



CITY OF CAMPBELL
Community Development Department

February 18, 2014

NOTICE OF ADMINISTRATIVE REVOCATION HEARING

Notice is hereby given that the Administrative Hearing Officer (Community Development Director) of the City of Campbell has set the time of 2:00 p.m., or shortly thereafter, on Wednesday, **March 5, 2014**, in the City Hall Council Chambers, 70 North First Street, Campbell, California, for a Revocation Hearing to consider the City-initiated revocation of an Administrative Planned Development Permit (PLN2011-152) approved on July 26, 2011, that allowed a massage establishment (The Bronze Spa) on property located at **825 W. Hamilton Avenue**. This revocation would withdraw the existing approval and remove massage uses as an allowed use at this location.

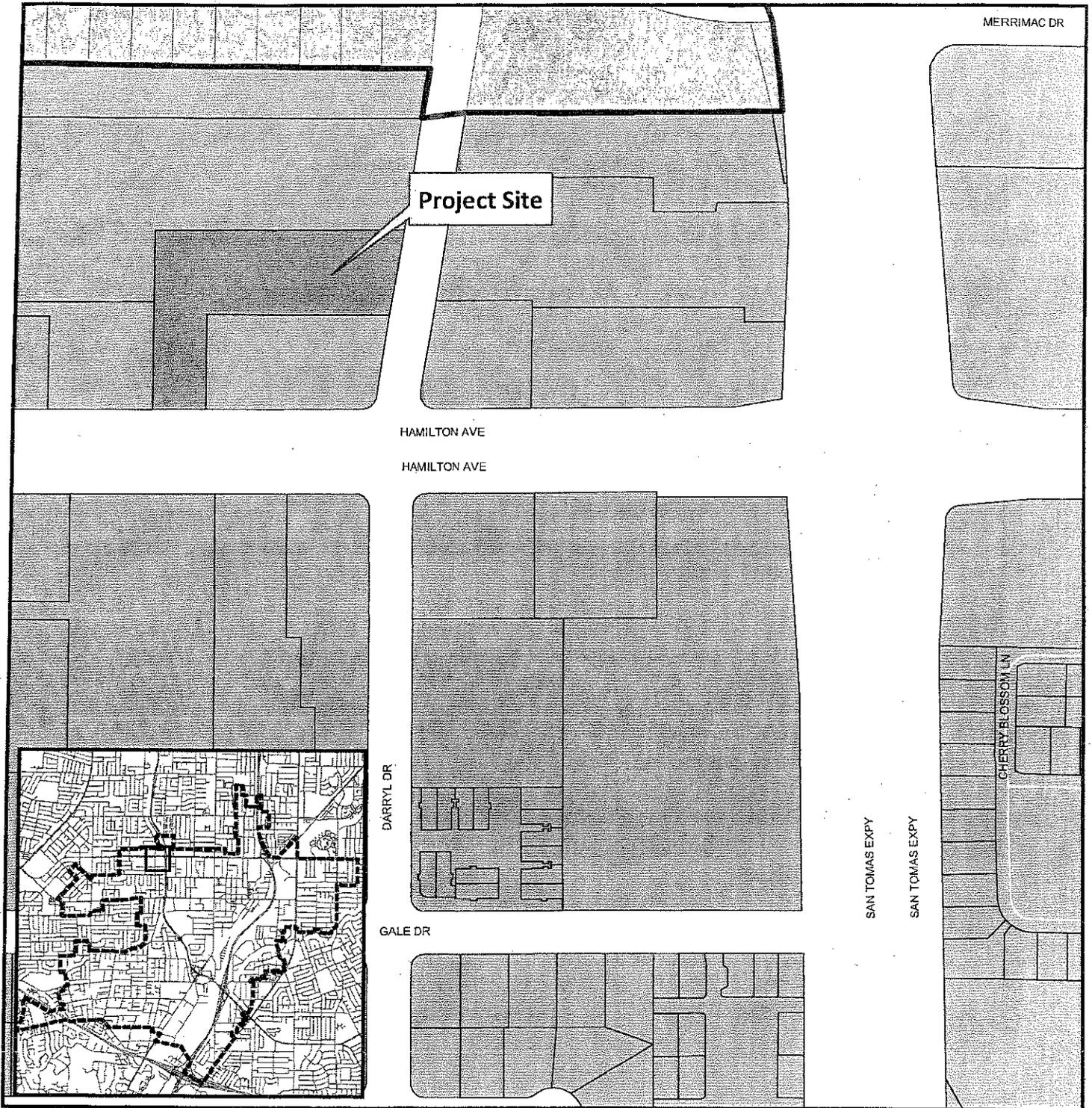
Staff is recommending that this project be deemed Categorical Exempt under Section 15321, Class 21, of the California Environmental Quality Act (CEQA).

Interested persons may appear and be heard at this hearing. Please be advised that if you challenge the nature of the above project in court, you may be limited to raising only those issues you or someone else raised at the Revocation Hearing described in this Notice, or in written correspondence delivered to the City of Campbell Community Development Department at, or prior to, the Revocation Hearing. Questions may be addressed to the Community Development Department at (408) 866-2140.

In compliance with the Americans with Disabilities Act, listening assistive devices are available for all meetings held in the Council Chambers. If you require accommodation, please contact the Community Development Department at (408) 866-2140, at least one week in advance of the meeting.

CITY OF CAMPBELL
PAUL KERMOYAN
COMMUNITY DEVELOPMENT DIRECTOR

Project Location Map

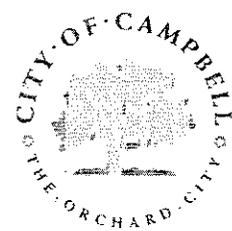
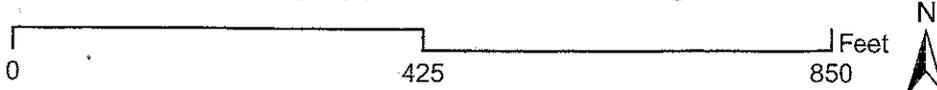


Project Location: 825 W. Hamilton Ave.

Application Type: Admin. P-D Permit

Planning File No.: PLN2011-152

Description: Administrative Revocation Hearing to revoke an existing approval for a massage establishment.



Community Development Department
Planning Division



CITY OF CAMPBELL • ADMINISTRATIVE REVOCATION HEARING
Staff Report • March 5, 2014

PLN2011-152 Public Hearing to consider revocation of an Administrative Planned Development Permit (PLN2011-152) issued to Nicholas Rodriguez on July 26, 2011, to allow a Massage Establishment use within a commercial tenant space on property owned by Nicholas A. and Diane M. Speno Trustee & Et Al located at **825 West Hamilton Avenue** in the P-D (Planned Development) Zoning District.

STAFF RECOMMENDATION

That the Community Development Director take the following action:

1. **Revoke** the previously approved Administrative Planned Development Permit for a Massage Establishment use within a commercial tenant space, incorporating the attached findings for revocation.

ENVIRONMENTAL DETERMINATION

Staff recommends that the Community Development Director find this project is Categorical Exempt under Section 15321, Class 21, of the California Environmental Quality Act (CEQA). This subsection of the CEQA Guidelines exempts from environmental review actions by a regulatory agency to enforce or revoke a permit, license, or other entitlement.

