



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

February 13, 2019

Yasmin Chegini
C/O David Delrahim
1812 Westholme Avenue, Apt. 11
Los Angeles, CA 90025

**RE: ADMINISTRATIVE EXCEPTION CASE NO. PAE1825559
1501 WEST GLENOAKS BOULEVARD**

Dear Ms. Chegini:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44.020 (K), the Community Development Department has processed your application for an Administrative Exception to allow the alteration of an existing gas station by demolishing an existing 338 square-foot retail kiosk and constructing a new 1,497 square-foot retail tenant space without meeting all the standards required by Section 30.34.020.A-Q of the Glendale Municipal Code. The subject property is located at **1501 West Glenoaks Boulevard** in the "C2 – I" (Neighborhood Commercial, Height District I) Zone, and described as Lots 7 and 8 of Tract Number 6065, in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL DETERMINATION: The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small Structures" exemption, pursuant to Section 15303 of the State CEQA Guidelines because it involves the construction of a new building (retail) not exceeding 2,500 square feet in floor area.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the plans submitted therewith, the Community Development Department 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.**

In accordance with the Zoning Code, no building or structure shall be erected, enlarged or established for any gas station and no enclosed area shall be converted to a retail sales area, and no sale of non-automotive-related products shall be allowed unless the standards outlined in Glendale Municipal Code (GMC) 30.34.020.A-Q are complied with. The

standards for gas stations were originally introduced to the Zoning Code in 1968 through the adoption of Ordinance No. 3809. Currently, the existing gas station has a 338 square-foot retail kiosk and a 1,538 square-foot canopy over four fuel pumps on the site. The applicant's proposal is to demolish the existing 338 square-foot retail kiosk and construct a new 1,497 square-foot retail tenant space (mini-mart), which is a common ancillary use to a gas station. The existing site is located on the northern corner of West Glenoaks Boulevard and Sonora Avenue. The gas station has vehicular access from existing driveways on West Glenoaks Boulevard and Sonora Avenue. The applicant's proposal does not include an increase in the number of fuel pumps or alterations to any of the existing driveways. The 12,867 square-foot subject site was developed as a gas station in 1940. Currently, the existing gas station is non-conforming as it relates to standards A and B outlined in GMC 30.34.020.

There are space restrictions on the subject site that preclude full compliance with standards A and B of GMC 30.34.020 without hardship. Standard 30.34.020.A requires a minimum lot size of 14,400 square feet. The subject property is on an existing lot, approximately 12,867 square-feet in size, and located on the north corner of West Glenoaks Boulevard and Sonora Avenue. Standard 30.34.020.B requires a minimum length of 120 feet for street-front property lines, and a minimum length of 90 feet for street-side property lines. The existing lot has a 102.6 foot street-front property line along West Glenoaks Boulevard, and a 95.25 foot street-side property line along Sonora Avenue. Based on the current site conditions and surrounding neighborhood, there is no potential to expand the existing lot area or make the street-front or street-side property lines longer due to the existing surrounding commercial and single-family development.

In accordance with GMC 30.34.020, the minimum setback requirement for all buildings is 30 feet. The setbacks for the proposed new retail tenant space are approximately 79 feet from West Glenoaks Boulevard, and approximately 68 feet from the Sonora Avenue property lines and, thus, comply with the City's Zoning Code under this regard. In accordance with the Zoning Code, a minimum of four on-site parking spaces for every 1,000 square feet of floor area used for retail activities shall be provided as outlined in GMC 30.32.050. As such, the proposed 1,497 square-foot retail tenant space requires a minimum of six on-site parking spaces. The site will provide a total of six on-site parking spaces—five parking spaces will face Sonora Avenue, and one parking space will be adjacent to the proposed new retail tenant space. No parking space will block ingress to or egress from pump islands or service bays.

The applicant's proposal to allow the alteration of the existing gas station by demolishing the existing 338 square-foot retail kiosk and constructing a new 1,497 square-foot retail tenant space is not anticipated to intensify the gas station use. No additional fuel-pumps are proposed, and the minimum required on-site parking spaces associated with the retail use will be provided. As discussed above, strict application of the current Zoning Code regulation is not possible without creating a hardship based on the initial development of the site and the existing surrounding development permitted prior to the adoption of the ordinance.

