



**CITY OF GLENDALE, CALIFORNIA
REPORT TO THE PLANNING HEARING OFFICER**

AGENDA ITEM

REPORT: Planning Hearing Officer

LOCATION: 1346 East Colorado Street, Glendale, CA 91205,
(Legally described as lots 5 through 9, Tract 4478,
assessor parcel number 5680-016-030)

CASE NUMBER: PCUP-002648-2023

APPLICANT: Sarmen A. Barsegian

OWNER: Chunlin Ma

BUSINESS NAME: Ocean Spa

Approved for: May 29, 2024

ADMINISTRATIVE ACTION

Prepared by:

Alan Lamberg, Planner

Reviewed by:

Roger Kiesel, Senior Planner

PROJECT DESCRIPTION:

The applicant is requesting approval of a Conditional Use Permit (CUP) to permit the continued operation of a massage establishment in the C3 – Commercial Services zone, subject to the standards listed in GMC 5.64.

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 continued operation of a massage establishment without physical

expansion of the building or intensification of an existing use.

PREVIOUS PERMITS FOR THE SITE:

- Massage Establishment Owner Certificate No. MEOC-000246-2022 was denied on November 6, 2023, because the previous conditional use permit expired.
- Massage Establishment Owner Certificate No. MEOC-000246-2022 was issued on October 20, 2022, for Ocean Spa, and expired October 20, 2023.
- Conditional Use Permit Case No. PCUP1624238, approved with Conditions on March 29, 2017, expired March 29, 2022.
- Zoning Use Certificate No. PZUC1232449 for Ocean Spa was issued on October 4, 2012, for a floor area of 1,240 SF.

RECOMMENDATION:

Staff believes all findings of fact for the Conditional Use Permit have been made and, therefore, recommends approval of this entitlement. Staff suggests the Planning Hearing Officer consider the attached draft findings of fact and conditions of approval.

SITE CONTEXT:

GENERAL PLAN: Community Services Land Use Designation

ZONE: C3 I - Commercial Services Zone Height District I

DESCRIPTION OF EXISTING PROPERTY AND USES:

The existing massage establishment is in a single-tenant, one-story, 1,239-square-foot commercial building at 1346 East Colorado Street. The subject building currently features a massage establishment among other personal service, office and restaurant uses on the subject parcel. It is among nine tenants in six buildings on the same, 0.8-acre property. Two separate driveways - one from East Colorado Street and the other from Griswold Street - provide access to the 43 surface parking spaces at the rear half of the property.

NEIGHBORING ZONES AND USES:

	Zoning	Existing Uses
North	C3 - Commercial Services and R-2250 – Medium Density Residential Zones	Commercial strip malls; personal services, financial services, offices, and restaurants; residential units, two-story and three-story multi-family, one-story single-family

South	C3 - Commercial Services Zone and R-3050 Moderate Density Residential	Two-story, mixed-use buildings with first-floor retail storefronts and second-story multi-family residential units; residential units, two-story multi-family, one-story single-family
East	C3 - Commercial Services Zone	One-story, commercial storefronts; gas station
West	C3 - Commercial Services Zone	Two-story, mixed-use buildings with first-floor retail storefronts and second-story multi-family residential units; one-story, commercial storefronts, fast-food restaurants
Project Site	C3 - Commercial Services Zone	Six one-story commercial buildings with a parking lot

COMMENTS FROM OTHER CITY DEPARTMENTS:

Suggested conditions made by the Police Department are included in the draft conditions of approval. No other city departments had comments regarding this application.

REQUIRED FINDINGS OF FACT

Pursuant to Section 30.42.030 of the Glendale Municipal Code, a conditional use permit may be granted only if the following findings of fact can be made:

- A. That the proposed use will be consistent with the various elements and objectives of the general plan.
- B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.
- C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.
- D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

ANALYSIS OF CONDITIONAL USE PERMIT RENEWAL REQUEST:

The applicant requests approval of a CUP to allow the continued operation of a massage establishment in an existing commercial building.

The proposed use will be consistent with the various elements and objectives of the Glendale General Plan. The subject site is within the Commercial Services (C3) Zone. The Land Use Element of the General Plan designates the subject site as Community Services. One of its goals is to “Promote an aggressive and positive attitude toward providing improved retail facilities within Glendale in the form of unified, convenient and functional commercial facilities scaled to the needs and the economic potential of the various community uses” (Land Use Element, page 8). Areas designated for Community Services aim to offer a comprehensive range of services, such as personal services, shopping, offices, and restricted industries that cater to local retail needs. These services support the goal of allowing such uses, provided they meet specific performance and design criteria (Land Use Element, page 23). “Massage establishment,” a personal service use, is allowed as a conditional use in the C3 (Commercial Services) zone (GMC Section 30.15.020), subject to standards of GMC Title 5 Business Licenses and Regulations, Chapter 64.

There is no anticipation that the applicant’s request to continue the operation of a massage establishment, without change in operation, will increase traffic or create adverse traffic-related effects on this street or the surrounding residential areas beyond what is currently experienced. The Circulation Element Street Classification Map identifies East Colorado Street as a major arterial. Such streets support commercial uses in “major development centers” (Circulation Element, p 2-9). This section of Colorado Street supports multi-modal transportation and is within a half-mile radius of high-quality transit options. The street infrastructure is fully developed and can adequately handle the traffic generated by the business.

