



CITY OF GLENDALE, CALIFORNIA
Community Development

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glendaleca.gov

June 16, 2023

Zhirong Qu
730 S. Central Ave.
Glendale, CA 91204

**RE: 730 SOUTH CENTRAL AVENUE, #107
CONDITIONAL USE PERIMTS NO. PCUP2211505
(MOON MASSAGE)**

Dear Zhirong Qu:

On May 10, 2023, 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 requesting approval to allow the continued operation of an existing massage establishment in the "C3 I" (Commercial Service, Height District I) zone, described as Portion of Lot 1, Tract No. 4378, Portion of Lot 51, Tract No. 393 and Portion of Lot 5, Brigham's Tract/ APN 5641-013-045, located at **730 South Central Avenue, #107**, subject to the standards listed in GMC 5.64, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) Approval of a Conditional Use Permit (CUP) is required for massage establishment in the "C3" (Commercial Service) zone (GMC 30.12.020, Table 30.12-A).

APPLICANT'S PROPOSAL

(1) The continued operation of an existing massage establishment.

ENVIRONMENTAL DETERMINATION

The project is exempt from environmental review as a Class 1 "Existing Facility" pursuant to Section 15301 of the State CEQA Guidelines because the proposal does not involve expansion of the existing building.

After considering the evidence presented with respect to this application, the plans submitted therewith, the Community Development Department as **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 subject massage establishment will be consistent with the various elements and objectives of the General Plan for the area. The Conditional Use Permit request involves the continued operation of an existing massage establishment, Moon Massage Spa. The Land Use Element of the Glendale General Plan designates the subject site as Community Services. Massage services is a permitted use in the C3 – Commercial Services Zone, subject to the approval of a Conditional Use Permit. Personal service land uses, such as a massage establishment, generally offer a complementary element to surrounding uses.

The massage establishment will 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. The subject site is in a commercial area along South Central Avenue, which is identified as a Major Arterial street in the Circulation Element, and West Windsor Road, which is identified as a Minor/Local street. A massage establishment is a suitable use along Major Arterial/Minor Local streets, and its continued use with the same operational characteristics will not alter traffic on either street. 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 continued operation of the existing massage establishment. Therefore, the proposed continuation of the use is consistent 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 facility is located in the middle tenant space of the multi-tenant commercial building located in the northern portion of the lot (addressed 730 South Central Avenue) and is 734 square-feet. The subject site is located on the east side of South

Central Avenue between West Maple Street and West Windsor Road. The immediate vicinity is developed with commercial uses, including retail, office, personal service, and restaurant uses. Directly to the south of the project is a three-story, multi-tenant commercial building, and the properties to the east are zoned and developed with residential uses. The businesses in the subject building are oriented toward the south and east. No concerns have been received of any adverse impacts from the existing massage establishment. The massage establishment has been operating at this location since 2014 and has demonstrated compatibility with the neighborhood and community. There are no public facilities or hospitals in the neighborhood. There is one church in close proximity to the massage establishment; St. Mary's Armenian Apostolic Church (500 S. Central Avenue, Glendale, CA 91204) is located approximately one-quarter mile from the subject site on the north-east corner of South Central Avenue and West Lomita Avenue. While there are residential uses located east of the subject site along Windsor Road, it is not anticipated that any negative impacts to these uses would occur as a result of the applicant's request to continue operating the existing massage establishment. The establishments orientation within the shopping center and the fact that it has been operating with no reported problems indicates that it will continue to operate without adversely impacting neighboring uses. In addition, there are no private schools or colleges, children's day care facilities or libraries in close proximity to the proposed massage establishment. Neither the Glendale Police Department nor Neighborhood Services Code Enforcement Division cited major concerns related to the proposed conditional use permit. 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.

Approval of the conditional use permit will not 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 Services zone and will be beneficial and desirable for the public and the community. 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. 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. The conditions will continue to prevent potential adverse impacts related to the operation of the massage establishment.

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 changes are proposed to the existing building as part of the Conditional Use Permit renewal application.

There are various types of commercial uses in the surrounding area. Approval of the conditional use permit renewal will not adversely impact nearby uses along Central Avenue or Windsor Road nor impede the development of surrounding properties since these properties are already developed. The continued operation of the existing massage establishment is not anticipated to create additional major traffic nor 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 2014 and no evidence exists that indicates that it has been problematic. Implementation of the conditional use permit conditions will ensure that continued operation of the massage establishment will have no negative impacts.

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, parking, and traffic circulation measures are provided for the proposed use. The project site is already developed and associated facilities are in place, and the existing building has been utilized by commercial uses since its original construction in 1987. No changes to the operation, business, or the site are proposed as a result of the Conditional Use Permit application. The site has appropriate utilities and infrastructure for the massage establishment to continue operation at the site. No changes are proposed that would render existing utilities and infrastructure inadequate or require them to be upgraded. There are a total of 57 parking spaces on the ground level and 68 parking spaces on the subterranean level shared between the tenants on-site, which has proven to be adequate to serve the existing businesses in this commercial center. Further, 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 created or required. The site has appropriate utilities and infrastructure for the massage establishment to continue operation at the site.

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 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 the occupant may not install, place, use, or maintain a material, object, structure, or device inside or outside the massage establishment, any one of which or any combination of which blocks, obscures, blurs, darkens, impairs, or interferes with the view into the massage establishment's interior space or reception area. A material, object, structure, or device includes, but is not limited to: A curtain, blind, or bead; A tint, treatment, or application to a windowpane or glazing; A screen; One or more signs that cover more than twenty-five (25) percent of a windowpane or glazed surface; or A shrub, tree, or plant.
4. 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, 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.
5. 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.
6. That all necessary licenses as required from Federal, State, County or City authorities shall be obtained and kept current at all times.
7. That a Business Registration Certificate shall be obtained to reference this conditional use permit.
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 failure to abide by or fully comply with any and all conditions attached to, or made part of, this Conditional Use Permit constitutes grounds for its revocation.
12. That all employees that perform massage must be CAMTC (California Massage Therapy Council) certified.
13. That the authorization granted herein shall be valid for a period of ten years, until **JUNE 16, 2033**, 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.

All appeals must be filed using the City's online permit portal: www.glendaleca.gov/Permits. Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision." 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 29, 2023. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818-548-2140, or contacting the case planner, Cassandra Pruett, at cpruett@glendaleca.gov or 818-937-8186.

GMC CHAPTER 30.41 PROVIDES FOR TERMINATION

Every right or privilege authorized by a Conditional Use Permit shall terminate two 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 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 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 administrative exception.

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 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. 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 variance at least ten (10) days' notice by mail to the applicant or permittee.

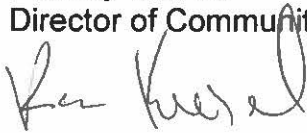
NOTICE – subsequent contacts with this office

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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Chloe Cuffel during normal business hours at her direct line (818) 937-8180 or CCuffel@glendaleca.gov, between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,
Bradley Calvert
Director of Community Development



R. Kiesel
Planning Hearing Officer

RK:CC: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.Boghossian/R.Takidin/F.Garcia); Glendale Water & Power--Electric Section (C.Babakhanlou/ S.Boghossian / F.Garcia/ H.Barkhordian/ D.Scorza); Police Dept. (Lt.S.Riley/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 Chloe Cuffel.