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 applicant's proposal is to allow the alteration of the existing gas station by demolishing the 338 square-foot retail kiosk and constructing a new 1,497 square-foot retail tenant space

without meeting all the standards required by Section 30.34.020.A-Q. The site has been used as a gas station since 1940 and continues to be well-suited for such use in that it is located on a street corner at a major street intersection. The primary use of the site as a gas station will be maintained, with an ancillary retail store that is typical of a gas station use. There are no additional fuel pumps being proposed. As such, granting of the Administrative Exception to maintain the existing site conditions, while expanding floor area for retail use, will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood. Additionally, no alcohol sales are being proposed.

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

Except as noted above, the applicant's proposal meets all other Zoning Code requirements of the C2 Zone. The purpose of the administrative exception procedure is to provide a simplified means for considering applications for minor deviations from Code standards. These standards have been developed to allow reasonable use of properties in order to promote the City's public health, safety, and general welfare. The proposal to allow the alteration of the existing gas station by demolishing the 338 square-foot retail kiosk and constructing a new 1,497 square-foot retail tenant space without meeting all the standards required by Section 30.34.020.A-Q will allow for reasonable development of the site. There is no intensification of the gas station use as there are no additional fuel pumps being proposed. The proposed retail tenant space requires a minimum of six on-site parking spaces. The site will provide five parking spaces facing Sonora Avenue, and one parking space adjacent to the proposed new retail tenant space, and no parking space will block ingress to or egress from pump islands or service bays. As such, granting of the Administrative Exception will not be contrary to the objectives of the applicable regulations.

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 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 any expansion or modification of the site that differs from that which is represented as part of this Administrative Exception approval shall require a new application as determined by the Hearing Officer.
- 4) That DRB approval/exemption shall be obtained prior to issuance of a building permit.

- 5) That a minimum of five (5) foot wide planter shall be provided along the interior property lines where adjacent to residentially zoned areas that shall be landscaped and irrigated as provided in Chapter 30 of the Glendale Municipal Code.
- 6) That a minimum of five (5) foot wide planters shall be established and continuously maintained and landscaped along any property line abutting a street, except at driveways. Any planting within ten (10) feet of an entry or exit driveway shall not be permitted to grow higher than 30 inches.
- 7) That a Business Registration Certificate (BRC) be applied and issued for the service station to reflect the expanded new building.
- 8) That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
- 9) That prior to any sales of alcoholic beverages on the premises, the applicant will be required to obtain approval of an Administrative Use Permit.
- 10) That a refuse storage area of sufficient size to accommodate a refuse bin shall be provided on the site in an area enclosed by a minimum five and one-half (5 ½) foot high masonry wall as provided for in this chapter and shall be located in the rear portion of the property in such manner as to be accessible to refuse collection vehicles. The design of the refuse storage area shall integrate the design elements of the proposed 1,497 square-foot retail tenant space.
- 11) That no mechanical servicing or greasing of trucks in excess of one and one-half (1 ½) ton capacity or industrial equipment of any type or character shall be permitted.
- 12) No sale of merchandise not clearly incidental to the automotive industry shall be permitted except within an enclosed building and must comply with GMC 30.34.020.F.
- 13) That the parking areas shall be illuminated for security purposes during all hours of darkness. Lighting fixtures shall be installed and maintained in the parking areas where street lights do not effectively illuminate the premises. No lighting shall reflect onto adjacent properties.
- 14) That noise shall be contained within the building. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
- 15) That sufficient measure shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.

APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS

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 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 February 28, 2019 at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

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.

CESSATION: An Administrative Exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Exception 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 administrative exception.

APPEAL FORMS available on-line <http://www.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 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 variances, conditional use permits and administrative exceptions. 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 variance at least 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, Betty Barberena, during normal business hours at (818) 937-8162 or via e-mail at bbarberena@glendaleca.gov.

Sincerely,



Roger Kiesel
Planning Hearing Officer

RK:bb

cc: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section-(J. Halpert); Dir. Of Public Works (R.Golanian); Traffic & Transportation 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 (J. Jouharian); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner Betty Barberena.