



CITY OF GLENDALE, CALIFORNIA  
Community Development  
Planning

633 E. Broadway, Suite 103  
Glendale, CA 91206-4311  
Tel. (818) 548-2140 Fax (818) 240-0392  
glendaleca.gov

December 23, 2019

Elisha Yan Li  
Classic Family Spa  
125 West Los Feliz Road  
Glendale, CA 91204

**RE: 125 WEST LOS FELIZ ROAD  
CONDITIONAL USE PERMIT NO. PCUP 1918835**

Dear Ms. Li:

On December 18, 2019 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 continued operation of an existing massage establishment (Classic Family Spa) in the "C3-I" (Commercial Service) zone, located at **125 Los Feliz Road**, described as a Portion of Lots 16 and 17, Block 2, Vine Cottage Tract, in the City of Glendale, County of Los Angeles.

**APPLICANT'S PROPOSAL**

**Conditional Use Permit**

(1) To allow the continued operation of a massage establishment

**CODE REQUIRES**

**Conditional Use Permit**

(1) The operation of a Massage Establishments requires approval of a conditional use permit (G.M.C. 30.12.020 B, Table 30.12-A)

**ENVIRONMENTAL DETERMINATION**

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to Section 15301 of the State CEQA Guidelines, because the discretionary permit request is to allow the continued operation of an existing massage establishment within an existing commercial tenant space and involves no expansion of the use or the building.

**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 applicant's request to allow the continued operation of an existing massage establishment will be consistent with the various elements and objectives of the general plan. The zoning land use designation and the General Plan Land Use Element designation for the subject property is Commercial Service (C3). The C3 Zone is intended to offer a full range of goods and services to the community located along commercial thoroughfares within the City, in conformance with the comprehensive general plan. Personal service land uses, such as a massage establishment, generally offer a complementary element to surrounding uses. A massage establishment is a permitted use in the C3 Zone, subject to the approval of a Conditional Use Permit.

The massage establishment is located in an existing 4,500 square-foot, ground-floor tenant space that is part of a larger two-tenant commercial building. The applicant's request to allow the continued operation of an existing massage establishment at this location is appropriate, as it is in a commercial area along West Los Feliz Road (identified as a Major Arterial in the Circulation Element), just west of Brand Boulevard. The subject property is bounded by a vacant lot to the west, residential uses to the north, retail uses to the east, and an auto dealership and a public hospital (Glendale Memorial Hospital) directly across the street to the south. The existing massage establishment will continue to provide a personal service and will be beneficial to the general public.

Since the site is already developed and the Conditional Use Permit application only involves the continued operation of an existing massage establishment with no changes to the use of the building, other elements of the General Plan, including the Circulation, Open Space, Recreation, Housing and Noise Element, will not be impacted as a result of the project. Therefore, allowing this existing massage establishment to continue its operations will be consistent with the 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 continued operation of an existing massage establishment will not be detrimental to the public health or safety, the general welfare, or the environment. The project has been reviewed by the City Attorney's Office, the Police Department, and the Divisions of Neighborhood Services and Planning within the Community Development Department to identify potential negative impacts of the project on the public health, safety, general welfare or environment.

Within the last calendar year, there were no calls for police service at the location. Neither the Police Department nor Neighborhood Services Division cited concerns related to this project. However, conditions of approval by the Police Department and the City Attorney's Office are incorporated to ensure there are no negative impacts to the public health, safety, general welfare, or the environment.

In addition, the use must comply with all of the provisions set forth in Chapter 5.64 of the Glendale Municipal Code (Massage Establishments) and Chapter 10.5 of Division 2 of the California Business and Professions Code, Section 4600 through 4621 (Massage Therapy Act), or any successor legislation. Because of past incidents at the Classic Family Spa, the approval authorization for the business was granted for a period of two years for the previous Conditional Use Permit (No. PCUP1703663). However, considering the business has operated in good faith, without any incidents or calls for service at the location, the approval authorization for the business shall now be granted for a period of ten years, at which time a reapplication must be made. Section 30.64.020 of the Glendale Municipal Code provides for continuing jurisdiction over the use so that any adverse effects will not be allowed.

