



**COMMUNITY
DEVELOPMENT**

February 15, 2024

LIMING LIU
22760 HAWTHORNE BLVD
SUITE 107
TORRANCE, CA 90505

**RE: Notice of Decision – Approval
Project No. 23-0003322– Administrative Use Permit
Located at 2607 West Magnolia Boulevard**

Dear Mr. Liu:

This letter is to notify you the Community Development Director has conditionally approved your application for an Administrative Use Permit (Project No. 23-0003322) for a proposed child daycare facility to operate in an existing 4,410 square foot commercial building. The lot size is 15,262 square feet. The subject property is located at 2607 W. Magnolia Boulevard in the MPC-3, Magnolia Park General Business, zone. Enclosed is the Administrative Use Permit approval with conditions.

Please be advised that the decision of the Community Development Director will become final fifteen (15) days from the date of this letter, unless the decision is appealed to the Planning Board within fifteen (15) days. Any appeal of the Director's decision must be submitted to the Planning Division with the applicable filing fee prior to the expiration of the fifteen (15) day appeal period, or by 5:00 p.m. on March 1, 2024. Please note, any appeal filed between the hours of 12 and 5 p.m. requires an appointment to be scheduled with the Project Planner.

If you have any questions concerning this letter, please call me at (818) 238-5250 or email me at jpangilinan@burbankca.gov.

Sincerely,

JOSEPH PANGILINAN
Associate Planner
COMMUNITY DEVELOPMENT DEPARTMENT

275 EAST OLIVE AVENUE
BURBANK, CA 91502

BURBANKCA.GOV
INFO@BURBANKCA.GOV

Community Development Department Director's Decision

DATE: February 15, 2024

PROJECT TITLE: Project No. 23-0003322 – Administrative Use Permit

PROJECT ADDRESS: 2607 West Magnolia Boulevard

APPLICANT: Liming Liu

PROJECT DESCRIPTION: The project consists of a request to authorize for a proposed child daycare facility to operate in an existing 4,410 square foot commercial building. The lot size is 15,262 square feet. The subject property is in the MPC-3, Magnolia Park General Business, zone

ZONING: MPC-3

GENERAL PLAN: Corridor Commercial

MUNICIPAL CODE CONFORMANCE: The code requires all proposed child daycare facilities that are within 150 feet of a residentially zoned lot to apply for an Administrative Use Permit. The applicant proposes tenant improvements such as reconfiguring interior walls, new restrooms, and restriping of the rear parking lot to accommodate wider parking spaces and a pick-up/drop-off lane typical for a child daycare facility. The proposed daycare will not add square footage to the existing commercial building and will be adequately served by the fourteen (14) parking spaces provided on-site.

ENVIRONMENTAL REVIEW: The proposed project has been determined to be exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303(c) pertaining to the conversion of existing small structures from an office use to daycare use where only minor modifications are made in the exterior of the structure. There is no evidence that the proposed project may have a potentially significant effect on the environment.


DATE SIGN POSTED ON-SITE: January 30, 2024

DATE PUBLIC NOTICE MAILED: February 1, 2024

DATE OF DIRECTOR'S DECISION: February 15, 2024

END OF APPEAL PERIOD: March 1, 2024

**Joseph Pangilinan, Associate Planner
Planning Division (818) 238-5250**


_____ for
**Patrick Prescott
Community Development Director**

**ADMINISTRATIVE USE PERMIT NO. 23-0003322
(2607 W. Magnolia Blvd. – Liming Liu, Applicant)**

REQUIREMENTS FOR GRANTING AN ADMINISTRATIVE USE PERMIT

The Community Development Director finds the proposed project satisfies the requisite findings contained in the Burbank Municipal Code (BMC) Section 10-1-1956 for approval of an Administrative Use Permit, subject to the enclosed conditions of approval. For the Administrative Use Permit, the Director finds the following:

1. *The use applied for at the location set forth in the application is properly one for which an Administrative Use Permit is authorized by this Code.*

Burbank Municipal Code (BMC) Section 10-1-502 allows a child daycare facility to be located within the MPC-3 (Magnolia Park General Business) zone, with the approval of an Administrative Use Permit.

2. *The use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed 4,410 square foot child daycare facility is proposed to operate similarly to other child daycare facilities within the City. It would not create noise or traffic impacts above what would be expected from a child daycare facility in a commercial corridor setting. The use is not detrimental to existing uses, as it is consistent with and complimentary to the uses permitted in the Magnolia Park commercial corridor area and MPC Zones, which include a variety of retail, restaurant, entertainment, and other similar uses. Additionally, the parking and child pick-up/drop-off for the daycare will take place on the property in the rear parking lot, which mitigates any traffic and parking impacts to existing uses in the zone. The proposed use would not generate any unreasonable detrimental impacts to the existing uses or other uses permitted in the zone.

3. *The use will be compatible with other uses in the general area in which the use is proposed to be located.*

The use is consistent with uses intended for the MPC-3 (Magnolia Park General Business) zone. As established in the BMC, the purpose of this zone is to allow for general commercial uses that provide goods and services to the surrounding residential areas, and for office and mixed-use complexes that are compatible with adjacent land uses. Given its location in the Magnolia Park commercial corridor, the child daycare facility will draw interest from parents in the nearby residential neighborhoods looking for an accessible child daycare service within a short walk or drive away. The subject child daycare facility will be located along West Magnolia Boulevard, between North Naomi Street and North Frederic Street, and will operate between 8:00 AM and 5:30 PM on weekdays, which would be compatible with the existing uses in the neighborhood. The proposed use will be compatible with the Magnolia Park area, where there is a variety of uses including cosmetic stores,

pharmacies, clothing stores, sporting goods stores, commercial offices, and a mix of existing restaurants.

4. *The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, fences, landscaping and other features required to adjust the use to the existing or future use is permitted in the neighborhood.*

The 4,410 square foot child daycare fac will be located within an existing commercial building. Concurrent with the subject Administrative Use Permit, the existing commercial building has undergone Building Plan Check review to ensure full compliance with the applicable city codes and development standards for tenant improvements. The interior and exterior building improvements consist of reconfiguring interior walls, new restrooms, and restriping of the rear parking lot to accommodate wider parking spaces and a pick-up/drop-off lane typical for a child daycare facility. The proposed child daycare will not add square footage to the existing structure.

5. *The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

The subject property is served by West Magnolia Boulevard, which is a Secondary Arterial street. Per the Burbank2035 General Plan, this street classification must accommodate vehicles and transit but, due to their neighborhood character, must give a greater priority to bicycles and pedestrians. The proposed child daycare will function as a neighborhood serving business, similar to other existing business in the Magnolia Park area. It would not generate traffic above what would be expected from a child daycare facility in a commercial corridor setting. The parking and child pick-up/drop-off for the daycare will take place in the site's rear parking lot, which mitigates any traffic and parking impacts to West Magnolia Boulevard and the existing businesses and residences in the area. The site therefore relates to the street that will serve it, as the street is intended primarily for users who are navigating to and from businesses in the Magnolia Park area.

6. *The conditions imposed are necessary to protect the public health, safety, convenience and welfare.*

The attached Conditions of Approval numbered 1 through 77 have been included to ensure that the child daycare facility operates in a manner that protects the public health, convenience, safety, and welfare.

**ADMINISTRATIVE USE PERMIT NO. 23-0003322
(2607 W. Magnolia Blvd. – Liming Liu, Applicant)**

CONDITIONS OF APPROVAL

CDD - PLANNING DIVISION

1. Project No. 23-0003322, Administrative Use Permit, approves a proposed child daycare facility to operate in an existing 4,410-square foot commercial building.
2. This permit shall expire if the proposed use is not initiated within one year of the date of this approval (expires February 15, 2025), unless the permittee/property owner has diligently initiated the permit process for the Project as shown by having applied for a Business Tax Application for the proposed child daycare facility.
3. The permittee shall comply with all Federal, State, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
4. Administrative Use Permit No. 23-0003322 may be modified or revoked by the City should it be determined that the proposed use as permitted by this approval or conditions under which they were permitted are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity, or if the use is maintained to constitute a public nuisance as defined in the Burbank Municipal Code.
5. The operation/construction on the site shall remain in substantial conformance with the request and with the application materials submitted by the applicant and approved plans dated February 15, 2024 and placed on file in the office of the Planning Division.
6. The total number of children and staff members onsite may not exceed the amount that can be satisfied by the 14 code-compliant parking spaces provided, based on the parking requirement of 1 space per 8 children plus 1 parking space per staff member [BMC Section 10-1408].
7. A parking/circulation plan must be submitted to the City's Planning Division during the Building plan check review for the daycare's tenant improvements. The plan shall be reviewed and approved by the Director or the designee prior to the approval of the zoning clearance for said tenant improvements.
8. By signing and/or using this permit, the permittee acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with full awareness of the provisions of Burbank Municipal Code (BMC) Section 10-1-1960 (Termination/Revocation of Administrative Use Permit). Failure of the permittee to sign these conditions does not affect their enforceability by the City or other

responsible entity. These conditions are binding upon all future property owners and occupants of the subject property.

9. The applicant shall incorporate a copy of these Conditions of Approval into all plans submitted for Building Plan Check review to the Building Division.
10. Any building signs require a separate application(s) and building permit approval(s) from the Building Division and Planning Division prior to installation.
11. Prior to final sign-off of applicable building permits, the restaurant owner shall register a business license with the Burbank License and Code Division. The applicant shall include these Conditions of Approval as part of the updated Business Tax Application that is provided to the City.

CDD - BUILDING & SAFETY DIVISION

12. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the **2022 edition** of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards, including all intervening Code Cycles.
13. Plans and reports submitted for Plan Check Review are to be submitted electronically. For more information about the online submittal process, please contact the Building Division at 818-238-5220 or via email at eplancheck@burbankca.gov.
14. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
15. All Departments that have provide Conditions of Approval are to review drawings and provide final approval via online electronic review, prior to issuance of Building Permit.
16. Business Tax should be updated to reflect change in business type.
17. Separate Permits will be required for the following:
 - a. Demolition
 - b. Grading & Shoring
 - c. Architectural & Structural
 - d. Mechanical
 - e. Plumbing
 - f. Electrical
18. The property shall comply with accessibility requirements for the various occupancies as stated in California Building Code Chapter 11. Accessibility regulations apply to all common areas and pools and spas.

19. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
20. The City's mandatory Construction & Demolition Debris Diversion Ordinance requires the recycling and diversion of at least 65% of construction and demolition debris. A refundable deposit and non-refundable administrative fee will be collected prior to permit issuance. The Ordinance applies to all demolitions and to new construction, additions, remodels, renovation, tenant improvement and alteration projects over 500 square feet in scope of work.
21. Approved hours of construction are:

| | |
|-----------------|--------------------|
| Monday – Friday | 7:00 am to 7:00 pm |
| Saturday | 8:00 am to 5:00 pm |

No construction is permitted by contractors or subcontractors after hours, on Sunday or on City holidays without prior written request and approval from the Community Development Department.
22. Deferral of any submittal items shall have prior approval of building official. The registered design professional in responsible charge shall list the deferred submittals on construction documents for review.
23. Development Impact Fees are assessed by the City for construction of new commercial square footage as listed in the Burbank Fee Schedule and Title 10, Article 22, of the Burbank Municipal Code.

CDD – TRANSPORTATION

43. Applicant shall provide a circulation plan that shows the path of travel for vehicles, pedestrians, and bicyclists, including entry and exit procedure at times of conflict. The dual-lane drop-off area accessed from the alley does not make clear how children who are dropped will cross to the building entrance, nor does it indicate how cars will exit from the parking spaces while cars are utilizing the drop-off lanes.

PUBLIC WORKS DEPARTMENT

Engineering Division

44. Plans should include topographic site information, including elevations, right-of-way/property lines, dimensions/location of existing/proposed public improvements adjacent to project (i.e. street, sidewalk, parkway and driveway widths, catch basins, pedestrian ramps).
45. On-site drainage shall not flow across the public parkway (sidewalk) or onto adjacent private property. It should be conveyed by underwalk drains to the gutter through the curb face or connected to a storm drain facility [BMC 7-1-117, BMC 7-3-102].

46. No building appurtenances for utility or fire service connections shall encroach or project into public right-of-way (i.e. streets and alleys). Locations of these appurtenances shall be shown on the building site plan and the off-site improvement plans [BMC 7-3-701.1].
47. No structure is permitted in any public right-of-way or any public utility easements/pole line easements [BMC 7-3-701.1, BMC 9-1-1-3203].
48. All unused driveways shall be removed and reconstructed with curb, gutter and sidewalk [BMC 7-3-504].
49. Applicant shall protect in place all survey monuments (City, County, State, Federal, and private). Pursuant to California Business and Professions Code Section 8771, when monuments exist that may be affected by the work, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to construction, and a corner record or record of survey of the references shall be filed with the county surveyor. A permanent monument shall be reset, or a witness monument or monuments set to perpetuate the location if any monument that could be affected, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project.
50. Any work-within the public right-of-way must be permitted and approved by the Public Works Department before construction can commence. All construction work in the public right-of-way must comply with Burbank Standard Plans and must be constructed to the satisfaction of the City Engineer. A Public Works **EXCAVATION PERMIT** is required. The excavation permit requires a deposit acceptable to the Public Works Director to guarantee timely construction of all off-site improvements. Burbank Standard Plans can be accessed at: <http://file.burbankca.gov/publicworks/OnlineCounter/main/index.htm>

The following must be completed prior to issuance of Certificate of Occupancy:

51. Any portion of public sidewalk that is uneven or uplifted at the end of the project must be reconstructed to the satisfaction of the City Engineer. That reconstruction will be required whether the damage is pre-existing or is a result of the project. Contact the Public Works Inspection Office at (818) 238-3955 to have these areas inspected and identified after obtaining a Public Works Excavation Permit [BMC 7-3-501].
52. If any utility cuts or construction related impacts are made on W Magnolia Blvd. or made within the alley adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.

Water Reclamation and Sewer

53. Under the current rate structure, pulling the Building Permit for the proposed development is subject to a Sewer Facilities Charge estimated at \$5,472.00. The charge is due prior to issuance of a Building Permit [BMC 8-1-802 and BMC 8-1-806].

SFC = Proposed Developments
= School: Day Care [\$72/Student * 76 Students]
= \$5,472.00

54. Every building or structure in which plumbing fixtures are installed which conveys sewage must be connected to the municipal wastewater system [BMC 8-1-104].

55. No person shall connect to or tap an existing public sewer without obtaining a permit [BMC 8-1-301].

56. Pollutants, including construction debris, soil, and other discharges, are prohibited from entering the City's sewer collection system [BMC 8-1-501.1]. Discharges that exceed the local limits per BMC 8-1-501.4 are prohibited. In addition, the applicant shall not obstruct or damage any part of the City sewer system, and shall reimburse the City for sanitary sewer overflows and the reasonable costs of necessary maintenance and/or repair of the sewer system [BMC 8-1-311]. As such, it is required that all existing private sewer laterals are capped prior to any demolition activities.

57. A backwater valve is required on every private sewer lateral(s) connected to a private building(s), unless it can be shown that all fixtures contained therein have flood level rim elevations above the elevation of the next upstream maintenance hole cover of the public sewer serving the property, or a conditional waiver is granted by the Director [BMC 8-1-313]. Please note that Public Works' Wastewater Division will not sign off on the Certificate of Occupancy until the owner/developer provides proof that the backwater valve(s) has been installed.

