

May 2, 2018

Rodney Khan
Khan Consulting Inc.
1111 North Brand Boulevard, #403
Glendale, CA 91202

**RE: 1306 SONORA AVENUE
PARKING USE PERMIT NO. PPUP 1803343
(Village Preschool LLC)**

Dear Applicant:

On April 25, 2018, the Planning Hearing Officer conducted and closed a public hearing, pursuant to Chapter 30.51.040 (A), the Community Development Department has processed your application for a Parking Use Permit (PPUP 1803343) to allow for a daycare center to utilize parking spaces on adjacent lots (existing parking lot located at 1425, 1427 and 1429 West Kenneth Road; (APNs 5622-023-021, 5622-023-022 and 5622-023-023) to provide the code required drop-off spaces, located at **1306 Sonora Avenue**, in the "C1" - Neighborhood Commercial Zone, described as Lots 20, 21, 22, 23 and 24, Tract No. 6165, in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

- (1) Approval of Parking Use Permit is required for the off-site parking spaces secured by a Covenant used to satisfy parking requirements for a change of use.

APPLICANT'S PROPOSAL

- (1) A Parking Use Permit to allow the proposed daycare center to utilize parking spaces on adjacent lots (existing parking lot located at 1425, 1427 and 1429 West Kenneth Road; APNs 5622-023-021, 5622-023-022 and 5622-023-023) to provide the code required amount of drop-off spaces.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because the project is to improve an existing parking lot to accommodate the required parking and drop-off spaces for a proposed daycare center.

REQUIRED/MANDATED FINDINGS

The Planning Hearing Officer held a duly noticed hearing and after thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer was able to make the required findings for the requested Parking Use Permit for a day care center. Therefore, the PPUP1803343 is **APPROVED** subject to the following findings and conditions of approval:

- 1. The off-site parking spaces are completely located within a one thousand (1,000) foot radius measured from the primary entrance to the site. The reviewing authority may approve off-site parking spaces with valet service or parking spaces for employees located more than one thousand (1,000) feet from the primary entrance to the site where the separation remains reasonable for walking or pedestrian-oriented features of the intervening distance make walking between the two (2) sites reasonable.**

The off-site parking lot and the subject site are well within a reasonable distance from each other. The parking/drop-off spaces on the adjacent lot will be approximately 80 feet from the primary of the daycare center entrance along of Sonora Avenue, and 20 feet away from the back entrance of the daycare facility.

- 2. The applicant shall provide evidence of a valid lease or a covenant satisfactory to the city attorney. All leases subject to this provision shall have a minimum termination period of not less than ninety (90) days.**

A condition is provided requiring a Recorded Covenant with the Los Angeles County to ensure the parking/drop-off spaces are continuously provided at 1425-1429 West Kenneth Road for the duration of the proposed daycare center. Proof of such recording is to be provided to the City prior to the issuance of any Building Permit.

- 3. The applicant has demonstrated that the off-site parking will be available to the use, and that no substantial conflict will exist in the principal hours or periods of peak parking demands of any uses which are proposed to share the parking.**

Village Preschool LLC currently owns the subject site, as well as the adjacent off-site parking lot. The parking lot is free standing. While a representative of a neighboring property owner provided a copy of a covenant for shared parking and claimed it included the subject property, the applicant refutes that claim and has demonstrated ownership of the property. The covenant submitted on behalf of a neighboring owner at the hearing references a parking lot in a residential area, does not include a legal description of the subject parcel, nor is the City a signatory to it. Disagreement among private property owners does not fall under the purview of the City. No City records encumber this commercially-zoned parking lot to provide shared parking for any neighboring use or building and, therefore, parking will be available to the daycare center. As a result, there are no conflicts in the principal hours or periods of peak parking with any other shared use.

- 4. Access to the site is adequate to accommodate the proposed off-site parking and any resulting excess traffic to the facility.**

Minor changes to the driveway are proposed to the off-site parking lot to accommodate the reconfigured layout. The design for the new driveway will be reviewed by the Public Works Department to comply with current applicable codes and standards. The off-site parking lot is adequate to serve the proposed day care use and improvements include a pedestrian pathway from the parking lot to the day care. While there is a general concern about lack of off-street and on-street parking in Kenneth Village caused by existing land uses, such as a coffee shop and hair salon mentioned by several speakers at the public hearing, this parking facility will have adequate access and parking for the day care use. As indicated by the applicant, the day care facility will generate the greatest need for parking as a result of drop-off/pick-up of children in the morning between 8 a.m. and 9 a.m. and in the afternoon between 2 p.m. and 3 p.m., although the Zoning Code requires four "Drop Off" spaces between 6 a.m. – 9 a.m. and 4 p.m. – 7 p.m. A condition has been added to allow the applicant to modify the hours for the "Drop Off" spaces to start earlier in the afternoon to match actual demand, such as at 2 p.m. – 4 p.m. provided at least one drop-off space is provided until, and to end when the facility closes, if earlier than 7 p.m. No "Drop Off" spaces are required to be provided on days when the day care facility is closed.

