



May 27, 2014

Janelle Williams
Williams Land Use Services
2418 Honolulu Avenue, Unit B
Glendale, CA 91020

**RE: Parking Exception Case No. PPEX 1409196
214 N. Brand Boulevard**

Dear Ms. Williams,

On May 27, 2014, the Director of Community Development, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.32.020, **APPROVED**, as conditioned, your parking exception to convert a portion of a roof into an outdoor patio area for a full-service restaurant without providing 10 additional parking spaces in the DSP/Alex Theater District located at **214 N. Brand Boulevard**.

PROJECT PROPOSAL

The applicant is requesting to convert a portion of the roof of an existing commercial building into an outdoor patio area which would expand the proposed Eden Burger Bar's outdoor use area thereby requiring ten new parking spaces without providing the spaces at 214 N. Brand Boulevard.

SUMMARY AND BACKGROUND

The property is located on the east side of Brand Boulevard between Broadway and Wilson Avenue in the DSP/Alex Theater District. The existing building, constructed in 1951, is currently vacant and was designed to be a single tenant space. Its last use was Don Cucos Mexican Restaurant. The existing floor plan consists of dining areas at the ground level and mezzanine level. There are no parking spaces for customers on the site. A loading area at the rear of the building is accessed by way of a private driveway from Wilson Avenue. Pedestrian access to the property is from Brand Boulevard.

The Eden Burger Bar restaurant is proposing to convert a portion the building's roof into a 1,910 square foot outdoor patio area. The rooftop outdoor patio will be accessible during hours that the restaurant is open. A parking exception is required because 10 new parking spaces are required for the newly created outdoor rooftop patio and the applicant is not proposing to provide any.

PARKING EXCEPTION REQUEST

Section 30.32.030 Glendale Municipal Code requires that upon the addition of an outdoor use area for an existing building, additional parking spaces shall be provided for it. In many cases, a strict application of the parking code to require full on-site parking is not practical and would prevent a business from locating in the project area.

The previous Don Cucos Mexican Restaurant required five spaces per 1,000 square feet of floor area. The proposed Eden Burger Bar restaurant would require the same number of spaces except the applicant wants to add a new 1,910 square foot rooftop patio. The new rooftop patio will also require five spaces per 1,000 square feet. According to Chapters 30.32.030 and

30.032.050 of the Glendale Municipal Code, the parking shortfall for the proposed restaurant's new rooftop patio will be 10 parking spaces.

| Use(s) | Parking Required | Comments |
|---|---|---|
| Previous Use: Roof | No parking spaces required. | No parking spaces required. |
| Proposed: 1,910 SF convert roof to a patio for a restaurant | Five spaces per 1,000 SF of new outdoor use area (1,910 SF) = 10 spaces | Only the additional spaces need to be provided. New 1,910 square feet of rooftop patio at five per 1,000 square feet will require 10 parking spaces. There are no customer parking spaces on the property. The parking exception requests not to provide the ten newly required spaces. |

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the Director of Community Development has determined that Parking Exception Case No. PPEX 1409196 requests a 10-space parking exception in conjunction with a new rooftop outdoor patio use area for a proposed full-service restaurant (Eden Burger Bar) at 214 N. Brand Boulevard. The proposed request 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 existing commercial building was constructed in 1951. It covered a large portion of the site and did not have designated parking spaces since the building was constructed prior to parking requirements. An area identified for a loading area on the subject plans at the rear of the building is accessed by way of a private driveway from Wilson Avenue. Parking spaces required for the proposed full-service restaurant cannot reasonably be provided as specified by the provisions of this Title because there is no vacant area on the site to locate additional parking.

B. The parking exception will serve to promote specific goals and objectives of the adopted plan for the Downtown Specific Plan 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.

The subject site is located within the DSP/Alex Theater District and is identified as an entertainment area. The focal point of this District is the historic Alex Theater which is located next door. This District is concentrated along Brand Boulevard north of Wilson Avenue and south of Lexington Drive and encourages entertainment activities, restaurants, small-scale retail businesses and other intimate-scale pedestrian-oriented activities within traditional storefronts.

Brand Boulevard is classified as Primary Frontage Street in the DSP and a major arterial in the Circulation Element of the General Plan. Public and private utilities can accommodate the restaurant use. Primary frontage streets require retail, restaurant and entertainment uses on the ground floor to activate pedestrian interest at the street level. The proposed restaurant use is permitted on Primary Frontage Streets in the Alex Theater District consistent with the DSP's goals.

Goals of this District include ensuring that the Alex Theater District's long-term status is a good place to conduct business, encourage excellence in design and enhance the downtown environment, attract a wide range of activities to maintain a dynamic and culturally rich atmosphere, and preserve and enhance the distinctive character of Glendale's downtown buildings, streets and views. Meeting these goals will eliminate and prevent blight, increase revenues to the city, and promote private sector investment to facilitate commercial sales activity. The subject tenant space is currently vacant and opening the proposed Eden Burger Bar restaurant, including the new rooftop patio, will help activate the area and directly result in increases in revenue to the city which will help meet the DSP's stated goals.

