



**SPECIAL MEETING OF THE
CITY OF CONCORD
ZONING ADMINISTRATOR**

**9:00 a.m., Tuesday, March 13, 2018
CITY COUNCIL CHAMBER
1950 Parkside Drive, Concord**

AGENDA

PUBLIC COMMENT PERIOD

(The public may speak on any item within the jurisdiction of the Zoning Administrator not listed on this agenda. Approximately 15 minutes is allocated for the Public Comment Period, and each speaker will be allowed approximately 3 minutes.)

HEARINGS:

1. **Spring Therapeutic Massage (PL17547 – MP)** – Application for a Minor Use Permit to establish a restricted personal service use of a massage therapy establishment at 4115 Concord Boulevard #56. The General Plan designation is Neighborhood Commercial; Zoning classification is NC (Neighborhood Commercial); APN 114-690-064. CEQA: Categorically exempt under CEQA Guidelines Section 15301 “Existing Facilities” and Section 15332 “In-Fill Development Projects”. **Project Planner: Sarah Yuwiler @ (925) 671-3465.**

ADJOURNMENT

Next Zoning Administrator’s Meeting: March 14, 2018 – Cancelled
March 28, 2018

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3021, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Correspondence and writings received within 72 hours of the scheduled Zoning Administrator meeting that constitute a public record under the Public Records Act concerning any matter on the agenda is available for inspection during normal business hours at the Permit Center located at 1950 Parkside Drive, Concord. For additional information contact the Planning Division at (925) 671-3152.

APPEALS

Decisions of the Zoning Administrator may be appealed to the Planning Commission. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

If you challenge any of the foregoing described actions in court, an appeal first of said actions to the Zoning Administrator, Planning Commission, and/or City Council (as applicable) in the manner and within the time period established in Development Code Chapter 18.510 (Appeals and Calls for Review) is required, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator and/or Planning Commission (as applicable) at, or prior to, said public hearing.



REPORT TO ZONING ADMINISTRATOR

DATE: March 13, 2018

SUBJECT: Spring Therapeutic Massage Minor Use Permit (PL17547-MP)

Recommendation: Adopt Zoning Order No. 18-02, approving a Minor Use Permit for Spring Therapeutic Massage (PL17547-MP).

I. Introduction

A. Application Request

Application for a Minor Use Permit to operate a therapeutic massage establishment at 4115 Concord Boulevard #56.

B. Location

The project site is located at 4115 Concord Boulevard #56; APN 114-690-064



C. Applicant
Chun Ying Liu
1850 Laguna Street #3E
Concord, CA 94520

Owner(s)
Alesco II, LLC.
563 Contra Costa Boulevard
Pleasant Hill, CA 94563

II. Background

On December 5, 2017, the applicant submitted a Minor Use Permit application to operate a massage establishment at 4115 Concord Boulevard #56, within the Dana Plaza shopping center. The project application was reviewed by staff and deemed incomplete on January 4, 2018. On January 8, 2018, the applicant resubmitted the missing materials and staff deemed the application complete on February 8, 2018.

On January 10, 2018, staff notified property owners and occupants within 300 feet of the subject property of the pending Minor Use Permit application and the opportunity to request a public hearing on the matter in accordance with Development Code Section 18.435.050. Staff received a written request for a hearing from one resident in the vicinity and received one phone call request. The concerns were regarding the proximity of this use to surrounding schools. A full record of the comment can be found in Exhibit E of this report.

Additionally, the project was routed to the Police Department on January 17, 2018 for their comments and conditions to ensure compliance with local, state, and federal laws related to massage therapy and massage businesses. Additionally, review was conducted to ensure safety and regulate business operations.

III. General Information

A. General Plan

The General Plan land use designation is Neighborhood Commercial (NC). The designation is intended for neighborhood commercial centers that provide convenience and comparison goods and services to the local community. The maximum FAR is 0.35. Examples of uses in this designation include neighborhood shopping centers, supermarkets, dry cleaners, video stores, and small restaurants. The Neighborhood Commercial designation is distributed throughout the City in order to locate commercial services within close proximity to residents.

B. Zoning

The site is located within a neighborhood-oriented commercial shopping center known as Dana Plaza and is zoned Neighborhood Commercial (NC). Section §18.40.020 of the Development Code requires a Minor Use Permit to operate a “Personal Services, Restricted” use in the Neighborhood Commercial (NC) zoning district. Section §18.20.020 designates massage establishments as a “Personal Services, Restricted” land uses, which are defined as “an establishment that provides personal services that tend to have a negative economic impact upon surrounding areas and may need to be dispersed to minimize their adverse impacts.”

