



CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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glendaleca.gov

June 6, 2024

Sarmen A. Barsegian
Art Tech Design
412 West Broadway
Glendale, CA 91204

&

Chunlin Ma
Ocean Spa
1346 E Colorado St
Glendale, CA 91205

**RE: 1346 EAST COLORADO STREET
CONDITIONAL USE PERMIT NO. PCUP-002648-2023
(OCEAN SPA)**

Dear Applicant:

On May 29, 2024, 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 a massage establishment, Ocean Spa, in the "C3" – Commercial Services zone, described as Tract No. 4478, except of the street, Lots 5-9, APN: 680-016-030, located at **1346 East Colorado Street**, in the City of Glendale, County of Los Angeles.

PROJECT DESCRIPTION

The applicant is requesting approval of a Conditional Use Permit (CUP) to permit the continued operation of a massage establishment (Ocean Spa) in the Commercial Services (C3) zone.

CODE REQUIRES

- 1) A massage establishment requires approval of a Conditional Use Permit in the C3 Zone.

APPLICANT'S PROPOSAL

- 1) To continue operation of a massage establishment (Ocean Spa) in the C3 Zone.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the California Environmental Quality Act (CEQA) as a Class 1 "Existing Facilities," per Section 15301 of the CEQA Guidelines, because the project involves the continuance of a massage establishment without physical expansion of the building or intensification of an existing use.

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. 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 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 C3 – Commercial Services Zone, subject to the approval of a Conditional Use Permit. The subject site is in a commercial corridor along East Colorado Street (identified as a Major Arterial in the Circulation Element) that is suitable for this type of use.

The proposal to allow the continued, unchanged operation of a massage establishment is consistent with other elements of the General Plan. The use is consistent with the Noise Element as there are no anticipated increases to the noise levels contained within the building and shall be required to comply with the City's Noise Ordinance. Furthermore, the applicant's request will not result in significant impacts to other elements of the General Plan, including Conservation, Historic Preservation, Housing, Open Space, Recreation, and Safety. 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 massage establishment, "Ocean Spa" has been operating at this location since 2012, and it has continuously operated without negatively affecting nearby facilities or hindering the regular development of properties in the vicinity. It will continue to provide

service from 10:00 a.m. to 10:00 p.m., every day, except Sunday, when the service begins at 11:00 a.m.

The subject property consists of six separate buildings featuring commercial services with parking. This property is an interior lot nestled among existing commercial developments, which include a mix of personal services, offices, and restaurants.

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. The Glendale Police Department and the Glendale Neighborhood Services Division cited no concerns with the applicant's request to continue the operation of a massage establishment at this location. There was no evidence presented which would indicate that the applicant's request would encourage or intensify crime within the neighborhood area. To further ensure this, the Police Department proposed conditions of approval to mitigate any potential negative impacts. These conditions have been included in the approval process. Section 30.64.020 (Revocations) of the Glendale Municipal Code provides for continuing jurisdiction over the use.

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

The applicant's request to continue, without change in operation, a massage establishment within the existing commercial building aligns well with the existing land uses in the vicinity. The building is primarily surrounded by other commercial uses, making it generally compatible. The use meets the intent of the Zoning Ordinance of providing a personal service in the commercial neighborhood and will benefit the public. There are public uses in the general neighborhood. Residential neighborhoods are situated within a 500-foot radius behind the Colorado Street corridor. Glendale High School, a public facility, is located 500 feet to the northeast. There are other community facilities nearby. A daycare residence can be found at 416 Griswold Street, approximately 450 feet to the southeast. Calvary Chapel Glendale, a place of worship, is situated at 1300 E Colorado Street, about 500 feet to the east. No libraries or hospitals are in the immediately vicinity of the proposed site. To ensure minimal disruption to the surrounding properties, conditions of approval have been proposed. These conditions aim to mitigate any potential adverse effects on the neighboring properties, thereby ensuring the compatibility of the commercial building with the existing land uses.

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

The establishment is well-equipped with necessary public and private amenities such as utilities, landscaping, parking spaces, and traffic management measures. The required utilities are already available within the public right-of-way and are sufficient to continue servicing the facility. No alterations are planned for the parking facilities. The demand for parking is not expected to increase due to the continued operation of the establishment. At present, there are 43 parking spaces located in the southern backlot of the site. The drive aisles are specifically designed to facilitate vehicle entry and exit. Therefore, the applicant's proposal to continue the operation of the massage establishment will not necessitate any new city services or modifications to the existing parking or traffic flow.

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 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 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.
8. 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.
9. 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.
10. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
11. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
12. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
13. Obey all Health and Safety Code regulations.
14. Obey all Glendale Municipal Codes relating to the operation and maintenance of a massage establishment.
15. Allow Law Enforcement, Fire Department and Neighborhood Services, Health Inspectors or other Officials access to the facility for inspections.

16. All employees who perform massage must be CAMTC certified.
17. 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).
18. Employees shall not be in possession of or store paraphernalia used for sexual activity at the establishment.
19. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS, UNTIL JUNE 6, 2034**, 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. Appeals must be filed prior to expiration of the 15-day period, on or before **JUNE 21, 2024**. Information regarding appeals, appeal forms and fees may be obtained by calling the Community Development Department (CDD) staff at 818-548-2140, or the case planner at 818-937-8158.

All appeals must be filed using the City's online permit portal: www.glendaleca.gov/Permits. Create an account, click "Apply," "Planning/Zoning." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before JUNE 21 2024. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818.548.2115, or contacting the case planner, Alan Lamberg at alamberg@glendaleca.gov or 818-937-8158.

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.

REVOCAION

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, Alan Lamberg, during normal business hours at (818) 937-8178 or via e-mail at alamberg@glendaleca.gov.

Sincerely,
Bradley Calvert
Director of Community Development



Cassandra Pruett, AICP
Senior Planner
CP:AL:sm

CC: City Clerk (K.Cruz); Building and Safety (S.Hairapetian); Neighborhood Services Division (J.Sada); Design Review & Historic (J.Platt/K.Conley); Economic De. (M.Berry); Housing (P.Zovak / M. Fortney); Urban Design and Mobility (F.Zohrevand); Parks, Recreation and Community Services and Park (T. Aleksanian/ A.Limayo); Information Services (G.Arnold);_City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Engineering Section-(J.Diaz/ D.Stimson); Traffic & Transportation Section (P.Casanova/S.Roudsari); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (S.Boghosian/R.Takidin/F.Garcia); Glendale Water & Power--Electric Section (C.Babakhanlou/ S.Boghosian / F.Garcia/ H.Barkhordian/ D.Scorza); Police Dept. (Lt.A.Krilonian/Z.Avila); Dir. Of Public Works (Y.Emrani); Engineering and Land Development (A.Avazian/ S.Oganesyan / M.Oillataguerre/ R. Villaluna); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field / Urban Forester (L.Klick / C.Linares / O. Urquidez); and case planner- and case planner-Alan Lamberg