

April 2, 2024

Hacienda Joy Spa
Attention: Dong Kyu Min
2020 S. Hacienda Blvd. Unit H,
Hacienda Heights, CA 91745

PROJECT NO. PRJ2022-003411-(1)
NON-CONFORMING USES, BUILDINGS AND STRUCTURES REVIEW ("NCR") NO. RPPL2022010414
2020 S. Hacienda Blvd. Unit H, Hacienda Heights, CA 91745 (8204-001-017)

Dear Mr. Dong Kyu Min:

Hearing Officer Gina Natoli, by her action of **April 2, 2024**, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **April 16, 2024**. Appeals must be submitted to appeal@planning.lacounty.gov before the end of the appeal period.

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

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April 2, 2024
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For questions or for additional information, please contact Carl Nadela of the Puente Whittier Development Services Section at (213) 893-7010, or cnadela@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning

A handwritten signature in black ink, appearing to read "Maria Masis".

Maria Masis, AICP, Supervising Regional Planner
Puente Whittier Development Services Section

MM:CN

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

FINDINGS OF THE HEARING OFFICER
AND ORDER

PROJECT NO. PRJ2022-003411-(1)
NONCONFORMING USES, BUILDINGS AND STRUCTURES REVIEW ("NCR") NO.
RPPL2022010414

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly noticed public hearing in the matter of NCR No. **RPPL2022010414** on December 5, 2023 and April 2, 2024.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was conducted for the Project via video conferencing and in-person on December 5, 2023. On this date, the Hearing Officer heard a presentation from Staff. The applicants and their representative was present but did not provide additional testimony. The Hearing Officer indicated her concern that the interior layout of the establishment had changed since the approval of the prior CUP and that a revised Occupancy Load had not been calculated for the updated Floor Plan transmitted to the Hearing Officer on November 30, 2023. The Hearing Officer also expressed concern that the interior layout of the existing massage establishment may have changed such that it exceeded what is allowed for a continuation of a legally established use nonconforming due to changes in development standards and zoning requirements. To assist in this determination, Staff offered to prepare an analysis of what has changed from the Floor Plan approved by the prior CUP to what is currently existing on site. To provide time for the applicant to obtain the revised Occupancy Load calculation for the updated Floor Plans and for staff to prepare an analysis of the Floor Plan changes, the Hearing Officer continued the matter to February 6, 2024, and subsequently to April 2, 2024.

On April 2, 2024, the Hearing Officer heard another presentation from Staff. Staff indicated that Building and Safety was not able to calculate the current Occupancy Load of the subject establishment in such a way that could be reconciled with the original calculation done in 2000 and that could be justified with the actual physical changes at the Project Site. Staff also reported the areas that were changed from the original approval and indicated that the applicant was willing to revert the majority of these areas back to their original use. Staff indicated that the remaining changes were minor in nature and did not substantially change the use of the subject establishment. The Hearing Officer indicated that she agreed with this assessment. The applicant's representative was present but did not provide additional testimony.

There being no other speakers, the Hearing Officer closed the public hearing, determine that the Project was exempt from the California Environmental Quality Act (CEQA) and approved the Prpject.

3. **ENTITLEMENT(S) REQUESTED.** The permittee, Hacienda Joy Spa ("permittee"), requests the NCR to authorize continued operation of an existing massage

establishment within an existing commercial center ("Project") on a property located at 2020 S. Hacienda Boulevard in the unincorporated community of Hacienda Heights ("Project Site") in the C-2 (Neighborhood Commercial) zone pursuant to Los Angeles County Code ("County Code") Section 22.172.060 (Review of Amortization Schedule or Substitution of Use).

