

November 6, 2014

Ara Kalfayan
343 North Central Avenue
Glendale, CA 91203

RE: PARKING USE PERMIT CASE NO. PPUP 1419225
315-317 WEST LEXINGTON DRIVE
(Off-site parking for Phoenicia Restaurant 343 North
Central Avenue)

SEE: Administrative Exception Case No. PAE1423887
(315-317 W. Lexington Drive)

Dear Mr. Kalfayan:

On October 15, 2014, the Planning Hearing Officer conducted and closed a public hearing pursuant to the provisions of the Glendale Municipal Code, Title 30 and Chapter 30.51, on your application for a Parking Use Permit to allow the use of the proposed 48-space parking lot located at **315-317 West Lexington Drive**, in the "R-1250/PS" – High Density Residential/Parking Structure Overlay Zone and described as Lots 19 and 20, Tract No. 253, for required parking for an existing full service restaurant (Phoenicia Restaurant) located at 343 N. Central Avenue, in the "DSP/TD"- Downtown Specific Plan/Transitional District and described as Portions of Lots 9 and 10, Lots 11, 11A and a Portion of a Vacated Alley, Glendale Home Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

Parking Use Permit

(1) All required off-street parking and loading spaces shall be accessible and shall be located on the same lot as the use and/or development requiring such spaces (GMC 30.32.040 B1).

APPLICANT'S PROPOSAL

Parking Use Permit

(1) Use of a new 48-space parking lot to be developed on a vacant lot for the purpose of providing off-site parking for Phoenicia Restaurant located at 343 North Central Avenue.

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

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

- 1) The off-site parking is a permitted or conditionally permitted use allowed within the applicable zoning district and complies with all of the applicable provisions of this Zoning Ordinance.**

The existing full-service restaurant is a permitted use in the DSP/TD zone. The applicant is proposing a new off-site parking location, which replaces the former off-site parking location at 319 North Central Avenue approved under PPUP Case No. 2011-001. The new off-site parking is located at 315 - 317 West Lexington Drive in the R1250/PS Zone where stand-alone parking lots are a permitted use. No changes are proposed to the existing 12-space off-site parking lot located at 310 W. Lexington Drive that was also approved under PPUP Case No. 2011-001. This lot will continue to be used for the existing restaurant.

The location of the new off-site parking is presently vacant. The site consists of two lots totaling approximately 16,647 square feet. The two lots will be improved with a paved surface parking lot that includes 48 parking spaces (five of which are tandem) and landscaping along the entire street front setback and a portion along the alley. Access to the lot will be from the existing alley to the east. Although landscaping is included in the design of the parking lot, it does not fully meet the zoning code. As a result, the applicant applied for and was granted approval of an Administrative Exception (PAE Case No. 1423887) pursuant to the provisions of the Glendale Municipal Code, Title 30 and Chapter 30.44.070 for not fulfilling this requirement.

- 2) The off-site parking spaces are located within 1,000 feet measured from the primary entrance to the site. The reviewing authority may approve off-site parking spaces with valet service or parking spaces for employees located more than 1,000 feet from the primary entrance to the site where the separation remains reasonable for walking or pedestrian-oriented features of the intervening distance make walking between the two sites reasonable.**

The off-site parking lot is located at 315 - 317 W. Lexington Drive across the street and north of the restaurant, approximately 380 from the primary entrance.

- 3) The applicant shall provide evidence of a valid lease or a covenant satisfactory to the City Attorney. All leases subject to this provision shall have a minimum termination period of not less than ninety days.**

The applicant has entered into a lease agreement with Central Associates, a California limited partnership, which allows the use of the off-site parking lot at 315 - 317 West Lexington Drive. As conditioned, the lease agreement is required to have a minimum termination period of not less than 90 days.

- 4) The applicant has demonstrated that the off-site parking will be available to the use, and that no substantial conflict will exist in the principal hours or periods of peak parking demands or any uses, which are proposed to share the parking.**

As stipulated in the lease agreement, the 48 space off-site parking lot will be available exclusively for use by Phoenicia Restaurant.

- 5) Access to the site is adequate to accommodate the proposed off-site parking and any resulting excess traffic to the facility.**

Access to the off-site parking lot will be from the existing north south alley adjacent and east of the subject site. Vehicles can enter the alley either from Milford Street or Lexington Drive. Since the parking lot will be used by an existing restaurant, no excess traffic is expected since no expansion of the use is proposed. In addition, the alley is located in close proximity to Central Avenue (150 to the west) where the primary entrance to the restaurant is located. Traffic Engineering Section staff reviewed the location of the parking lot and did not cite concerns related to traffic generation or site access.

- 6) The design, location, size and operating characteristics of the proposed off-site parking are compatible with the existing and future land uses on-site and in the vicinity of the subject property.**

The new off-site parking lot is proposed at 315-317 West Lexington Drive. Presently, the site is vacant. It consists of two lots totaling approximately 16,647 square feet. The applicant will improve the property by providing new paving, introducing 48 striped parking spaces (including five tandem spaces) and landscaping adjacent to the entire street front setback. An additional landscaped area will be provided along the alley along with the preservation of the two existing oak trees. Access to the lot will be from the existing alley to the east.