PROJECT DATA

Lot Size:	35,771 square feet
Total Building Area:	15,776 square feet (3 buildings)
Tenant Space Area:	1,208 square feet
Zoning District:	P-D (Planned Development)
General Plan Land Use:	General Commercial
Hours of Operation:	10:00 a.m. – 10:00 p.m. daily
Surrounding Uses:	
North:	Multiple-Family Residential
South:	Retail Shopping Center (across W. Hamilton Ave.)
East:	Restaurant / Future Retail & Residential Mixed-Use Project (across Darryl Dr.)
West:	Restaurant / Multiple-Family Residential

DISCUSSION

Project Site: The project site is a commercial shopping center located on the northwest corner of West Hamilton Avenue and Darryl Drive (reference Attachment 6 – Location Map). Three buildings are located on the site; a linear multi-tenant building along the rear property line, a small pad building along the west side, and a larger pad building in front facing Hamilton Avenue. Two driveways, one on each street frontage, provide access to the site. Parking is provided in a surface lot. The existing Massage Establishment is located in a tenant space near the center of the linear building at the rear of the site (reference Attachment 4 – Project Plans). The pad building at the front of the center screens the subject tenant space so that it is not readily visible from the surrounding streets. Adjacent tenants are a children's dance studio to the left and a restaurant to the right. Other existing tenants in the shopping center include restaurants, retail stores, and personal service uses.

Previously Approved Use: In the Planned Development (P-D) zoning district, any change of use requires approval of an Administrative Planned Development Permit. Planned Development Permits and other land use entitlements are issued based on a review of the appropriateness of the proposed land use and location. They are not specific to a particular business owner and remain valid upon a change of ownership, provided the use and location are unchanged. In addition to any necessary land use entitlements, Massage Establishments in the City of Campbell require approval of a Massage Establishment Permit by the Campbell Police Department. These permits are specific to a particular business owner and are issued based on the background of the owner; they are not transferable to another owner. Therefore, in this particular location, both an Administrative Planned Development Permit and a Massage Establishment Permit are required to operate a Massage Establishment.

On June 9, 2011, the Community Development Department received an application for an Administrative Planned Development Permit to allow a Massage Establishment, The Bronze Spa, at the subject site (reference Attachments 4 and 5 – Project Plans and Project Description). The Community Development Director was able to make the necessary findings for approval, including that the proposed use would be compatible with the General Plan, would aid in the harmonious development of the area, and would not be detrimental to the health, safety, or welfare of the neighborhood or of the City as a whole (reference Attachment 2 – Previous Findings). As a result, the Administrative Planned Development Permit was approved with conditions by the Community Development Director on July 26, 2011 (reference Attachment 3 – Existing Conditions of Approval).

The Campbell Police Department issued a Massage Establishment Permit for The Bronze Spa to Nicholas Rodriguez on December 7, 2011. After a change of business ownership, a new Massage Establishment Permit was issued to Thuy Dang on March 2, 2013. On December 17, 2013, the Campbell Police Department received an application by Vincent Pham for a new Massage Establishment Permit to allow another change of ownership for this business, as well as a name change to Campbell Health Spa. Mr. Pham's application was denied on February 12, 2014.

Violations: On three separate occasions, the Campbell Police Department has found the subject business to be in violation of the Campbell Municipal Code (reference Attachment 7 – Revocation Letter). On September 26, 2013, the Police Department conducted an investigation

on the site and found violations including soliciting prostitution by employees, having locked doors to massage rooms, providing inadequate lighting in massage rooms, and failing to use drapes to cover clients. On October 15, 2013, an investigation found locked doors to the massage rooms and failure to keep written records as required. On January 7, 2014, an investigation found the Massage Establishment was still operating, but a new sign had been installed identifying the business as Campbell Healht (sic) Spa rather than The Bronze Spa. No business license or Massage Establishment Permit had been issued for a change of ownership or change of business name. During this investigation, the Campbell Police Department found additional violations including soliciting prostitution by an employee and failing to keep written records.

Revocation of Permits: On February 4, 2014, the Campbell Police Department revoked the Massage Establishment Permit issued to Thuy Dang for this business as a result of the repeated violations of the Campbell Municipal Code described above (reference Attachment 7 – Revocation Letter). As noted above, the Campbell Police Department also denied a request for a Massage Establishment Permit for Vincent Pham, a proposed new owner of the business (reference Attachment 9 – Denial Letter).

Although there is currently no valid Massage Establishment Permit for the site, the Administrative Planned Development Permit for a Massage Establishment use remains valid. Unless the Administrative Planned Development Permit is revoked, operation of a Massage Establishment use in the subject tenant space may continue provided the business owner is able to pass the required background checks for a new Massage Establishment Permit.

The repeated nature of the violations at this site under two separate business owners demonstrates this is an inappropriate location for a Massage Establishment Use. The subject tenant space is screened from public view by a pad building at the front of the site, making it easier to engage in inappropriate conduct without being detected. In addition, the tenant space is directly adjacent to a use serving children, increasing concerns about the public safety impacts of any inappropriate and/or illegal activities in the space.

Campbell Municipal Code Section 21.68.030 provides that a permit may be revoked by the decision-making body that originally approved the permit, if any one of the following findings can be made:

- A. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner, and the public convenience, health, interest, safety, or welfare require the revocation;
- B. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit;
- C. One or more of the conditions of the permit have not been substantially fulfilled or have been violated.

D. The improvement authorized in compliance with the permit is in violation of a code, law, ordinance, regulation, or statute of the city, State, or Federal governments.

E. The improvement or use allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance, as determined by the decision-making body.

Findings A, B, D, and E above can be made, where at least one finding must be made for revocation of the Administrative Planned Development Permit (reference Attachment 1 – Findings for Revocation).

Public Comment: The owner of the adjacent children's dance studio sent a letter to the City Council on January 10, 2014, expressing concerns with the continued operation of a Massage Establishment in this location (reference Attachment 10 – Public Comment Letters), and also contacted City staff regarding these concerns. She attended the City Council Meeting on January 21, 2014, along with several of her patrons, to address the City Council on this issue. The speakers noted that the repeated Police activities on-site and their knowledge of the types of activities occurring within the Massage Establishment cause them to feel uncomfortable and unsafe in the shopping center. They requested that the City take action to address these issues.

Attachments:

1. Findings for Revocation of Administrative Planned Development Permit No. PLN2011-152
2. Previous Findings for Approval of File No. PLN2011-152 on July 26, 2011
3. Approval Letter and Existing Conditions of Approval for File No. PLN2011-152
4. Original Project Plans for File No. PLN2011-152
5. Original Project Description for File No. PLN2011-152
6. Location Map
7. Revocation of Massage Establishment Permit, Dated February 4, 2014
8. Notice of Noncompliance for Administrative P-D Permit, Dated February 6, 2014
9. Denial of Massage Establishment Permit to a New Operator, Dated February 12, 2014
10. Public Comment Letters

Prepared by:



Mariya Hodge, Project Planner

Approved by:



Aki Honda Snelling, Planning Manager

FINDINGS FOR REVOCATION OF ADMINISTRATIVE PLANNED DEVELOPMENT PERMIT NO. PLN2011-152

SITE ADDRESS: 825 W. Hamilton Ave.
APPLICANT: Nicholas Rodriguez
OWNER: Nicholas A. and Diane M. Speno Trustee & Et Al
APPROVAL DATE: July 26, 2011
REVOCATION HEARING: March 5, 2014

Findings for revocation of an Administrative Planned Development Permit (PLN2011-152) previously approved on July 26, 2011, to allow a Massage Establishment use in a commercial tenant space.

The Community Development Director finds as follows with regard to file number PLN2011-152:

1. The project site is zoned P-D (Planned Development).
2. The General Plan designation of the property is General Commercial.
3. The 0.82-acre project site is located at the northwest corner of West Hamilton Avenue and Darryl Drive within a multiple-tenant commercial development.
4. The project site has 116 shared parking spaces at a ratio of 1:136 square feet.
5. The subject tenant space is 1,208 square feet in area.
6. The subject tenant space is in a concealed location behind a pad building which screens it from view of the surrounding streets.
7. A tenant space directly adjacent to the subject tenant space is occupied by a children's dance studio use.
8. An Administrative Planned Development Permit was approved on July 26, 2011, to allow a Massage Establishment use in the subject tenant space.
9. A business license was issued to Nicholas Pino Rodriguez on November 23, 2011, for a Massage Establishment (The Bronze Spa) in the subject tenant space.
10. A Massage Establishment Permit was issued to Nicholas Rodriguez on December 7, 2011, for The Bronze Spa located in the subject tenant space.
11. A Massage Establishment Permit was issued to Thuy Dang on March 2, 2013, after a change of ownership for The Bronze Spa located in the subject tenant space.
12. A business license was issued to Thuy Thi Ngoc Dang on March 5, 2013, for a change of ownership at an existing Massage Establishment (The Bronze Spa) located in the subject tenant space.

