

August 7, 2014

Aloha Equities LLC  
Attn: Patsy Ma  
650 West Duarte Road, No. 1088  
Arcadia, CA 91007

**RE: 2260 HONOLULU AVENUE**  
(AKA 3715 Market Street)  
USE VARIANCE CASE NO. PVAR 1407576

Ladies and Gentlemen:

The Planning Commission of the City of Glendale, at its meeting held on August 6, 2014, conducted a public hearing on a Use Variance Case No. PVAR 1407576, and after due consideration, the Planning Commission **APPROVED WITH CONDITIONS**, Use Variance Case No. PVAR 1407576, located at **2260 Honolulu Avenue**, for an application for a Use Variance to continue operating first floor offices at the rear of an existing building located in the "CR"-Commercial Retail Zone, consistent with Use Variance Case No. 9907-U, described as Portions of Lot 49 and 51 and Lot 50, Tract No. 1701, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) Offices uses are only allowed above the first floor level in the "CR" - Commercial Retail Zone.

APPLICANT'S PROPOSAL

- (1) Continue operating office uses at the first floor level.

ENVIRONMENTAL RECOMMENDATION: Exempt per CEQA Guidelines, Section 15301, Class 1 Existing Facility.

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) 937-8162.

Sincerely,  
Hassan Haghani, A.I.C.P.  
Director of Community Development Department



Christopher E. Baxter  
Planner

CEB: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-Christopher E. Baxter.

### MOTION

Moved by Planning Commissioner Lee, and seconded by Planning Commissioner Landregan, that upon review and consideration of all materials and exhibits of current record relative to Use Variance Case No. PVAR 1407576, located at 2260 Honolulu Avenue, and after having conducted a hearing on said matter, the Planning Commission hereby **GRANTS** said Use Variance Case No. PVAR 1407576, as conditioned, to continue operating ground floor offices at the rear of an existing building located at 2260 Honolulu Avenue in the "CR"- Commercial Retail Zone described as Portions of Lots 49 and 51, Lot 50, Tract No. 1701, in the City of Glendale, County of Los Angeles, in accord with the findings set forth below.

### **REQUIRED/MANDATED FINDINGS**

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

- A. The strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.**

The Land Use Element classifies the subject site as Regional Commercial and the North Glendale Community Plan identifies the neighborhood as the Montrose Shopping Park. An economic goal of these documents is to create vibrant areas that promote diversity and economic opportunities that support a variety of businesses. The Montrose Shopping Park emphasizes pedestrian amenities and traffic calming features such as public parking lots, curb extensions, wide sidewalks, sidewalk dining and seating in landscape planter areas with shade trees. This commercial district is targeted at a shopping and dining destination that draws customers from surrounding communities. The Circulation Element identifies this section of Honolulu Avenue as an Urban Collector street and Market Street as a local street both of which can continue to support the existing office use activities.

The intent of the element and general plan is to limit office uses to the second floor level in order to preserve and enhance the shopping and dining experience along Honolulu Avenue. In this case, the office uses are physically located at the first floor level; however, their public access is on Market Street. Due to the property's topography, it is an unnecessary hardship to limit office uses at the first floor level given that they are in effect at the second level of the building and they do not have public access from Honolulu Avenue. Configuring efficient and flexible floor areas with multiple tenants becomes a practical difficulty not anticipated by the strict application of the Code due to the depth of the lot, L-shaped lot configuration and downhill slope.

- 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 lot depth, its L-shaped configuration wrapping around a corner lot and its downslope topography also create exceptional circumstances or conditions that are generally not applicable in the same zone because the floor area for retail and restaurant uses at the first floor level facing Honolulu Avenue eliminate direct public access to the office uses behind them. Public access to the office uses is at the second floor level is only from Market Street.

- 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**

Montrose Shopping Park is an area already developed with commercial uses such as offices, restaurants and retail/service establishments. Continuing the office uses granted by Use Variance Case No. 9907-U would not be detrimental nor adversely affect or conflict with its neighbors or impede normal development activity in the area because even though retail and dining is the preferred use at the first floor level, office uses are a type of land use the community encourages and promotes. Public access to the offices, which are located at the rear of the building, is from the Market Street, a side street downhill from Honolulu Avenue. The building's tenant space configuration allows multiple tenant uses with retail and restaurant uses at the first floor level facing Honolulu Avenue and offices behind them accessed from Market Street at a second level.

Comments submitted from the City's Economic Development Department support the continued office uses with a recommended condition that the Honolulu Avenue tenants remain retail uses which are allowed by Code. Comments submitted by the City Engineer's Division/Parking Section and the Integrated Waste Section did not object to the office use but commented on problems with the refuse trash bin in Parking Lot No. 7 used by the office tenants. The Integrated Waste Management Division has been working with the applicant to resolve this issue and a condition has been added to address it.

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

Granting of the variance will not be contrary to the Ordinance because the subject office uses which are at the rear of the subject building, have public access from Market Street and are at the second floor level from this location.

The retail and the restaurant uses at the first floor level directly facing Honolulu Avenue are permitted uses consistent with the intent of the Ordinance which is to enliven the pedestrian shopping and dining experience. The neighborhood is well established and has historically provided adequate public and private facilities and infrastructure, including three public parking lots within walking distance of commercial land uses for customers and employees.

#### CONDITIONS OF APPROVAL

**APPROVAL** of this Use 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 all necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
- (3) That any expansion or modification of the facility or use which changes conditions granted by this Use Variance shall require a new Use Variance application. Changes shall include changes to the use or operation as approved in this variance or any physical change, including providing direct public access to the offices from Honolulu Avenue, as determined by the Director of Community Development.
- (4) That the office uses permitted by this variance shall be limited to the office uses allowed in the "CR" Zone.
- (5) That the type and location of the City's trash refuse bin in the Parking No. 7, used by the offices, shall be to the satisfaction of the Director of Public Works.
- (6) That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, 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 authorization granted herein shall be valid for a period of **fifteen years, until August 6, 2029**, at which time a reapplication shall be made.

Adopted this 6<sup>th</sup> day of August, 2014.

VOTE

Ayes: Astorian, Lee, Landregan, Yesayan, Manoukian

Noes: None

Abstain: None

Absent: 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 **AUGUST 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://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 use 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: Use 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.

### **REVOCACTION, CONTINUING JURISDICTION**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over use variances. To consider the revocation, the Director of Community Development Department 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 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



Christopher E. Baxter  
Planner

CEB:sm