C. CEQA Status

This project is classified as a Class 1 and Class 32 Categorical Exemption under CEQA Regulations Section 15301 “Existing Facilities” and Section 15332 “In-Fill Development Projects.”

D. Site Description

The proposed project is located at 4115 Concord Boulevard, Unit #56 within one of two multi-tenant buildings that make up a part of the Dana Plaza shopping center. The project would occupy a vacant 860± square foot tenant space situated in the middle of the multi-tenant building along the east property line. The rear of this building faces the rear yard of a row of duplex homes. There is a shared internal service corridor along the rear of the building’s interior, so the proposed massage establishment will not have a rear or side exit with direct access to the outside. A specialty beverage store (Quickly) and a Greek restaurant (Yia Yia’s Baklava) currently operate in the tenant spaces on each side of the proposed massage establishment and share the interior service hallway.

Lot Size and Dimensions	3.5± acre property	2,378± sq. ft. tenant space
Existing Improvements	Multi-tenant retail commercial center with 133 parking spaces	
Topography	The parcel is relatively flat and improved	
Existing Vegetation	The property is currently landscaped with typical commercial retail landscaping and irrigation	

E. Surrounding Land Use

Dana Plaza is a Neighborhood Commercial shopping center surrounded by established residential land uses, primarily single family homes and duplexes. The 3.5 acre shopping center contains various retail, restaurant, and service-oriented tenants, including a Starbucks with a drive-through and a 7-11 gas station and convenience store. Per the applicant’s Zoning Compliance Fact Sheet (attached as Exhibit D), the parking lot has 140 parking spaces to serve the existing businesses and no parking issues have been reported in the past. The shopping center is near Concord High School, located about 500 linear feet to the east, separated by some multi-family residential homes and duplexes along Chinquapin Court. El Dorado Middle School and Westwood Elementary School are also nearby, located directly across the street from Concord High School.

The site is surrounded by the following uses:

	Land Use	General Plan Designation	Zoning
North	Planned Development Single Family Residential	Medium Density Residential Low Density Residential	PD RS7
South	Single Family Residential	Low Density Residential	RS7

East	Planned Development	Low Density Residential	PD
West	Single Family Residential Medium Density Residential	Low Density Residential Medium Density Residential	PD RM

IV. Project Description

A. Description of Business

The proposed project consists of an 860 square foot massage establishment within the Dana Plaza offering therapeutic massages including; sports, injury, and neck pain treatments. The services include acupressure, reflexology, and full body massage. Spring Therapeutic Massage plans to employ three full-time masseuses with a plan to expand to five masseuses in the future. The hours of operation are proposed from 9:00 am to 9:00 pm, Monday through Sunday.

B. Site Planning/Circulation/ Parking

The project includes the operation of a massage establishment within an existing 860 square foot space at the Dana Plaza shopping center. The project will not result in additional floor area and parking needs in excess of what is currently provided and shared with other tenants of the Dana Plaza shopping center.

V. Analysis/Discussion

A. General Plan

The proposed use is consistent with the General Plan as the use is a personal service located within an existing shopping center that serves the surrounding neighborhood and further implements the NC zoning district. General Plan Policy LU-2.1.1 states that the City shall maintain attractive and viable neighborhood serving centers. In addition, General Plan Policy LU-2.1.2 encourages existing neighborhood centers to expand or adapt to market changes through reuse, rehabilitation, and infill development. The proposed massage establishment would aid in maintaining the viability of the existing shopping center by occupying and upgrading an existing vacant tenant space while providing a new service to the area’s residents which is not currently available within the project vicinity.

B. Zoning

Pursuant to Section §18.40.020 of Concord’s Development Code, a Minor Use Permit is required in order to operate a “Personal Services, Restricted” use in the Neighborhood Commercial zoning district. Massage establishments are included in this restricted use classification, described in Section §18.20.020 as “an establishment that provides personal services that tend to have a negative economic impact upon surrounding areas and may need to be dispersed to minimize their adverse impacts.”

In order to ensure that adverse impacts are minimized, as per Section §18.435.060 of the Development Code, the Zoning Administrator may only approve a proposed Minor Use Permit if all of the required findings can be made. Based on the submitted application, staff is unable to make the following required findings for the reasons listed below and as identified in Zoning Order ZA 18-02 (Exhibit A):

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Development Code and the Concord Municipal Code.

The proposed massage establishment is allowed within the NC zoning district with an approved Minor Use Permit and complies with all other applicable provisions of the Development Code and the Concord Municipal Code as stipulated in the Conditions of Approval.

