glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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January 7, 2015

Ms. Sylvia Melendez
6055 E. Washington Blvd., Suite 700
Commerce, CA 90040

RE: PARKING EXCEPTION CASE NO. PPEX 1430115
115-117 E. BROADWAY, GLENDALE, CA 91205
DIRECTOR OF COMMUNITY DEVELOPMENT REVIEW

Dear Ms. Melendez:

Pursuant to Chapter 30.32.020, the Director of Community Development has processed an application for a Parking Exception for the property located at **115-117 East Broadway**, Glendale, CA 91205. The application is hereby **APPROVED**, based on the following analysis and findings, and subject to the following conditions.

PROJECT PROPOSAL

The proposed project consists of converting an existing, 3,515 sq.ft. full-service restaurant ("Fortune Inn", located at 117 E. Broadway) to a fast food restaurant ("King Taco"), and expanding the new restaurant by converting and adding the adjacent 1,665 sq.ft. retail tenant space ("Joli Bebe", located at 115 E. Broadway). The new fast food restaurant will have a total area of 5,180 square feet. The parking exception request is to allow the conversion of the retail space to fast food restaurant use without providing the additional three parking spaces required by Code.

SUMMARY AND BACKGROUND

The project is located on the north-west corner of Broadway and Maryland Avenue. The site is zoned DSP/M – Downtown Specific Plan, Maryland District. The entire blocks from Wilson Avenue to the north, Brand Boulevard to the west, the alleyway to the east of Maryland Avenue, and Harvard Street to the south are also zoned DSP/M. This zone allows for a combination of entertainment, restaurant, retail and service uses, with the possibility of mixed-use residential development and meeting facilities. The DSP Maryland District is also home to two of Downtown's mixed-use commercial developments (The Exchange and The Marketplace) as well as the Maryland Street (Block 24) Parking Garage.

The restaurant tenant space is located on the ground floor of an existing two-story building, originally constructed in 1912, then expanded in 1921 and again in 1990. The primary address for the building is 107 East Broadway, though the building also has tenant spaces with addresses from 103 to 113 North Maryland Avenue and 107 to 117 East Broadway. The building has no on-site parking and features approximately a total of 43,100 sq.ft. of commercial space. The existing building footprint covers the majority of the approximately 21,100 sq.ft. lot.

The existing tenant space at 117 East Broadway has been a full-service restaurant since 1991. The Glendale Redevelopment Agency granted a parking exception on August 28, 1989, for 27 on-site parking spaces for the proposed restaurant. The restaurant use was determined as being in keeping with the objectives of the Glendale Redevelopment Plan for promoting pedestrian activity and providing a sales tax generating retail tenant on the ground floor of the existing building. The developer had also agreed to obtain parking in the Block 24 garage, while restaurant patrons could have also used any of the three other nearby municipal parking lots.

The existing tenant space at 115 East Broadway, directly adjacent to and west of the existing restaurant, has been a retail use since 1994, according to Building & Safety records.

PARKING EXCEPTION REQUEST

The applicant is requesting a parking exception to allow the conversion of the 1,665 sq.ft. retail space (115 East Broadway) to a proposed fast food use for the expansion of the new "King Taco" fast food restaurant without providing three additional parking spaces.

GMC Section 30.32.050 requires that all new projects shall provide a minimum of five parking spaces per 1,000 sq.ft. of fast food and full service restaurant area in the DSP zone. The existing 1,665 sq.ft. retail space is grandfather at a parking ratio of three parking spaces per 1,000 sq.ft. of retail area in the DSP. According to GMC 30.32.030.B.5, the change of use from retail to fast food restaurant would require an additional three on-site parking spaces.

The applicant is requesting a parking exception for the reduced number of parking spaces.

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 1430115, a request to allow for the conversion of the existing 1,665 sq.ft. retail space to fast food restaurant without providing three on-site parking spaces, in conjunction with the development of a new fast food restaurant within an existing tenant space at 117 East Broadway, meets the findings of Section 30.32.020 as follows:

A. Parking spaces required for the proposed use or construction proposal cannot reasonably 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 scope of the project and the existing conditions of the site result in practical difficulties that impair the project's viability if the strict requirement for number of parking spaces were applied.

The 21,100 sq.ft. project site is zoned DSP Maryland District and is located in the former Central Glendale Redevelopment Project Area. The Central Project Area was established with the intent of revitalizing the community's central core through the creation of a dynamic and diverse downtown; the Downtown Specific Plan continues to implement that vision. In addition to providing a framework to guide responsible growth and development in Downtown Glendale, the DSP supports a variety of economic activities and mixed use development, including very dense urban housing, to provide a diverse downtown climate, seeks to preserve the distinctive character of each of the DSP's districts, and encourages quality urban design. The zoning promotes a variety of commercial and residential development, and allows for restaurant uses by right. The subject building has housed a combination of offices, retail

stores and restaurants with no onsite parking since its construction in 1912, and expansion in 1921 and 1990.

