

October 12, 2017

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

**RE: 125 WEST LOS FELIZ ROAD
CONDITIONAL USE PERMIT NO. PCUP 1703663
(Classic Family Spa)**

Dear Ms. Li:

On May 31, 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 allow the continued use of a massage establishment, located at **125 West Los Feliz Road**, in the "C3" – Commercial Services Zone – Height District I, described as Lots 16 and 17, Block 2, Vine Cottage Tract, subject to the standards listed in GMC 5.64, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

A conditional use permit application is required for a massage establishment in the "C3" zone (GMC 30.12.020.B, Table 30.12-A).

APPLICANT'S PROPOSAL

To allow the continued operation of an existing massage establishment.

ENVIRONMENTAL REVIEW

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301.

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 is seeking approval of a conditional use permit to allow the continued operation of a massage establishment. The Land Use Element designates the subject site as Community Services. Personal service land uses, such as massage establishments, 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 area along Los Feliz Road (identified as a Major Arterial in the Circulation Element), just west of Brand Boulevard that is suitable for this type of use. 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 Noise Element. No other elements of the General Plan, including the Open Space and Recreation and Housing Element will be impacted as a result of the massage establishment. Therefore, the continued massage 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 applicant is requesting approval of a conditional use permit to continue operating the Classic Family Spa massage establishment in the C3 – Commercial Services Zone, which has been operating at this location since 2015. The subject site is approximately 8,800 square feet and developed with an approximately 6,700 square-foot, two-story commercial building with nine uncovered surface parking spaces at the rear. In addition, there is a residential duplex located toward the north end of the property. A detached covered and enclosed garage services the residential uses on-site. Classic Family Spa operates from a 4,500 square-foot tenant space and is one of two tenants in the building, the other being a law office. The area surrounding the site includes some residential uses and various commercial uses. Glendale Memorial Hospital and a nursing home are directly across the street to the south.

According to comments received from the Police Department, on April 12, 2017, the Police Department and a Code Compliance Inspector conducted an inspection of the business. At that inspection, the business owner was unable to verify and provide information regarding some employees of Classic Family Spa, which is in violation of the Glendale Municipal Code. The Code Compliance Inspector issued a citation for this violation. The business owner has since provided CAMTC certificates for all of her employees performing massages to the City for verification. Additionally, two calls for police service (1/31/2016 and 7/5/2016) were received at this location. The nature of these calls related to allegations of “inappropriate touching.”

While both the Police Department and Neighborhood Services Division raised concerns regarding the operation of this business, as noted above, the business owner has taken steps to rectify her citations by providing updated CAMTC certificates for masseuses. Additionally, the allegations of inappropriate touching occurred prior to citations involving the certifications. The use, if it is operated in compliance with the city’s Municipal Code, meets the intent of the Zoning Ordinance by providing a personal service along a commercial arterial street and will be beneficial to the general public. As a condition of approval, the applicant will need to comply with the provisions of Chapter 5.64 (Massage Establishments) 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. Acknowledging

past incidents at Classic Family Spa, the approval authorization for this business shall be granted for a period of two years, at which time, a reapplication must be made. This time period will be sufficient to determine the business' continued good faith efforts to operate in compliance with the City's massage regulations. As a further safeguard, the Community Development Department will maintain continuing jurisdiction over this conditional use permit 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 additions or changes are proposed to the existing on-site buildings as part of the conditional use permit application. Approval of this request will not impede normal development of the surrounding property since these properties are already developed. There are various types of commercial uses in the surrounding area. Approval of the conditional use permit will not adversely impact nearby uses along Los Feliz Road, provided compliance with the conditions of approval, and no operational changes in the business are proposed. The massage establishment is not anticipated to draw major traffic or create conflicts with the adjacent uses.

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 massage use has been in operation at its current location since 2015. A total of nine parking spaces are provided in the surface parking lot on the subject property at the rear, which services the commercial tenants on the site with access from Orange Street. This application does not include any added floor area to the existing building or subject tenant space, so no increase in the parking demand is being created. The existing utilities, landscaping, parking spaces, and traffic circulation measures are adequate as they are already in place.

CONDITIONS OF APPROVAL

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 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. That all employees who perform massage shall be CAMTC certified.
8. That the operating hours of the massage establishment shall be between the hours of 10:00 a.m. to 10:00 p.m. each day of the week.
9. That the facility shall adhere to the City's Fresh Air (smoking) Ordinance.
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 requirement of the Glendale Municipal Code.
12. That the authorization granted herein shall be valid for a period of **TWO (2) YEARS, UNTIL OCTOBER 12, 2019,** 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 **OCTOBER 27, 2017**, at the Permit Services Center (PSC), 633 East Broadway, Room 101,

Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (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>

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.

REVOCATION

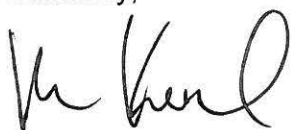
Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same 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, Milca Toledo, during normal business hours at (818) 937-8181 or via e-mail at mitoledo@glendaleca.gov.

Sincerely,



Roger Kiesel, AICP
Planning Hearing Officer

RK:MT: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 (W. Ko/S. Vartanian); 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 (C.Chew/R. Villaluna); S. Rodriguez-Code Compliance Inspector; Armen Artinyan-attorney representing the applicant; Henry Moran; and case planner Milca Toledo.