2. The proposed use is consistent with the General Plan and any applicable Specific Plan.

As noted above, General Plan Policy LU-2.1.1 states that the City shall maintain attractive and viable neighborhood serving centers. In addition, General Plan Policy LU-2.1.2 encourages existing neighborhood centers to expand or adapt to market changes through reuse, rehabilitation, and infill development. The proposed massage parlor would assist in promoting the viability of an existing retail center by occupying and upgrading an existing vacant tenant space while providing a new service that is not currently available in the area. Therefore, the proposed use is consistent with the site's Neighborhood Commercial General Plan land use designation and other applicable policies regarding land use compatibility. There is no Specific Plan applicable to the project site.

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

The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity because, as discussed above, adequate on-site parking is provided to avoid potential traffic, circulation, and pedestrian safety impacts as no floor area is proposed to be added to the existing shopping center. The proposed hours of operation are consistent with other uses in Dana Plaza shopping center. Operational measures are included in the Conditions of Approval to minimize potential safety, to the surrounding tenants and residents in addition to a thorough review by the Police Department regarding the use.

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

The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints because, as discussed above, sufficient on-site area is available for parking. Further, the site is already served by an adequate access point to the shopping center.

5. Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and zoning district where the property is located.

Granting the use permit for the proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the subject neighborhood or materially injurious to property or improvements in the vicinity and the Zoning District where the property is located because the project has been designed in a manner to maintain land use compatibility with the surrounding commercial land uses. Moreover, the Police Department has conducted a thorough review of the subject application and has recommended the conditions of approval within Attachment A of Exhibit A to address a variety of security concerns including safety, customer identification, and business operations.

C. **CEQA Status**

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970 (and as amended); the project is classified as Categorically Exempt under Section 15301 "Existing Facilities," as the project involves the operation and minor interior and exterior alteration of an existing private structure, involving negligible expansion of the use which does not extend beyond the existing building footprint. Further, the project is also classified as Categorically Exempt pursuant to Section 15332 "In-Fill Development Projects," because 1) the project is consistent with the General Plan, and applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a site of no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects related to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services. Additionally, pursuant to Section 15300.2, there are no exceptions to the Section 15301 "Existing Facilities" or Section 15332 "In-Fill Development Projects" exemptions because: 1) the subject property is not located in a sensitive environment; 2) the project will not cause a cumulative impact due to successive projects of the same type in the same area; 3) the project will not have a significant effect on the environment due to a cumulative impact of other projects or unusual circumstances; 4) the project will not result in damage to scenic resources; 5) the project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and, 6) the project will not cause a substantial adverse change in the significance of a historical resource.

VI. **Public Contact**

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, and has been published in the East Bay Times, as required by the Concord Municipal

Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

VII. Summary and Recommendations

Staff finds the project to be consistent with the General Plan, Zoning, and the Development Code. Staff recommends the Zoning Administrator open the public hearing, consider the staff report and presentation by the applicant, the public testimony, and close the hearing upon completion of public testimony. Staff further recommends the Zoning Administrator adopt ZA Order No. 18-02 ZA with draft conditions of approval, approving the Spring Therapeutic Massage at 4115 Concord Boulevard #56.

Prepared by: *Sarah Yuwiler*
Sarah Yuwiler
Assistant Planner
Sarah.yuwiler@gmail.com

Reviewed by: *Laura J. Simpson*
Laura Simpson,
Planning and Housing Manager
laura.simpson@cityofconcord.org

Exhibits:

- A - ZA Order No. 18-02 ZA
- B- Applicant's Statement
- C - Project Plans
- D- Zoning Compliance Fact Sheet
- E- Public Comments

ZA ORDER NO. 18-02 ZA

OFFICE OF THE ZONING ADMINISTRATOR
CITY OF CONCORD
APPROVING Minor Use Permit PL17547-MP for Spring Therapeutic Massage
Applicant: Chun Ying Liu
Owner: Alesco II, LLC
Project Name: Spring Therapeutic Massage

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6 WHEREAS, on December 5, 2017, Chun Ying Liu submitted an application for a Minor Use
7 Permit, to operate a massage establishment at 4115 Concord Boulevard #56; APN 114-690-064; and

8 WHEREAS, on February 8, 2018 the application was deemed complete for processing; and

9 WHEREAS, the application was duly noticed pursuant to the Concord Municipal Code; and

10 WHEREAS, the subject proposal is consistent with the General Plan; and

11 WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA)
12 of 1970, as amended; the project is classified as Categorically Exempt pursuant to Section 15301
13 Class 1 "Existing Facilities," and Section 15332 Class 32 "In-Fill Development Projects," and
14 therefore no further environmental review is required.

