



August 22, 2017

Janelle P. Williams
Williams Land Use Services
2418 Honolulu Avenue #B
Montrose, Ca. 91020

**RE: 2839 HONOLULU AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1716244
(FOUR SEASONS MASSAGE)**

Dear Ms. Williams:

On August 9, 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 use within an existing day spa in the "C1" zone – Neighborhood Commercial Zone, located at **2839 Honolulu Avenue**, described as Lots 12-17, Tract No. 6067, 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 C1 zone (G.M.C. 30.12.020 B, Table 30.12-A)

ENVIRONMENTAL DETERMINATION

This project is exempt from CEQA review as a Class 1 (Existing Facilities) exemption, pursuant to State CEQA Guidelines Section 15301 because the subject project involves an existing business with no added floor area or modification to the façade.

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 subject massage establishment will be consistent with the various elements and objectives of the General Plan for the area. The Land Use Element of the 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 an allowed use in the C1 – Neighborhood Commercial Zone, subject to the approval of a Conditional Use Permit. The subject site is in a commercial area along Honolulu Avenue, which is identified as an Urban Collector in the Circulation Element. A massage establishment is a suitable use along an Urban Collector. The subject use 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, Recreation and Housing Element will be impacted as a result of the massage establishment. Therefore, the existing massage establishment 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 applicant's request to continue to operate a massage establishment in the C1 – Neighborhood Commercial Zone is not anticipated to be detrimental to the public health or safety, the general welfare, or the environment, as conditioned. The subject site is located on the north side of Honolulu Avenue between La Crescenta Avenue and Glenwood Avenue. The existing massage establishment is located within a one-story multi-tenant commercial building and is one of seven tenant spaces in the building. The massage establishment has been in operation at this location since 2015. The immediate vicinity of the subject site, along Honolulu Avenue, is developed with a variety of commercial uses that includes retail, personal service and restaurant uses as well as multi-family residential uses. The properties to the north, across an alley, are zoned R-1650, Medium- High Density Residential and are developed with multi-family dwellings. No reports have been received of any impacts from the existing massage establishment. Approval of the requested conditional use permit application will not adversely impact nearby uses, nor impede the development of surrounding properties since these properties are already developed. No changes are proposed to the existing on-site building or site plan.

The use meets the intent of the Zoning Ordinance of providing a personal service in the commercial neighborhood and will continue to be beneficial and desirable for the public and community. There are no public facilities or hospitals in the neighborhood. In addition, there are no churches or colleges, or libraries in close proximity to the existing massage establishment. While there is a preschool facility to the west and across Honolulu Avenue from the subject site (located at 2912 Honolulu Avenue), the existing massage establishment has not proven to impact the preschool use. In addition, neither the Glendale Police Department nor Neighborhood Services Code Enforcement Division cited major concerns related to the proposed conditional use permit. The use must comply with all of the provisions set forth in Chapter 5.64 of the Glendale Municipal Code (Massage Establishments); conditions added to the approval of the subject conditional use permit will ensure that the continued operation of the massage establishment will continue to operate in a responsible manner. 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 continued operation of the existing massage establishment will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. No changes are proposed to the existing building as part of the conditional use permit application. There are various types of commercial and multi-family residential 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 establishment 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 2015 and no evidence exists that indicates the use has been a problem. No evidence was submitted nor presented at the public hearing that would indicate that Four Seasons Massage has been or will be a problem in the future.

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 2015. The project site is already developed and associated facilities are in place. The site has 27 parking spaces at the front of the property, adjacent to Honolulu Avenue. These parking spaces have proven to adequately accommodate the needs of the businesses on the property.

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 and Code Enforcement 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 California Massage Therapy Council (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 **FIVE (5) YEARS, UNTIL AUGUST 22, 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 Building and Safety Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **September 6, 2017** in the Building and Safety Division, 633 East Broadway, Room 101.

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

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.

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.

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 variances, conditional use permits and administrative exceptions. 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 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, Brad Collin, during business hours at (818) 548-3210 or via e-mail at bcollin@glendaleca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Milca Toledo".

Milca Toledo
Planning Hearing Officer

MT:BC:sm

CC: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section (J. Halpert); Dir. Of Public Works (R. Golanian); Traffic & Transportation Section (P. Casanova); 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 (R. Villaluna); and case planner Brad Collin.