13. On September 26, 2013, the Campbell Police Department conducted an investigation at the subject site and identified violations of Campbell Municipal Code Sections 5.48.220(i), 5.48.220(l), and 5.48.200(b) including the following: (1) soliciting prostitution by an employee; (2) having locked doors to massage rooms; (3) having inadequate lighting in the massage rooms; and (4) exposing the genital parts of a client without using a drape to protect his privacy while turning over.
14. On October 15, 2013, the Campbell Police Department conducted an investigation at the subject site and identified violations of Campbell Municipal Code Sections 5.48.220(i) and 5.48.210(f) including the following: (1) having locked doors to massage rooms; and (2) having no written records.
15. On December 17, 2013, the Campbell Police Department received an application for a Massage Establishment Permit by Vincent Pham for Campbell Health Spa to be located in the subject tenant space.
16. On January 7, 2014, the Campbell Police Department conducted an investigation at the subject site and found a new business sign had been installed identifying the business as Campbell Healht (sic) Spa, although no business license or Massage Establishment Permit had been granted in that name. At that time the Police Department identified violations of the Campbell Municipal Code including the following: (1) soliciting prostitution by an employee; and (2) having no written records.
17. On February 4, 2014, the Campbell Police Department revoked the Massage Establishment Permit for Thuy Dang (The Bronze Spa).
18. On February 12, 2014, the Campbell Police Department denied an application for a Massage Establishment Permit for Vincent Pham (Campbell Health Spa).
19. This project is Categorically Exempt under Section 15321 of the California Environmental Quality Act (CEQA), pertaining to actions by a regulatory agency to enforce or revoke a permit, license, or other entitlement.

Based upon the foregoing findings of fact, the Community Development Director further finds and concludes that:

20. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner, and the public convenience, health, interest, safety, or welfare require the revocation.

The approved Administrative Planned Development Permit allows a legitimate Massage Establishment providing therapeutic massages by Certified Massage Therapists. The current use differs from the approved use in that employees engaged in soliciting prostitution and other violations of the Campbell Municipal Code, rather than in providing legitimate therapeutic massages. Based on this change in the type of use, some of the findings for the original permit cannot be made (reference Attachment 2 – Previous

Findings). The following previously-made findings can no longer be made for the use as it currently exists on the site:

- The proposed development or uses clearly would result in a more desirable environment and use of land than would be possible under any other zoning district classification;
- The proposed development would be compatible with the general plan and will aid in the harmonious development of the immediate area;
- The proposed development would not be detrimental to the health, safety or welfare of the neighborhood or of the city as a whole.

Based on the repeated nature of the violations under multiple owners, the concealed location of the tenant space, and the proximity of a use serving children, it is determined that this location is inappropriate for a Massage Establishment. Revocation of the Administrative Planned Development Permit is necessary to prevent recurrence of the violations and protect the public convenience, health, interest, safety, and welfare.

21. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit.

The approved Administrative Planned Development Permit allows a legitimate Massage Establishment providing therapeutic massages by Certified Massage Therapists. The current use differs from the approved use in that employees engaged in soliciting prostitution and other violations of the Campbell Municipal Code, rather than in providing legitimate therapeutic massages. A permit could not have been issued for the current use which is in violation of the Campbell Municipal Code. The Administrative Planned Development Permit was issued in part because of the misrepresentation of the applicant regarding the legitimate nature of the proposed business, and the omission by the applicant of details regarding the actual nature of the proposed business.

22. The improvement authorized in compliance with the permit is in violation of a code, law, ordinance, regulation, or statute of the city, State, or Federal governments.

The current use has been found by the Campbell Police Department to be in violation of Campbell Municipal Code Sections 5.48.200(b), 5.48.210(f), 5.48.220(i), and 5.48.220(l), including the following: (1) soliciting prostitution by an employee; (2) having locked doors to massage rooms; (3) having inadequate lighting in the massage rooms; (4) exposing the genital parts of a client without using a drape to protect his privacy while turning over; and (5) having no written records.

23. The improvement or use allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance, as determined by the decision-making body.

The current use is detrimental to the public health, safety, and welfare in that the use is in violation of provisions of the Campbell Municipal Code. The nature of the use, including soliciting prostitution, poses a threat to the public health, safety, and welfare. The

proximity of the subject tenant space to a use serving children raises increased concerns about public health, safety, and welfare impacts of the current use.

FINDINGS FOR APPROVAL OF FILE NO. PLN2011-152

SITE ADDRESS: 825 W. Hamilton Avenue
APPLICANT: Nicholas Rodriguez – The Bronze Spa
DATE: July 26, 2011

Findings for Approval of an Administrative Planned Development Permit for a new Massage Establishment use within an existing vacant commercial tenant space located at 825 W. Hamilton Ave.

The Community Development Director finds as follows with regard to file number PLN2011-152:

1. The project site is zoned P-D (Planned Development).
2. The General Plan designation of the subject property is General Commercial.
3. The use is a Massage Establishment.
4. The tenant space is 1,260 square feet, and will not increase in size.
5. The project site has 116 shared parking spaces at a ratio of 1:136 square feet. The parking requirement for a personal service use of 1:250 square feet is satisfied by the existing on-site parking.
6. The .82 acre project site is located at the northwest corner of W. Hamilton Avenue and Darryl Drive within a multiple tenant commercial development.
7. This project is Categorical Exempt under Section 15301 of the California Environment Quality Act (CEQA), pertaining to the operation and leasing of an existing private structure involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Although the use is changing, the change does not result in an expansion of land use.

Based upon the foregoing findings of fact, the Community Development Director further finds and concludes that:

8. The proposed development or uses clearly would result in a more desirable environment and use of land than would be possible under any other zoning district classification;
9. The proposed development would be compatible with the general plan and will aid in the harmonious development of the immediate area;
10. The proposed development will not result in allowing more residential units than would be allowed by other residential zoning districts which are consistent with the general plan designation of the property; and
11. The proposed development would not be detrimental to the health, safety or welfare of the neighborhood or of the city as a whole.



CITY OF CAMPBELL
Community Development Department

July 26, 2011

Nicholas Rodriguez
2390 Lucretia Avenue, #303
San Jose, CA 95122

Re: File No: PLN2011-52
Address: 825 W. Hamilton Avenue
Application: Administrative Planned Development Permit

Dear Mr. Rodriguez,

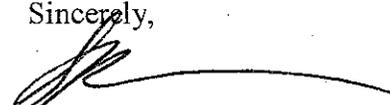
The Community Development Director has approved your Administrative Planned Development Permit (PLN2011-152) to allow a Massage Establishment (The Bronze Spa) on property located at the above referenced address, subject to the enclosed Conditions of Approval.

This action is effective in ten calendar days or Friday, August 9, 2011, unless an appeal is received in writing to the City Clerk by 5:00 p.m. on that date. If an appeal is received, you will be immediately notified of its receipt.

Please note that as required by Condition of Approval No. 26, Police Department clearance is required for the business itself and all massage practitioners associated with the business prior to obtaining a City Business License and prior to providing service to the public.

If you should have any questions regarding this approval, please feel free to contact me at (408) 866-2142 or by email at stevep@cityofcampbell.com. Cindy Campbell in the Police Department may assist you in obtaining the required Police Department clearance. She may be contacted at (408) 866-2121.

