

March 8, 2016

Mr. Albert Barseghian
321 East Alameda Avenue
Burbank, CA 91502

**RE: 231 NORTH BRAND BOULEVARD
PARKING EXCEPTION CASE NO. PPPEX 1602067**

Dear Mr. Barseghian:

Pursuant to Chapter 30.32.020, the Director of Community Development has processed an application for a Parking Exception for the property located at **231 North Brand Boulevard**, in the "DSP/AT" – Downtown Specific Plan/Alex Theatre District, and described as Lot 5, Block 6, Glendale Boulevard Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) Full-service restaurants in the DSP require 10 parking spaces for every 1,000 square feet of floor area (GMC 30.32.050.B).

APPLICANT'S PROPOSAL

- (1) To add 600 square feet (kitchen/back-of-house/cooler/freezer) to a full-service restaurant without providing three additional parking spaces.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small Structures" exemption, pursuant to State CEQA Guidelines Section 15303.

The application is hereby **APPROVED WITH CONDITIONS**, based on the following analysis and findings, and subject to the following conditions.

PROJECT PROPOSAL

The proposed project consists of converting an existing, 4,398 SF retail ("Brand Bookshop", located at 231 N. Brand) to a full service restaurant ("Chess Park Tavern"), and adding 600 SF to the rear of the building for kitchen/back of house/cooler/freezer uses. The new full service restaurant will have a total area of 4,998 SF. The restaurant is also proposing to use a portion of the City's Chess Park located directly south of the building (900 SF) and along Brand Boulevard for sidewalk dining. The restaurant is not required to provide additional parking for the sidewalk dining area, per GMC Section 30.32.060(C)(5). As part of the tenant improvement work, the restaurant will provide five parking spaces (code-compliant in terms of width and length, including one being ADA van accessible). Previously, seven non-compliant parking spaces existed, none of which were handicap accessible. Finally, included in the parking lot upgrade is the addition of 300 SF of landscaping where there was none previously.

The parking exception request is to allow the 600 SF addition of the kitchen/back of house/cooler/freezer to a new full service restaurant use without providing the three additional parking spaces required by Code(5 spaces per 1,000 SF of floor area per GMC Section 30.32.050.B).

SUMMARY AND BACKGROUND

The project is located on west side of Brand Boulevard between Wilson and California Avenues. The site is zoned DSP/AT – Downtown Specific Plan/Alex Theatre District. The entire west side of Brand from Wilson and California Avenues are also zoned DSP/AT. The Alex Theatre District encourages entertainment activities, restaurants, small-scale retail businesses and other pedestrian-oriented activities.

The restaurant tenant space is located on the ground floor of an existing two-story building. The building also has a 2nd floor tenant which was a former dance studio. The 2nd floor will become the future office space for Big Mama's and Papa's Pizzeria. A tenant improvement for this work will be submitted separately. The building currently has seven non-compliant parking spaces located at the back of the building adjacent to the public alley.

PARKING EXCEPTION REQUEST

The applicant is requesting a parking exception to allow the addition of 600 SF of proposed kitchen/back of house/cooler/freezer for the new "Chess Park Tavern" full service restaurant without providing three additional parking spaces.

The project involves the conversion of the current 4,398 SF retail space into a full-service restaurant. Pursuant to GMC Section 30.32.030(C)(2), a change of use from a retail space to a full service restaurant for a tenant space less than 5,000 SF in the DSP zone does not require any additional parking beyond that currently provided on-site. Under this requirement, the change of use of the building's ground floor area complies with parking because the use is less than 5,000 SF. However, the project also involves a 600 SF addition to the existing building for a kitchen/back-of-house/cooler/freezer room. GMC Section 30.32.050 requires that all new projects, including such an addition, provide a minimum of five parking spaces for every 1,000 SF of fast food and full service restaurant area in the DSP zone. The 600 SF addition would require an additional three parking spaces.

REQUIRED FINDINGS

After considering the evidence presented with respect to this application, the Director of Community Development has determined that Parking Exception Case No. PPPEX 1602067, a request to allow for the addition of 600 SF to full service restaurant without providing three additional on-site parking spaces, in conjunction with the development of a new full service restaurant within an existing tenant space at 231 North Brand Boulevard, meets the findings of Section 30.32.020 as follows:

- A. Parking spaces required for the proposed use or construction proposal cannot reasonably be provided in size, configuration, number of spaces or locations specified by the provisions of this title without impairment of the project's viability;**

The required number of parking spaces for the new full service restaurant cannot reasonably be provided on-site. The subject site is located in the middle of the Alex Theatre District on

Brand Boulevard, which is a prominent street in the City's downtown core. The building is bound by Brand Boulevard to the east with public parking spaces and the alley to the west which is directly adjacent to the Orange Street Parking Garage. Since it is located right in the middle of City's downtown, no additional adjacent land can be purchased to provide space for additional parking.

