



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

August 29, 2023

Marcos Guevara
1404 West Kenneth Road
Glendale, CA 91202

**RE: 1404 WEST KENNETH ROAD
PARKING REDUCTION PERMIT NO. PPRP1920730
("Arts Deli and Meat Market")**

(ALSO SEE: ADMINISTRATIVE USE PERMIT NO. PAUP1920728)

Dear Mr. Guevara:

On August 9, 2023, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Section 30.50, Parking Reduction Permit, the Community Development Department has processed your application for a **Parking Reduction Permit to allow a change of use from retail [with eight (8) seats] to "restaurant, full service" (21 seats) for an existing 2,213-square foot (SF) tenant space ("Art's Deli and Meat Market"), without providing the 13 additional parking spaces required by Glendale Municipal Code Title 30 (GMC or "Code"), Section 30.32.050) in the "C-1" - (Neighborhood Commercial) Zone, located at 1404 West Kenneth Road, described as Lots 37-45 and 50, Tract No. 6165, in the City of Glendale, County of Los Angeles, State of California, as per map recorded in Map Book 69, Page 98, in the Office of the County of Recorder of said county, in the City of Glendale, County of Los Angeles.**

NOTE: An application has also been submitted for an Administrative Use Permit (AUP) application, to expand the existing on-site sale, service and consumption of beer and wine to the new full-service restaurant use, in the "C1" - (Neighborhood Commercial) Zone.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from California Environmental Quality Act (CEQA) review under Section 15301 "Existing Facilities," because the project involves negligible expansion of an existing use (a change of use from "retail with eight (8) seats" to "restaurant, full-service").

After considering the evidence presented with respect to this application, the plans submitted therewith, the Community Development Department has **APPROVED, WITH CONDITIONS**, the Parking Reduction Permit, based on the following findings:

REQUIRED/MANDATED FINDINGS

D. For any other circumstance where the applicant wishes to request a parking reduction, such reduction may be granted where the review authority finds that:

1. The parking need for the land use is not as great as for similar land uses or the parking requirement for the land use established in the zoning code is greater than what will be needed by the land use; and
2. The intent of the parking regulations, in compliance with all other applicable provisions of this chapter, is met; and
3. Sufficient parking would be provided to serve the use intended and potential future uses of the subject parcel.

The first required Finding of Fact is that the parking need for the land use is not as great as for similar land uses or the parking requirement for the land use established in the zoning code is greater than what will be needed by the land use. This is true for this project for the following reasons:

- The proposed restaurant is in the Kenneth Village shopping/restaurant area, which is a uniquely small commercial area of 160K SF (.005 square miles, or half of one percent of one square mile) nestled within a two square-mile single-family zoned neighborhood, rather than connected to a larger commercial area that may attract a more regional clientele. This suggests the clientele may be somewhat limited to the immediate neighborhood.
- Because clientele is likely more locally based, they may be more likely to walk, bike, or use ride-hailing services rather than drive their own vehicle. One bicycle parking rack is located on the sidewalk in front of the restaurant.
- The business owner claims that almost thirty percent (30%) of his business is from takeout and food delivery services, consistent with the trend in increasing food delivery services.
- A parking study (see Exhibits 6 and 7) found that the two parking lots have a few (between three to eight, depending on the day) excess parking spaces available during peak parking demand hours, to help offset the additional 13 required parking spaces.
- According to the parking study, additional street parking spaces (between 36 to 53, depending on the day) are available to fully accommodate the additional 13 required parking spaces.

- According to the parking study, the subject site's parking lots are being used by other businesses on the street that are not part of the subject site (i.e., Commissary Coffee House, located at 1419 West Kenneth Road); therefore, this may free up some of the street parking that would otherwise end up being used by that business' clientele (since the business features no on-site parking).
- Code currently includes a provision to allow a change of use between retail and full-service restaurants without proving additional parking, for any space with a floor area of 2,000 SF or less (GMC 30.32.030(C)(2)). This provision recognizes that for small operations, parking demand is limited even when intensifying between certain uses. The subject building is 2,213 SF, slightly over the 2,000 SF threshold, which would have allowed a change of use for the entire building without providing additional parking. Under the same logic just described, it is reasonable to assume that a change of use within this building, will not result in a parking demand increase sufficient enough to necessitate the provision of additional off-street parking.

