



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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October 2, 2013

Janelle Williams
Williams Land Use Services
2418 Honolulu Avenue, Unit "B"
Montrose, CA 91020

**RE: 115 – 119 EAST PALMER AVENUE
USE VARIANCE CASE NO. PVAR 1319044**

Dear Ms. Williams:

The Planning Commission of the City of Glendale, at its meeting held on October 2, 2013, conducted a public hearing and pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43.060, **APPROVED WITH CONDITIONS**, your application for a Use Variance Case No. PVAR 1319044, to allow a warehouse or wholesale use to continue operation where these uses are not allowed, in the "R-2250" (Medium Density Residential) Zone, described as Lots 22 and 23, Ayers Tract, in the City of Glendale, County of Los Angeles.

Environmental Recommendation: Exempt from the California Environmental Quality Act, Class 5 – Minor Alterations to Land Use Limitations.

The motion dated October 2, 2013, 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 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 **OCTOBER 17, 2013** 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.

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.

REVOCAION

Section 30.64.020 of the Glendale Municipal Code, 1995, provides for the Director of Community Development Department to have continuing jurisdiction over any Use Variances, which has been granted and may revoke any Use Variance, 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 a Use Variance, 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 Use Variance, 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 (Jeff Hamilton – 818-937-8157), 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.

Sincerely,

Hassan Haghani, AICP
Director of Community Development



Jeff Hamilton
Senior Planner

JH:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/F.Jenks); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (R.Golianian/G.Tom); Dir. 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-Jeff Hamilton.

MOTION

(for Use Variance Case No. PVAR 1319044)

Moved by Planning Commissioner Astorian, 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 1319044, located at 115-119 East Palmer Avenue, and after having conducted a hearing on said matter, the Planning Commission hereby **APPROVES** said Use Variance Case No. PVAR 1319044, to allow a warehouse or wholesale use to continue operation where these uses are not allowed, in the "R-2250" (Medium Density Residential) Zone, described as Lots 22 and 23, Ayers Tract, in the City of Glendale, County of Los Angeles, in accord with the findings and conditions set forth below.

REQUIRED/MANDATED FINDINGS

- 1. The strict application of the provisions of the ordinance will result in a practical difficulties and an unnecessary hardship inconsistent with the general purposes and intent of the ordinance.**

Denial of the use variance would mean the existing building would have no allowable use. The applicant would have to demolish the building and convert the property to residential use. The building is in good condition for continued operation as a warehouse or wholesaling operation. Either use would have comparable impacts to the historic use of the site that has proven to be compatible with the neighborhood.

- 2. 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 property was improved in 1977 specifically for a warehouse operation and approved for that function by the City. It continues to be commercially viable for that function. The only barrier to the operation is the fact that the original use variance used the narrow business description of "restaurant supply business." As stated previously, changing the allowed use to warehouse or wholesaling will not change the impacts to the neighborhood and will enable the property owner to maintain a viable use of the building.

- 3. 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.**

The property has historically proven to be compatible with the neighborhood. Changing the allowed use to warehouse or wholesaling will not change the impacts to the neighborhood and will enable the property owner to maintain a viable use of the building.

4. The granting of the variance will not be contrary to the objectives of the ordinance.

Approving the use variance will promote stability in the neighborhood and will not change the parking impacts on the streets. It will promote job creation and the local economy by allowing an existing building to continue to be used as intended at construction.

CONDITIONS OF APPROVAL

APPROVAL Of this Use Variance shall be subject to the following conditions:

- 1) The development shall remain 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 Commission.
- 2) All licenses, permits as required or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
- 3) The premises shall be operated in full accord with applicable State, County, and local laws.
- 4) This use variance approval shall be only for a warehouse or wholesale use.
- 5) Any expansion or modification of the facility as determined by the Planning Commission to be inconsistent with this grant and allowed use shall require a new use variance application.
- 6) The parking areas and landscaping areas shall be maintained in good condition with live plants and automatic irrigation system free of weeds and trash.
- 7) The business hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. daily with no operation of any kind on Sundays.
- 8) No outdoor storage of merchandise, trucks, equipment, refuse or personal property shall be permitted.
- 9) No employee vehicles or company vehicles shall be parked on Palmer Avenue east of the site.
- 10) Delivery trucks shall not park or wait to unload on Palmer Avenue at any time.
- 11) The premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
- 12) Noise shall be contained to the site and within the building, such that persons of normal sensitivity off-site are not disturbed consistent with Chapter 8.36 Glendale Municipal Code.
- 13) Wall signs displayed on the southerly walls that directly face Palmer Avenue and the southerly parking lot shall conform to the following standards:
 1. not exceed a total aggregate area of twelve square feet;
 2. not be lighted;
 3. shall only advertise the business of the occupant(s) of the building.

- 14) Identification signs listing only the street number of each occupancy are allowed in addition to wall signs and shall conform to the Sign Ordinance.

VOTE

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