15 NOW, THEREFORE, BE IT RESOLVED that the Zoning Administrator does hereby
16 approve Minor Use Permit for Spring Therapeutic Massage, PL17547-MP subject to the attached
17 Conditions of Approval referenced in Attachment A, based on the following findings:

18 CEQA

19 Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970 (and
20 as amended); the project is classified as Categorically Exempt under Section 15301 "Existing
21 Facilities," as the project involves the operation and minor interior and exterior alteration of an
22 existing private structure, involving negligible expansion of the use which does not extend beyond the
23 existing building footprint. Further, the project is also classified as Categorically Exempt pursuant to
24 Section 15332 "In-Fill Development Projects," because 1) the project is consistent with the General
25 Plan, and applicable zoning designation and regulations; 2) the proposed development occurs within
26 city limits on a site of no more than five acres substantially surrounded by urban uses; 3) the project
27 has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not
28

1 result in any significant effects related to traffic, noise, air quality or water quality; and 5) the site can
2 be adequately served by all required utilities and public services. Additionally, pursuant to Section
3 15300.2, there are no exceptions to the Section 15301 “Existing Facilities” or Section 15332 “In-Fill
4 Development Projects” exemptions because: 1) the subject property is not located in a sensitive
5 environment; 2) the project will not cause a cumulative impact due to successive projects of the same
6 type in the same area; 3) the project will not have a significant effect on the environment due to a
7 cumulative impact of other projects or unusual circumstances; 4) the project will not result in damage
8 to scenic resources; 5) the project is not located on a site which is included on any list compiled
9 pursuant to Section 65962.5 of the Government Code; and, 6) the project will not cause a substantial
10 adverse change in the significance of a historical resource.

11 MINOR USE PERMIT

12 1. The proposed massage establishment is allowed within the NC zoning district
13 with an approved Minor Use Permit and complies with all other applicable provisions of the
14 Development Code and Concord Municipal Code as stipulated in the Conditions of Approval.

15 2. As noted above, General Plan Policy LU-2.1.1 states that the City shall
16 maintain attractive and viable neighborhood serving centers. In addition, General Plan Policy LU-
17 2.1.2 encourages existing neighborhood centers to expand or adapt to market changes through reuse,
18 rehabilitation, and infill development. The proposed massage parlor would assist in promoting the
19 viability of an existing retail center by occupying and upgrading two existing vacant tenant spaces
20 while providing a new service that is not currently available in the area. Therefore, the proposed use
21 is consistent with the site’s Neighborhood Commercial General Plan land use designation and other
22 applicable policies regarding land use compatibility. There is no Specific Plan applicable to the
23 project site.

24 3. The design, location, size, and operating characteristics of the proposed use are
25 compatible with the existing and future land uses in the vicinity because, as discussed above, adequate
26 on-site parking is provided to avoid potential traffic, circulation, and pedestrian safety impacts as no
27 floor area is proposed to be added to the existing shopping center. The proposed hours of operation
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1 are consistent with other uses in Dana Plaza shopping center. Operational measures are included in
2 the Conditions of Approval to minimize potential safety, to the surrounding tenants and residents in
3 addition to a thorough review by the Police Department regarding the use.

4 4. The site is physically suitable for the type, density, and intensity of the
5 proposed use, including access, utilities, and the absence of physical constraints because, as discussed
6 above, sufficient on-site area is available for parking. Further, the site is already served by an
7 adequate access point to the shopping center.

8 5. Granting the use permit for the proposed use will not be detrimental to the
9 health, safety and general welfare of persons residing or working in the subject neighborhood or
10 materially injurious to property or improvements in the vicinity and the Zoning District where the
11 property is located because the project has been designed in a manner to maintain land use
12 compatibility with the surrounding commercial land uses. Moreover, the Police Department has
13 conducted a thorough review of the subject application and has recommended the conditions of
14 approval within Attachment A of Exhibit A to address a variety of security concerns including safety,
15 customer identification, and business operations.

16 Based on the above findings, on March 13, 2018, the Zoning Administrator Approved said
17 application subject to the attached Conditions of Approval, referenced as Attachment A.

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19
20 Michael P. Cass,
Zoning Administrator

21 Attachments:

22 A – Draft Conditions of Approval
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1 **ATTACHMENT A**

2 **“DRAFT”**

3 **CONDITIONS OF APPROVAL**

4 **Spring Therapeutic Massage**

5 **Minor Use Permit PL17547-MP**

6 **Dana Plaza 4115 Concord Boulevard #56**

7 **APN 114-690-064**

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9 PERMIT DESCRIPTION

- 10 1. These Conditions of Approval apply and constitute the approval of a **Minor Use Permit**
11 **(PL17547-MP) to operate a 860 square foot massage establishment known as Spring**
12 **Therapeutic Massage at Dana Plaza, 4115 Concord Boulevard #56 and shall conform to**
13 **the applicant’s written statement and floor plan, dated December 5, 2017.**
- 14 2. All massage therapists shall be certified through the California Massage Therapy Council with
15 licenses displayed as required. **(PLNG, PD)**
- 16 3. The hours of operation for **Spring Therapeutic Massage** shall be as follows:
17 **Monday through Sunday 9:00Am to 9:00PM**

