



**CITY OF BEAUMONT
PLANNING DEPARTMENT
DRAFT CONDITIONS OF APPROVAL**

PLANNING COMMISSION DATE: November 10, 2020

PROJECT NAME: Bua Lotus Thai Massage

PROJECT NOS.: CUP2020-0053

DESCRIPTION: Operation of a massage establishment within an existing single-story building located at 1384 E. 6th Street in the Commercial General (CG) Zone within the 6th Street Overlay.

APPLICANT: Molchanok Cruz

LOCATION: 1384 E. 6th Street

APN: 419-232-017

PROJECT

Note: Any conditions revised at a hearing will be noted by ~~strikeout~~ (for deletions) and/or underline (for additions), and any newly added conditions will be added at the end of all conditions regardless of the Department originating the condition.

STANDARD CONDITIONS

1. The permit for the above referenced Conditional Use Permit application and all Conditions of Approval herein.
2. The use hereby permitted is for the operation of a massage establishment within an existing single-story building for the property located at 1384 E. 6th Street.
3. The Community Development Director may approve minor modifications to the site plan that are in substantial conformance to the approved project and that do not increase impacts. All copies of the revised plans shall be dated and signed by the Director and made a part of the record.
4. The permittee shall defend, indemnify, and hold harmless the City of Beaumont, the Beaumont Redevelopment Agency, its agents, officers, consultants, and employees from any claims, action, or proceeding against the City of Beaumont or its agents, officers, consultants, or employees to attack, set aside, void, or annul, an approval of the City of Beaumont, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit CUP2020-0053. The City of Beaumont will promptly notify the permittee of any such claim, action, or proceeding against the City of Beaumont and will cooperate fully in the defense. If the City fails to promptly notify the permittee of any such claim, action or proceeding or fails to cooperate fully in the defense, the permittee shall not,

thereafter, be responsible to defend, indemnify, or hold harmless the City of Beaumont.

5. This approval is subject to the City of Beaumont Municipal Code Section 17.02.100 Conditional Use Permits and is subject to timing specified in Sections (J) Conditional Use Permit Time Limits, (K) Conditional Use Permit Lapse in Time, (L) Conditional Use Permit Renewal and (M) Lapsing in Conditional Use Permit.
6. The development and uses entitled pursuant to the permit shall comply with the Beaumont Municipal Code and all other applicable City of Beaumont ordinances and state and federal codes. The development of the premises shall conform substantially with that as shown on the approved site plan, unless otherwise amended by these conditions of approval.
7. Administrative Plot Plan application review and approval is required prior to occupancy of the building.
8. Occupancy inspections will be required prior to the start of operations by the Building & Safety, Planning, Police, and Fire Departments. All inspections shall be performed and approved before a Certificate of Occupancy will be issued by the Building and Safety Department.
9. If any of the conditions of approval are violated, or if the use otherwise become a public nuisance as set forth in the Beaumont Municipal Code, the conditional use permit may be revoked as prescribed in the Municipal Code.
10. The Community Development Director shall monitor the subject use to ensure that the scale of the use does not exceed the limitations of the existing site improvements. In the event the Community Development Director determines that the scale of the use has exceeded site limitations, a hearing shall be scheduled before the Planning Commission to review the permit and consider modification or revocation thereof.
11. After 12 months of operation, the subject matter may, at the discretion of the Community Development Director, be scheduled for review by the Planning Commission. The Commission shall retain the authority to amend these conditions of approval at such time, or to modify the use or revoke the permit if substantial problems result from the operation.
12. The applicant shall be responsible for securing clearance, permits and approvals from all relevant agencies, including the Building Department, Fire Department, Public Works Department, and any other necessary departments or agencies.