The proposal is to convert the existing full-service restaurant ("Fortune Inn") at 117 E. Broadway to a fast food restaurant ("King Taco") and to add the adjacent 1,665 sq.ft. tenant space to the new restaurant. The conversion of the existing tenant space from retail to fast food restaurant results in a three parking space deficit according to Code. The resulting increase in the number of required parking spaces, however, cannot be accommodated onsite given the current building footprint and site plan. There is no physical room to provide any parking on the property. Furthermore, the adjacent lots are all fully developed so no additional area is available to be used for off-site parking for the proposed use. There are two public parking structures on Maryland Avenue (one directly north of the subject site and one to the south of Broadway) that provide parking within walking distance for surrounding commercial uses and patrons.

Thus, the three required parking spaces cannot reasonably be provided on-site for the proposed redevelopment of the property without affecting the feasibility of the project.

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.

This project is consistent with the intent of the goals and objectives of the former Central Glendale Redevelopment Project area. Applicable goals include promoting the general welfare and economic well-being of the area. The restaurant at this location will encourage pedestrian activity, help in maintaining the tax base and attracting a variety of restaurant patrons from nearby businesses and residential developments. Therefore, the project is complementary to the existing and proposed mix of land uses in the neighborhood.

The project is consistent with the elements of the General Plan. The Land Use Element encourages a vibrant array of commercial (retail. service, office, entertainment) uses, in addition to very high density, urban housing and mixed use developments. The project involves a popular fast food restaurant that will serve the surrounding residents and businesses. The Circulation Element classifies Broadway as a Major Arterial and Maryland as an Urban Collector that can accommodate the traffic and circulation patterns for this commercial land use. The site is not designated as a future park or open space site in the Open Space and Conservation Element or the Recreation Element. The site is not in an active fault zone as shown in the Safety Element. For all these reasons, the project will be consistent with the various elements and objectives of the Glendale 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 project involves an exceptional condition that does not apply generally to other property in the area: the building in which the restaurant is located covers most of the site so that it is infeasible to alter the size or configuration of the structure to accommodate on-site parking. The Code-required parking for all fast food and full service restaurant uses in the DSP is five spaces per 1,000 sq.ft. of gross floor area, and three spaces for every 1,000 sq.ft. of retail or service use area. The conversion of the 1,665 sq.ft. adjacent retail space to fast food restaurant area would require an additional three spaces, which cannot be provided onsite.

The new restaurant, with its expansion into the adjacent tenant space, would have a total area of 5,180 sq.ft., 3,105 sq.ft. of which would be devoted to seating area. The area is necessary to the successful operation of this restaurant at this corner location, which is an important use generating foot traffic within the Maryland Arts and Entertainment District. Therefore, it appears that there are exceptional circumstances that warrant approval of the requested parking exception for the number of parking spaces for the project.

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 granting of the parking exception for a reduced number of parking spaces for this project will not be detrimental to the public welfare or other developments in the surrounding neighborhood. The parking exception request is for three parking spaces for the new fast food restaurant, which consists of reusing and expanding into the adjacent retail tenant space. The restaurant is located in a mixed-use commercial building that utilizes the parking provided within the two nearby public parking garages within walking distance on Maryland Avenue. Furthermore, many of the restaurant patrons are anticipated to come by foot from the surrounding businesses and residential developments. Therefore, the approval of a three parking space deficit is not expected to be detrimental to the public welfare or surrounding neighborhood.

Lastly, pursuant to GMC Section 30.32.020, approval of the parking exception is valid so long as the specific land use remains the same as 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 within the use. The permit does not run with the land. Accordingly, the parking provided will be sufficient for the proposed use, and any potential future uses would need to obtain a new parking exception, if required.

Therefore, Parking Exception PPEX 1430115 is hereby **APPROVED**, subject to the following conditions:

CONDITIONS OF APPROVAL

1. That the proposed establishment shall be in substantial accord with the plans submitted with the application and presented at the hearing <u>except</u> for any modifications as may be required to meet specific Code standards or other conditions stipulated herein as authorized by 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 Section 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 use for which it was granted. The permit runs with the fast food restaurant 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 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.

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 **January 22, 2015**, in the Building & Safety Division, 633 East Broadway, Room 101.

TRANSFERABILITY

This authorization runs with 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 or the proposed 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 parking exception permits.

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

GMC Chapter 30.41 provides for:

TERMINATION: Every right or privilege authorized by a parking exception 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 exception 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, Vilia Zemaitaitis, who acted on this case. She may be reached at 818-937-8154 or vzemaitaitis@glendaleca.gov. 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,

HASSAN HAGHANI
Director of Community Development

HH:vz

CC: City Clerk (K.Cortes); Police Dept. (Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section; Director of Public Works (Roubik Golanian); Director of Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil 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); and case planner - Vilia Zemaitaitis.