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19 GENERAL CONDITIONS

- 20 4. The Conditions are the responsibility of the applicant and all contractors. Compliance shall
21 occur as specified in the Conditions or at one of the following project milestones:
- 22 a) With the submittal of Grading, Improvement, Landscape, or Building Plans.
 - 23 b) Prior to issuance of Encroachment, Grading, or Building Permits, whichever comes
24 first.
 - 25 c) Prior to construction.
 - 26 d) On-going during construction.
 - 27 e) Prior to approval of the Final Map.
 - 28 f) Prior to occupancy approval.

If timing for compliance is not specified, it shall be determined by the Divisions listed after the
Condition. **(PLNG, BLDG, ENGR)**

5. Where a plan or further information is required, it is subject to review and approval by the
applicable City Department/Division, as noted at the end of each Condition. The Division
listed first shall be the primary contact for implementation of that Condition. **(PLNG, BLDG,
ENGR)**

6. The project shall comply with all applicable local, state, and federal laws specifically those related to massage therapy and massage business. *(PLNG, PD)*
7. Loitering mitigation strategies must be in place in front of the business and subject to modification by the police department if loitering and related problems arise. *(PD)*
8. No rear-door customer ingress or egress except as otherwise required by local, state, or federal law. *(PD)*
9. Business activities must be contained within the four walls of the unit-no outside queues, check-ins, client waiting, or storage of items/merchandise. *(PD)*
10. Persons under the age of 18 are not allowed within the four walls unless accompanied by a parent. *(PD)*
11. 90% of the front windows must be clear of opaque material to the extent allowable by local, state and federal law. *(PD)*
12. There shall be no images, posters, or other photographic advertising material in the front windows that show human skin, other than faces and hands. *(PD)*
13. Cooperate with the police department staff on security and safety measures. *(PD)*

SIGNAGE

14. All signage shall comply with CMC Chapter 18.180 "Signs" and any applicable Master Sign Program. *(PLNG) CMC*
15. Construction plans showing details for installation, dimensions, font, logos, materials and colors, including a sample of all materials and colors shall submitted for review and approval by the Planning and Building divisions prior to the issuance of a Sign Permit. *(PLNG, BLDG)*
16. Signs with exposed raceways shall not be permitted. *(PLNG)*
17. Signs shall be flush-mounted to the building façade. *(PLNG)*
18. Pennants, banners, streamers, or flags in connection with special promotions and business openings shall be permitted for a period not to exceed 30 days. The same, different, or similar pennants, banners, streamers, and flags shall not be permitted within 150 calendar days after such removal. No pennants, banners, streamers, balloons, inflatable devices, flags, or any other advertising devices shall be mounted on or above any roof or mansard, or otherwise extend above a parapet wall or ridge of a structure. *(PLNG) CMC*
19. Paper or printed window signs shall be limited to no more than 10 percent of the window area of any street frontage or more than 50 percent of any single window pane. *(PLNG) CMC*

UTILITIES

20. The facility and any tenant improvements are subject to additional sewer fees for any new

1 fixtures, subject to the review and approval from the City of Concord Engineering division.
2 (ENGR)

3 AGREEMENTS, FEES, BONDS

4 21. Pay a Document Imaging fee to reimburse the City for implementation of the Document
5 Imaging and File Retention programs, prior to issuance of Grading or Building Permits.
6 (PLNG)

7 OTHER/ MISCELLANEOUS

8 22. Comply with the requirements of the Contra Costa County Fire Protection District. Submit
9 complete sets of plans and specifications for the Fire District for review and approval at:

10 Contra Costa County Fire Protection District
11 2010 Geary Road
12 Pleasant Hill CA 94523

13 Plan review fees are assessed bat that time. The City is not responsible for the
14 collection of fees or enforcement of requirements imposed by the Fire District.
15 (CCCFPD)