Sincerely,



Steve Prosser
Associate Planner

Encl: Conditions of Approval – PLN2011-152

cc: Nicholas A. Speno, Manager, 1142 S. Winchester Blvd., San Jose, CA 95128
Paul Kermoyan, Planning Manager
Bill Bruckart, Building Official
Cindy Campbell, CSO, Police Department

CONDITIONS OF APPROVAL FOR FILE NO. PLN2011-152

SITE ADDRESS: 825 W. Hamilton Avenue
APPLICANT: Nicholas Rodriguez – The Bronze Spa
DATE: July 26, 2011

The applicant is hereby notified, as part of this application, that he/she is required to meet the following conditions in accordance with the ordinances of the City of Campbell and the State of California. Where approval by the Community Development Director, City Engineer, Public Works Director, City Attorney, or Fire Department is required, that review shall be for compliance with all applicable Conditions of Approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified:

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

1. Approved Project: Approval is granted for an Administrative Planned Development Permit (PLN2011-152) to allow a Massage Establishment use on the subject property, in a tenant space formerly occupied by a retail use. The project shall substantially conform to the project plans, floor plans and project description received by the Planning Division on June 9, 2011 and June 27, 2011, respectively, except as may be modified by the Conditions of Approval contained herein.
2. Administrative Planned Development Permit Approval Expiration: The Administrative Planned Development Permit approval shall be valid for two years from the date of final approval. Within this two-year period all conditions of approval shall be fulfilled and the use established. Failure to meet this deadline will result in the Administrative Planned Development Permit being void. Once the approved use has been established, the Administrative Planned Development Permit approval shall be valid in perpetuity with continued operation of the Massage Establishment use. Abandonment, discontinuation, or ceasing of operations for a continuous period of twelve months shall void the Administrative Planned Development Permit approved herein.
3. Violations: Operation of the use in violation of the Administrative Planned Development Permit or any standards, codes, or ordinances of the City of Campbell shall be grounds for consideration of a fine, suspension or revocation of the City issued business license.
4. Business Hours: The business hours of operation shall be restricted to 10:00 a.m. to 10:00 p.m. Sunday through Saturday. Business hours are the hours the business is open to the public.

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5. Operational Hours: The hours of operation shall be restricted to 9:00 a.m. to 11:00 p.m. Sunday through Saturday. The allowed hours of operation include the time employees may be on site. This is exclusive of the customary and reasonable use of the use for administrative work.
 6. Property Maintenance: The owner/operator of the subject property shall maintain all exterior areas of the business free from graffiti, trash, rubbish, posters and stickers placed on the property. Exterior areas of the business shall include not only the parking lot and private landscape areas, but also includes the public right-of-way adjacent to the business.
 7. Littering: The owner/operator of the subject property shall have removed on a daily basis any debris or signs of litter associated with the subject business (discarded cigarettes, bottles, cans, wrappers, etc.) that is located on the subject property in front of the subject property.
 8. Signage: No signage is approved as part of the development application approved herein. All signage shall be installed and maintained consistent with the provision of the Sign Ordinance, Chapter 21.30 of the Campbell Municipal Code.
 9. Loitering: There shall be no loitering allowed outside the business. The business owner is responsible for monitoring the premises to prevent loitering.
 10. Location of Mechanical Equipment: No roof-mounted mechanical equipment (i.e. air conditioning units, ventilation ducts or vents), shall be added to the existing building without providing screening of the mechanical equipment from public view and surrounding properties. The screening material and method shall be architecturally compatible with the building and requires review and approval by the Community Development Director and Building Division prior to installation of such screening.
 11. Outdoor Storage: No outdoor storage is permitted on the subject property. No equipment, materials or business vehicles shall be parked and/or stored outside the building or within the parking lot.
 12. Trash & Clean Up: All trash, normal clean up, carpet cleaning, etc. shall be done between the hours of 9:00 a.m. to 11:00 p.m. At no time shall noise generating cleanup, including the dumping of trash and/or recyclables occur between 11:00 p.m. and 9:00 a.m.
 13. Parking and Driveways: All parking and driveway areas shall be maintained in compliance with the standards in Chapter 21.28 (Parking & Loading) of the Campbell Municipal Code.

Building Division

14. Permits Required: A building permit application shall be required for the proposed tenant improvement to the existing commercial structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
15. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.

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16. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
 17. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.
 18. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Site address and parcel numbers shall also be clearly called out. Site parking and path of travel to public sidewalks shall be detailed.
 19. Title 24 Energy Compliance: California Title 24 Energy Standards Compliance forms shall be blue-lined on the construction plans. Compliance with the Standards shall be demonstrated for conditioning of the building envelope and lighting of the building.
 20. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Appendix Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
 21. Non-Point Source: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24” X 36”) is available at the Building Division service counter.
 22. Title 24 Accessibility – Commercial: On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
 23. Title 24 Accessibility – Commercial: Projects seeking to use the Title 24 Hardship exemption clause shall blue-line completed, City of Campbell “20%” exemption form on submitted construction plans. Form is available at Building Division service counter.
 24. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
 - a. West Valley Sanitation District
 - b. Santa Clara County Fire Department
 25. P.G.& E.: Applicant is advised to contact Pacific Gas and Electric Company as early as possible in the approval process. Service installations, changes and/or relocations may require substantial scheduling time and can cause significant delays in the approval process. Applicant should also consult with P.G. and E. concerning utility easements, distribution pole locations and required conductor clearances.

POLICE DEPARTMENT

26. Clearance Required: Applicant shall successfully complete the City of Campbell Police Department's Massage Establishment Permit process prior to obtaining a business license. Additionally, any Massage Practitioner(s) employed or associated with the use will need to complete the massage license verification process prior to providing services.



DATE	BY	REVISIONS

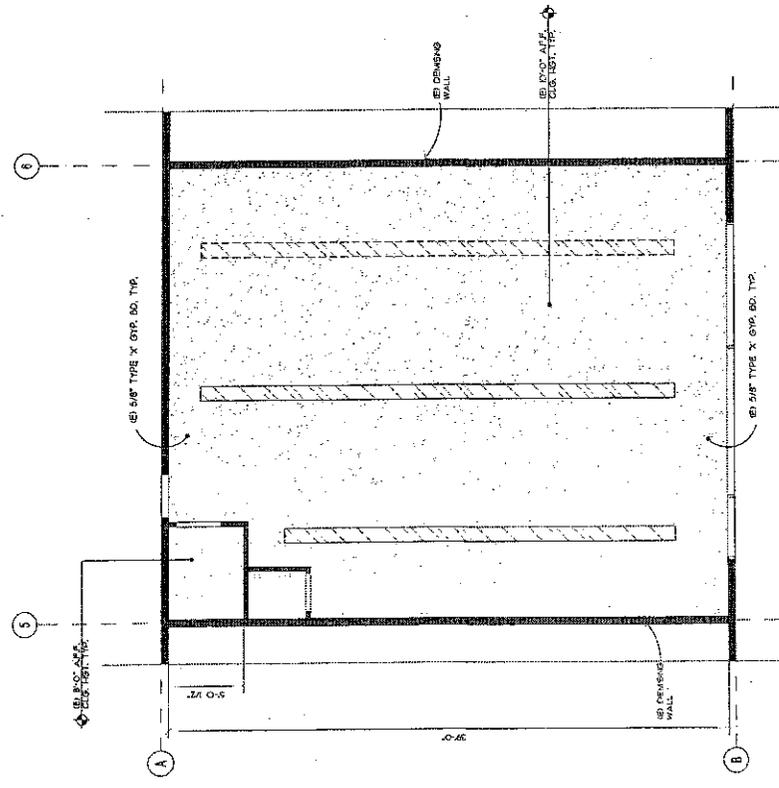
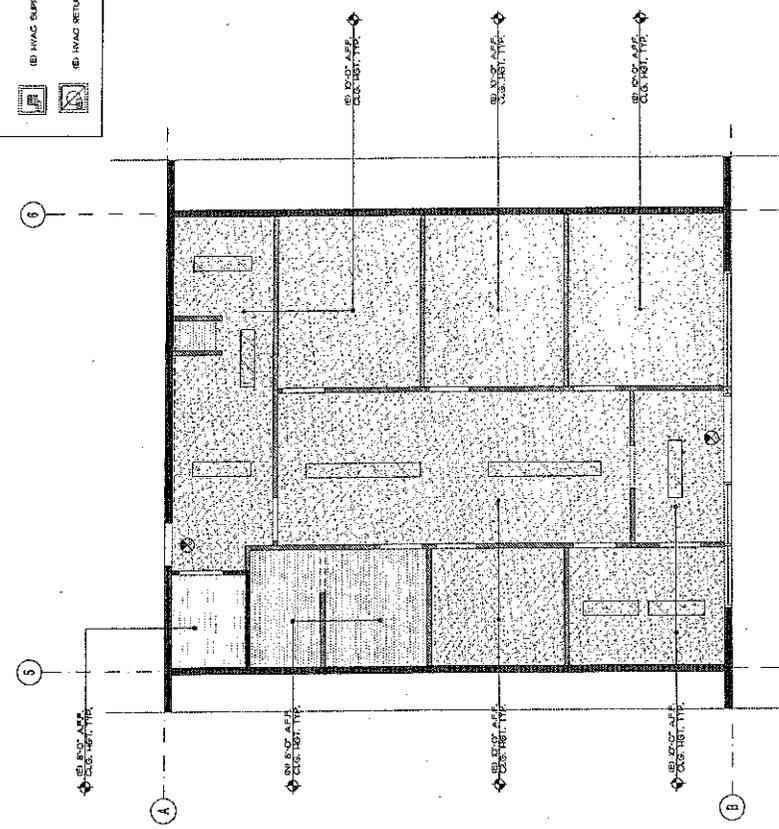
(E)1 (N) REFLECTED
CEILING PLAN

