



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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December 6, 2018

Artashes Yenokyan
1316 North Columbus Avenue
Glendale, CA 91202

AND

Rafi Nazaryan
Sipan Design
705 Balboa Avenue
Glendale, CA 91206

**RE: 423 NORTH BRAND BOULEVARD
PARKING EXCEPTION CASE NO. PPPEX 1807657
(Alegro Restaurant)**

(ALSO SEE: CASE NO. PAUP 1727732)

Dear Messrs. Yenokyan and Nazaryan:

Pursuant to Chapter 30.32.020, the Director of Community Development has processed an application for a Parking Exception for the property in the "DSP/GAT" – Downtown Specific Plan/ Gateway District, located at **423 North Brand Boulevard**, and described as Portion of Lot 17, Block 11, Campbell Tract, in the City of Glendale, County of Los Angeles.

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

PROJECT PROPOSAL

The proposed project consists of adding 1,738 square feet of new dining area to an existing full service restaurant known as Alegro Restaurant, located at 423 North Brand Boulevard. This new dining area is comprised of converting 630 square feet of storage area and the utilization of an existing 1,108 square foot second floor patio into dining area for the existing restaurant. Both areas are within the existing footprint of the restaurant and do not involve a change to the façade of the building. With the proposed restaurant expansion, the tenant space is deficient by nine parking spaces. The parking exception request is to allow the conversion of the storage space and outdoor patio to full service restaurant into dining area without providing the additional nine parking spaces required by Code.

Environmental Determination

Categorically Exempt. The project is exempt from CEQA review as Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this application is for an addition to an existing restaurant that is less than 2,500 square feet. While there is a proposal to utilize an existing balcony and convert an existing storage area within the second floor of the tenant space at the rear of the restaurant for patron dining, these two areas are within the footprint of the existing building. There are no proposed changes to the façade of the building.

SUMMARY AND BACKGROUND

The project is located on the west side of Brand Boulevard between Lexington Drive and Milford Street. The site and its surrounding block are zoned DSP/GAT – Downtown Specific Plan / Gateway District. This zone allows for a complementary/accessory service and retail businesses at the street level that support corporate headquarters, hotels, mixed-use and residential buildings located in this district. The existing full service restaurant is consistent with the DSP / GAT District. Presently, there are two parking spaces on-site, there is on-street parking along Brand Boulevard, and there are three City-owned public parking lots (lot #2, lot #6, and the Orange Street Garage) within the vicinity of the subject property, all available to service restaurant patrons. There are approximately 625 parking spaces in the Orange Street garage which can accommodate the nine space deficiency for the restaurant expansion.

The existing building is two stories and contains two tenant spaces. Alegro Restaurant currently occupies the southerly tenant space on the first and second floor and a new full service restaurant, addressed as 425 North Brand Boulevard, is in the process of opening in the northerly tenant space, on the first floor. The applicant is proposing to expand the existing dining area by converting a storage area and utilizing an existing patio. This area is approximately 630 square feet. The applicant is also proposing to utilize a 1,108 square foot outdoor patio, at the rear of the second floor, for a total addition of 1,738 square feet. A 4,632 square foot restaurant has been in operation at this location since 2012.

Conditional Use Permit No. PCUP 1225704 was approved in October 2012, for Brand Terrace Restaurant (the previous tenant), to allow for the on-site sales, service, and consumption of alcoholic beverages. This application expired on November 10, 2017 and the applicant has since applied for an administrative use permit to replace the conditional use permit. This permit is being processed concurrently with the parking exception. At the time the previous restaurant opened, no parking was required due to the previous tenant being a retail space that was less than 5,000 square feet. Due to the current proposal to add approximately 1,738 square feet, the restaurant is required to provide nine parking spaces. This cannot be done due to the current constraints on the property as the existing building footprint covers the majority of the lot.

PARKING EXCEPTION REQUEST

The applicant is requesting a parking exception to allow two portions of the existing second floor to be used as dining area, that were not part of the floor area for the existing full service restaurant, without providing the required nine additional parking spaces.

GMC Section 30.32.050 requires that all new projects shall provide a minimum of five parking spaces per 1,000 square feet of restaurant area in the DSP. The two areas being added include an unpermitted storage area of about 630 square feet that is being legalized and a second floor patio of about 1,108 square feet for a total of 1,738 square feet.