16 23. The applicant shall defend (with counsel approved by City), indemnify and hold harmless the
17 City, any agency or instrumentality thereof, and its/their respective agents, officers, officials,
18 volunteers, and employees from and against any and all administrative and/or legal claims,
19 actions or proceedings to attack, set aside, void, or annul approval of the project, including
20 without limitation, any related application, permit, certification, condition, environmental
21 determination, other approval, compliance or failure to comply with applicable laws and
22 regulations, and/or processing methods ("Challenge"), with the exception of a Challenge
23 arising out of the City's sole negligence or willful misconduct. The City shall have the right to
24 pre-approve any material decision involved in defending any such Challenge, including
25 settlement, and may (but is not obligated to) participate in the defense of any Challenge. If
26 applicant does not promptly defend any Challenge, City may (but is not obligated to) defend
27 such Challenge as City, in its sole discretion, determines appropriate, all at applicant's sole
28 cost and expense. The applicant shall bear any and all losses, damages, injuries, liabilities,
costs, and expenses (including, without limitation, staff time and in-house attorney's fees on a
fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs,
and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether
incurred by Developer, City, or awarded to any third party, and shall pay to the City upon
demand any Costs incurred by the City. No modification of the project, any application,
permit, certification, condition, environmental determination, other approval, change in
applicable laws and regulations, or change in processing methods shall alter the applicant's
indemnity obligation. Pursuant to Government Code Section 66474.9, the applicant's
indemnification obligation with respect to any claim, action or proceeding to attack, set aside,
void, or annul an approval of City concerning a subdivision (tentative, parcel, or final map
application or approval) shall be limited to actions brought within the time period provided for
in Government Code Section 66499.37, unless such time period is extended for any
reason. The City shall promptly notify applicant of any Challenge, and shall cooperate fully in
the defense. (CA)

1 24. The City of Concord Municipal Code requires that each business within the City apply for and
2 obtain approval of a business license. Please contact the Finance Department at
(925) 671-3307 for license information. *(FIN)*

3 25. All tenant improvements are subject to review and approval of a building permit. *(BLDG)*

4 26. The permit and approval shall expire in **(one)** year from the date on which they became
5 effective unless construction permits are obtained and work has begun. The effective date of
the permit and approval is **March 23, 2018**. *(PLNG)*

6 27. A request for a time extension from the expiration date of **March 23, 2019** can be considered
7 if an application with required fee is filed at least 10 days before the original expiration date,
8 otherwise a new application is required. A public hearing will be required for all extension
9 applications, except those involving only Design Review. Extensions are not automatically
permitted to be considered under the law, may require, or permit denial. *(PLNG)*

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RECEIVED
DEC 5 2017
PLANNING

