

August 12, 2014

Andrea Lee
3214 Honolulu Avenue
La Crescenta, CA 91214

**RE: 3214 HONOLULU AVENUE
CONDITIONAL USE PERMIT APPLICATION PCUP 1410836**

(SEE: PARKING REDUCTION PERMIT NO. PPRP 1410842)

Dear Mr. Lee:

On July 30, 2014, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your applications for a **Conditional Use Permit** to operate a private educational business in a C1 zone, and a request for a Parking Reduction Permit to allow the operation of private educational business without providing the additional parking required by code, located at **3214 Honolulu Avenue**, in the "C1"- Neighborhood Commercial Zone, described as Portions of Lots 146 and 147, Tract No. 5547, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

Conditional Use Permit

- (1) A private educational business is a conditionally-permitted use in the C1 (Neighborhood Commercial) zone.

Parking Reduction Permit

- (2) The proposed private educational business has a 79-space parking deficit from what is required by Code.

APPLICANT'S PROPOSAL

Conditional Use Permit

- (1) A Conditional Use Permit to allow a tutoring business in a C1 zone.

Parking Reduction Permit

- (2) A Parking Reduction Permit to allow the operation of the tutoring business without providing the 79 additional parking spaces required.

ENVIRONMENTAL RECOMMENDATION: The project is exempt from review under the California Environmental Quality Act (CEQA) as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301.

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. The proposed use will be consistent with the various elements and objectives of the General Plan.

Operation of a private educational facility for the tutoring of school-age children would be consistent with the General Plan. The Zoning Ordinance, which implements the General Plan, allows private educational facilities to operate through the conditional use permit process in the Neighborhood Commercial (C1) zone. The process allows the City to evaluate proposals and determine if they are consistent with the broader policy objectives and what, if any, conditions ought to be applied to ensure land use compatibility. A Conditional Use Permit was approved for the same land use and operated without significant parking or traffic problems beginning in 2006. Given the past history, the limited hours of operation, small staff and enrollment, the business will remain compatible with the neighborhood.

B. The use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The operation of a private educational facility for the tutoring of school age children would not be detrimental to the health, safety or general welfare, or to the environment. The site is fully improved and a private educational facility operated there in the past with no apparent negative impacts. As stated by the applicant at the public hearing, the business owns three mini-vans and a 12-passenger van and will use these vehicles to transport children from school to the tutoring center. This will reduce the number of private automobiles traveling to and from the site. The largest number of people at the business generally will be between 3:00 p.m. and 5:30 p.m. After that, parents start arriving to pick up their children. The business employs up to 6 tutors and has a capacity for 25-30 students. Hours of operation are from 2:00 p.m. until 7 p.m. during the school year. As stated by the applicant at the hearing, during the summer school holiday, the facility opens at 9 a.m. until 7:00 p.m.

C. The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property provided that the conditions of approval are followed.

The proposed private educational facility for tutoring school age children will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property provided that the conditions of approval are followed. A private educational facility operated on the site previously with no apparent adverse impacts or conflicts. The site is fully improved as are surrounding properties to normal development will not be impeded. A series of conditions will regulate hours of operation and maximum enrollment, further ensuring compatibility.

D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the use.

The site is fully improved and served by utilities. No changes to the parking lot are proposed so no additional landscaping or lighting are required. As provided by Section 30.32.030(C), the parking requirement for the proposed use of the property as a private educational facility is the difference between the requirement for a private educational facility versus the requirement for a general office – 28.6 less 2.7 spaces per 1,000, or 25.9 spaces per thousand. Since the tenant space is 3,050 square feet, the parking requirement is 79 parking spaces. The project has a 79-space parking deficit which is the subject of the Parking Reduction Permit application described above. Because the business will provide shuttle service for the children, the hours of operation are compatible with the other businesses, the greatest parking demand is after the other businesses in the center close and during the summer, and because trip generation will be consistent with the other office and retail uses in the vicinity, staff has approved the Parking Reduction Permit (PPRP 1410842). Therefore, as conditioned, adequate parking and traffic circulation facilities will be available for the private educational business.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing officer was able to make the four required findings because the site is already operating as a private education center for tutoring school-age children without significant neighborhood impacts, particularly to parking. Conditions of approval have been added to ensure the tutoring center at 3214 Honolulu Avenue, PCUP 1410836 will remain compatible with other businesses in the center and the neighborhood.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit shall be subject to the following:

- 1) 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) 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.
- 3) All necessary permits (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety Section and all construction shall comply with the Glendale Building Code and all other applicable regulations.
- 4) Noise shall be contained to the site such that persons of normal sensitivity off-site are not disturbed. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
- 5) The premises shall be made available and accessible to any authorized City personnel for inspection to ascertain that all conditions of approval of this parking reduction permit are being met.
- 6) The premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
- 7) There shall be no expansion or modification of the private educational facility or to the operation without the approval of the Planning Hearing Officer. Expansion or modification shall include increasing the floor area above 3,050 square feet, the reduction of parking spaces, or any other physical changes to the tenant space occupied by the private educational facility.
- 8) The hours of operation during the school year shall be from 2 p.m. to 7 p.m. Monday – Friday and during the summer holiday from 9 a.m. to 7 p.m. Monday – Friday.
- 9) A maximum of 7 employees and a maximum of 35 students shall be in the facility at any time.
- 10) The parking lot shall not be used for recreation and no outdoor recreational equipment shall be located in the parking lot.
- 11) The applicant shall correct sign violations and obtain a business registration certificate.

12) That authorization granted herein shall be valid for a period of **5 YEARS UNTIL AUGUST 12, 2019.**

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 **AUGUST 27, 2014**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

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

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 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 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 conditional 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 conditional 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 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 who acted on this case. This would include clarification and 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,



Laura Stotler
Planning Hearing Officer

LS:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); A.&O, Der Hovanessian; G.Ohanganian; and case planner-Jeff Hamilton.