13. This permit shall be for the benefit of the applicant in whose name the permit was issued, for the specific approved location. The permit shall not be transferrable to another individual or location per Beaumont Municipal Code, Section 5.44.140.
14. Any modifications not considered in substantial conformance with CUP2020-0053 are subject to separate review and approval by the Planning and Building Departments and may require additional permits and fees.
15. Prior to the issuance of a Certificate of Occupancy for the project site or activity being commenced thereon, pursuant to Conditional Use Permit CUP2020-0053, all conditions of approval contained herein shall be completed to the satisfaction of the Planning Department.
16. The hours of operation for the approved use shall be from 9am to 8pm, seven (7) days a week, per Beaumont Municipal Code, Section 5.44.090.A.2.
17. Any uses not specifically permitted as part of, or not determined to be in substantial conformance by the Community Development Director, to this Conditional Use Permit (CUP2020-0053), shall require submittal and approval of an application to modify the Conditional Use Permit.
18. Signage is not approved as part of this project. Signage, in accordance with the Zoning Ordinance, may be approved at a later time under a separate permit.
19. Standard parking spaces require a minimum depth of 19 feet per Beaumont Municipal Code Table 17.05-2.

MESSAGE ESTABLISHMENT CONDITIONS

20. Per Beaumont Municipal Code, Section 5.44.130 no person permitted to operate a massage establishment under this Chapter shall operate under any name or conduct business under any designation not specified in the certified massage establishment permit or operator permit and City business license.
21. Per Beaumont Municipal Code, Section 5.44.090.A. the following operational requirements shall be applicable to all massage establishments located within the City:
 - a. Massage establishments shall comply with all applicable Code requirements, including but not limited to obtaining a business license.
 - b. No massage establishments shall be open for business between the hours of 8:00 pm and 9:00 am. A massage begun any time before 8:00 pm must

nevertheless terminate at 8:00 pm. The hours of operation shall be displayed in a conspicuous place in the reception and waiting area and in any front window clearly visible from outside of the massage establishment. Patrons shall be permitted in the massage establishment only during the hours of operation.

- c. During the hours of operation, patrons shall be permitted therapy rooms only if at least one duly authorized certified massage professional is present on the premises of the massage establishment. Patrons shall not be permitted in any employee break room.
- d. During the hours of operation, visitors shall not be permitted in any massage therapy room except:
 - i. As a parent or guardian who is a minor child;
 - ii. As a minor child of a patron who is a minor child; or
 - iii. As a conservator, aid, or other caretaker of a patron who is elderly or disabled.
- e. Except as otherwise provided herein, visitors shall not be permitted in massage therapy rooms, break rooms, dressing rooms, showers, or any other room or part of the massage establishment premises other than the reception and waiting area or the restroom.
- f. A list of services, the length of services, and the cost of such services shall be posted in an open and conspicuous public place on the premises or provide to patrons before services are rendered. No massage establishment operator shall permit, and no person employed or retained by the massage establishment shall perform or offer to perform, any services or request or demand any fees other than those posted.
- g. Each massage establishment shall require all patrons to sign in before receiving service with their full name and the date of their visit. Each massage establishment shall post in the reception and waiting area a notice containing the following text in upper case two-inch high letters: "SOLICITATION OF PROSTITUTION IS A CRIME IN THE STATE OF CALIFORNIA AND WILL BE REPORTED TO LAW ENFORCEMENT." Any person practicing massage therapy in the massage establishment shall be required to notify the Beaumont Police Department of a patron who solicits or attempts to solicit prostitution at the massage establishment.
- h. Each holder of a certified massage establishment permit or operator permit shall display that permit in an open and conspicuous places on the premises visible from the entrance and/or reception and waiting area of the massage establishment. Any person who practices massage therapy shall carry with them their CAMTC issued certification card at all times while on the premises of a massage establishment for the purpose for practicing massage therapy.