4. **PREVIOUS ENTITLEMENT(S).** Conditional Use Permit ("CUP") No. 00-37 authorized the establishment and operation of a health club with acupressure (massage) services on January 10, 2001. CUP No. 00-37 expired on January 10, 2006. CUP No. 200600121 ("2006 CUP") authorized the continued operation of the existing health club with acupressure (massage) services on March 21, 2007. The 2006 CUP expired on March 21, 2017. Zone Change Ordinance ("ZCO") 201000004z changed the zoning on the Project Site from C-3-BE (General Commercial – Billboard Exclusion) to C-2 on May 24, 2011.
5. **LAND USE DESIGNATION.** The Project Site is located within the CG (General Commercial) land use category of the Hacienda Heights Community Plan ("Community Plan") Land Use Policy Map, a component of the General Plan.
6. **ZONING.** The Project Site is located in the Hacienda Heights Zoned District and is currently zoned C-2. Pursuant to County Code Section 22.20.030 (Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R), a massage establishment is not permitted in C-2. Pursuant to Section 22.172.060 (Review of Amortization Schedule or Substitution of Use), an NCR may be approved to allow the existing massage establishment to continue operating at the Project Site.

7. SURROUNDING LAND USES AND ZONING

LOCATION	COMMUNITY PLAN LAND USE POLICY	ZONING	EXISTING USES
NORTH	H9 (Residential 9 – Up to Nine Dwelling Units per Acre)	R-A-7,500 (Residential Agricultural - 7,500 Square Feet Minimum Required Lot Area).	Various commercial uses, Single-Family Residences (SFRs)
EAST	CG, H9	C-2, R-1-6,000 (Single Family Residence – 6,000 Square Feet Minimum Required Lot Area)	Various commercial uses, SFRs
SOUTH	CG	C-2	Commercial Center
WEST	CG, H5 (Residential 5 – Up to Five Dwelling Units per Acre)	C-2-BE (Neighborhood Commercial -	Various commercial uses, multi-family

	Units per Acre), H18 (Residential 18 – Up to 18 Dwelling Units per Acre), H50 (Residential 50 – Up to Nine Dwelling Units per Acre), P-UF (Public and Semi-public – Utilities)	Billboard Exclusion), CPD (Commercial Planned Development) R-A- 7,500, R-3 (Limited Density Multiple Residence), IT (Institutional)	residences, flood channel, SFRs
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8. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 3.26 acres in size and consists of one legal lot. It is one of seven parcels that comprise the existing commercial complex at the location. The Project Site is irregular in shape with a flat topography and is developed with a single-story commercial building that is part of a larger commercial complex at the Project Site.

The following changes were undertaken at the subject tenant space since the original approval of the subject massage establishment in 2001:

1. Conversion of a T.V. Room to Lockers
2. Conversion of two Treatment Rooms to Storage
3. Conversion of a portion of a Janitor Room to a Skin Care Room
4. Conversion of an Office to a Skin Care Room
5. Conversion of a Kitchen to a Skin Care Room
6. Conversion of a Records/Files Room to an Office
7. Conversion of a Lockers Area to a Salt Room
8. Conversion of a Dry Sauna Area to an Infrared Room
9. Conversion of a Rest Area in the Women's Sauna Area to a Women's Treatment Area (Body Scrub).
10. Conversion of a Rest Area in the Men's Sauna Area to a Men's Scrub Area.

B. Site Access

The Project Site is accessible via Halliburton Road to the north and Hacienda Boulevard to the west, both of which are 100-foot-wide Major Highways on the County Master Plan of Highways. Primary access to the Project Site will be via three ingress/egress driveways on Halliburton Road. Secondary access to the Project Site will be via three ingress/egress driveways on Hacienda Boulevard.

C. Site Plan

The Site Plan depicts the Project Site as well as the rest of the larger commercial complex, of which the Project Site is a part. The Site Plan indicates five separate

commercial structures that comprise the commercial complex. The subject massage establishment is located on the northern portion of the largest commercial structure occupying the eastern side of the development. A separate Floor Plan depicts in the interior of the establishment, with the main public entrance located on the northwest corner of the subject tenant space. A number of amenities are also depicted, including a TV room, sauna areas, hot tubs, and a number of treatment stations.

