

December 20, 2016

Amir Kacem
1159 West 3rd Street #6
San Pedro, CA. 90731

**RE: 1725 SOUTH BRAND BOULEVARD
CASE NO. PCUP 1624859
(OAK MASSAGE)**

Dear Mr. Kacem:

On December 14, 2016 the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a conditional use permit to allow the operation of a new massage use subject to the standards listed in GMC 5.64, in the "C3"- Commercial Services Zone, located at **1725 South Brand Boulevard**, described as Portions of Lots 12, 13, & 14, Tract No. 3485 in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

(1) To operate a massage establishment.

CODE REQUIRES

Conditional Use Permit

(1) A conditional use permit application is required for a massage establishment in the C3 zone (G.M.C. 30.12.020 B, Table 30.12-A)

ENVIRONMENTAL RECOMMENDATION

This project is exempt from CEQA review as a Class 1 (Existing Facilities) exemption, pursuant to State CEQA Guidelines Section 15301.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

A. The proposed use will be consistent with the various elements and objectives of the general plan.

The proposed use will be consistent with the various elements and objectives of the General Plan for the area. The applicant is seeking approval of a conditional use permit to allow the operation of a massage establishment. The Land Use Element of the Glendale General Plan designates the subject site as Community Services. Personal service land uses, such as a massage establishment, generally offer a complementary element to surrounding uses. Massage services is an allowed use in the C3 – Commercial Services Zone, subject to the approval of a Conditional Use Permit. The

subject site is in a commercial area along South Brand Boulevard that is suitable for this type of use. Further, Brand Boulevard and San Fernando Road are identified as a Major Arterial in the Circulation Element. The operation of the massage establishment shall be required to comply with the City's Noise Ordinance (Chapter 8.36 Noise Control), and, as such, will be consistent with the Noise Element. No other elements of the General Plan, including the Open Space and Recreation and Housing Element will be impacted as a result of the massage establishment. Therefore, the proposed use is in keeping with the various elements and objectives of the General Plan.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment. The facility is located on the west side of South Brand Boulevard, north of San Fernando Road, at a primary gateway into the City from Los Angeles. The immediate vicinity of the subject site along South Brand Boulevard is developed with a variety of commercial uses, especially, automobile dealerships. However, the subject site is located at the southern end of the "Brand Boulevard of Cars", which includes an auto repair garage to the north, a mix of commercial uses to the south, and a public school and park across the street to the east. Further, this southern portion of San Fernando Road, which is part of the San Fernando Road Corridor, is comprised of commercial retail, warehouse/industrial uses and vehicle repair garages. Residential uses are not located adjacent to the site. The nearest residential use is located along San Fernando Road, east and south of the "Seeley's" building on the southeast corner of South Brand Boulevard and San Fernando Road. Approval of the Conditional Use Permit will not adversely impact nearby uses, nor impede the development of surrounding properties since these properties are already developed. No changes are proposed to the existing on-site building or site plan. The commercial building is oriented towards South Brand Boulevard (with a public alley to the north) and no public access is available at the rear or off the alley. The use meets the intent of the Zoning Ordinance of providing a personal service in the commercial neighborhood and will be beneficial and desirable for the public and the community.

There are public facilities and a hospital in the neighborhood. Cerritos Public Park and Cerritos Elementary School are located across the street to the east. These public uses are separated by a large street, Brand Boulevard, which is approximately 130 wide and includes a center landscaped median. In addition, these public uses are not directly facing the subject tenant space. The main entrance to Cerritos Elementary School is from Cerritos Avenue and the park entrance is at the northeast corner of San Fernando Road and South Brand Boulevard. Further, the play structures are oriented away from Brand Boulevard. The nearest hospital, Glendale Memorial Hospital, is located 0.4 miles, northwest of the subject site. Aside from the above public facilities, there are no churches, private schools or colleges, day care facilities or libraries in close proximity to the proposed massage establishment. Neither the Glendale Police Department nor Neighborhood Services Division cited major concerns related to the proposed conditional use permit.

The use must comply with all of the provisions set forth in Chapter 5.64 of the Glendale Municipal Code (Massage Establishments); proposed conditions of approval are added to the project to ensure that the massage establishment will continue to operate in a responsible manner. Neither the Glendale Police Department nor Neighborhood Services Division cited major concerns related to the proposed conditional use permit.

C. The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

The proposed massage establishment use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. No changes are proposed to the existing building as part of the CUP application. There are various types of commercial uses in the surrounding area. Approval of the Conditional Use Permit will not adversely impact nearby uses on this commercial street nor impede the development of surrounding properties since these properties are already developed. The massage use is not anticipated to draw major traffic or create conflicts with the adjacent uses and no substantial evidence was submitted to indicate that the facility would adversely impact existing facilities. Additional conditions and a three year expiration term will help ensure that no illegal activities are conducted at the site.

D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use.

Adequate public and private facilities such as utilities, landscaping and traffic circulation measures are provided for the site and the use. The project site is already developed and associated facilities are in place. While there are no on-site parking spaces, the proposed change of use from an approximate 1,800 square-foot retail bakery use to a massage establishment (personal service) will not require additional parking per Zoning regulations under section 30.32.030. Further, the project does not involve a floor area expansion. There are on-street parking spaces along Brand Boulevard even though these spaces are not considered for required on-site parking.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
2. That the business shall fully comply with the provisions in Chapter 5.64 of the Glendale Municipal Code (Massage Establishments), now in effect or as later amended; and Chapter 10.5 of Division 2 of the California Business and Professions Code, Sections 4600 through 4621 (Massage Therapy Act), or any successor legislation.
3. That full access to the premises shall be made available to all City of Glendale representatives, including, but not limited to, personnel from Community Development Department, Neighborhood Services Division, Police Department, and Fire Department, and Los Angeles County Department of Health Services representatives,

upon request, for the purpose of verifying compliance with all laws, or verifying the conditions of this approval, or both.

4. That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division, if required to comply with the said provisions of Chapter 5.64, and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
5. That all necessary licenses as required from Federal, State, County or City authorities shall be obtained and kept current at all times.
6. That a Business Registration Certificate shall be obtained to reference this conditional use permit.
7. All employees who perform massage must be CAMTC certified.
8. That the facility shall adhere to the City's Fresh Air (smoking) Ordinance.
9. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
10. That all signs displayed shall conform to the requirement of the Glendale Municipal Code.
11. That the operating hours of the massage establishment shall be only between the hours of 10:00 a.m. to 10:00 p.m. each day of the week.
12. Failure to abide by or fully comply with any and all conditions made a part of this Conditional Use Permit constitutes grounds for its revocation.
13. That the authorization granted herein shall be valid for a period of 3 years, until **DECEMBER 20, 2019**, at which time, a reapplication must be made.

APPEAL PERIOD

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Building and Safety Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **JANUARY 4, 2017** in the Building and Safety Division, 633 E. Broadway, Room 101.

APPEAL FORMS available on-line: <http://www.glendaleca.gov/appeal>

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a conditional use permit at least ten (10) days' notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.4 PROVIDES FOR

Termination

Every right or privilege authorized by an conditional use permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension

An extension of the conditional use permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the a conditional use permit.

Cessation

A conditional use permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the conditional use permit for one year or more in the continuous exercise in good faith of such right and privilege.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner who acted on this case. This would include clarification and verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **by appointment only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Sincerely,



Bradley M. Collin
Planning Hearing Officer

BC:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (S. Mirzaian); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner and case planner Milca Toledo.