22. Per Beaumont Municipal Code, Section 5.44.090.B the following physical and code requirements shall be applicable to all massage establishments located within the City:

- a. One main entry door shall be provided for patron entry to the massage establishment, which shall open to an interior reception and waiting area. All patrons and any persons other than individuals employed or retained by the massage establishment shall be required to enter and exit through the main entry door. Unless the massage establishment is a sole proprietorship or employs or retains only one employee, the main entry door shall be unlocked at all times during business hours.
- 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, blurs, or unreasonably darkens the view into the premises.
- c. Minimum lighting equivalent to at least one 40-watt light shall be provided in each massage therapy room or cubicle.
- d. A minimum of one ADA compliant and handicap accessible toilet and washbasin shall be provided in every massage establishment.
- e. A massage table shall be used for all massage therapy, with the exception of "Thai," "Shiatsu," and similar forms of massage therapy, which may be provided on a padded mat on the floor, provided the patron is fully clothed. Massage therapy tables shall have a minimum height of 18 inches.
- f. Beds, floor mattresses, and waterbeds are not permitted on the premises of the massage establishment, and no massage establishment shall be used for residential or sleeping purposes.
- g. All locker facilities that are provided for the use of patrons shall be fully secured for the protection of the patron's valuables, and each patron shall be given control of the key or other means of access.
- h. Minimum ventilation shall be provided in accordance with the Building Code of the City.
- i. All restrooms or washbasins shall be provided with hot and cold running water, soap, and single-service towels in wall-mounted dispensers.
- j. The massage establishment shall comply with all applicable state and local building standards and requirements, and the fire code.
- k. Except as otherwise provided in the Code, all plumbing and electrical installations shall be installed under permit and inspection of the building inspection department and such installations shall be installed in accordance with the California Building Code and the California Plumbing Code.

23. Per Beaumont Municipal Code, Section 5.44.090.C the following health and safety requirements shall be applicable to all massage establishments located within the City:

- a. The massage establishment shall at all times be equipped with an adequate supply of clean, sanitary towels, coverings, and linens, and all massage tables shall be covered with a clean sheet or other clean covering for each patron. After a towel, covering, or linen has been used once, it shall be deposited in a closed receptacle, and not used again until properly laundered and sanitized. Clean towels, coverings, and linens shall be stored in closed, clean cabinets when not in use. Heavy white paper may be used in lieu of towels, coverings, or linen, provided that the paper is used once for each patron and then discarded into a sanitary receptacle.
- b. All massage therapy rooms or cubicles, wet and dry heat rooms, restrooms, shower compartments, hot tubs, and pools shall be thoroughly cleaned and disinfected as needed, and at least once each business day when the premises have been or will be open and such facilities are in use. All bathtubs shall be thoroughly cleaned and disinfected after each use.
- c. The walls in all rooms where water or steam baths are given shall have washable, mold-resistant surfaces.
- d. All liquids, creams, or other preparations used on or made available to patrons shall be kept in clean and closed containers, and according to the instructions for storage and use. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream, or other preparation is to be used on or made available to a patron, it shall be removed from the container in such a way so as to not contaminate the remaining portion.
- e. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing acts of massage therapy and said instruments shall be disinfected and sterilized after each use.
- f. Pads used on massage tables shall be covered with durable, washable plastic or other acceptable waterproof material.
- g. All bathrobes, bathing suits, and/or other garments that are provided for the use of patrons shall be either fully disposable and not used by more than one patron or shall be laundered after each use.
- h. All combs, brushes, and/or other personal items of grooming or hygiene that are provided for the use of patrons shall be either fully disposable and not used by more than one patron or shall be fully disinfected after each use.
- i. No patrons shall be allowed to use any shower facilities of the massage establishment unless such patrons are wearing slip-resistant sandals or flip-flops while in the shower compartment. All footwear such as sandals or flip-

flops that are provided for the use of patrons shall be either fully disposable and not used by more than one patron or shall be fully disinfected after each use.

- j. The patron's genitals, pubic area, anus, and areola must be fully covered at all times while any individual employed or retained by the massage establishment to practice massage therapy for compensation, or any other employee or operator of the massage establishment, is in the massage therapy room or cubicle with the patron. No massage therapy shall be provided to a patron that results in contact with genitals, pubic area, anus, or areola of the patron.
 - k. No alcoholic beverages shall be sold, served, or furnished to any patron; nor shall any alcoholic beverages be kept, possessed, or consumed on the premises of the massage establishment.
24. Per Beaumont Municipal Code, Section 5.44.090.D the following attire and physical hygiene requirements shall be applicable to all employees and any other persons who work permanently or temporarily on the premises of the massage establishment within the City, including but not limited to, all persons who are employed or retained to practice massage therapy or bodywork for the massage establishment:
- a. No person shall dress in:
 - i. Attire that is transparent, see-through, or substantially exposes the person's undergarments;
 - ii. Swim attire, unless providing a water-based massage modality approved by the CAMTC;
 - iii. A manner that exposes the person's breasts, buttocks, or genitals;
 - iv. A manner that constitutes a violation of Section 314 of the California Penal Code.
 - b. No massage establishment operator, employee, or visitor shall, while on the premises of a massage establishment and while in the presence of any patron, customer, employee or visitor, expose his or her pubic areas, areola, breasts, buttocks, or genitals.
 - c. All persons shall thoroughly wash their hands with anti-bacterial soap and water or any equally effective cleansing agent immediately before providing massage therapy to a patron. No massage therapy shall be provided upon a surface of the skin or scalp of a patron where such skin is inflamed, broken (e.g. abraded or cut), or where a skin infection or eruption is present.

25. Per Beaumont Municipal Code, Section 5.44.100:

- a. Any and all investigating officials of the City shall have the right to enter massage establishments from time to time during regular business hours to

make reasonable inspections and observe and enforce compliance with building, fire, electrical, plumbing or health regulations and this Code. A warrant shall be obtained whenever required by law.

- b. The massage establishment operator shall take immediate action to correct violation noted by the investigating official. A re-inspection will be performed within 30 days to ensure that each violation noted by the investigating official has been corrected.

BUILDING DEPARTMENT CONDITIONS

26. Any modifications to the existing use, structure and site requires construction drawings to be submitted to the Building Department for plan review, permits and inspections.
27. It shall be unlawful for any person to engage in or permit the generation of noise related to landscape maintenance, construction including erection, excavation, demolition, alteration or repair of any structure or improvement, at such sound levels, as measured at the property line of the nearest adjacent occupied property, as to be in excess of the sound levels permitted under Chapter 9 of the Municipal Code, at other times than between the hours of 7:00 a.m. and 6:00 p.m. The person engaged in such activity is hereby permitted to exceed sound levels otherwise set forth in this Chapter for the duration of the activity during the above described hours for purposes of construction. However, nothing contained herein shall permit any person to cause sound levels to at any time exceed 55 dB(A) for intervals of more than 15 minutes per hour as measured in the interior of the nearest occupied residence or school.

FIRE DEPARTMENT CONDITIONS

With respect to the conditions of approval for the referenced project, the Fire Department requires the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognized fire protection standards:

28. Fire Hydrants and Fire Flow: Prior to the issuance of building permits, plans for the water system shall be submitted to the fire department for review and approval. The water system shall be capable of delivering the required fire flow. Fire hydrant(s) location and spacing shall comply with the fire code. An approved water supply for fire protection during construction shall be made available prior to the

arrival of combustible materials on site. Reference 2019 California Fire Code (CFC) 507.5.1, 3312, Appendices B and C.

29. Construction Permits Fire Department Review: Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.
30. Addressing: All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01
31. FIRE EXTINGUISHERS - Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire extinguishers shall be mounted no higher than 5 feet above finished floor, measured to the top of the extinguisher. Extinguishers must have current CSFM service tags affixed; or within one year if from the date of month and year manufacture. Higher Hazards shall require a higher hazard fire extinguisher. CFC section- 906.1.
32. BUILDING OPENINGS - Access to building openings and roofs shall be maintained readily accessible for emergency access by the fire department. Finished grade to be flat and accessible on all sides of the building were ground ladder access is the only means to reach the highest point on the building from the exterior. Obstructions will not be placed as to interfere with ground ladder placement. CFC Chapter 5, section 504.1 & RVC Ordinance 787.8

POLICE DEPARTMENT

33. The address of the business shall be clearly visible from the front of the building and shall be illuminated during hours of darkness.

End of Conditions