CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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September 12, 2012

Peter Whittingham
Curt Pringle & Associates
Representing COFFEE BEAN & TEA LEAF
2400 East Katella Avenue, Suite 350
Anaheim, CA 92806

RE: 3701 OCEAN VIEW BOULEVARD, UNIT "A2"
PARKING REDUCTION PERMIT NO. PPRP1219938
(Coffee Bean & Tea Leaf)

(SEE: CONDITIONAL USE PERMIT NO. PCUP1219941)

Dear Mr. Whittingham:

On August 22, 2012, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.50.040, on your application for a Parking Reduction Permit to allow a fast food restaurant with eight (8) parking spaces, located at **3701 Ocean View Boulevard – Unit "A2",** in the "CR" - Commercial Retail and "C3" Commercial Services zones described as Portion of Lot 297, Tract No. 1701, and Portions of Lots 7 through 14, Sparr Heights Tract, and Portion of a Vacated Alley in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL
Parking Reduction Permit:
(1) To allow the continued operation of a fast food restaurant with eight (8) parking spaces.

CODE REQUIRES
Parking Reduction Permit:
(1) One parking space per eighty (80) square feet of floor area for a fast food restaurant (GMC Section 30.32.050.B).

ENVIRONMENTAL RECOMMENDATION: This project is exempt from the California Environmental Quality Act (CEQA).

WE RECYCLE

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

A request for a parking reduction permit may be granted for the proposed intensification of use within an existing building that is determined by the review authority to be located within a reasonable distance of an off-street City parking facility, a request for a parking reduction may be granted by the review authority, based on the type of use and its associated parking characteristics, including:

1) **Peak hours of use and turnover rate.**
2) **The ability of the use to meet parking requirements through other means.**
3) **The availability of spaces in the nearby City parking facility.**
4) **The distance to the use from the parking facility; and**
5) **Measures proposed by the applicant to ensure employee and patron use of the City parking facility.**

The site is located in a multi-tenant commercial building and is part of the Montrose Shopping Park. The shopping park is similar to a large outdoor mall whereby patrons park in one spot and walk to the various shops, services, and restaurants in the area. Presently, there are 13 tenant spaces on the site. The existing fast-food restaurant (Coffee Bean & Tea Leaf) occupies approximately 1,900 square feet. A standards variance was previously granted for this use in 2003 for not providing the required number of parking spaces. This variance has since expired and the applicant has applied for a parking reduction permit to address the shortfall. A total of 78 parking spaces are provided on the property of which eight spaces are used for the use. Coffee Bean & Tea Leaf is planning to continue using the neighboring public parking lots for their employees and patrons. The project requires a total of 24 parking spaces. A total of eight parking spaces are provided onsite. Therefore, applicant is requesting a parking reduction of 16 spaces for the continued use of a fast food restaurant.

The peak hours of operation for the use are from 5:30 a.m. to 8:30 a.m., which is earlier than surrounding businesses utilizing the City-owned lots and street parking. Businesses in the Montrose Shopping Park typically open around 10:00 am. Due to this fact, there is a surplus of available parking during the morning peak hour. During the evening when surrounding full-service restaurants experience their peak hours, the proposed use is off-peak and has fewer patrons. The differentiation between hours of operation and peak parking demand within the area would not cause a conflict for the demand for parking in the surrounding City-owned parking lots or on-street parking.

The project site is located within the Montrose Shopping Park where use of shared parking facilities is encouraged by the North Glendale Community Plan (Area 4.5.a). A total of seven city-owned parking lots that include 589 parking spaces are located within the shopping park area that is intended to serve the businesses in the shopping park. Three of the seven lots are located within 500 feet of the subject property including Lots 3, 6 and 7. Lot 3 is located northeast of the subject site and is accessed from Florencita Drive and has 308 parking spaces. Lot 7 is east of the subject site and is accessed from Market Street, Broadview Drive, and a public alley and has 95 parking spaces. Lot 6 is located north of the subject site and is accessed from Florencita Drive and has 23 parking spaces. In addition, Lot 4 located just outside the 500 foot radius contains 43 additional spaces that could be used by patrons of the proposed use. During the hearing, representatives for the Coffee Bean & Tea Leaf agreed to post a map/diagram of the nearby parking lots available for customers. A condition of approval to this effect is included.

An analysis of available information has shown that these lots can accommodate the additional 16 parking spaces needed for the use. This is based on the number of parking spaces available during different times of the day in relation to the subject business' peak and off peak hours. As a result, sufficient parking is provided for the continued use of the site as a fast food restaurant.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make the findings necessary for a parking reduction permit because evidence provided is sufficient to demonstrate that the shared parking facilities will be adequate to serve the needs of the continued operation of the fast food use. The type of use, parking characteristics and distance to off-street City parking were considered for patrons and employees.

CONDITIONS OF APPROVAL

APPROVAL of this Parking Reduction Permit is subject to the following conditions:

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 Planning Hearing Officer.

2) That all necessary permits shall be obtained from the Building and Safety Division.

3) That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.

4) That the parking reduction is valid for the specific use for which it was granted or similar land use (as determined by the Planning Hearing Officer in concurrence

with the Director of Community Development). The permit runs with this specific land use 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 Planning Hearing Officer.

5) That all necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.

6) That the facilities shall not be rented, leased, or otherwise occupied for purposes not specified in this application.

7) The proposed business shall obtain and maintain a valid Zoning Use Certificate.

8) Prior to getting the Zoning Use Certificate, an Acceptance Affidavit shall be recorded with the Los Angeles County Recorder's Office, per Section 30.50.060.

9) A map of the Montrose Shopping Park showing the locations of the nearby City parking lots shall be placed within the tenant space in a conspicuous place for customers to view.

10) The business owner shall obtain parking permits to allow his/her employees to park in the City-owned parking lots during their shifts.

11) That the applicant shall comply with all the conditions of Conditional Use Permit No. PCUP 1219941.

APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION

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 **SEPTEMBER 27, 2012,** in the Building and Safety Division, 633 E. Broadway, Room 101.

APPEAL FORMS available on-line:
http://www.ci.glendale.ca.us/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.

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.

REVOCATION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over parking reduction permits (individual cases heard and decided upon by the Hearing Officer). To consider the revocation, the Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a parking reduction permit at least ten days notice by mail to the applicant or permittee.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by a parking reduction 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 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 conditional use permit.

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 and/or Planning 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.

Sincerely,

Kristen Asp
Planning Hearing Officer
KA:sm

CC: City Clerk; Police Dept. (Tim Feeley); City Attorney's Dept. (G. van Muyden/M.Yun); Police Dept. (T. Feeley); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section; Dir. of Public Works Dept.; Water Section (R.Takidin); Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (J.Brownell/A.Jimenez); Integrated Waste Management Admin. (D.Hartwell/T.Brady); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); and case planner – Erik Krause.