulated if it occupies more than 25% of the gross floor area. Smaller facilities that offer similar services will continue to be considered a beauty shops, and will be permitted by right.

Sol Blumenfeld, Director
Community Development

Eva Choi
Planning Assistant

DRAFT
RESOLUTION P.C. 06-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, TO RECOMMEND ADOPTING AN
ORDINANCE TO ADD LARGE DAY SPAS AS A
CONDITIONALLY PERMITTED USE IN THE C-2
AND C-3 ZONES**

The Planning Commission of the City of Hermosa Beach does hereby resolve as follows:

Section 1. The Planning Commission held a duly noticed public hearing on January 17, 2006, to consider adopting an ordinance adding a new definition in Chapter 17.04 and amending Section 17.26.030 of the Hermosa Beach Municipal Code to regulate large day spa facilities with greater than 3,000 square feet of gross floor area.

Section 2. Based on the evidence considered at the public hearing, the Planning Commission makes the following findings:

1. The current list of permitted use list includes only beauty shops and massage therapy businesses in the commercial districts, and does not identify a common practice of combining these services into what is known as day spas;
2. Large day spa facilities are becoming a more frequent use and a more popular use in commercial areas;
3. Making the establishment of a large spa facility subject to obtaining a Conditional Use Permit, will allow a case by case review of any proposed location or type of establishment to ensure compatibility with surroundings, and consistency with the intent of the commercial zone;
4. The subject text amendment is exempt from the requirements of the California Environment Quality Act (CEQA), pursuant to the general rule set forth in Section 15061(3) of the CEQA Guidelines, as there is no possibility that the addition of large spa facilities as a conditionally permitted use may have a significant effect on the environment.

Section 3. Based on the foregoing, the Planning Commission hereby recommends that the Hermosa Beach Municipal Code, Title 17-Zoning, Chapter 17.04, Section 17.04.050 be amended to add the following to commercial land use definitions

“Large Day Spa. An establishment that consists of more than 3,000 square feet of gross floor area, that offers a combination of non-medical personal services and facilities that may include hair, nail and skin care or treatment or other services typically found in a beauty shop, and also massage therapy and similar treatment of the human body, and may also include spa tubs, pools, steam rooms, saunas or other related accessory facilities and uses. If massage therapy occupies more than 25% of the gross floor area of the establishment the business shall be subject to requirements of massage therapy business pursuant to Chapter 5.74 of the Municipal Code.”

Section 4. Amend the land use matrix under Chapter 17.26, Land Use Regulations to add the following in alphabetical order within the matrix

Use	C-1	C-2	C-3	See Section
Large Day Spa		U	U	17.04.040

VOTE: AYES: None
 NOES: None
 ABSTAIN: None
 ABSENT: None

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 06- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of January 17, 2006.

Peter Hoffman, Chairman

Sol Blumenfeld, Secretary

Date

¹ **"Massage Therapy Business"** means an establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state as part of a medical clinic. This definition excludes a gymnasium/health and fitness center, school, barber/beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than 25% of the area of the establishment. This definition also specifically excludes Adult Massage as defined in Section 17.04.060

² 20 parking spaces requires a minimum of 7,000 sq. ft. of lot area and a combined land area for both the building and parking of 12,000 sq. ft. (5,000 sq. ft. building and 7,000 sq. ft. of parking). The two existing large spa facilities in the city are part of shopping centers or part of a multi-use complex which have significant surface parking or structured parking

³ .The Glen Ivy Spa contains 13,760 sq. ft. of gross floor area and with 15% sq. ft. of massage space and the Tropical Waters Spa contains 6,700 sq. ft. of gross floor area with 11%. of massage space, Trilogy Spa contains 3,400 square feet with less than 15% for massage rooms.

DRAFT

**ORDINANCE NO. 06-
AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO THE
ADOPT AN ORDINANCE ADDING A NEW DEFINITION IN CHAPTER 17.04 AND
AMENDING SECTION 17.26.030 OF THE HERMOSA BEACH MUNICIPAL CODE TO
REGULATE LARGE SPA FACILITIES WITH GREATER THAN 5,000 SQUARE FEET
OF GROSS FLOOR AREA.**

WHEREAS, the City Council held a public hearing on February 14, 2006, to consider the recommendation of the Planning Commission to adopt an ordinance adding a new definition in Chapter 17.04 and amending Section 17.26.030 of the Hermosa Beach Municipal Code to regulate large spa facilities with greater than 5,000 square feet of gross floor area the and to receive oral and written testimony and made the following Findings:

- A. The current list of permitted use list includes only massage therapy and beauty shop in the commercial districts, precluding other usage such as large day spa;

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- B. Large spa facilities are becoming a more frequent use and a more popular use generally in commercial areas;
 - C. Making the establishment of a large spa facility subject to obtaining a Conditional Use Permit, will allow a case by case review of any proposed location or type of establishment to ensure compatibility with surroundings, and consistency with the intent of the commercial zone;
 - D. The subject text amendment is exempt from the requirements of the California Environment Quality Act (CEQA), pursuant to the general rule set forth in Section 15061(3) of the CEQA Guidelines, as there is no possibility that the addition of large spa facilities as a conditionally permitted use may have a significant effect on the environment.

SECTION 1. Add the following definition to Chapter 17.04

Large Spa Facility. An establishment that consists of more than 5,000 square feet of gross floor area, offers a combination of personal services such as massage therapy, body scrub, nail and skin care, or similar treatment or manipulation of the human body.

SECTION 2. Amend the land use matrix under Section 8-3, Land Use Regulations to add the following in alphabetical order within the matrix

Use	C-1	C-2	C-3	See Section
Large Spa		U	U	17.04.040

PASSED, APPROVED, and ADOPTED this 14th day of February, 1996, by the following vote:

AYES: None
 NOES: None
 ABSTAIN: None
 ABSENT: None

PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY