



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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July 19, 2012

Alfred Teichert
2520 Countryside Lane
La Crescenta, CA 91214

**RE: 2833 HONOLULU AVENUE
ADMINISTRATIVE EXCEPTION CASE NO. PAE 2011-023
(Proposed "Chandelier Restaurant")**

(also see: CONDITIONAL USE PERMIT NO. PCUP 2011-031)

Dear Mr. Teichert:

The Planning Commission of the City of Glendale, at its meeting held on July 18, 2012, conducted a public hearing on Administrative Exception Case No. PAE 2011-023, and the Planning Commission **APPROVED WITH CONDITIONS** an appeal of a denied Administrative Exception (PAE 2011-023) to expand into the adjacent office space to add 438 square feet to the full-service restaurant for new ADA-compliant restrooms without providing three additional parking spaces. The restaurant is located at **2833 Honolulu Avenue**, in the "C1" – Neighborhood Commercial Zone, described as Lots 12-17 and the East 5 Feet of Lot 18, Tract No. 6067, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) To add 438 square feet to the full-service restaurant without providing the three additional parking spaces.

CODE REQUIRES

- (1) Three additional parking spaces are required for the conversion of 438 square feet of office area to full-service restaurant.

ENVIRONMENTAL REVIEW: This project is categorically exempt.

A motion adopted by the Planning Commission is attached.

APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION

The applicant's attention is called to the fact that this approval 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 2.88, 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 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 **AUGUST 2, 2012**, in the Building and Safety Division, 633 East Broadway, Room 101.

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. 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 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 of the Glendale Municipal Code, 1995, provides for the Director of Community Development Department to have continuing jurisdiction

over any Administrative Exception which is or has been granted and may revoke any Administrative Exception in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

GMC CHAPTER 30.41 PROVIDES FOR TERMINATION

Every right or privilege authorized by an Administrative Exception 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.

EXTENSION

An extension of the Administrative Exception 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.

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 and/or 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.

Should you have any questions regarding this issue, please do not hesitate to contact the undersigned.

Sincerely,



Vilia Zemaitytis
Senior Planner

VZ:sm

cc: City Clerk; City Attorney's Dept. (C.Sansone/G.van Muyden); Fire Prevention Engineering Section-(D.Nickles); Community Development Dept. (P.Lanzafame and H.Malis); City Engineer; Dir. of Public Works Dept.; Water Section (R.Takidin); Electric Section (M.Kelley); Dir. of Parks, Recreation and Community Services Dept. (M.Stirdivant); Neighborhood Services Admin. (J.Brownell); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Traffic & Transportation Admin. (T.Mitchell); Information Services Admin., Sev Nazarian - business operator; Kevin Howe; Mr. & Mrs. Kenagy; Benjamin Oseguera; Sharon & Robert Thompson; and case planner – Vilia Zemaitytis.

MOTION

Moved by Planning Commissioner Sheetz, seconded by Planning Commissioner Lee, that upon review and consideration of all materials and exhibits of current record relative to Administrative Exception Case No. PAE 2011-023, located at 2833 Honolulu Avenue, and after having conducted an appeal hearing on said matter, that the Planning Commission hereby **overturns** the Planning Hearing Officer's decision and **APPROVES** said Administrative Exception Case No. PAE 2011-023 in accord with the findings and conditions set forth below:

REQUIRED/MANDATED FINDINGS

Pursuant to Section 30.44 of the Glendale Municipal Code, an Administrative Exception may be granted by the reviewing authority only if the following findings of fact can be made:

- 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.**

There are space restrictions on the site that would preclude compliance with the parking requirement for the addition of three parking spaces. The site is presently developed with an approximately 8,300 square-foot, multi-tenant commercial building with on-site parking. The uses on the site include an office, the subject restaurant and a beauty salon. The parking lot contains 26 parking spaces. An access easement for the parking spaces oriented perpendicular to the street and alley has been signed by both property owners to be recorded with the County.

There are space restrictions on the site that would preclude compliance with the addition of three addition parking spaces. Converting 438 square feet of existing office space to provide for larger bathrooms for the restaurant use is considered an expansion of the full-service restaurant and thereby requires three additional parking spaces. The previous restrooms (pre-2005) were approximately 170 square feet and were not compliant with current handicap accessible regulations. Efforts to meet the minimum parking requirements for the change of use from an office to a full-service restaurant for the ADA-compliant restrooms would compromise the existing vehicular circulation and parking design. Moreover, it would exacerbate the existing non-conforming conditions that currently exist in the parking area. There is not enough space in the parking area to add the required three parking spaces, nor would any changes to the layout and the existing circulation pattern result in an increase in the number of parking spaces. Therefore, compliance with the parking requirements for the change of use as required by the Zoning Code would require impractical changes to the existing parking lot that would unduly restrict the use of the parking lot by the current or future tenant in the building on-site.

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 438 square-foot change of use from an office to a full-service restaurant expansion while not providing the three additional parking spaces will not be detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood. The 438 square-foot change of use and restaurant expansion consists primarily of bathrooms for restaurant customers and employees. As proposed, the expansion does not encompass additional seating area. First constructed in 1953, the restaurant use has been in existence in the subject multi-tenant commercial center for several decades. The proposal will continue to provide parking for the existing tenants in the commercial center, as well as parking for restaurant patrons.

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 438 square-foot change of use from an office to a full-service restaurant without providing the additional three required parking spaces for the restaurant expansion. The expansion is for the provision of handicap-accessible, code-compliant restrooms. No additional seating area for the restaurant is proposed. The existing parking lot has been in its present state for many years. Aside from the recent unauthorized use of the subject tenant space as a banquet hall, former operating restaurants in this commercial center did not appear to have parking related issues.

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 Director of Community Development Department.
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 any expansion or modification of the restaurant, which is different than what is represented as part of this Administrative Exception application, shall require a new application and constitute adding of additional floor area or physical change as determined by the Director of Community Development Department.

VOTE

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