While the parking lot will not meet zoning standards for landscaping, its proposed design, location, size and operating characteristics are appropriate for the restaurant. Based on its design, the off-site parking lot is compatible with the surrounding and future land uses in the vicinity of the subject property.

- 7) The establishment, maintenance or operation of the proposed parking at the location proposed does not endanger, jeopardize, or otherwise constitute a nuisance for persons residing or working in the neighborhood of the proposed parking lot or structure.**

The proposed establishment and operation of the parking lot at 315-317 West Lexington Drive 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. It is expected that the combined use of both the existing parking lot and the new parking lot will provide adequate parking to meet the demand of the existing restaurant.

Presently, the subject site is vacant. The applicant will improve the property by providing new paving, introducing 48 striped parking spaces (including five tandem spaces) and landscaping along the entire street front setback. An additional landscaped area will be provided along the alley. Access to the lot will be from the existing alley to the east. Although the project will provide landscaping, the amount provided does not meet current landscaping requirements as outlined in the zoning code. As a result, the applicant applied for and was granted approval of an Administrative Exception (PAE Case No. 1423887) pursuant to the provisions of the Glendale Municipal Code, Title 30 and Chapter 30.44.070 for not fulfilling this requirement.

- 8) Any off-site parking spaces in close proximity to residential uses must be designed and operated to comply with the City's noise requirements in Chapter 8.36 of the Municipal Code.**

The new parking lot abuts residential uses to the west. In addition, there are residential uses across Lexington Drive south of the site. While the new parking lot at 315-317 West Lexington Drive does not provide adequate landscape and screening, the existing residential driveway on the abutting multi-family property, west of the subject site, serves as a buffer between the two properties. This existing condition will remain.

The applicant will be required to comply with the requirements of the City's noise ordinance. A condition of approval is included to ensure that the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties, disturbing residences and other properties in the area, and to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities on the restaurant site and the off-site parking areas. In addition, the use of speaker systems and walkie-talkies in off-site parking lots is prohibited and patrons are required to remain at the restaurant site for delivery of their vehicles.

9) Any proposed valet parking use will not generate excessive traffic on surrounding public streets and shall not utilize any residential streets.

Valet service is proposed for restaurant customers. As conditioned, any valet services will require the review and approval of the Traffic Engineering Section prior to implementation. The approved valet plan is required to be maintained at all times throughout the life of the project.

10) For shared parking, different peak hour parking demands existing between the separate uses or a single trip is likely to be made to two or more of the businesses proposed to share the parking.

The parking lot proposed at 315 - 317 West Lexington Drive is for the exclusive use of restaurant and no shared parking is proposed.

CONDITIONS OF APPROVAL

APPROVAL of this Parking Use 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 all necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
- 3) That the parking use permit is valid only insofar as the specific use for which it was granted or similar land use (as determined by the Planning Hearing Officer). The permit runs with this specific land use as long as there is no intensification of the use or that other uses proposed will not require more parking as provided herein as determined by the Planning Hearing Officer.
- 4) That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
- 5) That all applicable conditions of approval of other entitlements (Conditional Use Permit and Administrative Exception) for this use shall remain valid and consistent with the restaurant use establishment.
- 6) 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.

- 7) That any expansion or modification of the facility or use which intensifies the existing permit shall require a new Parking Use Permit application as determined by the Planning Hearing Officer, with concurrence by the Community Development Director.
- 8) That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.
- 9) That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
- 10) That sufficient measures be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.
- 11) That the applicant shall comply with all applicable conditions of Conditional Use Permit Case No. PCUP 2010-016.
- 12) That the applicant shall comply with all applicable conditions of the Administrative Use Permit Case No. PAE 1423887.
- 13) That an Acceptance Affidavit accepting the permit and all its conditions shall be signed, notarized, and submitted prior to the issuance of a building permit. The Acceptance Affidavit shall be recorded with the Los Angeles County Assessor's Office with proof of such recording provided to the city.
- 14) That any valet service provided for restaurant patrons shall prohibit the use of speaker systems and walkie-talkies in off-site parking lots. Patrons shall remain at the restaurant site for delivery of their vehicles.
- 15) That any valet service provided for restaurant patrons shall require the review and approval of a valet plan by the Traffic Engineering Section. Any approved valet plan shall be maintained at all times, to the satisfaction of the Traffic Engineering Section.
- 16) That the lease agreement for the off-site parking lot shall include a clause requiring a minimum termination period of not less than 90 days.
- 17) That the applicant shall comply with all applicable conditions of Parking Use Permit Case No. PPUP 2011-001 for the 12 space parking lot located at 310 West Lexington Drive.

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.

REVOCACTION, 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: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); Armen Abajian; Araxi Amster; N.Arapkhanian; S.Arutunian; A.Assoum; A.Badalian; K.Balian; H.Boyamian; G.T.Davoyan; B.Djambazian; R. Hagopian; A.&J.Hanessian; Z.Hanessian; S.Hariri; B.Hekimian; C.Karapetian; Z.Kazazian; A.Martikyan; D.Minasian; H.Nasr; G.Shashikyan; A.Simonian; and case planner Milca Toledo.