

CONDITIONAL USE PERMIT NO. PCUP-002928-2024
DRAFT FINDINGS AND CONDITIONS OF APPROVAL

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.

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.

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.

DRAFT 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 May 15, 2034, at which time, a reapplication must be made.