



City of Glendale
 Community Development Department
 Planning Division

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June 28, 2017

Permit Processing & Consulting LLC
 Attn: Edvin Tsaturyan
 639 W. Broadway
 Glendale, CA 91204

**RE: 4608, 4614 and 4628-4632 SAN FERNANDO ROAD
 PARKING USE PERMIT NO. PPUP 1708391**

Dear Mr. Tsaturyan:

Pursuant to Chapter 30.51.030, the Director of Community Development has processed an application for a Parking Use Permit (PPUP 1708391) to allow the required parking for the expansion of an existing restaurant located at 4608 San Fernando Road to be located at **4614 San Fernando Road and 4628-4632 San Fernando Road**, in the "IMU-R" - (Industrial/Commercial-Residential Mixed Use) Zone, described as Portion of Lots 20, 51 and 52, Amended Map of the Isabella 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 State CEQA Guidelines Section 15301(e)(1) because the addition is less than 2,500 square feet.

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

PROJECT PROPOSAL

The applicant is requesting that the required parking for the proposed expansion of the existing restaurant that includes an approximate 180 square foot building addition and addition of an outdoor seating area of approximately 728 square feet at the rear of the existing building to be located at 4614 and 4628-4632 San Fernando Road.

SUMMARY AND BACKGROUND

The proposed restaurant expansion is located at 4608 San Fernando Road, which is developed with an approximate 1,150 square foot restaurant building and outdoor dining area at the front of the property adjacent to the public sidewalk. The restaurant has existed at this location without any onsite parking since 1947. The applicant is proposing to legalize an approximate 180 square foot building addition and an approximate 640 square foot patio cover to the existing building along with adding an outdoor seating area approximately 728 square feet in size at the rear of the restaurant. The building addition and outdoor seating area is considered an expansion to the existing restaurant and would require a total of nine parking spaces. Since there is no parking onsite, the proposed project would result in a nine space shortfall.

The applicant is requesting a parking use permit to allow the use of available parking spaces located at two separate sites that include 4614 San Fernando Road, next door the project site and 4628-4632 San Fernando Road located across the alley from 4614 San Fernando Road. Parking on the two sites will be used to fulfill the code required parking for the proposed expansion. Both sites are located in the IMU-R (Industrial/Commercial-Residential Mixed Use) zone. The property at 4614 San Fernando Road is currently vacant and last used as retail. The applicant has secured a lease for six parking spaces for use by the restaurant; although the site plan only shows five. The property at 4628-4632 San Fernando Road is currently occupied by an automotive repair business that is not open (closes at 5:00 PM) during the operation hours of the existing restaurant (opens at 6:00 PM) that allows for a shared use of the parking on this site. Adequate parking is available on this site for the four additional spaces need for the proposed project. When combined, the two locations can accommodate the additional nine parking space required by the zoning code. The parking spaces at both sites comply with the code requirements in place when the uses were first established and therefore, comply with the provisions of the City's Zoning Ordinance.

PARKING USE PERMIT REQUEST/REQUIRED FINDINGS

A parking use permit for the use of off-site parking facilities to satisfy the parking requirements for a proposed use shall be granted only if the reviewing authority finds that certain findings can be met. After thorough consideration of the statements contained in the application and the plans submitted therewith, the Director of Community Development has **APPROVED WITH CONDITIONS** your application based on the following:

- 1) The off-site parking spaces are located within 1000 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 1000 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 located at 4614 San Fernando Road is approximately 175 feet northeast of the primary entrance of the project site. The off-site parking located at 4628-4632 San Fernando Road is approximately 380 feet northeast of the entrance. Both parking areas are located on same side of the street and are well within 1,000 feet from the primary entrance making walking between the two sites very reasonable.

- 2) 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 (90) days.**

The applicant has provided a lease agreement with the owner of the property located at 4614 San Fernando Road allowing the applicant to use the parking on this site during specific hours. The Lease Agreement allows the applicant to use six off-site parking spaces at this site although the plans only show five spaces. The other four spaces required will be located at 4628-4632 San Fernando Road. As conditioned the applicant will be required to enter into a lease agreement for this property, although they do have written permission to use the site from the owner. The lease agreement provided meets the required termination period of not less than 90 days.

- 3) 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 of any uses which are proposed to share the parking.**

No substantial conflict will exist between the existing uses on the off-site properties and the proposed expansion of the restaurant because the hours of operation do not overlap. The restaurant will be open at 6:00 PM. The site at 4614 San Fernando is currently vacant (previous use was retail) and the existing auto uses at 4628-4632 San Fernando close at 5:00 PM allowing for shared parking of these sites.