THE BRONZE SPA
825 W HAMILTON AVE
CAMPBELL, CA.

DATE	BY	SCALE	DRWING NO	SHEET NO
04-24	ZB	1/4" = 1'-0"	209	A-2.1

CEILING LEGEND

	60" X 60" TYPE X GYP. BD.
	48" X 48" TYPE X GYP. BD.
	24" X 24" TYPE X GYP. BD.
	12" X 12" TYPE X GYP. BD.
	60" X 60" ACOUSTIC TILES
	48" X 48" ACOUSTIC TILES
	24" X 24" ACOUSTIC TILES
	12" X 12" ACOUSTIC TILES
	60" X 60" ACOUSTIC TILES WITH GRID
	48" X 48" ACOUSTIC TILES WITH GRID
	24" X 24" ACOUSTIC TILES WITH GRID
	12" X 12" ACOUSTIC TILES WITH GRID
	60" X 60" ACOUSTIC TILES WITH GRID AND LIGHTS
	48" X 48" ACOUSTIC TILES WITH GRID AND LIGHTS
	24" X 24" ACOUSTIC TILES WITH GRID AND LIGHTS
	12" X 12" ACOUSTIC TILES WITH GRID AND LIGHTS
	60" X 60" ACOUSTIC TILES WITH GRID AND LIGHTS AND DIFFUSERS TO BE RELOCATED
	48" X 48" ACOUSTIC TILES WITH GRID AND LIGHTS AND DIFFUSERS TO BE RELOCATED
	24" X 24" ACOUSTIC TILES WITH GRID AND LIGHTS AND DIFFUSERS TO BE RELOCATED
	12" X 12" ACOUSTIC TILES WITH GRID AND LIGHTS AND DIFFUSERS TO BE RELOCATED
	HVAC SUPPLY
	HVAC RETURN



(N) REF. CLG. PLAN



EXISTING CLG. PLAN



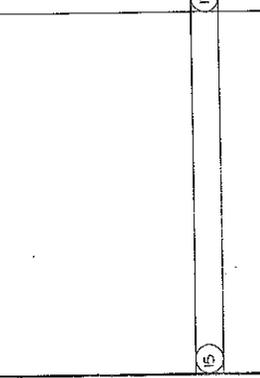
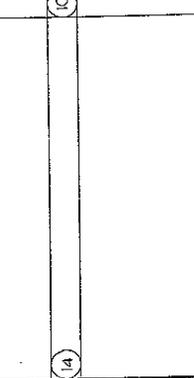
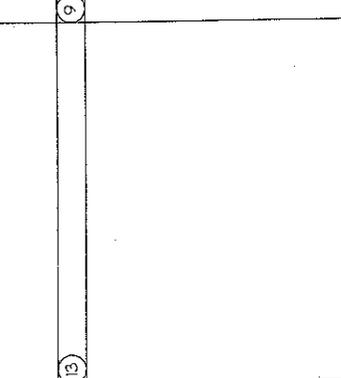
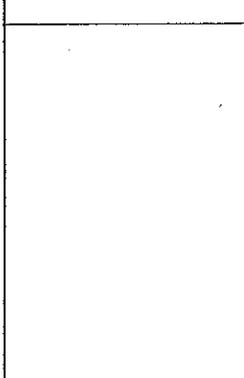
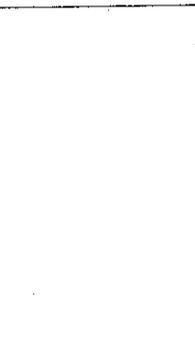
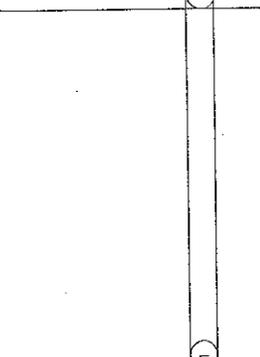
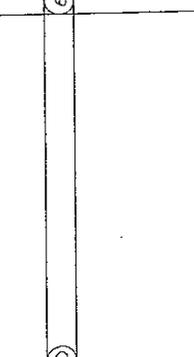
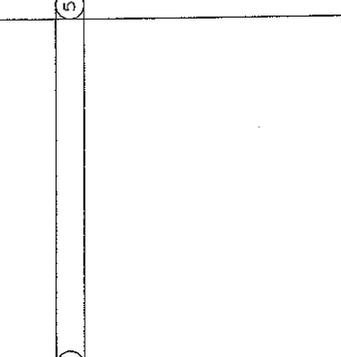
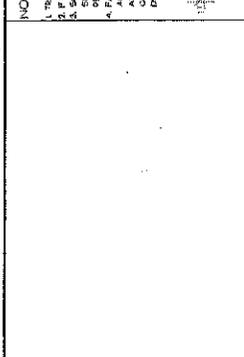
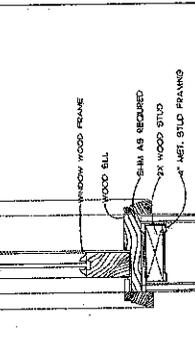
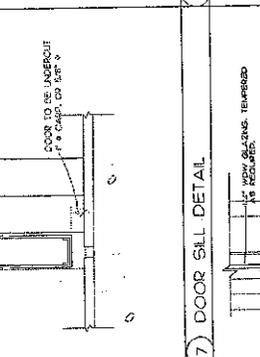
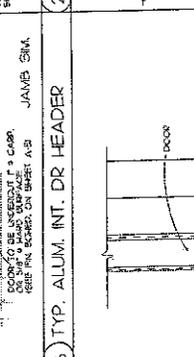
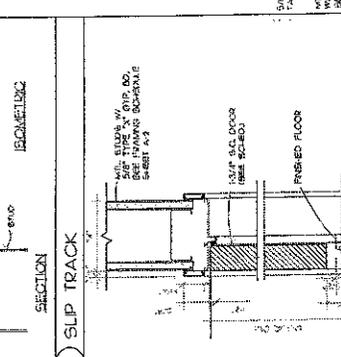
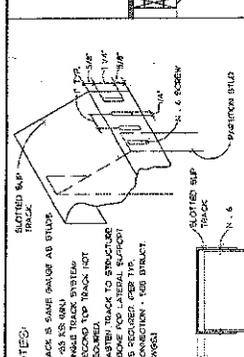
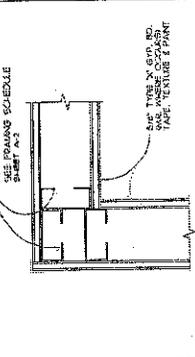
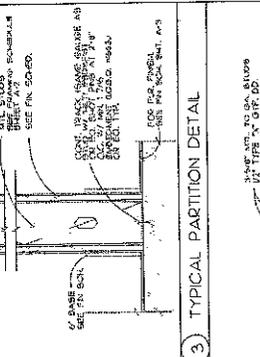
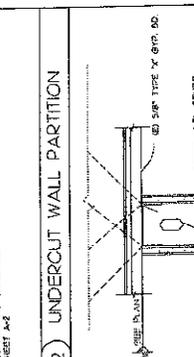
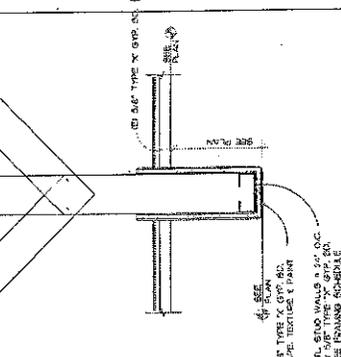
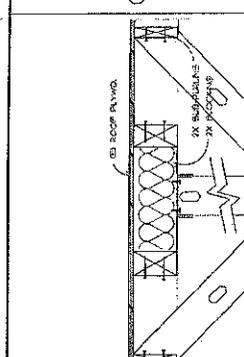
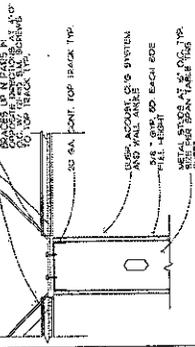
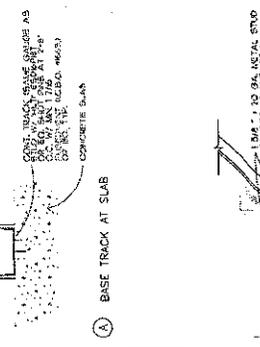
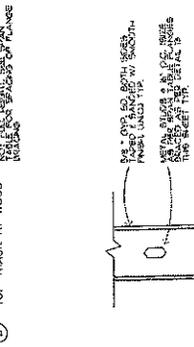
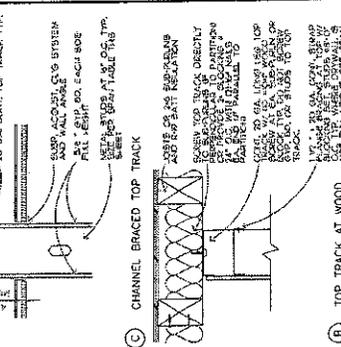
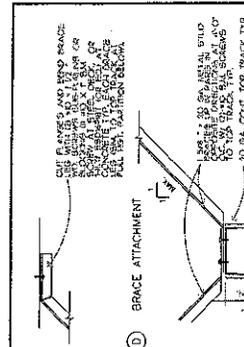
BY	REVISIONS	DATE