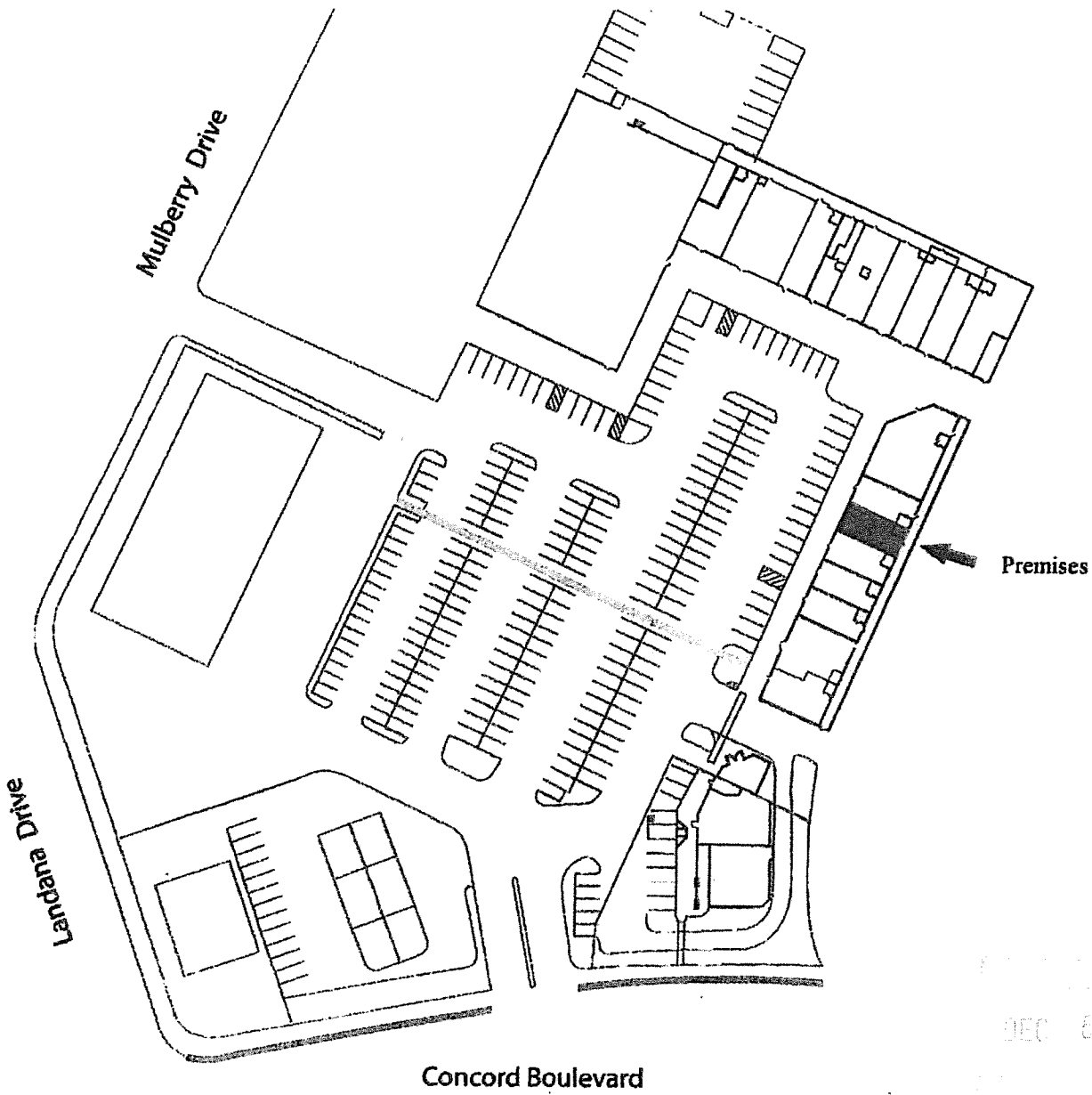
Spring Therapeutic Massage

We provide therapeutic massages, including sports, injury, and neck pain treatments. Services include

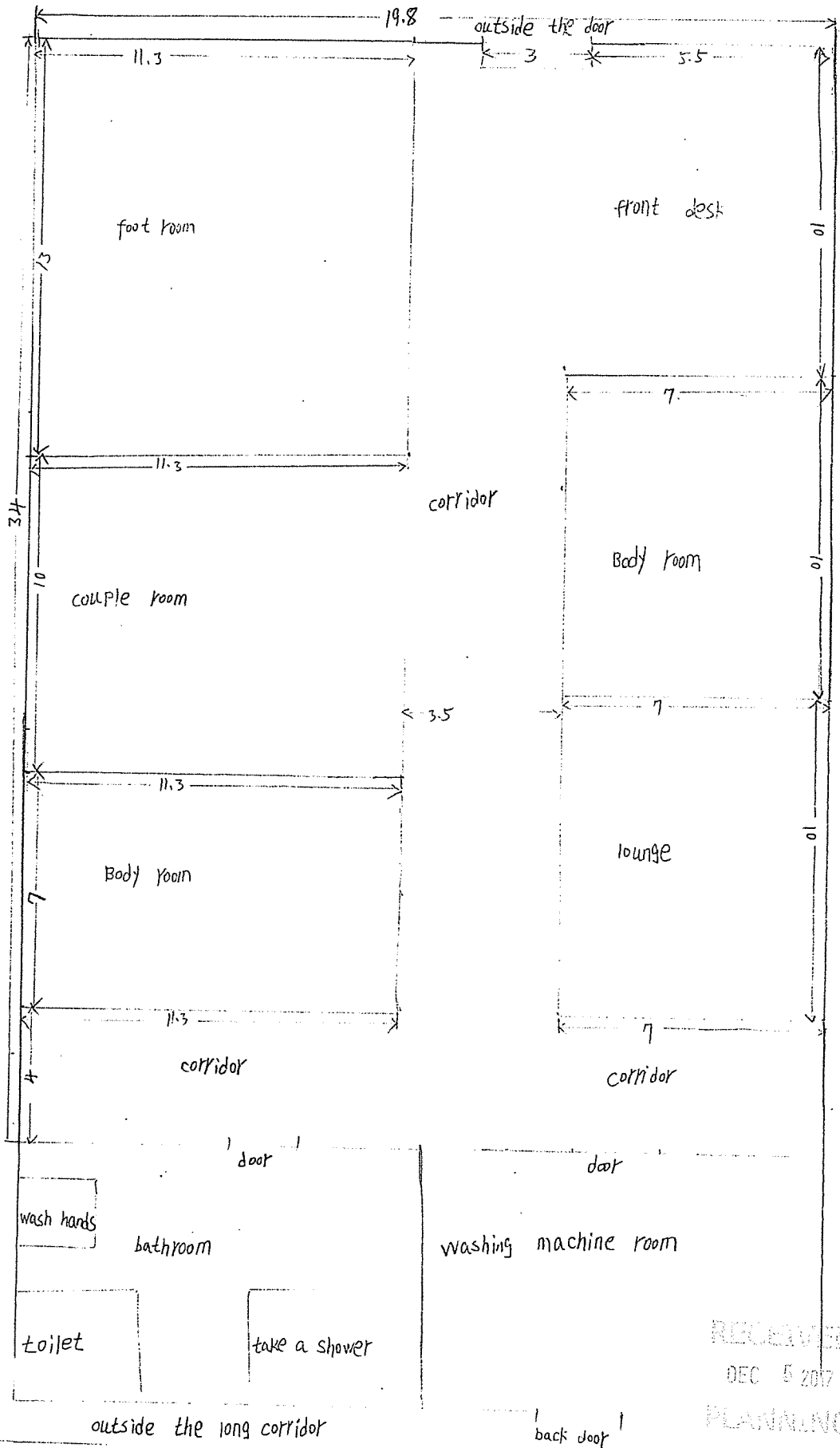
- 1) Acupressure which eases cervical migraine headache, and relaxes skeletal muscle that is inflamed from sports or work related injury;
- 2) Reflexology which relieves stress and treats insomnia,
- 3) Full body massage which increases the body's blood circulation which leads to better metabolism and relieves various kinds of muscle pains.

