



CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

633 E. Broadway, Suite 103
Glendale, CA 91206-4311
Tel. (818) 548-2140 Fax (818) 240-0392
glendaleca.gov

November 6, 2019

Sarmen Barsegian
409 West Broadway
Glendale, CA 91204

&

Lotfollah Shokrian
401 West Doran Street
Glendale, CA 91203

**RE: 401 WEST DORAN STREET
USE & STANDARDS VARIANCE CASE NO. PVAR 1806410**

Dear Applicants:

The Planning Commission of the City of Glendale, at its meeting held on November 6, 2019, conducted a public hearing on Use & Standards Variance Case No. PVAR 1806410, requesting to renew of a Use and Standards Variance for the subject lot, located in the "R-1650" - (Medium-High Density Residential) Zone, to allow the continuance of certain types of commercial uses and signs permitted in the "C1" (Neighborhood Commercial) Zone. The subject lot is located at **401 West Doran Street**, described as Southeast portion of Lot 11, Oliver's West Glendale Tract, in the City of Glendale, County of Los Angeles, as per map recorded in Book 9, Page 58 of Maps in the Office of County Recorder of the County of Los Angeles, in the City of Glendale, County of Los Angeles.

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Commission **APPROVED WITH CONDITIONS** your application for a Use & Standards Variance Case No. PVAR 1806410.

CODE REQUIRES

(1) Approval of a variance for commercial uses and signs not permitted in the R-1650 zone.

APPLICANT'S PROPOSAL

- (1) Approval of a Use and Standards Variance to allow, on a lot located in the R-1650 (Medium-High Density Residential Zone) the continuance of certain types of commercial uses and signs permitted in the C1 (Neighborhood Commercial) Zone. No on-site parking is provided for the building.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because the project involves no expansion of an existing use.

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) 937-8186.

Sincerely,
Philip Lanzafame
Director of Community Development



Cassandra Pruett
Planner

CP:sm

CC: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. Van Muyden/Y.Neukian); Fire Prevention Engineering Section- (J.Halpert); Dir of Public Works (Y.Emrani); Traffic & Transportation Section (P.Casanova); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove/T.Dodson); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); and case planner – Cassandra Pruett.

MOTION

Moved by Planning Commissioner Lee, seconded by Planning Commissioner Chraghchian, that upon review and consideration of all materials and exhibits of current record relative to Variance Case No. PVAR 1806410, located at 401 West Doran Street, and after having conducted a public hearing on said matter, that the Planning Commission hereby **APPROVES** the Variance PVAR 1806410 in accord with the findings and conditions set forth below:

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.**

The subject site has been operating with commercial uses since 1921. To require the conversion of those commercial spaces to residential units would trigger current residential building safety and planning code requirements that could not feasibly be met without detriment to the project's viability. The continuation of certain neighborhood commercial uses that serve the residential area is consistent with the general purpose and intent of the ordinance. The purpose and intent of the ordinance (R-1650 Medium-High Density Residential Zone) is to ensure medium-high density residential located in areas based on convenience and adequacy of services that support the concentration of population in such zones; and that such development be pleasant, inviting, and efficient, with consideration of appropriate amenities and attractiveness in the promotion of health, safety and general welfare. The grocery market, dry cleaner and beauty salon service a neighborhood where these uses are not provided elsewhere within walking distance. The closest grocery store is 1/3 mile away and the closest dry cleaner and beauty salon are over 1/2 mile away.

- B. There are exceptional circumstances or conditions applicable to the property involved that do not apply generally to other property in the same zone or neighborhood.**

The subject property was developed in 1921 with a mixed-use (commercial and multi-family residential) building and was previously zoned commercial, which allowed the commercial land uses. In the mid-eighties, the property was re-zoned to multi-family residential, which then caused the commercial uses to become legal non-conforming. The commercial land uses on site have continued for nearly 100 years and have proven to be compatible with the neighborhood.

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 decades-long continuation of certain neighborhood commercial land uses on the site has not proved to be materially detrimental to the neighborhood, and the City's Police Department and Code Compliance Section had no comments regarding this case. Further, these uses serve the adjacent residential and school uses and thus provide a convenience to the neighborhood.