WALL & C.G. DETAILS

THE BRONZE SPA
825 W HAMILTON AVE
CAMPBELL, CA

DATE	6/24
SCALE	1/4" = 1'-0"
SHEET	9
JOB	8383

A-5



1 CHANNEL BRACED TOP TRACK
2 UNDERCUT WALL PARTITION
3 TYPICAL PARTITION DETAIL
4 CORNER DETAIL
5 SLP TRACK
6 TYP. ALUM. INT. DR. HEADER
7 DOOR SILL DETAIL
8 SILL DETAIL/ HEADER & JAMB SIM
9 SECTION
10 TYP. ALUM. INT. DR. HEADER
11 DOOR SILL DETAIL
12 SILL DETAIL/ HEADER & JAMB SIM
13 SECTION
14 TYP. ALUM. INT. DR. HEADER
15 DOOR SILL DETAIL
16 SILL DETAIL/ HEADER & JAMB SIM
17 SECTION
18 TYP. ALUM. INT. DR. HEADER
19 DOOR SILL DETAIL
20 SILL DETAIL/ HEADER & JAMB SIM
21 SECTION

Nicholas Rodriguez
2390 Lucretia Ave., Apt. # 303
San Jose, CA 95122
Cell: 916-204-8127
Email: Nicholas-Rodriguez@sbcglobal.net

June 25, 2011

City Of Campbell
Community Development Department
Steve Prosser
Associate Planner

RECEIVED

JUN 27 2011

CITY OF CAMPBELL
PLANNING DEPT.

Re: File No: PLN2011-152
Address: 825 W. Hamilton Avenue
Application: Administrative Planned Development Permit

To Whom It May Concern:

My name is Nicholas Rodriguez and I have submitted an Administrative Planned Development Permit application requesting approval of a new massage establishment within an existing commercial tenant space. As you requested, I have provided a written operational description that provides the following:

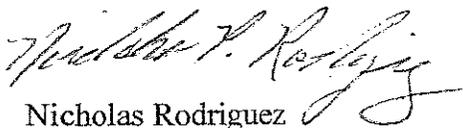
- **Proposed hours of operation:** 10:00 a.m. thru 10:00 p.m. / *SUNDAY-SAT.*
- **Number of Patrons per day:** Between six and seven patrons per day
- **Number of employees on site at any one time:** Three employees at one time
- **Total number of employees:** Total of five employees
- **Detailed description of Services Provide:**

I will be working alongside experienced Certified Massage Therapist.

