



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

May 21, 2024

Armond Khodaverdin
on behalf of "PerfectTouch Therapy"
1540 West Glenoaks Boulevard, Unit 106
Glendale, CA 91201

**RE: 1540 WEST GLENOAKS BOULEVARD, UNIT 106
CONDITIONAL USE PERMIT NO. PCUP-002928-2024**

Dear Mr. Khodaverdin:

On May 15, 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 in the "C2" - (Community Commercial) zone, described as Portion of Lot 71 and all of Lot 72, Tract No. 3196 subject to the standards listed in Glendale Municipal Code (GMC) 5.64 (APN: 5623-027-041), **located at 1540 West Glenoaks Boulevard, Unit 106**, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) A conditional use permit application is required for a massage establishment in the C2 zone (GMC 30.12.020.B, Table 30.12 – A).

APPLICANT'S REQUEST

- 1) To continue operation of a massage establishment (PerfectTouch Therapy) in the C2 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. 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 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 C2 (Community Commercial) zone, subject to the approval of a Conditional Use Permit. The subject site is in a commercial area along West Glenoaks Boulevard (identified as a Major Arterial in the Circulation Element) that is suitable for this type of use.

Continued 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 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. "Perfectouch Therapy" has been operating at this location since 2011 and will continue to provide the same service. The facility is located on the south side of West Glenoaks Boulevard between Justin Avenue and Ruberta Avenue. The immediate vicinity of the subject site along Glenoaks Boulevard is developed with a variety of commercial uses, including retail, office, and personal services, and is across the street from Thomas Jefferson Elementary School. Directly to the south of the project site is a public alley and a moderate density residential neighborhood along Justin and Ruberta Avenues. Approval of the conditional use permit for the continued operation of the existing massage establishment 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, including the parking lot; the commercial building is oriented towards the west and the interior parking lot, which does not have vehicular or pedestrian access at the rear from the alley (access to the trash bin is from the alley via a sliding, locked gate).

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 did not cite any major concerns related to the proposed conditional use permit to allow the continued operation of the

massage establishment. The subject property is under violation with Neighborhood Services Division for operating with an expired MEOC and has been directed to obtain a CUP to renew the MEOC.

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. No evidence was submitted nor presented at the public hearing that would indicate that the request to continue operating a massage establishment at the subject site has been or will be a problem in the future. At the public hearing, the applicant submitted a petition signed by 11 tenants in the subject commercial building, expressing their support of the Conditional Use Permit renewal.

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 on-site buildings as part of the CUP application. There are various types of commercial 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 massage establishment has been at the present location since 2011 and no evidence exists that indicate the use has been an issue. Conditions added to the approval of the Conditional Use Permit will ensure that the continued operation of the massage establishment will operate in a responsible manner.

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 2011. A total of 30 parking spaces are provided in the surface parking lot on the subject property to service the subject use and other tenants. 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.

The use meets the intent of the Zoning Ordinance of providing a personal service along a commercial arterial with multi-family residential neighborhoods on both sides of Glenoaks Boulevard, and will continue to be beneficial for the general public. Aside from Thomas Jefferson Elementary School, there are no known parks, private schools or colleges, day care facilities, libraries or hospitals in close proximity (less than half a mile) to the massage establishment. Pelanconi Park is located 0.6 miles to the south-

east of the site at 1000 Grandview Avenue. Grandview Presbyterian Church (1130 Ruberta Avenue) is located less than a 0.25 miles from the subject site on the south-west corner of Ruberta Avenue and 5th Street, First United Brethren Church (1140 Justin Avenue) is also less than a quarter mile away on the north-east corner of Justin Avenue and 5th Street, and St. Matthew's Lutheran Church is located 0.5 miles to the north-west at 1920 West Glenoaks Boulevard. Thomas Jefferson Elementary School (1058 Ruberta Avenue, Glendale, CA 91201) is located directly north across Glenoaks Boulevard from the subject site. The elementary school and churches are all on the north side of Glenoaks Boulevard, which features a 140-foot public right-of-way and center landscaped median separating the massage establishment from these more sensitive uses. Neither the Glendale Police Department nor Neighborhood Services Division cited major concerns related to the proposed conditional use permit to allow the continued operation of the massage establishment.

The subject massage establishment has been in operation for thirteen years without incident. In addition, the Neighborhood Services Division did not have any concerns about the proposed CUP, while the Glendale Police Department did not cite significant references to the proposed CUP.

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, 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 these 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, Fire Department, and Health Inspectors 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, 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 **FIFTEEN (15) YEARS, UNTIL May 15, 2039**, 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 5, 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 818-937-8162.

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 5 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, Eric Ji at ejj@glendaleca.gov or 818-937-8178.

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, Eric Ji, during normal business hours at (818) 937-8178 or via e-mail at ejj@glendaleca.gov.

Sincerely,
Bradley Calvert
Director of Community Development



Milca Toledo
Senior Planner
MT:EJ: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.Boghosian/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 – Eric Ji.