D. Parking

The Project is for the continued operation and maintenance of an existing massage establishment that has been in operation at the Project Site for more than 20 years. No physical or operational changes are being proposed. The subject massage establishment has already been granted a CUP twice before. Findings No. 14 and 15 of the 2006 CUP indicate that a total of 20 parking spaces are required for the subject establishment for an Occupancy Load of 61 persons, although the 2006 CUP Condition No. 18g indicates this number to be 21, which is the correct required number of parking spaces for the Occupancy Load of 61 persons. Finding No. 15 of the 2006 CUP further indicates that there are a total of 194 parking spaces in a common parking lot located in the middle of the existing shopping complex and determined that this is sufficient for the 189 total number of parking spaces required for the existing commercial complex where the existing massage establishment is located. The Parking Matrix submitted by the applicant for the subject NCR application indicates that the number of parking spaces available at the Project Site remains the same. Since the Project does not include any modifications to the existing establishment at the Project Site, the subject establishment remains in compliance with the parking requirements of the County Code.

9. CEQA DETERMINATION.

Prior to the Hearing Officer's public hearing on the Project, LA County Planning staff determined that the Project qualified for a Categorical Exemption (Class 1 – Existing Facilities) under the California Environmental Quality Act (CEQA) and the County Environmental Document Reporting Procedures and Guidelines. The Project is for the continuation of an existing massage establishment located within an existing commercial complex. No modifications or physical development are proposed at this time. No exceptions to the categorical exemption apply to the Project per section 15300.2 of the California Code of Regulations. The Project Site is not located within or in close proximity to an environmentally sensitive area, a historical resource, a hazardous waste site, or a scenic highway. No significant effect due to "unusual circumstances" and no cumulative impacts are anticipated.

10. COMMUNITY OUTREACH.

On February 27, 2023, prior to the Hearing Officer's public hearing on the Project, the permittee presented the Project at the Hacienda Heights Improvement Associated ("HHIA") General Meeting.

11. PUBLIC COMMENTS.

On March 15, 2023, Staff received an email from the HHIA indicating that that the HHIA Board Members all had positive comments for the Project and that they look forward to the subject massage establishment continuing to do business in Hacienda Heights. No other correspondence was received from the public regarding the Project.

12. AGENCY RECOMMENDATIONS.

A. County Sheriff's Department, Major Crimes Bureau ("Sheriff"): Recommended approval without conditions in a letter received on September 21, 2023.

B. County Department of Public Health ("Public Health"): Recommended approval in a letter dated April 17, 2023.

13. LEGAL NOTIFICATION.

Pursuant to Section 22.222.120 (Public Hearing Procedure) of the County Code, the community was properly notified of the public hearing by mail, newspaper (San Gabriel Valley Tribune), and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On November 2, 2023, a total of 132 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as those on the courtesy mailing list for the Hacienda Heights Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

14. LAND USE POLICY. The Hearing Officer finds that the Project is consistent with the goals and policies of the Community Plan because the CG (General Commercial) designation is intended for local serving commercial, office and professional businesses that meet the needs of residential neighborhoods, categories into which this project falls.

15. GOALS AND POLICIES. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan and Community Plan.

The following goals and policies of the General Plan are applicable to the existing project:

- Goal LU 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities.
- Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.

- Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, restaurants, and banks to locate near employment centers.

A variety of industrial, commercial and office uses have been established along Hacienda Boulevard and Halliburton Road, which are both heavily travelled transportation corridors. The massage establishment contributes to the variety and diversity of community-serving uses in the area.

- Goal LU 7: Compatible land uses that complement neighborhood character and the natural environment.
- Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.