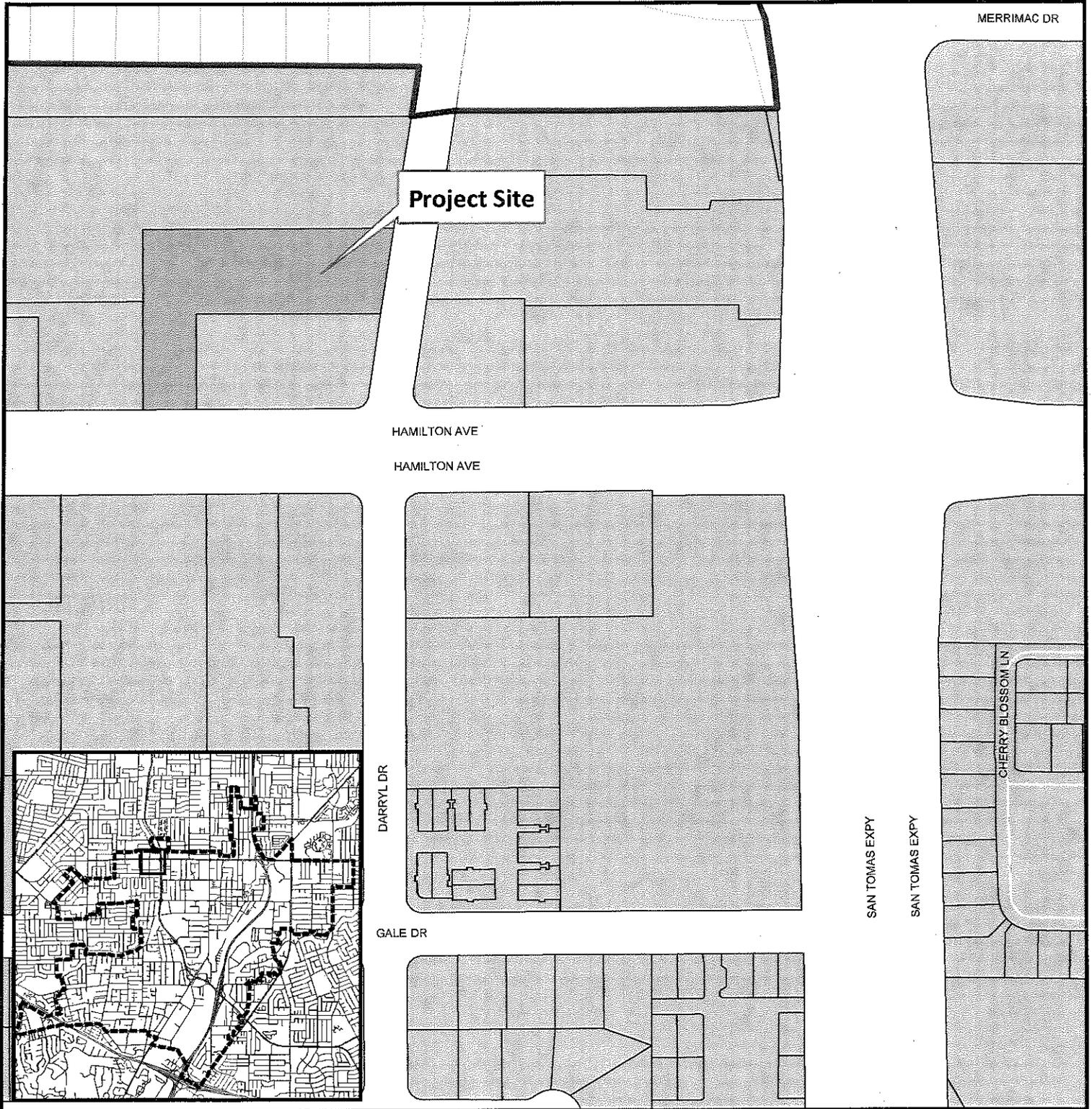
Experienced in dedicated to provide quality therapeutic massages and educating people on overall health and wellness. Instruct clients in proper care and help individuals take steps to improve their health. Performing deep tissue, and Swedish massages, providing massage therapy that soothes muscles, relieves tension, heals soreness, and eliminates stress.

Provide top of the line products such as body lotions and oils for clients that could use at home.

Sincerely,


Nicholas Rodriguez

Project Location Map

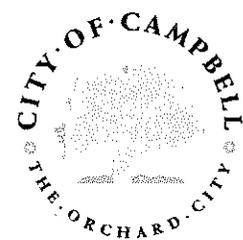
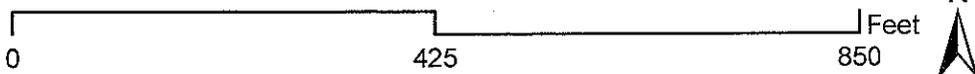


Project Location: 825 W. Hamilton Ave.

Application Type: Admin. P-D Permit

Planning File No.: PLN2011-152

Description: Administrative Revocation Hearing to revoke an existing approval for a massage establishment.



Community Development Department
Planning Division



February 4, 2014

CITY OF CAMPBELL
Police Department

Thuy Dang
2390 Lucretia Avenue
Apartment 303
San Jose, CA 95122

RE: REVOCATION OF MASSAGE ESTABLISHMENT PERMIT

Dear Ms. Dang:

On March 2, 2013, the Campbell Police Department approved your Massage Establishment Application as the sole owner of the Bronze Spa.

On September 26, 2013, the Campbell Police Department went to The Bronze Spa for the purpose of conducting an investigation into the establishment for adherence to the Campbell Municipal Code. During that investigation, violations were found. These violations included: (1) soliciting prostitution by one of your employees; (2) having locked doors to the massage rooms in violation of Campbell Municipal Code ("CMC") § 5.48.220(i); (3) inadequate lighting in the massage rooms in violation of CMC § 5.48.220(l); and (4) exposing the genital parts of a client without using a drape to protect his privacy while turning over in violation of CMC § 5.48.200(b)).

On October 15, 2013, the Campbell Police Department conducted a site visit for adherence to the Campbell Municipal Code. At that time, additional violations of the Campbell Municipal Code were found, including (1) having locked doors to the massage rooms in violation of CMC § 5.48.220(i), and (2) no written records in violation of CMC § 5.48.210(f). At that time the Campbell Police Department was notified that you wanted to close the massage establishment and open as a cosmetology business.

No more massage therapy was to be conducted at your location.

On January 7, 2014, the Campbell Police Department went to 825 W. Hamilton Avenue for an investigation. Although the name on the business had changed to Campbell Healht (sic) Spa, there has been no business license or a Police Department massage establishment permit issued in that name. During the investigation, the following violations were found: (1) soliciting prostitution by another employee; and (2) no written records (CMC 5.48.210(f)).

According to Campbell Municipal Code 5.48.140 (a), **"the chief of police may revoke an establishment permit for good cause."** Good cause for revocation of a massage establishment permit is listed in Campbell Municipal Code section 5.48.140(d), which states the permit may be revoked if:

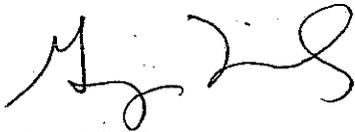
- 1) The permit was obtained by fraud; or
- 2) Any person making use of such permit is violating or has violated any conditions of such permit; or
- 3) **The detriment to the public health or safety, or the nuisance arising from the conduct of the massage establishment, or from changed circumstances, necessitates the revocation of the permit; or**
- 4) **The permittee has violated, or permitted any other person under his/her control or supervision to violate, any provision of this chapter or of other local, state, or federal law in connection with the practice of massage or operation of a massage establishment; or**
- 5) **The permittee has committed any offense involving lewdness, indecent exposure, prostitution, or any other offense which would be grounds for denial of an application, or employees of the establishment have committed such offenses in the course of their employment and the permittee has failed to prevent them from doing so. The employer shall be responsible for those acts of its employees and massage therapists which are done in the course and scope of their employment, or which occur on the premises of the massage establishment.**

Based on our investigation and your repeated violations and citations, I find and conclude that paragraphs 3, 4 and 5 above apply; and therefore, I have decided to revoke your Massage Establishment Permit. This revocation will take effect 15 days after your receipt of this notification unless you file an appeal.

In order to file an appeal you must contact the city clerk and pay the appeal fee as approved by the city council. The appeal entails requesting a hearing in accordance with Campbell Municipal Code Section 5.48.130.

Should you have any questions, please feel to contact Sergeant Joe Cefalu at 408-866-2717.

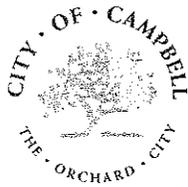
Respectfully,



Greg Finch
Chief of Police

cc: William Seligman, City Attorney
Anne Bybee, City Clerk
Aki Snelling, Planning Manager
Cindy Campbell, PD Permits

Joe Cefalu, Administrative Sergeant
Gary Kornahrens, Code Enforcement
Judy Shelton, Finance



CITY OF CAMPBELL
Community Development Department

February 6, 2014

Nicholas Rodrigues (Applicant)
2390 Lucretia Avenue, #303
San Jose, CA 95122

Nicholas A. and Diane M. Speno Trustee & Et Al (Property Owner)
1142 S. Winchester Blvd.
San Jose, CA 95128

NOTICE OF NONCOMPLIANCE

ADDRESS:	825 W. Hamilton Ave.
ASSESSOR'S PARCEL NUMBER:	307-33-003
PERMIT TYPE:	Administrative Planned Development Permit
PERMIT NUMBER:	PLN2011-152

Dear Mr. Rodriguez and Mr. and Ms. Speno Trustee,

On July 26, 2011, the Community Development Director approved an Administrative Planned Development Permit (PLN2011-152) to allow a massage establishment (The Bronze Spa) within an existing multiple tenant commercial building located at the above address. The permit was approved subject to the attached conditions.

