glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

633 E. Broadway, Room 103
Glendale, CA 91206-4311
Tel 818.548.2140 Tel 818.548.2115
Fax 818.240.0392 ci.glendale.ca.us

September 24, 2015

Shoghig Yepremian
P.O. Box 583
Sierra Madre, CA 91025

RE: PARKING EXCEPTION CASE NO. PPEX 1517576
510 EAST HARVARD STREET

Dear Ms. Yepremian:

Pursuant to the provisions of the Glendale Municipal Code, Chapter 30.32.020, the Director of Community Development has processed an application for a Parking Exception for the property located at 510 East Harvard Street, in the Downtown Specific Plan / East Broadway District (DSP/EB) described as Lots 2 and 4, Block 49, Portion of Town of Glendale, in the City of Glendale, County of Los Angeles.

The application is hereby **APPROVED**, based on the following analysis and findings, and subject to the following conditions.

PROJECT PROPOSAL

The proposed project is a request to establish a new adult day care center within an existing 8,750 square-foot commercial building without providing all of the required parking for the new use. Based on the square footage of the building, the proposed use would require a total of 26 parking spaces. Fourteen parking spaces will be provided on site, resulting in a shortfall of 12 spaces. The applicant is requesting approval of a parking exception to not provide the additional 12 spaces. The parking exception is being processed in conjunction with Administrative Use Permit Case No. PAUP 1517574.

SUMMARY AND BACKGROUND

The project site is located near the southeast corner of Harvard Street and Jackson Avenue and is zoned DSP/EB - Downtown Specific Plan, East Broadway District. This zone permits a variety of uses including general retail, restaurants, offices, multi-unit residential buildings, and mixed-use development.

The site is developed with a one-story, 8,750 square-foot building and 14 parking spaces. This building, constructed in 1970, is currently vacant, but was previously occupied by a printing/graphics business (Maskell Graphics). Based on the square footage of the building, the Zoning Code requires a total of 26 parking spaces for the new use. Since there are only 14 spaces on site, the proposed adult day care center will result in a deficit of 12 parking spaces. The applicant is requesting an exception for the number of required parking spaces.

PARKING EXCEPTION REQUEST

For a day care center, the Glendale Municipal Code Section 30.32.050 requires a minimum of three spaces per 1,000 square feet of floor area. Of these required spaces, one (1) space for each 12 clients the facility is licensed to serve must be marked as "Drop-off space—Ten minute parking only—6—9 a.m. and 4—7 p.m."

The new 8,750 square-foot day care center would require 26 parking spaces. The project will provide 14 parking spaces, resulting in a 12-space shortfall.

REQUIRED FINDINGS

After considering the evidence presented with respect to this application, the Director of Community Development has determined that Parking Exception Case No. PPEX 1517576, to establish a new 8,750 square-foot adult day care center without providing the required twelve additional parking spaces on site meets the required findings of Section 30.32.020 as follows:

A. Parking spaces required for the proposed uses or construction proposal cannot reasonable be provided in size, configuration, number of spaces or locations specified by the provisions of this title without impairment of the project's viability.

The subject site is located within the city's downtown core, an urbanized area consisting of old and new buildings. Many of these older buildings were built to a different set of zoning standards and many are generally legal nonconforming in a number of requirements, including required parking. Some properties are developed with limited on-site parking facilities, as in the case of the subject property, while others have no parking at all. The existing building, including its 14 parking spaces on site, will be maintained in conjunction with a change of use to an adult day care center.

The building's main entrance does not front a street. Instead, the entry is located at the rear of the building facing a public alley. All 14 parking spaces are located in front of the entry and access to these spaces is from the abutting alley. The parking lot is also improved with the required amount of landscaping, including a landscape buffer between the parking area and the adjoining sidewalk along Harvard Street.

Since the building is essentially built from property line to property line with the exception of the existing surface parking lot, there is no room for additional parking spaces to be created. In order to provide all 26 required parking spaces, a portion of the existing building footprint would need to be demolished. This option is costly and unreasonable and could potentially affect the viability of the building to be leased and impact its usability in the future.

Although the proposal is providing only 14 parking spaces, the design of these spaces meet code in regards to their dimensions, turning radius, and the required parking lot landscaping. Moreover, two handicap parking stalls will be provided.

B. The parking exception will serve to promote specific goals and objectives of the adopted plan for the former Central Glendale Redevelopment Project Area and will be consistent with the various elements of the General Plan and will promote the general welfare and economic well-being of the area.

The proposed project is located in the Downtown Specific Plan – East Broadway District. The Downtown Specific Plan was established to encourage continued revitalization of the city's downtown core by fostering the creation of a dynamic and diverse mix of land uses, including high density urban residential development. These newer buildings are generally built to the property line to encourage pedestrian activity and create a lively streetscape.

The proposed day care center will expand on and complement with the existing mix of land uses that are nearby by offering variety in the type of good and services to those who work and live in downtown and elsewhere in the city. Similarly, in addition to commercial and service type uses that currently exist in the area, there are also many high density residential developments, including three senior housing developments within walking distance of the subject site.

The proposed use can be administratively approved under the administrative use permit process and will be consistent with the elements of the General Plan. The site and surrounding areas are not identified for the development of future parks or open space. Further, the subject site is not located in an active fault or liquefaction zone. The project site is also located in an urbanized area surrounded by fully improved major thoroughfares, including Colorado Street, Brand Boulevard, Broadway, and Glendale Avenue, making the site easily accessible. For these reasons, the project will be consistent with the Land Use, Circulation, Open Space and Conservation, Recreation, and Safety Elements of the General Plan.