The massage establishment is consistent with the surrounding industrial, commercial, office and institutional uses. While most of the parcels along Hacienda Boulevard and Halliburton Road have been developed with industrial, commercial and office uses as well as institutional and multi-family residential uses, the neighborhoods to the southeast and further southwest are still predominantly single-family residential. It is important to preserve this residential character and ensure that the commercial uses that locate around this area do not have any significant adverse impact on the residential neighborhood. The existing massage establishment is sufficiently buffered from the residential areas by a block wall and the existing structures of the commercial complex, as well as the widths of Hacienda Boulevard and Halliburton Road, and various other establishments and structures. The requested continued use of the massage establishment at the Project Site is not expected to result in any adverse impacts on these surrounding areas.

The following goal and policy of the Community Plan are applicable to the proposed project:

- Policy LU 1.1: Protect the character of existing single-family neighborhoods.
- Policy LU 2.2: Maintain and improve existing commercial areas (as shown on the Land Use Map).

The subject massage establishment is located in an established commercial area identified as such by the Community Plan and has been operating at the Project Site for more than 20 years with no reported complaints or zoning violations, except for the expiration of the 2006 CUP. As mentioned above, while the Project Site itself is located in a predominantly industrial and commercial area, the nearby areas, particularly to the southeast and further west, are primarily developed with single- and multi-family residences. The existing massage establishment is sufficiently buffered from the residential areas by a block wall and the existing structure of the commercial complex as well as the widths of Hacienda Boulevard and Halliburton Road and various other establishments and structures. The requested continued use of the massage

establishment at the Project Site is not expected to result in any adverse impacts on these surrounding areas.

ZONING CODE CONSISTENCY FINDINGS

16. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is not consistent with the C-2 zoning classification as a massage establishment is not permitted in such zone pursuant to County Code Section 22.20.030 (Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R). The approval of this NCR is necessary for the existing massage establishment to continue operating at the site pursuant to County Code Section 22.172.060 (Nonconforming Uses, Buildings and Structures – Review of Amortization Schedule or Substitution of Use).
17. **REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.20.050 (Development Standards for Zones C-H, C-1, C-2, C-3, and C-M – Required Yards). The subject massage establishment is located in an existing commercial structure within an existing commercial complex. The structures of the commercial complex are located at least 30 feet from the property lines abutting Halliburton Road and Hacienda Boulevard, in compliance with the required yards for lots in the C-2 zone.
18. **HEIGHT.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.20.040 (Development Standards for Commercial Zones). The existing commercial structures at the Project Site are all single-story, which are in compliance with the maximum height of 35 feet in the C-2 zone.
19. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.112.070 (Required Parking Spaces). The Project is for the continued operation and maintenance of an existing massage establishment that has been in operation at the Project Site for more than 20 years. No physical or operational changes are being proposed. The subject massage establishment has already been granted a CUP twice before. Findings No. 14 and 15 of the 2006 CUP indicate that a total of 20 parking spaces are required for the subject establishment based on an Occupancy Load of 61 persons, although Condition No. 18g indicates this number to be 21, which is the correct required number of parking spaces for the Occupancy Load of 61 persons. Finding No. 15 of the 2006 CUP further indicates that there are a total of 194 parking spaces in a common parking lot located in the middle of the existing shopping complex and determined that this is sufficient for the 189 total number of parking spaces required for the existing commercial complex where the existing massage establishment is located. The Parking Matrix submitted by the applicant for the subject NCR application indicates that the number of parking spaces available at the Project Site remains the same. Since the Project does not include any modifications to the existing establishment at the Project Site, the subject establishment remains in compliance with the parking requirements of the County Code.

20. **SIGNS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.114.100 (Business Signs – In Commercial and Industrial Zones). The subject massage establishment was established with an appurtenant 3-foot-by-15-foot business wall sign for a total sign surface area of 45 square feet. The sign was installed in 2001 when the business was first established, two years prior to the current owner's acquisition of the business in 2003. The sign has been recently replaced with a smaller sign that has a total surface area of 35.625 square feet as indicated in the Exhibit "A". This is less than half of the maximum allowed sign surface area of 79.26 square feet for the 26.42 feet of building frontage the subject establishment shares with a neighboring dialysis testing establishment in an adjacent tenant space and is therefore consistent with the maximum permitted signage.