Since that time, the use of the approved tenant space has been operated in a manner inconsistent with the laws and regulations of the City of Campbell and the State of California, and which constitutes an ongoing nuisance, and was materially omitted from the application. On multiple occasions, the Campbell Police Department has made arrests of employees at this location for conducting illegal activities on the premises, including solicitation for prostitution. Due to the concealed location of the tenant space located behind a pad building and an adjacent dance studio for children, it has been demonstrated on multiple occasions that a massage establishment is inconsistent with other uses in the center. As a result, the Community Development Director finds that the site is not in compliance with the requirements and conditions of the approved Administrative Planned Development Permit.

Pursuant to Campbell Municipal Code Chapter 21.68 (attached), the City of Campbell may revoke and/or modify a previously approved development permit in cases of noncompliance. Such a permit may be revoked by the decision-making body that originally approved the permit, if any one of the following findings can be made:

A. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can

no longer be made in a positive manner, and the public convenience, health, interest, safety, or welfare require the revocation;

B. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit;

C. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;

D. The improvement authorized in compliance with the permit is in violation of a code, law, ordinance, regulation, or statute of the city, State, or Federal governments; or

E. The improvement or use allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance, as determined by the decision-making body.

Based on the operations at the site, paragraphs A, B, D and E all appear to apply.

Therefore, you are hereby notified that you have until February 13, 2014 to bring the tenant space into compliance by completely eliminating all building improvements associated with the existing massage business and successfully applying for a new City permit for approval to establish an entirely different (non-massage related) commercial use. Based on the severity of the violations impacting the health, safety and general welfare of the public, on February 14, 2014, the Community Development Director will schedule a date for the Permit Revocation Public Hearing and begin the proceedings necessary to revoke the Administrative Planned Development Permit that currently allows a massage establishment on-site. Notice of the time and place of the public hearing will be mailed at least 12-days prior to the Public Hearing.

In the meantime, you may want to consider submitting for a building permit to completely remove the existing tenant improvements in preparation of a future compliant non-massage related commercial use once a new Administrative Planned Development Permit has been approved by the City. Issuance of a new Administrative Planned Development Permit would allow the re-establishment of business operations within this tenant space, albeit for a use of a different nature. The typical processing time is 45 to 60 days from submittal of a complete application.

I am available to answer any questions you may have regarding this notification of non-compliance. Please feel free to contact me by phone at (408) 866-2732 or by email at akis@cityofcampbell.com. Thank you for your anticipated cooperation.

Sincerely,



Aki Honda Snelling, AICP
Planning Manager

Notice of Noncompliance
February 6, 2014
Page 3 of 3

Encl: Conditions of Approval for PLN2011-152

Cc: William Seligmann, City Attorney
Paul Kermoyan, Community Development Director
Aki Honda Snelling, Planning Manager



February 12, 2014

CITY OF CAMPBELL
Police Department

Vincent Pham
1061 Colette Drive
San Jose, CA 95132

RE: DENIAL OF MASSAGE ESTABLISHMENT PERMIT

Dear Mr. Pham:

On December 17, 2013, the Campbell Police Department received your Massage Establishment Application as the sole owner of the Campbell Health Spa; and the Finance Department also had received a business license application from you to operate the business in that name. The tenant space is located in a concealed location behind a pad building and an adjacent dance studio for children.

On January 7, 2014, the Campbell Police Department went to 825 W. Hamilton Avenue for an investigation. At that time, the name of the business had been changed to Campbell Healht (sic) Spa, indicating that you were already involved in the operation of the business. Although the name on the business had changed to Campbell Healht (sic) Spa, there has been no business license or a Police Department massage establishment permit issued in that name. During the investigation, the following violations were found: (1) soliciting prostitution by an employee; and (2) no written records in violation of Campbell Municipal Code Section 5.48.210(f).

On February 6, 2014, the Campbell Community Development Department sent out a Notice of Noncompliance. In the Notice, the Community Development Department found that a massage establishment is inconsistent with the other uses in the center, and:

1. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner, and the public convenience, health, interest, safety, or welfare require the revocation;
2. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit;
3. The improvement authorized in compliance with the permit is in violation of a code, law, ordinance, regulation, or statute of the city, State, or Federal governments; and
4. The improvement or use allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.

Campbell Municipal Code section 5.48.110 (a) states that the chief of police shall either issue or deny a permit within sixty calendar days following receipt of a completed application for an establishment, therapist, or trainee permit or the renewal thereof. In taking such action, the chief of police shall consider the recommendations of city officials investigating the application, along with any other relevant information.

Campbell Municipal Code section 5.48.110 (b) states in relevant part that the chief of police shall deny an establishment permit, a therapist permit, or a trainee permit or the renewal thereof if any of the following grounds exists:

- (8) The operation of a massage establishment at the proposed location would be injurious to the health, safety or welfare of the community or would not be in compliance with applicable zoning regulations.
- (9) The operation of the massage establishment, as proposed by the applicant, would not comply with all applicable laws including city ordinances and regulations.
- (10) The applicant knowingly made a material omission or misstatement of fact in the license application.
- (11) The applicant, owner, operator, any officer or director of a massage establishment has violated any provision of this chapter or any similar law, rule or regulation of another public agency which regulates the operation of massage establishments.

Based on our investigation, I find and conclude that the above cited provisions of section 5.48.110 (b) of the Campbell Municipal Codes apply; and therefore, I have decided to deny your Massage Establishment Application. This denial will become final 15 days after delivery of this notification unless you file an appeal.

In order to file an appeal you must contact the city clerk and pay the appeal fee as approved by the City Council. The appeal entails requesting a hearing in accordance with Campbell Municipal Code section 5.48.130.

Should you have any questions, please feel to contact Sergeant Joe Cefalu at 408-866-2717.

Respectfully,



Greg Finch
Chief of Police

cc: William Seligman, City Attorney
Anne Bybee, City Clerk
Aki Snelling, Planning Manager
Joe Cefalu, Administrative Sergeant
Cindy Campbell, PD Permits

RECEIVED

JAN 10 2014

Bethany Hooks
Just B Dance
827 W. Hamilton Ave
Campbell, CA 95008

CITY CLERK'S OFFICE
cc: City Manager
City Attorney
City Council
Community Dev. Dir.
Finance Dir.
Police Chief

Campbell City Council
70 N. 1st Street
Campbell, CA 95008

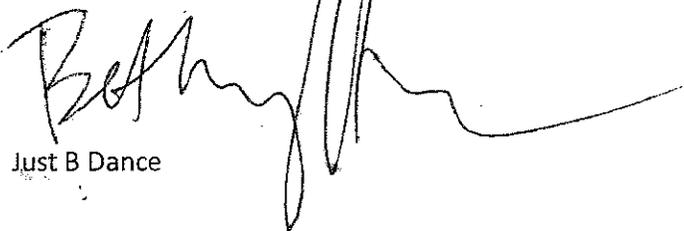
Dear City Council of Campbell,

My name is Bethany Hooks and I am the owner of Campbell business, Just B Dance. In September 2013, our neighbor "The Bronze Spa" was raided, busted for prostitution and cited for multiple code violations. They supposedly changed business owners and applied for a new business license. After many calls to the City and Campbell P.D., I was told the business next door was under new ownership and had an updated business license. On Tuesday January 7th, the new Business "Campbell Health Spa" was raided once again. Again it was busted for prostitution and cited for multiple code violations. This series of crime is compromising not only local, legal businesses in the area but also the reputation of safety for the entire city.

I would like to address this issue at the next City Council meeting on Tuesday January 21st. I will be there as well as a few parents who can speak of their concern regarding the safety of their children.

Thank you for your time and I look forward to working with the City of Campbell on resolving this issue.

Bethany Hooks



Just B Dance