

June 4, 2014

Integrity Property Management
Attention: Enrique Brown
710 South Victory Boulevard, Suite 200
Burbank, CA 91502

**RE: 102 NORTH GLENDALE AVENUE
USE & STANDARDS VARIANCE CASE NO. PVAR 1406965**

Dear Sirs:

The Planning Commission of the City of Glendale, at its meeting held on June 4, 2014, conducted a public hearing on a Use & Standards Variance Case No. PVAR 1406965 located at **102 North Glendale Avenue**, and after due consideration, the Planning Commission **APPROVED WITH CONDITIONS**, to *renew a Use Variance* to allow the continued operation of a wine storage facility (The Cave Wine Storage) in the basement of an existing building and a *Standards Variance* for not providing a loading space, in the "C2" (Community Commercial Service) Zone, Height District I, described as Lots 22, 24 and 26, Block 12, Town of Glendale Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) To allow the renewal of a Use Variance to allow the continued operation of a wine storage facility ("The Cave Wine Storage") in the basement of an existing building, and a Standards Variance for not providing a loading space.

CODE REQUIRES

Use Variance

- (1) A wine storage facility is not a permitted use in the "C2" Zone.

Standards Variance

- (1) One loading space required.

ENVIRONMENTAL RECOMMENDATION: The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301.

A motion adopted by the Planning Commission is attached.

If you have any questions or need additional information on filing an appeal please contact the undersigned, in the Community Development Department at (818) 937-8181

Sincerely,
Hassan Haghani, AICP
Director of Community Development



Milca Toledo
Planner

MT:sm

CC: City Clerk (K.Cruz); Police Dept. (Lt.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 (R.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); and case planner-Milca Toledo.

MOTION

Moved by Planning Commissioner Yesayan, seconded by Planning Commissioner Astorian, that upon review and consideration of all materials and exhibits of current record relative to Variance Case No. PVAR 1406965, located at 102 North Glendale Avenue, and after having conducted a public hearing on said matter, that the Planning Commission hereby **APPROVES WITH CONDITIONS**, the Variance PVAR 1406965 in accord with the findings set forth in the staff report.

Adopted this 4th day of June, 2014.

VOTE

Ayes: Astorian, Yesayan, Manoukian

Noes: Lee

Absent: Landregan

Abstain: None

REQUIRED/MANDATED FINDINGS

Pursuant to Section 30.43.030 of the Glendale Municipal Code, a Variance may be granted by the reviewing authority only if the following findings of fact can be made:

A. The strict application of the provisions of the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance to allow reasonable use of ones property in that it would prohibit the continued utilization of existing floor space within the basement for a low intensity use.

The existing building opened in 1924 and is listed on the National Register of Historic Places and the Glendale Register of Historic Resources, which limits how the building can be modified and subsequently how the building can be used. The subject use variance would allow for the underutilized basement of the structure to continue to be used for wine storage of private individuals, which provides a reasonable use of the building as intended in the zoning code.

The project consists of the continued use of the basement of an existing building located at 102 N. Glendale Avenue for the storage of private wine collections. Pursuant to Table 30.32-C of the Glendale Municipal Code,

the project is required to provide one loading space. The loading space has a number of design criteria to incorporate, screen and locate the loading space within the parking area.

In the case of the project, a loading space is not needed for its operation. From a functional perspective, no large trucks would need to make deliveries to or from the site. Any deliveries required could easily be accommodated onsite without a loading dock. The requirement to provide a loading space is unreasonable and unnecessary for project that only involves the storage of private wine collections.

B. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

The building was constructed in 1924 as a hotel, commercial and residential use. At that time, there was no parking or loading requirements. While the basement was constructed as part of the original construction of the building 90 years ago, it was originally intended to serve the needs of the building/existing uses. However, in the past, the existing basement of the building remained unused for many years as it was not necessary for the effective operation of uses or the building in general.

No large trucks would need to make deliveries to or from the site. Deliveries could easily be accommodated onsite without a loading dock. Due to these circumstances of the use, exceptional conditions exist.

C. The granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located in that the property use will not create a perceptible increase in commercial activity or traffic on the site.

The use generates limited vehicular and loading operations on the property. The use and lack of providing a loading space has not resulted to be a problem throughout the years. The building was originally constructed 90 years ago. With the granting of the first variance in 1988, the wine storage facility has operated out of the basement for 32 years without any problems. The current tenant requesting this variance has complied with the conditions of the previous approval. No comments were submitted from other City Departments identifying nuisance issues. The previous use variance conditions of approval have reduced or eliminated

traditional nuisance concerns such as the general operation of the business, hours of operation for the business and deliveries.

The intent of the parking and loading regulations is to provide sufficient off-street parking and loading for a land use(s) so that adjacent land use are not negatively impacted and public safety is maintained by reducing parking demand and traffic congestion on the public street and surrounding neighborhood.

There are no large trucks, which make deliveries to or from the site. Any deliveries could easily be accommodated onsite. Therefore, the granting of the variance will not be materially detrimental to the public welfare or injurious to any properties or improvements.

D. The granting of the variance would not be contrary to the objectives of the ordinance in that only reasonable flexibility will have been exercised.

The use constitutes only a minor accessory use of the property with minimal demand for parking or loading space. Denying the variance request would create the vacancy of a large amount of floor area, which is unpractical. The ordinance intends to promote reasonable development or flexibility of use of properties to meet changing needs and circumstances. This use, as it currently exists and will continue to exist, fulfills the objectives of the Code.

CONDITIONS OF APPROVAL

APPROVAL of this Variance shall be subject to the following:

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 Director of Community Development.
2. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
3. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.
4. That the square footage of floor area devoted to the wine storage facility remain as represented in the application before the Planning Commission.

5. That any expansion or modification of the facility or use which intensifies the variance shall require a new variance application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.
6. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Planning and Neighborhood Services Division, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
7. That the wine storage facility shall be operated as a service business with no sales of wine or other merchandise on the premises, no wine tasting parties, meetings, or social gatherings. The facility shall not be used as a commercial warehouse to store the stock of liquor or wine for retailers or wholesalers.
8. That the hours of operation shall provide for the business to be closed from 9:00 p.m. to 9:00 a.m. daily.
9. That a Business Registration Certificate be obtained for the operation of the wine storage business.
10. That no commercial deliveries shall be made to the premises. Delivery vehicles shall not park in the existing red and/or bus zones on Broadway and Glendale Avenue at any time. Delivery vehicles shall park in a legal parking space and not block any travel lanes.
11. That security include an alarm system to an outside facility which has monitor personnel.

APPEAL PERIOD, 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 City Council 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 **JUNE 19, 2014** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

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.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION: Every right or privilege authorized by a variance, shall terminate two (2) years after 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: Variances 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 or 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 such variance.

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, 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, (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 variance at least ten (10) days notice by mail to the applicant or permittee.

Continuing jurisdiction over any case is the purview of the hearing officer, with concurrence by the Director of Community Development Department.

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 undersigned.

Sincerely,

Hassan Haghani, AICP
Director of Community Development

Milca Toledo
Planner

MT:sm