The second required Finding of Fact is that the intent of the parking regulations, in compliance with all other applicable provisions of this chapter, is met. The intent of the parking regulations is to ensure the provision of suitable off-street parking and loading facilities and to protect the public safety by lessening traffic congestion on the public streets (GMC 30.32.010). As more fully described in the prior section of this analysis, because the land use has been shown not to need the additional required parking spaces, and there is sufficient on- and off-street parking to accommodate the additional required parking spaces, the intent of the parking regulations can be met within close proximity to the project site.

The third Finding of Fact is that sufficient parking would be provided to serve the use intended and potential future uses of the subject parcel. It has been demonstrated that sufficient parking will be provided, and the recommended Conditions of Approval ensure that any future uses inappropriate for this parking reduction permit will be subject to a new discretionary parking approval.

CONDITIONS OF APPROVAL

APPROVAL of the Parking Reduction Permit shall be subject to the following conditions:

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 Planning Hearing Officer.

2. That the Parking Reduction Permit is valid for the specific use for which it was granted or similar land use, and any expansion or modification of the facility or use shall require a new Parking Reduction Permit. Expansion shall constitute change of land use, adding floor area, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.
3. That all necessary permits (i.e., from Building, Fire, Engineering, etc.) shall be obtained from the Building and Safety Division and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
4. That Design Review approval shall be obtained prior to the issuance of any building permit.
5. That the premises shall be made available and accessible to any authorized City personnel (Building, Fire, Police, Neighborhood Services, Planning, etc.), for inspection to ascertain that all conditions of approval of this conditional use permit are complied with.
6. That State Accessibility Standards be met for all parking and building entrance accessibility requirements regulated by the Building and Safety Division. Any changes to the parking layout or building as shown on the subject application shall comply with the Zoning Code and be reviewed and approved by the Planning Division.
7. That the restaurant and market shall not occupy any portion of the basement.
8. The hours of operation shall be 8:00 a.m. to 10:30 p.m. daily.
9. That any bicycle racks located on the public right-of-way shall remain free of obstructions.
10. That the project shall comply with all conditions of approval for Administrative Use Permit Case No. PAUP1920728.

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. Any appeal must be filed online with the prescribed fee prior to expiration of the 15-day appeal period, on or before **SEPTEMBER 14, 2023**.

All appeals must be filed using the City's online permit portal: www.glendaleca.gov/Permits. Create an account, click "Apply, click "skip" then type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before SEPTEMBER 14, 2023. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818-548-2140, or contacting the case planner, Cassandra Pruetz, at 818-937-8186.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

Every right or privilege authorized by a Parking Reduction Permit 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 Parking Reduction Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Parking Reduction Permit 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 Parking Reduction Permit.

TRANSFERABILITY

A request for parking reduction permit is valid only insofar as the specific land use remains the same as at the time of permit issuance, including, but not limited to, tenancy, hours of operation, clientele served, services or goods offered and mix of activities within the use. The permit does not run with the land.

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

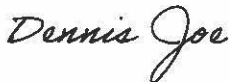
Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Parking Reduction Permits. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a Parking Reduction Permit 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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Cassandra Pruettt at 818-548-8186 or cpruettt@glendaleca.gov.

Sincerely,
Bradley Calvert
Director of Community Development



Dennis Joe
Planning Hearing Officer
DJ:CP:sm

CC: City Clerk (K.Cruz); Building and Safety (S.Hairapetian); Neighborhood Services Division (J.Sada); Design Review & Historic (J.Platt/K.Conley); Economic De. (M.Berry); Housing (P.Zovak / M. Fortney); Urban Design and Mobility (F.Zohrevand); Parks, Recreation and Community Services and Park (T. Aleksanian/ A.Limayo); Information Services (G.Arnold); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Engineering Section-(J.Diaz/ D.Stimson); Traffic & Transportation Section (P.Casanova/S.Roudsari); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (S.Boghosian/R.Takidin/F.Garcia); Glendale Water & Power--Electric Section (C.Babakhanlou/ S.Boghosian / F.Garcia/ H.Barkhordian/ D.Scorza); Police Dept. (Lt.S.Riley/Z.Avila); Dir. Of Public Works (Y.Emrani); Engineering and Land Development (A.Avazian/ S.Oganesyan / M.Oillataguerre/ R. Villaluna); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field / Urban Forester (L.Klick / C.Linares / O. Urquidez); D.Manasserian-rep applicant; J.Baghdanian-rep applicant on traffic; M.Herman; D.Johnson;; and case planner– Cassandra Pruettt.