In terms of parking, the 2001 parking study showed that even during peak parking demand periods, there was sufficient on-street parking available to meet parking needs, including four parking spaces directly in front of the commercial units that are limited to 30 minutes and thus are designed to primarily serve the commercial uses. Currently, the same land uses are present on site and at adjacent properties as when the 2001 parking study was conducted. A few multi-family residential buildings have been constructed within walking distance (1/4 mile) to the site since 2001, yet they provide on-site parking. The proposed "Neighborhood Commercial" uses are characteristic of serving the immediate neighborhood which may result in patrons using alternative forms of transportation (e.g. walking, bicycling, etc.) rather than driving. For these reasons, an increase in parking demand is not anticipated by allowing the existing neighborhood commercial uses to change to other neighborhood commercial uses subject to the parking standards in Glendale Municipal Code Section 30.32. Furthermore, if a change of use occurs on site which results in a parking deficiency, the northern part of the lot is still available for conversion to a parking facility, in accordance with the recommended conditions.

D. The granting of the variance will not be contrary to the objectives of the ordinance.

The objective of the zoning ordinance is to protect various land uses (e.g. residential) from harmful encroachment by incompatible uses and to ensure high-quality development that promotes and protects the public health, safety and welfare. The continuation of certain neighborhood commercial uses at the subject site has been shown to be compatible with the surrounding neighborhood and thus is not contrary to the objectives of the ordinance.

APPROVAL of this Use & Standards Variance shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application 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 all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times. All businesses on the subject site must maintain current Business Registration Certificates.
3. That any expansion or modification of the facility or uses shall require a new Variance application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation beyond the approved uses specified in these conditions, or any physical change as determined by the Director of Community Development.
4. That the multi-family dwelling units in the mixed-use building shall be maintained as such and not converted to non-residential uses, other than for Home Occupation Permits subject to the standards of Glendale Municipal Code section 30.45.
5. That the use of business occupancies in the commercial spaces on the first floor shall be limited to those uses listed in the land use table for the C1 (Neighborhood Commercial) Zone, subject to discretionary review as applicable (including but not limited to Administrative Use Permit, Conditional Use Permit, Wireless Telecommunications Facility Permit, etc.) and subject to the Parking standards of Glendale Municipal Code section 30.32.
6. That the Director of Community Development reserves the right to request a parking/traffic study be done at any time. If the Director of Community Development deems it necessary, she/he may require the single-family home to be removed and replaced with a parking facility to help address any parking deficiency.
7. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed. The businesses on site shall comply with the state and local laws and ordinances concerning excessive noise and disturbing the peace.
8. That any proposed exterior lighting shall be directed away from adjacent properties and the public right-of-way.
9. That all signs shall comply with the sign code (Chapter 30.33 of the Zoning Code). Any illuminated signs shall be approved by the Director of Community Development.
10. That there shall be no outdoor display, storage, or sale of merchandise or supplies connected with any commercial use of the property at any time. No outdoor vending machines or outdoor seating shall be permitted.

11. That business activity on the site shall only be conducted between 6:00 a.m. and 10:00 p.m. during any day of the week.
12. That the premises be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
13. That adequate means be provided for the collection of solid waste generated at the site and that all recyclable items be collected and properly disposed of.

VOTE

Ayes: Astorian, Chraghchian, Lee, Minassian, Shahbazian
Noes: None
Absent: None
Abstain: None

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 **November 21, 2019**, 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.glendale.ca.gov/appeals>

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by a Use & Standards Variance 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.

CESSATION

A Use & Standards Variance may be terminated by the review authority upon any interruption or cessation of the use permitted by the Use Variance for one year or more in the continuous exercise in good faith of such right and privilege.

EXTENSION

Permits 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 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.

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

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Use & Standard Variances. To consider the revocation, the Director of Community Development shall hold a public

hearing after giving notice by the same procedure as for consideration of a Use & Standard Variance at least ten (10) days' notice by mail to the applicant or permittee.

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.

You may contact the case planner, Cassandra Pruett, during normal business hours at (818) 937-8186 or via e-mail at cpruett@glendaleca.gov.