There will be 3 full time masseurs initially, *with growth up to 5 masseurs possibly in the future.*

Exhibit "A"
Kalra
Dana Plaza
Concord, California



DEC 6 2017



RECEIVED
 DEC 5 2017
 PLANNING

CITY OF CONCORD
 PLANNING DIVISION
 PHONE: (925) 671-3152
 FAX: (925) 671-3381



RECEIVED

DEC 5 2017

Planning & Economic
 Development Department
 1850 Parkside Drive, W/S 53
 Concord, CA 94519-2578
 www.cityofconcord.org

ZONING COMPLIANCE FACT SHEET

email: apshing@gmail.com

APPLICANT NAME AND MAILING ADDRESS <u>Chun Ying Liu, 1850 Laguna St. #3E, Concord CA 94520</u>		PHONE <u>650 228 3993</u>
BUSINESS NAME <u>Spring Therapeutic Massage</u>	PROPOSED BUSINESS ADDRESS <u>4115 Concord Blvd. #512, Concord CA 94521</u>	
BUILDING OWNER NAME AND ADDRESS <u>Alesco II, LLC, 563 Contra Costa Blvd, Pleasant Hill</u>		PHONE <u>650 576 2550</u>
SIGNATURE (BUILDING OWNER) 		

The information requested will be used to determine if a proposed use complies with the zoning or use permit. Planning Division approval does not waive building code requirements, which must be satisfied prior to occupancy. This application will be forwarded to the Contra Costa Water District to determine if a water connection upgrade is required. For additional information please contact Shawn Kelly of the Contra Costa Water District at (925) 688-8017.

Describe your business operation in detail (attach additional sheets if necessary):

See attached

Information pertaining to occupancy load and parking requirements:

- Total number of people employed at site, including managers and owners: 3
- Days and Hours of operation: 9am to 9pm Mon through Sun
- Maximum number of people in any working shift: 3
- For uses open to the public, such as restaurants, bars or classrooms, state the maximum seating capacity: _____
- Total square footage of building: _____ Total square footage occupied by your business: 860
- How much square footage is dedicated to?
 Retail _____ Office _____ Manufacturing _____
 Public assembly areas _____ Storage _____ Other _____
- Total number of parking spaces: 140 Total number of parking spaces allocated for your business: /
- How many company-owned vehicles will be parked on the site (not including employees' personal cars)? /

Building and site utilization: (Explain "YES" answers on a separate sheet and attach to this form.)

- Will any equipment be operating 24 hours a day, such as a compressor? YES NO
- Will business involve retail sales to: General public Other companies
- Will business provide service or repair for: General public Other companies
- Will business involve retail sales of alcoholic beverages? YES NO
- Will the new use change the building's Occupancy Group? If yes, contact the Building Division YES NO
- Will business sell or distribute medical marijuana? YES NO
- Will there be any outside storage of goods or materials? YES NO
- Will there be any additional outdoor trash collection areas? YES NO
- Will radio or electronic transmissions of any kind emanate from the site? YES NO
- Will new outdoor lights be installed? YES NO
- Will the business require a sign? If yes, a permit is required YES NO
- Do your business operations involve any kind of painting? YES NO
- Will explosives, flammable material or volatile liquid be stored? YES NO
- Will building be used for motor vehicle storage or repair? YES NO

Public Comment

From: jamie@kingscleaningsvc.com [mailto:jamie@kingscleaningsvc.com]

Sent: Wednesday, January 17, 2018 1:33 PM

To: Yuwiler, Sarah

Subject: Requesting hearing regarding Massage place at Dana Plaza

Hi i would like to request a public hearing regarding the Spring Therapeutic Massage minor use permit at 4115 Concord Blvd #56. I live nearby at 4250 Orangewood Court Concord ca 94521. I do not believe this business should be here when there's a school a couple blocks away. Thank you

Jamie King

Owner

916-801-1307

www.kingscleaningsvc.com