**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 building as part of this application. The immediate vicinity of the subject property is developed with residential uses, a variety of commercial uses, and a medical use. The subject property is bounded by a vacant lot to the west, residential uses to the north, retail uses to the east, and an auto dealership and a public hospital (Glendale Memorial Hospital) directly across the street to the south. There are no known parks, private or public schools or colleges, daycare facilities, or libraries within quarter mile of the existing establishment; there are three churches (Armenian Ecclesiastical, Glendale Christian Church, and Faith Center Church) within quarter mile of the existing establishment.

The applicant's request is not anticipated to interfere with the existing operations or development of the neighboring and surrounding uses since these properties are already developed. The subject tenant space has been occupied by a massage establishment since 2011. The Classic Family Spa has operated at the subject location since 2015 and has operated in good faith since the previous conditional use permit (No. PCUP1703663) approval. 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 massage establishment will continue to provide a personal service and will be beneficial to the general public.

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

This application does not propose any new floor area or modifications to the existing tenant space, and has been utilized by the same massage establishment since 2015. The site has been fully developed since 1960 with all required utilities such as gas, electricity, water, sewers, and landscaping already in place. A total of nine surface parking spaces are provided on site to service the two commercial businesses on-site. The applicant's request is not expected to create a negative parking or traffic related impact, as it is not anticipated the continued operation of an existing massage establishment will significantly increase the amount of patrons to the subject site that has been operating as the same massage establishment for the last five years. As identified in the Circulation Element, Los Feliz Road is a Major Arterial and Orange Street is a local street. These streets are fully developed and can adequately handle the existing traffic circulation around the site.

**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 all licenses and permits as required or approvals from Federal, State, County or City authorities shall be obtained and kept current at all times.
3. That the applicant shall fully comply with, and shall not violate, 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.
4. That full access to the premises must be made available to all City of Glendale representatives (including, but not limited to, personnel from the Community Development Department, Neighborhood Services Division, Police Department, and Fire Department); Los Angeles County Department of Health Services representatives; and California Massage Therapy Council representatives— upon request, at any time, of one or more of the representatives, for the purpose of verifying compliance with all laws, or verifying the conditions of this approval, or both.
5. Failure to abide by or fully comply with any and all conditions attached to, or made a part of, this Conditional Use Permit constitutes grounds for its revocation.



6. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.
7. That the premises shall be operated in full accordance with applicable State, County, and local laws
8. That the premises shall be operated in full accordance with Health and Safety Code regulations.
9. That no live entertainment shall be permitted.
10. That all music and noise shall be contained within the edifice of the establishment and the business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
11. That any expansion or modification of the facility or use which intensifies the existing conditional use permit shall require a new conditional use permit application. Expansion shall include additional floor area, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer.
12. That the front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
13. That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
14. That the business shall adhere to the City's Fresh Air (smoking) Ordinance.
15. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
16. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
17. That all employees who perform massage must be California's Massage Therapy Act (CAMTC) certified.
18. That paraphernalia used for sexual activity shall not be stored at the location. A massage therapist shall not engage in touching, rubbing or fondling a patron's private parts ("specified anatomical area") and all other prohibited acts contained in GMC section 5.64.190 (and California's Massage Therapy Act).

19. That employees shall not be in possession of or store paraphernalia used for sexual activity at the establishment.
20. That a Business Registration Certificate shall be obtained to reference this conditional use permit.
21. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS, UNTIL DECEMBER 23, 2029**, 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 **January 7, 2020** at the PSC, 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the 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/appeals>**

### **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 30.41 PROVIDES FOR**

### TERMINATION

Every right or privilege authorized by a 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 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,  
Philip Lanzafame  
Director of Community Development

  
Bradley M. Collin  
Planning Hearing Officer

BC:MH:sm

cc: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. Van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Dir of Public Works (Y.Emrani);Traffic & Transportation Section (P.Casanova); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove/T.Dodson); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian); and case planner – Minjee Hahm