NONCONFORMING REVIEW FINDINGS

21. **The Hearing Officer finds that to require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.** The cessation of use of the existing massage establishment would cause disproportionate burden to the permittee, who has operated in substantial compliance for the past 20 years without any reported complaints or zoning violations, except for the expiration of the 2006 CUP. The massage establishment was lawfully established with the approval of CUP 00-37 on January 10, 2001, when the subject property was still zoned C-3. Given that there is no longer any C-3 zoning in the unincorporated community of Hacienda Heights, relocation of the existing business to another community would result in unnecessary financial hardship to the permittee and cause it to lose its existing client base in Hacienda Heights.

22. **The Hearing Officer finds that such use, building or structure does not now and will not during the extension period requested:**

- a. **Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or**
- b. **Be materially detrimental to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or**
- c. **Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.**

The subject massage establishment has been in operation at the Project Site for over 20 years with no reported complaints or zoning violations, except for the expiration of the CUP. A site evaluation was conducted by Public Health on August 9, 2023, and they have determined that the establishment meets the minimum health code requirements to obtain a Public Health permit. The Project will not involve any physical alterations or modifications to any exterior structures and will continue to operate as is. The Sheriff also indicated that all calls for service to the Project Site in the last five years were transient-related and that the Sheriff did not have any objection regarding the approval of the NCR. There are no expected adverse impacts to the neighborhood with the continued operation of the existing massage establishment at the Project Site.

23. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the NCR to 15 years.

ENVIRONMENTAL FINDINGS

24. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption). The Project involves the continued operation of an existing massage establishment. The physical structures are already existing, and no new construction or physical alteration is proposed. No exceptions to the categorical exemption apply to the Project per Section 15300.2 of the California Code of Regulations. The Project Site is not located within or in close proximity to an environmentally sensitive area, a historical resource, a hazardous waste site, or a scenic highway. No significant effect due to "unusual circumstances" and no cumulative impacts are anticipated.

ADMINISTRATIVE FINDINGS

25. **LEGAL NOTIFICATION.** The Hearing Officer finds that pursuant to Section 22.222.120 (Public Hearing Procedure) of the County Code, the community was properly notified of the public hearing by mail, newspaper (San Gabriel Valley Tribune), and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On November 2, 2023, a total of 132 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as to those on the courtesy mailing list for the Hacienda Heights Zoned District and to any additional interested parties.

26. **LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Puente Whittier Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. To require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.
- B. Such use, building or structure does not now and will not during the extension period requested:
 - 1. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or

2. Be materially detrimental to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities Categorical exemption); and
2. Approves **NONCONFORMING USES, BUILDINGS AND STRUCTURES REVIEW ("NCR") NO. RPPL2022010414**, subject to the attached conditions.

ACTION DATE: April 2, 2024

MM:CN

11/6/2023

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. PRJ2022-003411-(1)
NONCONFORMING USES, BUILDINGS AND STRUCTURES REVIEW NO.
RPPL2022010414**

PROJECT DESCRIPTION

The project is a Nonconforming Uses, Buildings and Structures Review ("NCR") to allow the continued operation of an existing massage establishment within an existing commercial complex, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("LA County Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 3, 4, and 8, shall be effective immediately upon the date of final approval of this grant by the County.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial deposit with LA County Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in LA County Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring

the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

5. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant shall terminate on April 2, 2039.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new substantial conformance review application with LA County Planning or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
8. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single 30-day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the massage establishment and satisfaction of Condition No. 2 shall be considered use of this grant.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. No provision of any easement or any other encumbrance on the property shall exempt the permittee and/or property owner from compliance with these conditions and applicable regulations. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to

compensate LA County Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8)** inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS). One inspection shall be conducted within 30 days of the date of effectivity of this grant.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the LA County Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.238 of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department ("Fire").
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of LA County Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by LA County Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 48 hours of such notification, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, a modified Exhibit "A" shall be submitted to LA County Planning by **June 2, 2024**.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT-SPECIFIC CONDITIONS