58. Best Management Practices shall apply to all construction projects and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy [BMC 9-3-407].

BWP – WATER

59. All plan submittals must contain:

- a. BWP Rules and Regulations Section 4.30 (a): Size & location of water services (domestic, fire, type & location of the backflow assembly)
- b. Calculations for sizing of domestic water meter and service
- c. Landscape Irrigation Plans
- d. Plumbing Plans
- e. Location of stub-out(s) for future connection(s)

60. New potable water service will connect from a 12" main located in W. Magnolia Blvd. at a static pressure of approximately 140 psi.

61. Additional fire water service will connect from a 12" main located in W. Magnolia Blvd. at a static pressure of approximately 140 psi.
62. The applicant shall be responsible for all additional costs of connection, installation, and abandonment.
63. Temporary potable water may be supplied from the 1" existing service located on W. Magnolia Blvd. The existing meter(s) and box(es) must always be protected in place.
64. Water may be supplied temporarily from a hydrant. Contact Water Engineering concerning fees, required permit, and fittings.
65. Since the static pressure at this site exceeds 80 pounds per square inch (PSI), the Building Division requirements for a pressure regulator are to be followed in accordance with the California Plumbing Code (CPC).
66. Domestic meter size shall be adequate to provide the required flow, as determined by a licensed plumber, architect or engineer, calculated from the number of fixture units for the proposed development, pursuant to the CPC, CCR, Title 24, Part 5. Prior to final approval and preparation of an estimate by the BWP Water Division, the applicant shall obtain approval from the Fire Department for appropriate fire service size and appurtenance selection. A deposit will then be collected to cover construction costs for all required services.
67. If the Fire Department requires any new fire hydrants and/or fire services for this development, the Applicant shall request an estimate for same from BWP Water Division. The full deposit for any required work (including upgrading the fire service/backflow device) must be paid before the Water Division approves the project plans.
68. A service connection shall not be used to supply utility services to any parcel of land other than the parcel for which the service connection is assigned. If multiple parcels are not consolidated into one parcel, each parcel will require their own potable and fire water services.
69. A copy of this Administrative Use Permit shall be shown on the applicant's plan submittal.
70. The Applicant shall meet with utility representatives from BWP/Water, BWP/Electric, and Public Works/Sewer to discuss utility requirements in detail.
71. A Water Main Replacement Fee (WMRF) is required.

12" WMRF: 100' of frontage on W. Magnolia Blvd. x \$125/linear foot = \$XXXX
72. A Water Distribution Main Charge (WDMC) is required.

- 73. The water service for this project must be provided with protective devices that prevent objectionable substances from being introduced into the public water supply system, per Title 17 of the California Administrative Code. A minimum \$50 backflow prevention plan check fee and up to actual cost will be applied. Both domestic and fire services will require installation of backflow prevention devices. Backflow devices must be installed on the applicant's property and as close as possible to the property line (Standard Drawing No. BWP-615).
- 74. Recycled water shall be utilized for construction, grading, and dust control. Contact Water Engineering for fees and permitting requirements.
- 75. Recycled water is available to your parcel. All landscape irrigation must be served by a dedicated recycled water landscape irrigation service. See attached sheet.
- 76. Recycled water will be available to your parcel in the future. Until recycled water is available, landscape irrigation must be served by a dedicated landscape service protected by a BWP approved prevention device. When recycled water is available you must immediately convert; at your cost; all landscape irrigation from potable water to recycled water. See attached sheet.

BWP – ELECTRIC

- 77. The proposed drive-thru lane nearest the alley will result in the electrical utility pole #27966-B being exposed to vehicular traffic on all sides, posing an increased safety risk to the public. Therefore, if the applicant intends to proceed with the proposed drive-thru lane, the applicant will be responsible for constructing a barricade/wall separating the alley from private property or 4 new barrier posts built to BWP's standards, 24" around the utility pole.

X _____
Signature of Applicant/Permittee

X _____
Signature of Property Owner