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

No changes to the access of either the off-site parking areas are proposed as a result of the parking use permit request. There is no access to the project site, other than pedestrian since no parking is located on the site. No excess traffic on the surrounding streets is anticipated since the uses will not be operating at the same time and the proposed expansion of the restaurant is minimal in that only an additional nine spaces are required.

- 5) 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 parking areas proposed to accommodate the nine spaces required for the project have existed for a number of years and are compatible with the surrounding uses in the area. The businesses that use the proposed off-site parking spaces will be closed during the hours that the restaurant will be operating. As a result, the off-site parking areas will operate much like they do during the day time hours.

- 6) 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.**

There are no active code compliance issues identified with regard to the off-site parking sites. Therefore, it is not anticipated that the use of the sites for parking for the restaurant expansion will endanger, jeopardize or cause a nuisance for people living or employed in the neighborhood.

- 7) 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.**

Residential uses are adjacent to the off-site parking at 4614 San Fernando Road and across the street from 4628-4632 San Fernando Road. A condition of approval has been added requiring the restaurant owner to monitor disturbances in the off-site parking areas. Compliance with this condition will ensure that the use of the parking areas will be in compliance with the City's noise requirements.

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

No valet parking is proposed.

- 9) 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.**

As indicated in Finding 4 above, no substantial conflict will exist between the existing uses and the proposed expansion of the restaurant because the hours of operation do not overlap. The restaurant will be open at 6:00 PM. The site at 4614 San Fernando is currently vacant (previous use was retail) and the existing auto uses at 4628-4632 San Fernando close at 5:00 PM allowing for shared parking of these sites.

CONDITIONS OF APPROVAL

1. That the development shall be in substantial accord with the plans submitted with the application except 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.
2. That all necessary licenses (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
3. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Neighborhood Services Code Enforcement, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
4. That the parking use permit is valid only insofar as the specific use for which it was granted or similar use (as determined by the Director of Community Development). 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 Director of Community Development.
5. The application shall resolve existing fire code violations to the satisfaction of the Glendale Fire Department (GFD) prior issuance of a Business Registration Certificate (BRC). See attached GFD, 2nd Notice of Violation, dated May 26, 2017.
6. The applicant shall resolve existing code enforcement violations to the satisfaction of the Director of Community Development prior to issuance of BRC.
7. That the applicant shall secure a lease agreement and provide said lease to the Director of Community Development for the property located at 4628-4632 San Fernando prior to issuance of the building permits required to legalize the building addition, patio cover and addition of the outdoor dining area at the rear of the restaurant. The lease agreement shall have a minimum termination period of not less than 90 days.

8. The restaurant shall not open prior to 6:00 PM.
9. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
10. An Acceptance Affidavit accepting the permit and all its conditions shall be signed, notarized and submitted prior to the issuance of a Business Registration Certificate. The Acceptance Affidavit shall be recorded with the Los Angeles County Recorder's Office with proof of such recording provided to the city.
11. 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.
12. That the restaurant operator and his/her employees shall make an active and conscientious effort to keep visitors and employees of the restaurant from trespassing on other nearby properties or otherwise from making disturbances in the area.
13. That sufficient measures be enforced to effectively eliminate loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.

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 15 days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center or the Community Development Department upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **July 17, 2017** at the Permit Services Center, 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department, 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 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.

REVOCACTION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – When off-site parking is secured by a lease, the lessee shall provide proof to the Director of Community Development on an annual basis of such lease for off-site parking spaces. If the off-site parking lease agreement between the parties lapses, the operator of the use leasing the parking spaces shall immediately notify the Director of Community Development.

If replacement parking is not obtained by the applicant to the satisfaction of the Director of Community Development within 90 days of the expiration of the parking lease(s), the Director of Community Development shall schedule, notice and cause a revocation hearing to be conducted on the applicant's business registration certificate, the parking use permit and any related permits. The Director of Community Development may extend the period of time during which the applicant may seek alternative parking prior to scheduling a revocation hearing.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

Every right or privilege authorized by a parking use 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 use 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 administrative 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. 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.

4608 San Fernando Road
PARKING USE PERMIT NO. PPUP 1708391

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Danny Manasserian at (818) 937-8159 or dmanasserian@glendaleca.gov.

Sincerely,



Erik Krause
Principal Planner

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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 (P. Casanova); 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 (S. Mirzaian); Integrated Waste Management Admin. (C. Marcarello); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner Danny Manasserian