According to GMC 30.32.030.B.1, the addition of these two spaces to be used for dining purposes would require an additional nine on-site parking spaces, which cannot be accommodated on the subject site.

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 1807657, a request to allow for the addition of 1,738 square feet to be used as dining areas for the existing full service restaurant without providing nine additional on-site parking spaces, within an existing tenant space at 423 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, and number of spaces or locations specified by the provisions of this title without impairment of the project's viability;

The scope of the project and the existing conditions of the site result in practical difficulties that impair the project's viability if the strict requirement for number of parking spaces were applied.

The 8,250 square foot project site is zoned DSP Gateway District and is located in the former Central Glendale Redevelopment Project Area. The Central Project Area was established with the intent of revitalizing the community's central core through the creation of a dynamic and diverse downtown; the Downtown Specific Plan continues to implement that vision. In addition to providing a framework to guide responsible growth and development in Downtown Glendale, the DSP supports a variety of economic activities and mixed use development, including very dense urban housing, to provide a diverse downtown climate, seeks to preserve the distinctive character of each of the DSP's districts, and encourages quality urban design. The zoning promotes a variety of commercial and residential development, and allows for full service restaurant uses by right. The subject building has housed a combination of retail stores, personal services, restaurants, and a gym since its construction in 1955.

The proposal is to create additional dining areas on the second floor utilizing an existing patio area at the rear, for dining purposes for the existing full service restaurant (Alegro Restaurant). The proposed dining areas result in a parking space deficiency of nine spaces. The resulting increase in the number of required parking spaces, however, cannot be accommodated onsite given the current building footprint and site plan. There is no physical room to provide any additional parking on the property. Furthermore, the adjacent lots are all fully developed so no additional area is available to be used for off-site parking for the proposed use. Presently, there are two parking spaces on-site, there is on-street parking along Brand Boulevard, and there are three City-owned public parking lots (lot #2, lot #6, and the Orange Street Garage) within the vicinity of the subject property, all available to service restaurant patrons. There are approximately 625 parking spaces in the Orange Street garage which can accommodate the nine space deficiency in this request.

- 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. Applicable goals include promoting the general welfare and economic well-being of the area. The full service restaurant at this location provides diversity to the project area while being consistent with and complimentary to other uses.

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 an expansion of an existing full service restaurant that serves the community. The Circulation Element classifies Brand Boulevard as a Major Arterial that can accommodate the traffic and circulation patterns for this commercial land use. 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 an exceptional condition that does not apply generally to other property in the area: the building in which the restaurant is located covers most of the site so that it is infeasible to alter the size or configuration of the structure to accommodate on-site parking. While there are two existing parking spaces at the rear of the building, serving both tenant spaces, additional parking cannot be physically added. The Code-required parking for full service restaurants in the DSP is five spaces per 1,000 square feet of gross floor area. The addition of the 1,738 square feet of added dining areas would require an additional nine parking spaces, which cannot be provided onsite. Therefore, there are exceptional circumstances that applicable to the property involved that do not apply to other areas of the city zone for the proposed use.

- 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 nine space parking reduction will not be detrimental to the public welfare or other developments in the surrounding neighborhood. The parking exception request for nine spaces for the expansion of the existing full service restaurant, involves modifying a storage area and utilizing a patio on the rear of the second floor for dining purposes. The restaurant is located in a commercial building that utilizes the two parking spaces at the rear of the building and the parking provided within the nearby public parking lots located within walking distance on Orange Street. Therefore, the approval of a parking exception for nine

parking spaces will not be detrimental to the public welfare or surrounding neighborhood.

Therefore, Parking Exception PPPEX 1807657 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 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 the applicant comply with the conditions of approval from Administrative Use Permit Case No. 1727732.

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 **December 21, 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.glendaleca.gov/appeals>

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.

REVOCATION, 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 Parking Exception Case No. PPPEX 1807657.

CESSATION

Any parking exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the parking exception for one year or more in the continuous exercise in good faith of such right and privilege.

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, Bradley Collin, who acted on this case. He may be reached at 818-548-3210 or bcollin@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
Interim Director of Community Development

PL:EK:BC:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (Larry Tan/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 (Rene Sada); 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 – Brad Collin.