18. The conditions of this grant shall be retained on the premises by the permittee at all times and shall be immediately produced upon request by any County Sheriff, LA County Planning Zoning Enforcement ("Zoning Enforcement") Inspector, County Treasurer and Tax Collector ("TTC") Inspector, County Department of Public Health ("Public Health") Inspector, or State inspector. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
19. The massage establishment shall be kept in full compliance with the County Health and Safety Code under Title 11 of the County Code and the County Consumer Protection Business and Wage Regulations under Title 8 of the County Code to the satisfaction of Public Health.
20. The massage establishment shall be kept in full compliance with County Business Licenses Code under Title 7 of the County Code to the satisfaction of TTC.

SIGNAGE/POSTING CONDITIONS

21. The permittee shall display at all times during operating hours the original copy of a valid Business License and a valid Public Health Permit. These permits shall be displayed in a clearly visible place for all persons entering the massage establishment to see. The massage establishment shall not operate under any other name than the name set forth on the permits.
22. The permittee shall post a notice(s) concerning slavery and human trafficking in a clearly visible place inside the establishment. The notice(s) shall be posted in English and any other language spoken by most of the employees working at the establishment.

23. A sign clearly identifying the massage establishment shall be posted at the main entrance. Such signs shall comply with the applicable requirements of Title 22 of the County Code and other County ordinances.
24. The California Massage Therapy Council ("CAMTC") certificate, County Massage Technician license, or regulatory equivalent for each and every employee or independent contractor performing massage, massage services, or massage therapy shall be displayed in a clearly visible place for all persons entering the massage establishment to see.
25. The massage establishment shall maintain an onsite list of services. The list of services shall include all massage services provided at the establishment, the duration of each service, and the cost of each service. This list of the services shall be displayed in a clearly visible place for all persons entering the massage establishment to see.

Only massage services listed in the list of services shall be allowed to be provided. In the event that the list of services or any part of the list posted is in a language other than the English, the permittee shall, at the permittee's cost and expense, have copies available at the massage establishment that provide an accurate English language translation thereof. No permittee or anyone acting on behalf of a permittee shall advertise any services of the massage establishment that are not expressly included in the current List of Services.

26. All glass windows and/or glass doors at the entrance of the massage establishment shall remain clear and shall not be painted over, darkened, or blocked by any cloth, curtains, blinds, posters, pictures, photos, or obstructions, so that the front area where customers are greeted shall be visible from outside of the establishment; except where the glass windows and/or glass doors look into a room or area where massage is being provided.

OPERATING CONDITIONS

27. Each and every employee or independent contractor performing massage, massage services, or massage therapy at the massage establishment shall have a current CAMTC Certificate, County Massage Technician License or regulatory equivalent which has not expired and is in good standing.
28. The permittee shall only be allowed to conduct business or operate a massage establishment between the hours of 9:00 a.m. and 10:00 p.m., daily.
29. All payments including tip/gratuity for massage shall be made in the reception area only. The permittee shall post a sign to indicate such payment requirement in the reception area visible to all patrons entering the establishment.
30. Customers shall only enter and exit through the front door or main entrance. Appropriate directional signs shall be posted inside the establishment. The main entrance is the door facing the parking lot to the south.

31. A manager shall be present on the property at all times when the massage business is open. The manager shall be aware of all state and local requirements governing massage establishments.
32. The main entrance door, the door between reception area and massage rooms, and the exit door shall remain unlocked during business hours (including electric locking devices); except for massage establishments operated by a sole proprietor as defined in County Code Section 8.04.1410.
33. No massage services shall be given in rooms, booths, or other areas with doors capable of being locked.
34. No portion of the premises shall be used for residential purposes.
35. Individuals without CAMTC, County, or equivalent certification shall be prohibited from interacting with customers within the designated massage areas or rooms.
36. No person under the age of 18 shall be employed at the massage establishment.
37. Each and every employee or independent contractor performing massage, massage services, or massage therapy at the massage establishment shall wear a CAMTC ID Card, ID Card issued by TTC, or state/ local authorized equivalent.

