



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Director of Community Development

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January 19, 2012

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

Robert H. Caughron & Teri Unsworth
1650 Victory Boulevard
Glendale, CA 91201

RE: 1650 VICTORY BOULEVARD
CASE NO. PVAR 2011-020

Ladies and Gentlemen:

The Planning Commission of the City of Glendale, at its meeting held on January 18, 2012, conducted a public hearing on your application for a Use Variance application requesting to allow a warehouse and wholesale use to continue operating where these uses are not allowed in the "C3" - Commercial Service Zone, described as Lots 1 and 2, Tract No. 8714, located at **1650 Victory Boulevard**, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) To continue operating a warehouse and wholesale business allowed by Use Variance No. 10256-U.

CODE REQUIRES

- (1) Warehouse and wholesale uses are not allowed in the "C3" - Commercial Service Zone.

ENVIRONMENTAL RECOMMENDATION: 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 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 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 **FEBRUARY 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 Use Variance which is or 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 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,



Christopher E. Baxter
Planner

CEB:sm

CC: City Clerk; City Attorney's Dept. (C.Sansone/G.van Muyden); Dir. Of Redevelopment and Housing Dept.-(P.Lanzafame); Fire Prevention Engineering Section-(D.Nickles); Community Development Dept.-(H.Malis); City Engineer; Dir. of Public Works Dept.; Water Section (R.Takidin); Electric Section (M.Kelley/M.Jackson); Dir. of Parks, Recreation and Community Services Dept.(M.Stirdivant); Neighborhood Services Admin. (S. Delis); Integrated Waste Management Admin. (D.Hartwell/T.Brady); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Traffic & Transportation Admin. (T.Mitchell); and case planner – Christopher Baxter.

MOTION

Moved by Planning Commissioner Landregan, seconded by Planning Commissioner Scheetz, that upon review and consideration of all materials and exhibits of current record relative to Use Variance Case No. PVAR-2011-020, located at 1650 Victory Boulevard, and after having conducted a hearing on said matter, the Planning Commission hereby **APPROVES** said Use Variance Case No. PVAR-2011-020, to allow a warehouse and wholesale use to continue operation where these uses are not allowed, located at 1650 Victory Boulevard, in the "C3"- Commercial Services Zone, described as Lots 1 and 2, Tract No 8714 in the City of Glendale, County of Los Angeles, in accord with the findings and amended 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 because the building was constructed as an allowed warehouse with no designated parking. C3 Zone uses require significantly more parking than the six spaces provided on the site (i.e., 47 retail spaces or 32 office spaces). The neighborhood would bear an undue burden of overflow parking should the applicant's request be denied. Historically, the records show that the residential neighborhood objected to overflow parking by a previous tenant. The City's approval of a large building as an allowed warehouse use with no designated parking spaces in 1971 has, in effect, restricted the owner's ability to locate a conforming use in the building without requesting a substantial parking reduction since no permitted use in the C3 zone can meet today's parking requirements. The owner would be faced with either demolishing the existing building that remains in good condition or substantially reduce its size to meet parking standards for any use in the C3 Zone.
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 warehouse building was constructed 40 years ago when the use was allowed and when there was no parking requirements. The subsequent change of zone in 1986 and the introduction of parking requirements have created a challenge for the property owner over the type of uses that can occupy an economically viable building. A use that conforms to the zoning code would require approval of a parking reduction permit under today's standards. The City would face a dilemma having to weight whether conforming uses that could require 32 parking spaces for an office use or 47 spaces for a retail use would be appropriate. Requiring only higher intensity commercial land uses with greater parking and traffic circulation demands would also create an additional burden on the neighborhood. The existing less intensive land uses currently occupying the site allow the property to operate in a manner compatible with its commercial and residential neighbors. The current proposal, as conditioned to eliminate nuisance concerns, is a better solution.

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 current warehouse and wholesale tenant, as conditioned by Use Variance Case No. 10256-U and previous grants, has not proven to be a detriment to the community or injurious to neighboring properties. The current tenant requesting this variance has complied with the conditions of the previous approval. No comments were submitted from other City Departments identifying nuisance issues. Neither has overflow parking and traffic circulation concerns been raised as an issue with the current tenant. The previous use variance conditions of approval have reduced or eliminated traditional nuisance concerns such as hours of operation for the business and deliveries, outdoor storage, and parking of employee vehicles and delivery trucks.

4. The granting of the variance will not be contrary to the objectives of the ordinance. The building has operated successively first as an allowed warehouse use beginning in 1971 and secondly, via use variances, as a warehouse and wholesale use from 1986. The building is being maintained in good condition and its economic life is expected to continue for many years. It is currently being operated responsibly with its commercial and residential neighbors. It is a goal of the general plan that all non-conforming uses eventually be replaced with those that conform to current standards. However, in this particular case, the warehouse use was specifically allowed by code at a time when there were no parking requirements. The current number of parking spaces first introduced with Use Variance Case No. 8045-U and subsequent use variances more closely meets the current standard for wholesale and warehouse uses than C3 uses allowed by the code. At that time, the ten-foot wide paved area between the building and the sidewalk did not specify its use but it had been and continues to be legitimately used for driveway and parking purposes. Denying the request effectively leaves the owner with choosing C3 uses with no possibility of meeting parking standards for even the least intense allowed uses. There is no certainty that a request for a parking reduction would be granted, particularly since the property is substantially under parked. It is not the intent of the ordinance to prohibit the reasonable use of a property from having a viable business. The objective of the ordinance is to allow this owner the same rights and privileges to operate similar to other properties and to be compatible with the surrounding community. The granting of this variance, as conditioned, will allow this to happen with minimal negative impacts. Future redevelopment of the property will be required to conform to the current codes at that time.

CONDITIONS OF APPROVAL

APPROVAL of this Use Variance shall be subject to the following:

- 1) That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except to remove the word "parking" from the ten (10)-foot wide paved area adjacent to Western Avenue and for 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 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) That the premises shall be operated in full accord with applicable State, County, and local laws.
- 4) That this use variance approval shall be only for a warehouse and wholesale use.
- 5) That 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) That the parking areas and landscaping areas as shown on the plans for Variance Case No. 8045-U shall be maintained in good condition with live plants and automatic irrigation system free of weeds and trash. The parking spaces directly adjacent to the alley shall be re-striped.
- 7) That 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) That no deliveries to or from the property shall occur except between the hours of 8:00 a.m. and 5:00 p.m.
- 9) That no outdoor storage of merchandise, trucks, equipment, refuse or personal property shall be permitted. Trash shall be fully contained inside an approved trash receptacle(s) which is kept in a designated trash pick up area of a size and at a location satisfactory to the Integrated Waste Management Administrator. Such trash receptacles shall not be located in any parking space or landscape planter area.
- 10) That no employee vehicles or company vehicles shall be parked in the residential zone located south of the alley or on the public sidewalks or parkways.
- 11) That delivery trucks shall not park or wait to unload on Western Avenue at any time.
- 12) That the premises be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
- 13) That 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.
- 14) That all smoking shall be done consistent with the Chapter 8.52 Glendale Municipal Code.
- 15) That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
- 16) That the authorization granted herein shall be valid for a period of ten (10) years or until February 3, 2022.

VOTE

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