There is a public parking garage (Orange Street Parking Garage) directly across the alley at the back of the Building which accommodates 625 parking spaces. This parking garage has adequate space available to accommodate the three parking spaces required for the addition to the full service restaurant.

B. The parking exception will serve to promote specific goals and objectives of the adopted plan for the former Central Glendale Redevelopment Project Area and will be consistent with the various elements of the General Plan and will promote the general welfare and economic well being of the area.

This project is consistent with the intent of the goals and objectives of the former Central Glendale Redevelopment Project area and the Downtown Specific Plan. Applicable goals include promoting the general welfare and economic well-being of the area. The restaurant at this location will encourage pedestrian activity, as well as help in maintaining the tax base and attracting a variety of restaurant patrons from nearby businesses and residential developments. Therefore, the project is complementary to the existing and proposed mix of land uses in the neighborhood.

The project is consistent with the elements of the General Plan. The Land Use Element encourages a vibrant array of commercial (retail, service, office, entertainment) uses, in addition to very high density, urban housing and mixed use developments. The project involves a full service restaurant that will serve the surrounding residents and businesses. The site is not designated as a future park or open space site in the Open Space and Conservation Element or the Recreation Element. The site is not in an active fault zone as shown in the Safety Element. For all these reasons, the project will be consistent with the various elements and objectives of the Glendale General Plan.

C. The project involves exceptional circumstances or conditions applicable to the property involved, or the intended use or development of the property that do not apply generally to other property in the area;

The project involves exceptional conditions that do not apply generally to other property in the area. The existing building covers most of the site so that it is infeasible to alter the size or configuration of the structure to accommodate additional on-site parking. The 600 SF addition is required to provide kitchen/back of house/cooler/freezer space for the new full-service restaurant; this area will not be open to the public and the addition will be located at the rear of the building within the existing, non-code-compliant parking lot. As part of the project scope, the parking lot will be upgraded and improved with a handicap-accessible parking space and four other spaces that comply with current parking space dimension standards; the improvements include the installation of landscaping and a shade tree per today's parking lot landscaping standards. The new restaurant, with its expansion into the parking lot, would have a total area of 4,998 SF. The area is necessary for the successful operation of this restaurant at this mid-block location, which is an important use generating foot traffic within the Alex Theatre District. Therefore, there are exceptional circumstances that warrant approval of the requested parking exception for the number of parking spaces for the project.

D. There are mitigating circumstances whereby the exception will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity of the property or in the neighborhood in which the property is located.

The granting of the parking exception for a reduced number of parking spaces for this project will not be detrimental to the public welfare or other developments in the surrounding neighborhood. The parking exception request is for three parking spaces for the new full service restaurant, which includes adding 600 SF for non-public, kitchen-related uses. The restaurant is located in a 2-story commercial building that utilizes the parking provided within walking distance in the nearby public parking garage across the alley. Furthermore, many of the restaurant patrons are anticipated to come by foot from the surrounding businesses and residential developments. Therefore, the approval of a three parking space deficit is not expected to be detrimental to the public welfare or surrounding neighborhood.

Lastly, pursuant to GMC Section 30.32.020, approval of the parking exception is valid so long 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. Accordingly, the parking provided will be sufficient for the proposed use, and any potential future uses would need to obtain a new parking exception, if required.

Therefore, Parking Exception PPPEX 1602067 is hereby **APPROVED**, subject to the following conditions:

CONDITIONS OF APPROVAL

1. That the proposed establishment 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 as authorized by the Director of Community Development. Nothing in this approval letter shall authorize the proposed project to deviate from any other zoning code requirements that are not specifically advertised in this application.
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 the Parking Exception is valid only insofar as the specific use for which it was granted. The permit runs with the full service restaurant 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 Director of Community Development.
4. That any other changes on this project shall be subject to review and approval of the Director of Community Development.
5. That an expansion or modification of the full services restaurant which is different than what is represented as part of this Parking Exception application, shall require a new application as determined by the Director of Community Development.

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 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 **March 23, 2016**, 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://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. Visit us.

TRANSFERABILITY

This authorization runs with 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 or the proposed operator, 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, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over parking exception permits.

To consider the revocation, the Community Development Department shall hold a public hearing after giving notice by the same procedure as for consideration of a parking exception permit at least ten (10) days' notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Director of Community Development.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION: Every right or privilege authorized by a parking exception 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.

EXTENSION: An extension of the parking exception permit 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, Vilia Zemaitaitis, who acted on this case. She may be reached at 818-937-8154 or vzemaitaitis@glendaleca.gov. 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,

Philip Lanzafame
Director of Community Development



Erik Krause
Interim Deputy Director of Planning

EK:VZ: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-(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 (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 - Vilia Zemaitaitis.