



February 7, 2018

Steve Appel
1260 Corona Pointe Ct., Suite 301
Corona, CA 92879

**RE: 1315 SOUTH GLENDALE AVENUE
USE VARIANCE CASE NO. PVAR 1723702
(AMERICA'S TIRE)**

Dear Applicant:

The Planning Commission of the City of Glendale, at its meeting held on February 7, 2018, conducted a public hearing on Use Variance Case No. PVAR 1723702, requesting for a Use Variance to allow a warehouse for the purpose of storing tires in conjunction with a tire store (America's Tire) in the "C3" - Commercial Service Zone, described as Lot 4, Block 1, Thomas Subdivision Tract / 5640-016-018, located at **1315 South Glendale Avenue**, in the City of Glendale, County of Los Angeles.

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Commission **APPROVED WITH CONDITIONS** your application for a Use Variance Case No. PVAR 1723702.

APPLICANT'S PROPOSAL

- (1) Request for a use variance to allow the operation of a warehouse for the purpose of providing storage for tires in conjunction with the adjacent tire store, America's Tire, located at 1327 S. Glendale Avenue.

CODE REQUIRES

- (1) A warehouse is not a permitted use in the "C3" zone.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because the project involves interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances.

A motion adopted by the Planning Commission is attached.

If you have any questions or need additional information on filing an appeal please contact the undersigned, in the Community Development Department at (818) 937-8181.

Sincerely,
Philip Lanzafame
Director of Community Development



Milca Toledo
Senior Planner

MT:sm

CC: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section-(J. Halpert); Dir. Of Public Works (R.Golianian); 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/8. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (S. Mirzaians); 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-Milca Toledo.

MOTION

Moved by Planning Commissioner Lee, seconded by Planning Commissioner Manoukian, that upon review and consideration of all materials and exhibits of current record relative to Variance Case No. PVAR 1723702, located at **1315 South Glendale Avenue**, and after having conducted a public hearing on said matter, that the Planning Commission hereby APPROVES the Variance PVAR 1723702 in accord with the findings and conditions set forth below:

REQUIRED/MANDATED FINDINGS

Pursuant to Section 30.43.030 of the Glendale Municipal Code, a Variance may be granted by the reviewing authority only if the following findings of fact can be made:

- A. The strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.**

The strict application of the provisions of the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance because it would not allow for reasonable use and occupancy of a building as a warehouse for purposes of storing tires in conjunction with the adjacent tire store. The warehouse would not operate as a stand-alone use, but rather it will be ancillary to the neighboring use, a tire store. Further, implementing the strict application of the Zoning Code by not allowing a warehouse at this location would present unnecessary hardship inconsistent with the general purposes and intent of the ordinance because the intent of the C3 Zone is to ensure the community has a wide range of goods and services that meet community needs. The adjacent tire store, which provides a service for the community, is in need of more space to store their tires. The tire store is approximately 4,248 square feet. Of that total area, 1,689 square feet is designated as tire storage. The remaining 2,500 square feet is used for vehicle bays (three), customer service/waiting areas and offices. America's Tire has one location in Glendale (1327 S. Glendale Ave.), located directly south of the subject site. The 1,689 square feet of storage area is not sufficient to effectively service their customers due to the volume of customers serviced at this location. Approval of this use variance to allow a warehouse in the C3 zone would provide an additional 2,213 square feet of necessary storage space for the purpose of storing tire inventory associated with and exclusively for the existing adjacent tire store, America's Tire.

The definition of a "tire store" in GMC Section 30.70.210 presents a limitation that does not keep pace with the evolution of the tire store industry and technological advancement that provides a range of product options for its customers. America's Tire provides a service for their customers where they can order and/or purchase tires on the company's website and pick-up and/or install the tires at their Glendale location, adjacent to the subject property. This is a popular

service, which is frequently used by customers. This proposal would provide storage for tires only at this location and would enable America Tire's to keep up with their customers demand for tires and provide better customer service. Prohibiting a warehouse use at 1315 South Glendale Avenue would prevent or limit the range of services offered by America's Tire for the Glendale community. Approval of a warehouse at this location would not lead to a future warehouse for other goods because a condition is included to restrict the warehouse storage for the use and storage of tires associated with and so long as the existing tire store and operator, America's Tire exists.

B. 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.

There are exceptional circumstances or conditions applicable to the property involved that do not apply generally to other property in the same zone or neighborhood because the approximately 6,000 square-foot lot is the smallest commercial lot on the block and in the area in general compared to the larger commercial lots along this portion of South Glendale Avenue. For example, the neighboring properties located on the same block as the subject property between Los Feliz Road and Cypress Street range in size from 13,000 square feet to 15,300 square feet, similar to other properties in the area. Given the 6,000 square-foot size of the lot with approximately 50 feet of street frontage, presents a challenge to develop the property with a reasonably sized new commercial building with on-site parking and landscaping. Moreover, given the existing building's design as a commercial auto garage, it limits the type of use/business occupancy at this location without making significant exterior and interior design modifications. Aside from a vehicle repair garage or similar business, the proposed warehouse is an appropriate use for this type of building at this location. In this case, the warehouse would complement the neighboring tire store.