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 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 because the parking requirement is being generated by the conversion of a portion of a roof area into a 1,910 square feet rooftop patio. The open air patio deck overlooks Brand Boulevard and will be available to customers during the restaurant's hours of operation. The patio will not have a roof and its use will be limited by weather conditions. Generally, southern California weather invites many outdoor dining opportunities; however, the intensity of use will not be as high as the existing enclosed floor areas and ground level outdoor dining. The ground level covered outdoor dining area will be increased from approximately 250 square feet to 420 square feet. Sidewalk dining will also be introduced on the public right-of-way. Ground level indoor and outdoor dining areas will traditionally be used more on a day-to-day basis which will reduce the rooftop patio's overall parking impact.

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.

There will not be materially detrimental impacts to the public welfare or injury to properties or improvements in the neighborhood because the parking requirement is generated solely by an outdoor rooftop patio. The outdoor rooftop patio will be available

during restaurant hours; however, an enlarged ground level covered outdoor dining area and adjacent sidewalk dining will also be available.

Comments related to parking were received from the Engineering Division stating that parking is in high demand in the project area and new developments that do not meet the parking requirements may impact availability of parking in the area. However, there are two public parking facilities (the Exchange at 115 N. Maryland and Orange St. at 222 N. Orange) within close walking distance of the project. Public parking is available in one or both of these facilities to accommodate the shortage of 10 parking spaces required for this project. The Community Development Department/ Development Concierge Division stated that several City garages and surface parking lots including the Market Street garage, Exchange garage and Orange Street garage are all within 500 to 1,000 feet of the project site, making them readily accessible to pedestrians. Additionally, indoor and covered patio areas have a tendency to be used more on a day-to-day basis which will result in a reduction in the use of the rooftop patio, particularly during periods of inclement weather. The Fire Prevention Section submitted comments including that a secondary access is required from the rear of the building. The Building and Safety Division permit file for 214 N. Brand Boulevard contains a covenant and agreement recorded June, 10, 1999 binding the property owners of 214 N. Brand Boulevard and the City of Glendale to provide a secondary access directly east through the city parking located at 215 N. Maryland Avenue to Maryland Avenue. Additional comments from Engineering Division, the Fire Prevention Division and the Building and Safety Division related to standard code-related comments for improvements to buildings.

The property is in the DSP/Alex Theater District which encourages entertainment uses such as the proposed Eden Burger Bar restaurant. It is not anticipated that such an outdoor use as part of a restaurant use would adversely impact the neighborhood, rather it is anticipated that it will help generate pedestrian interest and activity consistent with the intended goals of the DSP.

Therefore, Parking Exception PPEX 1409196 is hereby **APPROVED**, subject to the following conditions:

CONDITIONS OF APPROVAL

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 licenses (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
3. That the proposed Eden Burger Bar restaurant shall obtain a business registration certificate.

4. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent businesses or properties, in particular the Alex Theater, and patrons on the public right-of-way. The Director of Community Development's opinion shall prevail to arbitrate any conflicts.
5. That the proprietor and employees shall make an active and conscientious effort to keep its customers from trespassing on nearby properties or making disturbances in the area.
6. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
7. That the premise shall remain open to the public during business hours as a full-service restaurant as defined in Chapter 30.70 of the Glendale Municipal Code (G.M.C).
8. That any expansion or modification of the facility or use which intensifies the proposed full-service restaurant use shall require a new Parking Exception application. Expansion or modification shall constitute adding floor area, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.
9. That the proposed full-service restaurant adheres to the City's Fresh Air (smoking) Ordinance.
10. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Planning Department, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.

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 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 plans 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 **June 11, 2014** in the Building and Safety Division, 633 E. Broadway, Room 101.

APPEAL FORMS available on-line:

<http://www.glendaleca.gov/home/showdocument?id=11926>

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.

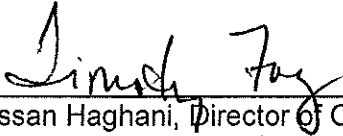
EXTENSION: An extension of the design review approval may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) 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 design review approval.

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, Chris Baxter, 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.

If an appeal is not filed within the 15-day appeal period of the decision, plans may be submitted for Building and Safety Division plan check. **Prior** to Building and Safety Division plan check submittal, approved plans must be stamped approved by Planning Division staff. **Any** changes to the approved plans will require resubmittal of revised plans for approval. **Prior** to Building and Safety Division plan check submittal, **all** changes to approved plans must be on file with the Planning Division.

An appointment must be made with the case planner, Chris Baxter, for stamp and signature prior to submitting for Building plan check. Please contact Chris Baxter directly at 818-937-8162 or via email at cbaxter@glendaleca.gov.

for 
Hassan Haghani, Director of Community Development

5-27-14
Date