- 5. The design, location, size and operating characteristics of the proposed off-site parking are compatible with the existing and future land uses on-site and in the vicinity of the subject property.**

The applicant is proposing to reconfigure a portion of the adjacent parking lot, where 17 of the 23 parking stalls will be removed and redesigned to enhance the accessibility of the parking lot from the proposed daycare center. The Zoning Code requires the replacement parking spaces to comply with current development standards for parking stall dimensions (parking space width, length and back-up), setback from the street front property line and minimum amount of landscaping. As a result, the total amount of parking spaces for the improved parking lot will decrease from 23 to 17 parking spaces (11 new standard parking spaces, one new handicapped parking space and five existing angled parking spaces accessed from the rear alley that will remain unchanged).

- 6. The establishment, maintenance, or operation of the proposed parking at the location proposed does not endanger, jeopardize, or otherwise constitute a nuisance to persons residing or working in the neighborhood of the proposed parking lot or structure.**

There are no active code compliance issues identified with regard to the off-site parking lot. According to Code, no additional parking is required for the change of use, though four drop-off spaces are required for the proposed number of children (maximum of 45); the parking lot will provide 17 parking spaces and the required drop-off spaces for the proposed day care center located on the adjacent site with direct access for parents and employees. Therefore, it is not anticipated that the use of the site for parking/drop-off spaces will endanger, jeopardize or cause a nuisance for people living or employed in the neighborhood.

- 7. Any off-site parking spaces in close proximity to residential uses must be designed and operated to comply with the city's noise requirements in Chapter 8.36 of the municipal code.**

While residential uses have been identified to the north (across a public alley) and to the west (across Sonora Avenue), the proposed parking use permit will not adversely affect or conflict with the adjacent uses. The parking lot has existed for many years without any issue on record. Although the parking lot will be reconfigured, the location of the parking spaces will remain away from the identified residential uses and will be buffered to the westerly residential neighborhood by the existing buildings. Last, there are no active code compliance issues identified in regards to the off-site parking lot. The daycare, existing counter service restaurant, and parking lot must comply with the city's noise ordinance (GMC 8.36).

- 8. Any proposed valet parking use will not generate excessive traffic on surrounding public streets and shall not utilize any residential street.**

Valet parking is not proposed.

- 9. For shared parking, different peak hour parking demands existing between the separate uses or a single trip is likely to be made to two (2) or more of the businesses proposed to share the parking.**

The adjacent off-site parking lot will provide parking/drop-off spaces for the subject daycare center. Shared parking with neighboring uses is not proposed. The off-site parking lot will provide thirteen (13) excess parking spaces above the four spaces to be used for daycare drop-off, and though not proposed for shared parking, the lot could accommodate any excess demand parking for the counter service restaurant. The Zoning Code does not require any additional parking spaces for the change of use of the existing 1,375 square-foot building from retail to daycare (only the four additional drop-off spaces), and no parking is required for the existing counter service restaurant (legal nonconforming).

CONDITIONS OF APPROVAL

APPROVAL of the Parking Use Permit shall be subject to the following:

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That all necessary licenses (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
3. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Planning Department, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
4. That the parking use permit is valid only insofar as the specific use (daycare) for which it was granted or similar use (as determined by the Director of Community Development). The permit runs with this specific land use (daycare) as long as there is no intensification of the use or that other uses proposed will not require more parking as provided herein as determined by the Director of Community Development.
5. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
6. An Acceptance Affidavit accepting the permit and all its conditions shall be signed, notarized and submitted prior to the issuance of a Business Registration Certificate. The Acceptance Affidavit shall be recorded with the Los Angeles County Assessor's Office with proof of such recording provided to the city.
7. That a covenant reserving required parking for the day care facility satisfactory to the City Attorney, shall be recorded with the Los Angeles County Recorder's Office. Proof of such recording is to be provided to the City prior to the issuance of any building permit.
8. That sufficient measures be enforced to effectively eliminate loitering, parking congestion, disturbance noise, disturbing light, loud conversations and criminal activity.
9. That the applicant/developer shall be required to fill in any existing driveways that will no longer be in use. Driveways shall be replaced with sidewalk, parkway landscaping where applicable, and full-height curb-and-gutter to the satisfaction of the City Engineer.
10. That all work in the right-of-way shall require a separate permit.
11. That Section 30.32.050, Table 30.32-A(B) requires four marked "Drop Off- Ten Minute Parking Only-- 6am – 9am and 4 p.m. – 7 p.m." parking spaces for day care centers. However, the applicant may establish afternoon hours for one or more of the "Drop Off" spaces to match actual demand for this day care in order to provide for public safety, such as 2 p.m.- 4 p.m., provided that no less than one "Drop Off" space is available in the afternoon until 7 p.m. or whenever the facility closes, whichever is earlier. No "Drop Off" spaces are required to be provided on days when the day care facility is closed. The four "Drop Off" spaces shall be clearly marked and hours posted.

APPEAL PERIOD

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is

believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **MAY 17, 2018**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: <http://www.glendaleca.gov/appeals>

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer). To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a conditional use permit at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.41 PROVIDES FOR Termination

Every right or privilege authorized by a parking use permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension

An extension of the parking use permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has

commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the parking use permit.

Cessation

A Parking Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Parking Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Dennis Joe at (818) 937-8157 or djoe@glendaleca.gov.

Sincerely,

Phil Lanzafame
Director of Community Development



Laura Stotler
Planning Hearing Officer

LS:DJ:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove/J.Cawn); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); L.Haiel; P.Molina; C.Kazazian; A.Awad; L.Balecha; T.King; A.Shafazed; C.Stone; T.Swick; J. von Gunten; R. von Gunten; L.Peebles; and case planner Dennis Joe.