PROJECT SITE-SPECIFIC CONDITIONS

38. This grant shall authorize the continued operation of an existing massage establishment.
39. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee. All lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours. All lighting shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.
40. The following changes shall be undertaken in accordance with the approved Exhibit "A", within 30 days of the effectivity of this grant:
 - a) Reversion of a Storage Room back to two Treatment Rooms
 - b) Reversion of a Skin Care Room back to a portion of a Janitor Room
 - c) Reversion of a Skin Care Room to an Office
 - d) Reversion of a Skin Care Room back to a Kitchen
 - e) Reversion of an Office back to a Records/Files Room

41. A maximum occupancy of 61 persons shall be allowed within the massage establishment at any given time. A sign indicating such maximum occupancy shall be posted at a visible and conspicuous location near the entrance of the establishment.
42. A minimum of 21 on-site automobile parking spaces shall be available for the massage establishment. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, and or any other unauthorized use.

Attachments:

Public Health Department Letter dated April 17, 2023



BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

MUNTU DAVIS, M.D., M.P.H.
County Health Officer

MEGAN McCLAIRE, M.S.P.H.
Chief Deputy Director

LIZA FRIAS, REHS
Director of Environmental Health

BRENDA LOPEZ, REHS
Assistant Director of Environmental Health

SCOTT ABBOTT, REHS, M.P.A.
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April 17, 2023

TO: Maria Masis
Supervising Regional Planner
Department of Regional Planning

Attention: Carl Nadela

FROM: Charlene Contreras 
Director, Community Protection Branch
Department of Public Health

SUBJECT: CONDITIONAL USE PERMIT (CUP) REQUEST
CASE: RPPL2022010414
2020 S HACIENDA BLVD H HACIENDA HEIGHTS CA 91745

Thank you for the opportunity to review the subject project for a Conditional Use Permit. This project is a Non-Conforming Use business.

The applicant provided a water bill from Suburban Water Systems dated February 24, 2023, also, provided a copy of the AIN 8204- 001-017 Annual Secured Property Tax bill for fiscal year July 1, 2022, to June 30, 2023, indicating the consolidated sewer fee as one of the direct assessments for the above address. In addition, the applicant provided Public Health License for Joy Sauna Spa for Fiscal Year 2022/2023 and valid until June 30, 2023.

- ☒ Public Health conditions for this project have been met as of the date of this letter. Public Health recommends the approval of the aforementioned project.

- ☐ Public Health requires that the conditions or information requested below are addressed prior to agency approval; therefore, the Department **DOES NOT** recommend clearance of this project until the following conditions are met:

1. Community Protection Branch: Environmental Hygiene

Please Note: The following are general requirements for Noise and Air Quality recommendations for the project.

1.1 Noise

- 1.1.1 The applicant shall abide by the requirements contained in Title 12, Section 12.08, Noise Control Ordinance for the County of Los Angeles (reference available at municode.com). The sections in Title 12 that apply to this project include but are not limited to: 12.08.390 Exterior Noise Standards, 12.08.520 Refuse Collection Vehicles, and 12.08.530 Residential Air-Conditioning.

For questions regarding above comments, please contact Makkaphoeum Em of Public Health, Environmental Hygiene Program at (626) 430-5201 or mem@ph.lacounty.gov.

If you have any other questions or require additional information, please contact Veronica Aranda of Public Health, Land Use Program at (626) 430-5201 or varanda@ph.lacounty.gov.

CC:va

DPH_CLEARED_2020 S HACIENDA BLVD H HAIENDA HEIGHTS CA 91745_RPPL2022010414_4.17.2023