



May 12, 2020

Helen McDonagh
333 North Brand Boulevard
Glendale, CA 91203

**RE: 333 NORTH BRAND BOULEVARD
CONDITIONAL USE PERMIT NO. PCUP 1918919**

Dear Ms. McDonagh:

On April 22, 2020 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 permit the continued operation of a massage establishment in the Downtown Specific Plan Alex Theatre District, located at **333 North Brand Boulevard**, described as Lot 44 and Lot 45, Glendalia Park Tract, in the City of Glendale, County of Los Angeles as per maps recorded in Book 10, Page 157 of Maps in the Office of the County Recorder of the County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- (1) Approval of a Conditional Use Permit (CUP) to permit the continued operation of a massage establishment in the Downtown Specific Plan Alex Theatre District.

CODE REQUIRES

Conditional Use Permit

- (1) Massage establishments in the Downtown Specific Plan Alex Theatre District (DSP Chapter 3.3, Table 3-A-1) require a Conditional Use Permit.

ENVIRONMENTAL DETERMINATION

Categorically exempt from the California Environmental Quality Act (CEQA) as a Class 1 Existing Facilities per Section 15301(e) of the CEQA Guidelines, because the project involves no expansion of an existing use.

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. That 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. The General Plan Land Use Element designation for the subject site is Specific Plan (Downtown Specific Plan Alex Theatre District). The Alex Theatre District is a low-scale commercial strip of Downtown Glendale and features a variety of intimate-scale retail, restaurant and service uses located within traditional storefronts. The Alex Theatre district encourages entertainment activities, restaurants, small-scale retail businesses and other such pedestrian-oriented activities. The massage establishment provides a physical therapy service to residents, employees and visitors of Downtown Glendale. It is also required to use the first 25 feet of its tenant space, which faces Brand Boulevard, for retail use; thereby maintaining a pedestrian-friendly storefront. Therefore, the use is consistent with the Land Use Element of the General Plan.

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 General Plan Noise Element. No other elements of the General Plan, including the Circulation, Historic Preservation, Housing, Open Space and Conservation, Recreation, and Safety Elements, will be negatively impacted as a result of the proposed land use. Therefore, the proposed use is consistent 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 proposed continuation of the use of the property as a massage establishment, and its associated structures and facilities to which no changes are proposed, are not anticipated to be detrimental to the public health or safety, the general welfare, or the environment, as conditioned. The massage establishment has been operating at this location since 2005 and has demonstrated compatibility with the neighborhood and community. The Police Department indicated it has not received any calls from the community for service at this location. The conditions of approval are designed to ensure the use will not result in any detrimental impacts to the public health, safety, general welfare or environment.

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

Approval of the conditional use permit will not adversely impact nearby uses, nor impede the normal development of surrounding properties. There are no sensitive uses within the subject site commercial building that could be adversely impacted by

a massage establishment. The first floor primarily consists of retail and service uses and the second floor consists of general office uses. Further, the massage establishment has been located at the subject site for 15 years without adversely impacting nearby uses or impeding the normal development of surrounding properties. The massage establishment only hires massage professionals who are certified by the California Massage Therapy Council (CAMTC), a rigorous certification program with a selective list of approved schools and a which includes a criminal background check. In addition, the massage establishment performs its own national background check on all potential employees.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

Adequate public and private facilities such as utilities, landscaping, parking, and traffic circulation measures are provided for the proposed use. The building has been utilized by commercial uses since its original construction in 1923 and has legal non-conforming parking (no onsite parking and is 100 feet away from City Parking Lot #6). The site has appropriate utilities and infrastructure necessary for the massage establishment to continue operating at the site. No changes are proposed that would render existing utilities and infrastructure inadequate or require them to be upgraded.

APPROVAL of the 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 except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That any expansion or modification of the facility or use which intensifies the existing use shall require a new Conditional Use Permit application. Expansion shall constitute adding floor area, changes to the use or operation, increased hours of operation, or any physical change as determined by the Director of Community Development.
3. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. That the massage establishment owner or operator shall obtain and maintain a current, active, and valid massage establishment owner certificate.
5. That the massage establishment owner or operator shall obtain and maintain a current, active, and valid Business Registration Certificate.

6. 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.
7. That the first 25 feet of the subject site, which faces Brand Boulevard, shall be for retail use; thereby maintaining a pedestrian-friendly storefront.
8. 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.
9. That 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.
10. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
11. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
12. That the business shall adhere to the City's Fresh Air (smoking) Ordinance.

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 **May 27, 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.ci.glendale.ca.us/planning/SubmittingAProject.asp>

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 30.41 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:CP:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); 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. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); 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); D.Gokcen; L.Lederma; F.Mitchell; and case planner – Cassandra Pruett

NOTE: Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the MAY 27, 2020 deadline (mailed to Community Development Department – Planning Division, Attention Cassandra Pruett, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Cassandra Pruett at cpruett@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. Note: The standard 2.5% fee for credit card payment applies.