

November 6, 2014

Ara Kalfayan  
343 N. Central Avenue  
Glendale, CA 91203

**RE: ADMINISTRATIVE EXCEPTION CASE NO. PAE 1423887  
315-317 WEST LEXINGTON DRIVE**  
(Off-site parking for Phoenicia Restaurant 343 North  
Central Avenue)

SEE: Parking Use Permit Case No. PPUP 1419225  
(315-317 West Lexington Drive)

Dear Mr. Kalfayan:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44.070, the Planning Hearing Officer has processed your application for an Administrative Exception to allow the use of a 48-space parking lot to fulfill the parking requirement for the existing full-service restaurant at 343 N. Central Avenue. The off-site parking lot is non-conforming in regards to landscaping standards in the "R-1250/PS" – High Density Residential/Parking Structure Overlay Zone, at **315 & 317 W. Lexington Drive**, being Lots 19 and 20, Tract No. 253 in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL RECOMMENDATION: Exempt per State CEQA Guidelines, Section 15303, Class 3 "New Construction".

#### **REQUIRED/MANDATED FINDINGS**

After considering the evidence presented with respect to this application, the plans submitted therewith, the Planning Hearing Officer has **GRANTED WITH CONDITIONS**, your application based on the following findings:

- A. The granting of the exception will result in design improvements, or there are space restrictions on the site that preclude full compliance with the Code requirements without hardship.**

The subject site is currently vacant. It consists of two lots totaling approximately 16,647 square feet. The applicant is proposing to improve the site with a new 48

space parking lot (including five tandem spaces) with landscaped areas along the entire street front setback and adjacent to the ingress and egress to the parking lot. Access to the lot will be from the existing alley to the east. Approximately 15 percent of the lot area will be landscaped. However, the landscaping proposed does not meet current interior landscaping or screening requirements. The project will comply with the minimum 20-foot landscaped setback along Lexington Drive.

There is not enough space in the proposed parking area to disperse planters and shade trees throughout the parking lot without compromising the number of parking spaces and vehicular circulation within the parking lot. Meeting the landscaping and screening requirements as required by the Zoning Code would be impractical and would result in exacerbating the parking and traffic challenges that exist in the neighborhood. With the construction of the 48-space parking lot, the restaurant's parking requirements would be met and the neighborhood residents would benefit in that it would provide some relief to the existing on-street parking problems.

**B. The granting of the exception 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 proposed development and operation of surface parking lot at 315-317 West Lexington Drive without providing the required five percent interior landscaping and screening will not constitute a nuisance to persons in the neighborhood or be detrimental to the public welfare. The site is zoned with a parking structure overlay, which permits parking lots. Similar zoned parcels and uses exist throughout the neighborhood, particularly west of Central Avenue between Broadway and the 134 Freeway with similar non-conforming landscaping conditions. None these lots have proven to be materially detrimental to the public or injurious to the area. Further, the parking lot will be for the exclusively use of Phoenicia Restaurant patrons.

Presently, the subject site is vacant. The applicant is proposing to improve the property by providing new paving, introducing 48 striped parking spaces (including five tandem spaces) with landscaping along the entire street front setback. Access to the site is adequate to accommodate the off-site parking. The new off-site parking lot is located across the street, northwest of the restaurant. No excess traffic will be generated as a result of the parking lot since it will support the existing restaurant use and no expansion of the restaurant is proposed. Access, including ingress and egress to and from the parking lot will be from the adjacent alley located to the east. Traffic Engineering Section staff reviewed the proposed project and did not cite any issues or concern.

**C. The granting of the exception will not be contrary to the objectives of the applicable regulations.**

The purpose of the administrative exception procedure is to provide a simplified means for considering applications for minor deviations from the code standards, such as the landscaping standards for the proposed parking lot at 315-317 West Lexington Drive. The code requires a total of five percent of the interior of parking lots to be landscaped. As proposed, the amount of landscaping exceeds five percent; however, is only located along the street front property line and at the access points along the alley. Since the amount of landscaped exceeds what is required by code, is not contrary to the objectives of the zoning regulations that parking lots be landscaped.

**CONDITIONS OF APPROVAL**

**APPROVAL** of this Administrative Exception shall be subject to the following conditions:

- 1) That the development shall be in substantial accord with the plans presented in conjunction with the application for the Administrative Exception, except 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 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 premises be maintained in a clean orderly condition, free of weeds, trash, and graffiti.
- 4) That the applicant shall comply with all applicable conditions of Conditional Use Permit Case No. PCUP 2010-016.
- 5) That the applicant shall comply with all conditions of approval of Parking Use Permit Case No. PPUP 1419225.

**APPEAL PERIOD**

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 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, 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://glendaleca.gov/appeals>

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

#### **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.

#### **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 \$1,000.00, or imprisonment for a term not to exceed six months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of \$500.00 for each violation.

Violations of conditions required by this determination may be grounds for a revocation.

#### **REVOCAION, CONTINUING JURISDICTION**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a variance request and at least 10 days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

### **GMC CHAPTER 30.41 PROVIDES FOR**

#### **TERMINATION**

Every right or privilege authorized by a variance shall terminate two 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 variance may be requested one time and extended for up to a maximum of one 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 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 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.

Sincerely,



Erik Krause  
Planning Hearing Officer

EK: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); Dir. Of Public Works (R.Golanian); Traffic Engineering Section (W. KO/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept.

(T. Aleksanian); 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.