There are exceptional conditions involved to the intended use because the proposed warehouse use is different from other commercial uses in this neighborhood. This only works at this location because the proposed warehouse is adjacent to an existing tire store. The warehouse would exclusively provide storage for tires associated with the adjacent tire store, America's Tire, located directly south of the property. Similar to a general retail use where adequate storage space is needed for in-store stock merchandise, a retail tire store needs to have an appropriate amount of tires on-site to properly service customers. The subject building offers the necessary storage space and convenience, adjacent to the tire store, that America's Tire needs.

C. 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 granting of the variance would 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 because the proposed warehouse will not create a perceptible increase in commercial activity or traffic on the site

and it will operate in conjunction with the adjacent tire store. The use generates limited vehicular and loading operations on the property. Expanding the existing tire storage into the new warehouse would potentially reduce the number of deliveries from three to one delivery per week. The existing tire store will continue its normal operations, including receiving the bulk of inventory/deliveries and service vehicles and patrons from this location, not from the warehouse. The warehouse would be used by employees and/or authorized personnel only. A condition of approval is included to ensure that the warehouse use operates exclusively for the purpose of storing tires in conjunction with and so long as the tire store, America's Tire located at 1327 S. Glendale Avenue is operating.

The subject warehouse building was originally designed as a commercial vehicle repair garage with two bays, similar to and compatible with the existing surrounding uses including the tire store to the south and vehicle repair garages directly north of the site. Coincidentally, the existing exterior condition of the building resembles similar design characteristics associated with a warehouse with its boxy appearance and roll-up doors. Further, similar to the proposed tire warehouse, the neighboring uses involve repairing vehicles and limited storage of auto parts, including tires. The front of the building facing Glendale Avenue would not change and proposes to keep existing roll-up doors including access from the rear alley. Therefore, the new use would not give the impression that it is a warehouse, but rather, its design will remain compatible with neighboring uses including the tire store and vehicle repair garages.

Since 2007, a tire store, America's Tire has been operating at 1327 S. Glendale Avenue without any negative impacts on the surrounding area. Because the same operator/business owner, America's Tire, will also operate the new warehouse for purposes of storing tires in conjunction with the existing tire store, it is expected that the new warehouse will operate in a similar responsible manner. No comments were submitted from other City Departments identifying existing or potential nuisance issues. The proposed conditions of approval included in this use variance will mitigate, reduce or eliminate traditional nuisance concerns associated with a warehouse such as the general operation of the business, hours of operation for the business and deliveries, outdoor storage or merchandise display, outdoor activities, including deliveries and activities at the rear of the building, next to the alley and proximity to existing multi-family residential uses, northwest of the subject site.

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

The granting of the variance would not be contrary to the objectives of the ordinance in that only reasonable flexibility is being exercised. While a warehouse is not a permitted use in the C3 – Commercial Service Zone, in this case, a warehouse will be in keeping with the ordinance because it will be used to store tires only, which is compatible and accessory to the existing adjacent tire store, which is a permitted use in the C3 zone. The subject site is located in a commercial area along South Glendale Avenue (identified as a Major Arterial in the Circulation Element). The C3 zone lends itself to offering a full range of goods and services to the community located along commercial thoroughfares, as is the case with South Glendale Avenue. The existing tire store, which is a

permitted use, is directly associated with the proposed warehouse since it will provide the additional tire storage space for the tire store. Denying the variance could limit the success of the existing tire store by limiting their stock. The new warehouse will continue to fulfill the objectives of the ordinance and will not impact health, safety and general welfare because the storage is within an enclosed building and conditions are added to ensure compatibility. Further, granting of the variance will preserve the existing building and current on-site conditions and comply with all zoning standards including parking and loading for a warehouse use.

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 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 the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
3. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.
4. That the existing building's square footage of floor area devoted to the warehouse facility remain as represented in the application before the Planning Commission.
5. That any expansion or modification of the facility or use which intensifies the use shall require a new variance application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.
6. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Planning and Neighborhood Services Division, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
7. That all activities must be conducted within a building. All goods and equipment shall be stored, and activities maintained or carried on inside a building.
8. That sufficient measures be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.
9. That the hours of operation for the warehouse shall be the same as the adjacent tire store located at 1327 South Glendale Avenue, Monday through Friday from 8:00 a.m. to 6:00 p.m. and Saturday 8:00 a.m. to 5:00 p.m., and closed on Sunday.

10. That the warehouse delivery hours shall be from 7:00 a.m. to 8:00 p.m., Monday through Saturday.
11. That a Business Registration Certificate be obtained for the operation of the warehouse.
12. That Design Review approval shall be obtained for any exterior modifications to the existing building prior to the issuance of a building permit.
13. Delivery vehicles shall not park in the existing red zones on Glendale Avenue at any time. Delivery vehicles shall park in a legal parking space and not block any travel lanes.
14. That the use variance is valid only insofar as the specific use for which it was granted, a warehouse for tire storage.
15. That the unpermitted existing temporary metal roof shed in the rear (as noted on the plans) shall be removed prior to the time the use is undertaken.

VOTE

Ayes: Lee, Manoukian, Satoorian, Astorian
Noes: Shahbazian
Abstain: None
Absent: None

APPEAL PERIOD, 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 **FEBRUARY 22, 2018**, 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.ci.glendale.ca.us/planning/SubmittingAProject.asp>

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.

CESSATION

A Use Variance may be terminated by the review authority upon any interruption or cessation of the use permitted by the Use Variance 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 conditional use permit.

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.

REVOCACTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Use Variances. 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 Use Variance at least ten (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, Milca Toledo, during normal business hours at (818) 937-8181 or via e-mail at mitoledo@glendaleca.gov.