

February 1, 2017

Zhaohong Sun  
12387 Magnolia Street  
El Monte, CA 91732

**RE: 3702 FOOTHILL BOULEVARD  
CONDITIONAL USE PERMIT NO. PCUP 1621995**

Dear Ms. Sun:

On February 1, 2017 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 continue a Massage Establishment in the "CH" – Hillside Commercial zone, located at **3702 Foothill Boulevard**, described as Portions of Lots 17 and 18, Licensed Surveyors Map, Book 14, Pages 27 and 28, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

(1) To continue to operate a massage establishment

CODE REQUIRES

Conditional Use Permit

(1) A conditional use permit application is required for a massage establishment in the CH 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 continued operation of a massage establishment. The Land Use Element of the Glendale General Plan designates the subject site as Community Services Commercial. Personal service land uses, such as a massage establishment, generally offer a complementary element to surrounding uses. Massage establishments is an allowed use in the CH – Commercial Hillside Zone, subject to the approval of a Conditional Use Permit. The subject site is in a commercial area along Foothill Boulevard (identified as a Major Arterial in the Circulation Element) that is suitable for this type of use. Continued 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. 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 southwest corner of Foothill Boulevard and Lauderdale Avenue. The immediate vicinity of the subject site along Foothill Boulevard is developed with a variety of commercial uses, including retail, office, personal services, and restaurants. Single-family homes are located south of the subject site in the R1 zone. The Topline Spa massage has been in operation at its current location since January 2013. No changes are proposed to the on-site building or site plan, including the parking lot. The commercial building is oriented towards Foothill Boulevard. The existing parking lot is located between the retail center and the single-family homes. The use meets the intent of the Zoning Ordinance of providing a personal service in the commercial neighborhood. There are no known parks, churches, schools or colleges, day care facilities, libraries or hospitals in close proximity to the massage establishment - Dunsmore Park, Dunsmore Elementary School and St. James Catholic Church are 0.4 miles and Clark High School is 0.8 miles from the subject site. The use must comply with all of the provisions set forth in Chapter 5.64 of the Glendale Municipal Code (Massage Establishments); conditions will be added to the approval of 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 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 on-site buildings 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. The existing establishment has been at the present location since 2013 and no evidence exists that indicates that it has been an issue.

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

Adequate public and private facilities such as utilities, landscaping and traffic circulation measures are provided for the site and the use. The use has been in operation at its current location since 2013. A total of 14 parking spaces are provided in the surface parking lot on the subject property to service the subject use and other tenants. This application does not include any added floor area to the existing building or subject tenant space, so no increase in the parking demand is being created. The existing utilities, landscaping, parking spaces, and traffic circulation measures are adequate as they are already in place.

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

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. That the authorization granted herein shall be valid for a period of **5 YEARS, UNTIL FEBRUARY 1, 2022**, 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 Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **February 16, 2017**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

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

#### **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.

### **REVOCAION, 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:RK: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. Mirzaians); 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); Rod MacDonald-property owner; and case planner Roger Kiesel.