

July 20, 2016

Armag Petro, Inc.
C/O Permit Processing & Consulting, LLC
639 W Broadway
Glendale, CA 91204

**RE: ADMINISTRATIVE EXCEPTION CASE NO. PAE 1610133
1041 WEST KENNETH ROAD**

Dear Mr. Shahnazarians:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44.020 (K), the Community Development Department has processed your application for an Administrative Exception to allow the alteration of an existing gas station by converting the existing vehicle repair garage space into additional retail sales area without meeting all the standards required by Section 30.34.020 of the Glendale Municipal Code. The subject property is located at **1041 West Kenneth Road**, in the "C1" (Neighborhood Commercial) Zone, and described as a Portion of Lot A, Jones and Valentine Tract, in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to Section 15301 of the State CEQA Guidelines.

REQUIRED/MANDATED FINDINGS

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

- A. The granting of the exception will result in design improvements, or there are space restrictions on the site that preclude full compliance with the Code requirements without hardship.**

In accordance with the Zoning Code, no enclosed area of an existing gas station shall be converted to a retail sales area unless the standards outlined in GMC 30.34.020.A-Q are complied with. Standards for gas stations were originally introduced to the Zoning Code in 1968 through the adoption of Ordinance No. 3809. The subject property was developed as a gas station in 1959, prior to the adoption of

Ordinance No. 3809, as such the existing gas station is non-conforming as it relates to the standards outlined in the Zoning Code. Currently, there is an existing 461 square-foot retail snack shop and a 1,081 square-foot vehicle repair garage in the existing commercial building on the site. The applicant's proposal is to convert the existing vehicle repair garage into additional retail sales area. The expanded retail snack shop use is a common ancillary use to a gas station. The applicant will maintain the existing building footprint, and will not be adding any square-footage to the site. The gas station currently has two canopies, each with four fuel pumps, with vehicular access from existing driveways on West Kenneth Road and Grandview Avenue. The applicant's proposal does not include an increase in the number of fuel pumps or alterations to any of the existing driveways.

The current Zoning Code requires a minimum lot size of 14,400 square feet, a minimum length of 120 feet for street-front property lines, and a minimum length of 90 feet for street-side property lines. The subject property is an existing lot, approximately 8,122 square-feet in size, and located on the northwest corner of Grandview Avenue and West Kenneth Road. The existing lot has approximately 70 lineal feet of frontage along Grandview Avenue, and approximately 79 lineal feet of frontage along West Kenneth Road. There are site constraints on the property that would preclude the applicant from being able to comply with these standards. The lot is existing, and based on the surrounding development and adjacent single-family zoning to the east, there would not be any potential to expand the lot.

In accordance with GMC 30.34.020, all gasoline pumps, pump islands and equipment are required to be setback a minimum of 15'-0" from the public right-of-way, and canopies over pump islands are required to be setback a minimum of 5'-0" from any property line. As noted above, the gas station is currently developed with two canopies, each with four fuel pumps for patrons. The existing pump island along the western portion of the lot is 12'-1" from the right-of-way along Grandview Avenue and the canopy is setback from the property line approximately 1'-6". The existing pump island along the southern portion of the lot is 15'-8" from the right-of-way along West Kenneth Road and the canopy is setback from the property line 4'-4". The two canopies were constructed on the subject property in 1970 and were permitted through Variance Case No. 5038-U. City records indicate that the pump islands are original to the development of the site in 1959. Relocating the existing fuel pump along the western portion of the lot to comply with the current code requirement would not be possible without impeding upon the code compliant 25'-0" turning radius necessary for safe ingress and egress of vehicles. The current Zoning Code requires that driveway access for gas stations be located at a minimum of 5'-0" to the beginning of a curve of a street corner and an interior property line. Altering the existing driveway access to comply would not be possible without causing a hardship based on the development of the existing site.

The applicant's proposal to convert the existing vehicle repair garage use into additional retail sales area is not anticipated to intensify the gas station use. There is no addition of square-footage or fuel-pumps proposed, and the existing building

footprint is being maintained. As discussed above, strict application of the current Zoning Code is not possible without creating a hardship based on the history of the site, and the existing development permitted prior to the adoption of the ordinance.

B. The granting of the exception 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 applicant's proposal is to allow the alteration to an existing gas station by converting the existing vehicle repair garage space into additional retail sales area without meeting all the standards required by GMC Section 30.34.020 as it relates to gas stations. The primary use of the site as a gas station will be maintained, with an ancillary retail store on-site that is typical of a gas station use. The existing building footprint is being maintained, and there is no additional fuel pumps being proposed. As such, granting of the Administrative Exception to maintain the existing conditions, while converting existing floor area to a retail use, will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

C. The granting of the exception will not be contrary to the objectives of the applicable regulations.

Except as noted above, the applicant's proposal meets all other Zoning Code requirements of the C1 Zone. The purpose of the administrative exception procedure is to provide a simplified means for considering applications for minor deviations from Code standards. These standards have been developed to allow reasonable use of properties in order to promote the public health, safety, and general welfare. The proposal to convert the existing square footage currently used for a vehicle repair garage into additional retail sales area for the primary gas station use will allow for reasonable development of the site. There is no intensification of the use as there is no addition of fuel pumps and the building footprint will be maintained. As such, granting of the Administrative Exception will not be contrary to the objectives of the applicable regulations.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Exception shall be subject to the following conditions:

- 1) That the development shall be in substantial accord with the plans presented in conjunction with the application for the Administrative Exception, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Community Development Department.
- 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 any expansion or modification of the dwelling which is different than what is represented as part of this Administrative Exception approval shall require a new application as determined by the Hearing Officer.
- 4) That DRB approval/exemption shall be obtained prior to issuance of a building permit.
- 5) That the new landscaping proposed be drought tolerant.
- 6) That prior to any sales of alcoholic beverages on the premises, the applicant will be required to obtain approval of an Administrative Use Permit.
- 7) That no mechanical servicing or greasing of trucks in excess of one and one-half (1 ½) ton capacity or industrial equipment of any type or character shall be permitted.
- 8) No sale of merchandise not clearly incidental to the automotive industry shall be permitted except within an enclosed building and must comply with GMC 30.34.020.F.

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 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 **August 4, 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.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by an Administrative Exception 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

An Administrative Exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Exception 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 administrative exception.

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 sold, 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 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. 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 variance at least 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.

You may contact the case planner, Vista Ezzati, during normal business hours at (818) 937-8180 or via e-mail at vezzati@glendaleca.gov.

Sincerely,



Bradley Collin
Planning Hearing Officer

BC:ve:sm

cc: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); 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 (J. Jouharian); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner Vista Ezzati.