



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

December 14, 2022

Wen Jie Zhang
130 E Norwood Pl
San Gabriel, CA 91776

**RE: 3456 FOOTHILL BOULEVARD
CONDITIONAL USE PERMIT CASE NO. PCUP 000320-2022**

Dear Mr. Zhang:

On December 14, 2022, 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 application to continue the operation of an existing massage establishment in a "CH" - Commercial Hillside District zone, subject to the standards listed in GMC 5.64, located at **3456 Foothill Boulevard**, described as Lot A of Parcel Map as per Book 71, Page 15 (APN: 5606-018-021), in the City of Glendale, County of Los Angeles.

Code Requires

- (1) Approval of a Conditional Use Permit is required for massage establishment in the "CH" Commercial Hillside District Zone (GMC 30.12.020.B, Table 30.12-A).

Applicant's Proposal

- (1) To allow the continued operation of an existing massage establishment.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" pursuant to Section 15301 of the State CEQA Guidelines because the proposal does not include any additions to the existing building.

After considering the evidence presented with respect to this application, the plans submitted therewith, the Community Development Department has **APPROVED WITH CONDITIONS** the conditional use permit request, based on the following findings:

REQUIRED/MANDATED FINDINGS

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 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. Personal service land uses, such as a massage establishment, generally offer a complementary element to surrounding uses. Massage establishments are a permitted 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 will require compliance 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 Elements 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 south side of Foothill Boulevard, between New York Avenue and Dunsmore Avenue. The immediate vicinity of the subject site along Foothill Boulevard is developed with various commercial uses, which include retail, office, and personal services. Directly to the south is a low-density, single family residential area along Mary Ann Street. The 1,200 square-foot massage establishment has been in operation at its current location within the commercial strip center since December 2011. No changes are proposed to the existing on-site building or site plan, including the parking lot; the commercial L-shaped building is oriented towards the parking lot fronting Foothill Boulevard. There are no building openings that face the residential neighborhood directly south of the site, so all activity is directed towards Foothill Boulevard and shielded from the residential uses at the rear by a solid building wall. Approval of the conditional use permit to continue the massage use will not adversely impact nearby uses, nor impede the development of surrounding properties since these properties are already developed and sufficient separation of commercial and residential uses are existing.

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 two schools and two parks near the massage establishment. There are no known churches, private schools or colleges, day care facilities, libraries or hospitals in close proximity to the massage establishment. The use must comply with all 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. 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. That 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. As noted above in Finding B, the use is in strip center with complementary commercial uses; the building is oriented towards Foothill Boulevard and shielded away from the residential properties to the rear. The use must comply with all of the provisions set forth in Chapter 5.64 of the Glendale Municipal Code (Massage Establishments), as well as Chapter 10.5 of Division 2 of the California Business and Professions Code, Sections 4600 through 4621 (Massage Therapy Act), or any successor legislation. The conditions will ensure that the massage establishment will continue to operate in a responsible manner. Full access to the premises must 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. Failure to abide by or fully comply with any of the conditions of this Conditional Use Permit will constitute grounds for its revocation.

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 and traffic circulation are provided for the site and the use. The project site is already developed and associated facilities are in place. A massage establishment has been in operation since 2011. A total of 27 parking spaces are provided in the surface parking lot on the subject property to service the subject use and other tenants; the number of spaces have been adequate to accommodate the patrons of the massage establishment as well as the commercial center. This application does

not include any added floor area to the existing building or subject tenant space, so no increase in the parking requirement is being created.

The use meets the intent of the Zoning Ordinance by providing a personal service in the commercial neighborhood and will continue to be beneficial for the public. There are no public parks, churches, private schools or colleges, children's day care facilities or libraries in close proximity to the massage establishment. Neither the Glendale Police Department nor Neighborhood Services Division cited major concerns related to the proposed conditional use permit. Further, the massage establishment has been located at the subject site for over 10 years without adversely impacting nearby uses or impeding the normal development of surrounding properties.

CONDITIONS OF APPROVAL

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, 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 Business Registration Certificate.
5. 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.
6. 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.

7. That sufficient measures shall be enforced to effectively eliminate parking congestion, disturbing noise, disturbing light, disturbing smells, loud conversation, or any other activity that may adversely impact nearby uses.
8. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
9. That the facility shall adhere to the City's Fresh Air (smoking) Ordinance.
10. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
11. That the authorization granted herein shall be valid for a period of 10 years, until December 14, 2032, at which time, a reapplication must be made.

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.

APPEAL PERIOD

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. Appeals must be filed prior to expiration of the 15-day period, on or before **December 29, 2022**.

All appeals must be filed using the City's online permitting and licensing portal: www.GlendalePermits.org. Information regarding appeals, appeal forms and fees may be obtained by calling the Community Development Department staff at 818-548-2140, or the case planner, Jeannie Ma, at 818-937-8188.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

Every right or privilege authorized by 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

Permits granted by such right or privilege 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.

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 sold, 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.

REVOCACTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Conditional Use Permits. 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. To consider the revocation, the Director of Community Development 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.

NOTICE – subsequent contacts with this office

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner first and then, the Hearing Officer who acted on this case. This would include clarification, 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.

You may contact the case planner, Jeannie Ma, during normal business hours at (818) 937-8188 or via e-mail at JMa@glendaleca.gov.

Sincerely,
Bradley Calvert
Director of Community Development



Vilia Zemaitaitis, AICP
Principal Planner

VZ:JM: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 (F.McLean); Traffic & Transportation Section (P.Casanova/Mark Bueno); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (G. Tom/S.Boghossian/R.Takidin/ C.Babakhanlou/D.Scorza); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian/A.Limayo); Neighborhood Services Division; Integrated Waste Management Admin; Maintenance Services Section Admin.; Street and Field Services Admin.; Engineering and Environmental Management; and case planner – Jeannie Ma.