The proposal to allow the continued, unchanged operation of a massage establishment is consistent with other elements of the General Plan. The use is consistent with the Noise Element as there are no anticipated increases to the noise levels contained within the building and shall be required to comply with the City’s Noise Ordinance (Chapter 8.36 Noise Control). Furthermore, the applicant’s request will not result in significant impacts to other elements of the General Plan.

- Conservation – The project does not involve activities that could potentially harm the environment or deplete natural resources;
- Historic Preservation – The site is not located in a historic district or does not involve any historic structures;
- Housing – The project does not affect the availability or quality of housing in the area;
- Open Space – The project does not encroach on open spaces or public parks;
- Recreation – The project does not interfere with recreational facilities or activities in the vicinity; and,

- Safety – The project adheres to all safety regulations and poses no safety risks to the community.

The applicant's request to continue operating a massage establishment at the current location does not pose any significant concerns. This conclusion is based on the fact that the establishment, which is not undergoing any changes, has not and will not negatively impact the neighborhood's environment, health, safety, and public welfare. According to comment received from the Glendale Police Department, within the last calendar year there were two calls for police service related to the location of the massage establishment:

03/20/23 – Theft report (DR #23-3578)

08/04/23 – Grand theft auto investigation (DR #23-9546)

Despite those incidents, both the Glendale Police Department and the Glendale Neighborhood Services Division cited no concerns with the applicant's request to continue the operation of a massage establishment at this location. There was no evidence presented which would indicate that the applicant's request would encourage or intensify crime within the neighborhood area. To further ensure this, the Police Department proposed conditions of approval to mitigate any potential negative impacts. These conditions have been included in the approval process. Therefore, the police service calls do not provide substantial grounds to deny the applicant's request.

There is no anticipation that the applicant's request to continue operation of a massage establishment will be detrimental to the community, nor will it adversely conflict with nearby businesses and the surrounding neighborhood. This establishment's location historically developed along a commercial thoroughfare that extended west from Colorado Boulevard in Eagle Rock. That nearby route, in 1935, became part of U.S. Route 66, which veered south towards Los Angeles via Eagle Rock Boulevard. The subject property, privately-owned, consists of six separate buildings that house either single-occupancy or double-occupancy commercial services with backlot parking. This property is an interior lot nestled among existing commercial developments, which include a mix of personal services, offices, and restaurants.

The applicant's request to continue, without change in operation, a massage establishment within the existing commercial building aligns well with the existing land uses in the vicinity. The building is primarily surrounded by other commercial uses, making it generally compatible. However, it's important to note that residential neighborhoods are situated within a 500-foot radius behind the Colorado Street corridor. In addition, Glendale High School, a public facility, is located 500 feet to the northeast. There are other community facilities nearby. A daycare residence can be found at 416 Griswold Street,

approximately 450 feet to the southeast. Calvary Chapel Glendale, a place of worship, is situated at 1300 E Colorado Street, about 500 feet to the east. No libraries or hospitals are in the immediately vicinity of the proposed site. To ensure minimal disruption to the surrounding properties, conditions of approval have been proposed. These conditions aim to mitigate any potential adverse effects on the neighboring properties, thereby ensuring the compatibility of the commercial building with the existing land uses.

The applicant's request to continue operation of a massage establishment will not result in inadequate public or private facilities. The establishment is well-equipped with necessary public and private amenities such as utilities, landscaping, parking spaces, and traffic management measures. The required utilities are already available within the public right-of-way and are sufficient to continue servicing the facility. No alterations are planned for the parking facilities. The demand for parking is not expected to increase due to the continued operation of the establishment. At present, there are 43 parking spaces located in the southern backlot of the site. The drive aisles are specifically designed to facilitate vehicle entry and exit. Therefore, the applicant's proposal to continue the operation of the massage establishment will not necessitate any new city services or modifications to the existing parking or traffic flow.

The massage establishment, located at the subject site, has been in operation since 2012. Over the past twelve years, it has continuously operated without negatively affecting nearby facilities or hindering the regular development of properties in the vicinity. The establishment has proven to be a compatible addition to the local community and neighborhood. The establishment is obligated to employ professionals who hold certification from the California Massage Therapy Council (CAMTC). The CAMTC certification program includes a criminal background check and only approves candidates from a select list of schools. Furthermore, the establishment conducts its own background checks on all prospective employees. The establishment plans to maintain its service hours, which are from 10:00 a.m. to 10:00 p.m., every day, except Sunday, when the service begins at 11:00 a.m.

The use must comply with all the provisions set forth in GMC, Chapter 5.64 (Massage Establishments), as well as the California Business and Professions Code, Division 2 Healing Arts, Chapter 10.5 Massage Therapy Act, or any successor legislation. The conditions will ensure that the massage establishment will continue to operate in a responsible manner. Full access to the premises must 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. Failure to abide by or fully comply with any of the conditions of this CUP will constitute grounds for its revocation.

EXHIBITS:

1. Draft Findings of Fact and Conditions
2. Location Map
3. Plans
4. Photos of Subject Property
5. Departmental Comments