



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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September 7, 2011

Navasart Kazazian
7974 Oceanus Drive
Los Angeles, CA 90046

RE: USE AND STANDARDS VARIANCE CASE NO. PVAR 2011-011
204 East Chevy Chase Drive

Dear Mr. Kazazian:


The Planning Commission of the City of Glendale, at its meeting of September 7, 2011, **approved** your application for a use and standards variance to allow the continuation of nonconforming commercial uses in the R-2250, Medium Density Residential Zone and to allow eleven parking spaces where fourteen parking spaces are required in the R-2250 Medium Density Residential Zone at 204 East Chevy Chase Drive being Lot 16, Block 1, of the Ayers Tract (per Case No. 8789-U & S, which expired on April 29, 2011), based on the findings pursuant to Chapter 30.42.030 of Title 30 of the Glendale Municipal Code, and subject to the conditions considered at said Planning Commission hearing. A copy of the adopted motion with the findings and conditions is enclosed.

Under the provisions of Section 2.88 of the Glendale Municipal Code, any person affected by the decision of the Planning Commission may appeal said determination 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 at the hearing. Any appeal must be filed within fifteen (15) days following the date of the Planning Commission's action (**September 22, 2011**). Appeal forms will be provided upon request and must be filed in the Permit Services Center, 633 East Broadway, Room 101, with the required filing fee for such application prior to expiration of the fifteen (15) day period.

If you have any questions, please do not hesitate to call Brad Collin, Senior Planner, at (818) 548-3210.

Sincerely,

Hassan Haghani, AICP
Director of Planning


Brad Collin
Senior Planner

CC: City Clerk; CDD.-Howard Malis; PW-Traffic & Transp.; PW-City Engineer; CDD-Neigh.Svcs.; GWP-Power & Electric; Public Works-Maintenance Services; PW-Street & Field Services; PW-Environmental Management; PW-Integrated Waste; Community Services & Parks; Fire Prevention-Bldg. & Safety.

Attachment: (1)

MOTION

Moved by Commission Member Landregan, and seconded by Commission Member Yesayan, that upon review and consideration of all materials and exhibits of current record relative to Use and Standards Variance Case No. PVAR 2011-011, located at 204 East Chevy Chase Drive, and after having conducted a hearing on said matter, that the Planning Commission hereby **APPROVES** said Use and Standards Variance Case No. PVAR 2011-011 in accord with the findings set forth below.

- A. The strict application of the provision of the ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the ordinance. The 8,957 square foot lot is improved with two commercial buildings that total 3,362 square feet. There are eleven off-street parking spaces on the property. They are accessed from both Chevy Chase and an alley in the rear. The improvements were constructed in 1982 when the site was commercially zoned and the parking requirement was two spaces for each 1,000 square foot of floor area whether general office, medical use or retail activity. The property was subsequently placed in a multiple dwelling zone, R-1250 during the 1986 Land Use and Zoning Consistency Program. The current R-2250 designation, rezoned in 1990, translates to 3.98 dwelling units permitted. The Zoning Code allows nonconforming use flexibility in commercial and industrial zones, but embodies strict criteria in residential zones such that if a particular nonconforming use vacates a site, only the same specific use may occupy the premises. This creates an unnecessary hardship such that vacant tenant spaces could remain for an extended length of time. This variance would allow some flexibility to fill vacant tenant spaces with other uses that are still compatible with the neighboring residential uses.
- 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 properties in the same zone or neighborhood. The property is situated on a heavily travelled street in close proximity to two major commercial thoroughfares, Glendale Avenue and Chevy Chase Drive. Surrounding land uses are characterized by a mixture of commercial, residential and public activities. The post office immediately to the west and the junior high school to the north are exempt from municipal zoning standards. The property in question is unique in that it is the only private commercial premises in the immediate area that was rezoned for residential use. As conditioned herein, the types of commercial uses which would be permitted would be those requiring the least amount of parking and noise impact on residential uses to the east and south.
- C. The granting of the variance will 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. The commercial building has existed for twenty-nine years without adverse impact upon neighboring residential uses. Continued neighborhood commercial uses will provide an orderly transition of the property from commercial activities to the adjacent residential uses. The variance would help avoid vacant tenant spaces, which could be detrimental to the surrounding area. In terms of the on-site parking, the eleven spaces exceed what was required at the time of construction but are three spaces deficient under the standards that would apply today for the existing and proposed occupancies. The parking has proven to be sufficient for the existing use distribution without burdening surrounding streets.
- D. The granting of the variance will not be contrary to the objectives of the ordinance, in that the Code establishes a hierarchy of zones, which serve to protect the lower intensity uses from the higher intensity uses. In this situation, the property was originally developed as commercial and has continued to be used as commercial. When the zoning changed from commercial to residential the current commercial building became nonconforming. The previous Use Variance was approved with conditions that limit the type of uses in the building to those that are compatible with the adjacent residential. This, in effect, helps mitigate any negative impacts the commercial uses would have on the residential uses.

Conditions:

1. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity of the subject property. Failure of the applicant to cease any development or activity not in full compliance shall be a violation of these conditions.
2. Any modification to these plans must be approved by Planning Division staff prior to the changes on the working drawings or in the field. Changes considered substantial by Planning staff must be returned for review by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
3. That all licenses, permits as required or approvals from Federal, State County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. Any change in use(s) for the commercial tenant spaces are limited to retail stores, general merchandise uses, personal service uses, general office or medical office (with a maximum of 1,600 square feet of medical office at any one time). Any use listed in the C2, Community Commercial Zone that is conditionally permitted (requiring a Conditional Use Permit) is prohibited at this location.
5. That adequate means such as fully enclosed dumpsters be provided or maintained for the collection of solid waste generated at the site and that all recyclable items be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale.
6. That any expansion or modification of the facility or use shall require a new variance application. Expansion shall constitute adding of floor area, as determined by Planning staff, with concurrence by the Director of Community Development.
7. That parking areas shall be kept in good condition at all times, free of weeds, trash and food products.
8. That the parking area, accessed off the alley, shall be re-striped per the plans submitted with this application.
9. Any vehicles used for loading or unloading purposes shall do so solely on the subject property without blocking any common driveways or parking spaces.
10. That all music or other sound produced on the premises shall not be audible off-site so as not to disturb persons in the adjacent residential uses.
11. Any lighting proposed for the exterior of the building shall be focused away from the residential uses to the south and east of the subject property.
12. This Use and Standards Variance permit shall be valid for 20 years, until September 7, 2031.
13. This Use and Standards Variance, Case No. PVAR 2011-011, shall supersede the previous Use and Standards Variance, Case No. 8789- U & S.

Adopted this 7th day of September, 2011.

Vote as follows --

Ayes: Astorian, Landregan, Yesayan, Lee
Noes: None
Abstain: None
Absent: Scheetz