C. The project involves exceptional circumstances or conditions applicable to the property involved, or the intended use or development of the property that do not apply generally to other property in the area.

The subject property is similar in size and shape to its adjoining neighbors and other lots in the immediate area along Harvard and Jackson Streets. The property was developed in 1970. Since its construction, the building has not been expanded or modified. Many of these properties are either built with very limited parking spaces on site or none at all, whereby the buildings occupy most of the lot area. If the proposed project is built to meet its required parking, the resulting footprint and overall square footage will be much smaller than similar properties. This condition may place the property owner at a disadvantage since it will reduce the pool of potential businesses that base their operation primarily on size of building. As such, a smaller building could potentially impact the usability or the ability to lease the tenant space for a variety of uses; however, it does not eliminate the possibility of adaptive reuse of the building.

The new adult day care center would be conducted within an existing building and no new construction is proposed with the exception of interior remodel. Unlike other day care centers that exist in the city, the proposed facility proposes to transport its participants to and from the center via company vans. Participants will also be dropped off and picked up by family members. These methods of transportation

discourage and eliminate the need for individuals to drive separately to the facility, which offset the need for Code compliant parking. In such case, the required parking ratio for day care centers per the Zoning Code may be too high. Also unique is the site's proximity to several high density senior housing developments that are within one and two blocks from the proposed center. One such development is located directly across the street. It is anticipated that seniors within these buildings, if able, would walk to and from the facility.

D. There are mitigating circumstances whereby the exception will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity of the property or in the neighborhood in which the property is located.

The subject site is located near downtown Glendale and zoned DSP / EB (Downtown Specific Plan / East Broadway District). While within walking distance of downtown, there are no public parking facilities nearby. The building has been in existence for more than 45 years and has accommodated various businesses, such as retail and distribution center. The last business to occupy the site was a printing/graphics business. Through the years, no complaints have been filed against any of the businesses that operated out of the buildings.

Although the project site only provides 14 parking spaces, 12 spaces less than the required parking, it is not anticipated that there will be any parking problems for the proposed use. According to the business description, the facility will either transport participants to and from the site via company vans or they can be dropped off and picked up by family members. Similarly, the proposed facility is located near high density residential developments, including three senior housing complexes that are within walking distance of the proposed day care center. Moreover, the intended target area is within 0.5 mile of the subject site and accounts for approximately 40 percent of the clientele. The applicant also states that approximately 80 percent of the clients will be surrounding areas, but within two miles of the project site. It is also anticipated that, participants from nearby senior housing developments will walk, if they are able to.

As such, it is not anticipated that the shortfall of 12 parking spaces would drastically burden the immediate area for reasons discussed above. Due to the existence of mitigating circumstances, the requested parking exception is not expected to be detrimental to the public welfare or injurious to property or improvements in the vicinity of the property or surrounding neighborhood.

Further, as specified by the Section 30.32.020 of the Glendale Municipal Code, approval of the parking exception is valid as long as the specific land uses remain unchanged at the time of permit issuance, including, but not limited to tenancy, hours of operation, clientele served, services or goods offered and mix of activities with the use. The permit does not run with the land. The parking provided on site will be sufficient for the proposed adult day care use since the majority of participants will not drive individually to the day care center. In the future, new uses would need to obtain a new parking exception, if necessary and/or required.

Therefore, Parking Exception Case No. PPEX 1517576 is hereby **APPROVED**, subject to the following conditions:

CONDITIONS OF APPROVAL

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development. Nothing in this approval letter shall authorize the proposed project to deviate from any other zoning code requirements that are not specifically advertised in this application.

2. That all necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.

3. That the Parking Exception is valid only insofar as the specific uses for which it was granted. The permit runs with the proposed adult day care center 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.

4. That any other changes on this project shall be subject to review and approval of the Director of Community Development.

5. That design review approval shall be obtained for the proposed changes to the façades of the building prior to the issuance of a building permit.

6. That all signs shall be under a separate approval and permit.

7. That drop-off space(s) shall be provided on site per Glendale Municipal Code Section 30.32.050.

8. That any expansion or modification of the day care center which is different than what is represented as part of this Parking Exception application, shall require a new application as determined by the Director of Community Development.

APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS

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 Building and Safety Division upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before October 9, 2015,** in the Building and Safety Division, 633 East Broadway, Room 101.

GMC Chapter 30.41 provides for

TERMINATION: Every right or privilege authorized by an Administrative Exception 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.
CESSATION: An Administrative Exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Exception for one year or more in the continuous exercise in good faith of such right and privilege.
EXTENSION: Permits granted by such right or privilege 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 administrative exception.

APPEAL FORMS available on-line
http://www.glendaleca.gov/planning/SubmittingAProject.asp

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

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 sold, leased, rented or occupied by any person or corporation other than yourself or the operator, 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.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions.

To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a parking exception permit at least 10 days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Director of Community Development.

NOTICE – subsequent contacts with this office

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner first and then, the Hearing Officer who acted on this case. 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, Rathar Duong during normal business hours at his direct line (818) 937-8185 or office line (818) 548-2115 or rduong@glendaleca.gov , between 7:30 a.m. to 5:00 p.m. weekdays.

Sincerely,

Philip Lanzafame
Director of Community Development

PL:rd

CC: file