CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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September 11, 2018

Hamlet Zohrabians
3467 Ocean View Boulevard, Suite B
Glendale, CA 91208

RE: 3506 – 3514 NORTH VERDUGO ROAD
VARIANCE CASE NO. PVAR 1708690

Dear Mr. Zohrabians:

On July 11, 2018, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, on your application for a Variance to allow the demolition of existing buildings and to construct a new three-story (with mezzanine) mixed-use project, which consists of fourteen (14) residential dwelling units (three two-bedroom units, seven three-bedroom units, and four four-bedroom units) in the upper two floors, 2,762 square feet of retail/office space on the ground floor, and a total of 49 parking spaces located within two levels (ground floor and subterranean level), on an 18,000 square-foot (0.41 acre) lot, zoned "C3" - (Height District I). Per GMC 30.12.020, multiple residential dwelling units are permitted in the "C3" zone in compliance with the R-1250 development standards; as proposed, the project requires approval of Variances from the R-1250 standards to allow: additional lot coverage greater than 50% on the ground floor; additional floor area greater than 1.2; and a reduction in the minimum 20-foot street front setback to allow residential private patios and landscape planters on the second floor deck above the ground floor retail/office space located at **3506 – 3514 North Verdugo Road**, in the "C3" - (Commercial Service) Zone, described as Lots 9-14 in the Sparr Heights Tract, in the City of Glendale, County of Los Angeles.

<u>CODE REQUIRES the following R-1250 standards (GMC 30.11.030) for residential development in the "C3" zone:</u>

1) FAR: 1.2 maximum floor area ratio allowed.
2) Lot coverage: 50% maximum lot coverage allowed.
3) Street Front Setback: 20 feet minimum and 23 feet average for the first residential floor.

<u>APPLICANT'S PROPOSAL</u>

1) FAR: 1.25 proposed.
2) Lot Coverage: 77% proposed.
3) Street Front Setback: One (1) foot, six (6)-inch setback for planters and private open space for the first residential floor (second floor of mixed use building).

ENVIRONMENTAL RECOMMENDATION
A Negative Declaration was adopted by the Planning Hearing Officer, on September 11, 2018.

REQUIRED/MANDATED FINDINGS

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 Hearing Officer has **DENIED the following:**
  1) To exceed the allowable FAR by 0.05

- The Planning Hearing Officer has **APPROVED WITH CONDITIONS the following:**
  1) Lot Coverage: 77%
  2) Street Front Setback: One (1) foot, six (6)-inch setback for planters and private open space for the first residential floor (second floor of mixed use building).

BASED ON THE FOLLOWING

A. That 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.

There are no practical difficulties or hardships when it comes to exceeding the allowable floor area. Due to this project being a mixed-use project, the commercial and residential floor areas are calculated together in the floor area calculation for the property. The request to exceed the allowable floor area by 0.05, which works out to approximately 900 square, is not justifiable due to the project still being viable if 900 square feet or more is removed. The hardship is created by the design of the project. The project can meet the maximum allowable floor area by reducing the floor area of the commercial space, reducing the floor area of the residential portion of the building, or by reducing both the floor areas of the commercial and residential uses. Therefore the strict application of the zoning code would not result in any practical difficulties as it relates to complying with the floor area requirement.

Strict application of the R-1250 standards for the residential portion of the proposed mixed-use project would result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the ordinance as it relates to exceeding the lot coverage requirement and being less than the minimum street front setback for the first residential floor. The project consists of a new three-story mixed-use development with fourteen (14) residential dwelling units above approximately 2,762 square feet of retail/office space on the ground floor and a total of 49 on-site parking spaces, on the 18,000 square-foot (total), rectangular lot, zoned C3 (Height District I). Per Code, the residential portion of the mixed-use development in the C3 zone must comply with the R-1250 residential standards, including height/stories, setbacks, lot coverage, floor area ratio (FAR), etc. The applicant is requesting variances for the residential portion of the project for increased lot coverage of 77%

(50% maximum in the R-1250 zone), and decreased street front residential setbacks for private patios and planters on the second level above the commercial storefronts (not less than 20 feet and an average of 23 feet for the first residential floor). Putting aside approval of the proposed variances for the residential component of the project regarding lot coverage and setbacks, the development would still be in compliance with and below the maximum permitted building envelope for a solely commercial building in the C3 Height District I zone. The project complies with the allowable density and height permitted by Code. Moreover, the project complies with the parking standards for both the residential and commercial uses, and provides more than the minimum common/private open spaces for the residential units.

While the proposed mixed commercial and residential project is an allowed use in the C3 zone, no mixed-use projects have ever been constructed in the C1, C2 or C3 zones that comply with all of the R-1250 residential development standards. If the ground floor building footprint was constructed to comply with the 50% maximum lot coverage, the commercial building portion and enclosed parking garage would result in a compressed structure which would be unusable and also inconsistent with the Commercial Design Guidelines. Requiring the 20-foot minimum setback on the first residential floor for the planters and open space (private patios) for the residential units would render the area above the first floor of the commercial portion useless and disregard a great opportunity to activate the area above and take advantage of the rooftop deck for the residents. This variance request is for planters, landscaping and deck area for the residential units within the 20-foot minimum street front setback atop the commercial first floor, while the actual residential portions of the building comply with the required R-1250 average street front setback.

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 no exceptional circumstances and conditions applicable to the subject property and to the intended development of the property that do not apply generally to other properties in the same zone and neighborhood as it relates to exceeding the allowable floor area. The proposed project is requesting to be 0.05 greater than the code allows, which works out to 900 square feet over the allowable floor area. This 900 square feet can be reasonably reduced and still have a viable project. There is nothing special about the lot the warrants exceeding the allowable floor area.

There are exceptional circumstances and conditions applicable to the subject property and to the intended development of the property that do not apply generally to other properties in the same zone and neighborhood as it relates to exceeding the allowable lot coverage and reducing it the minimum street front setback for the residential use. The project is located in the C3 zone, but this site has characteristics that are unusual for typically urbanized properties zoned C3. The site is located mid-block on North Verdugo Road, which is designated as a Major Arterial and is one of the primary north-south routes connecting the area between North Glendale and the residential neighborhoods near Glendale Community College and the rest of the City to the south.

One of the widest streets in the northerly portion of the City, Verdugo Road features a 110-foot wide right-of-way (sidewalk, on-street parking, three lanes in each direction and landscape median). Furthermore, the subject site is bounded on the east by a 20' roadway (identified as an alley by the Public Works Department, but as Sparr Boulevard by the LA County Tax Assessors maps), and the northerly portion of Montrose Community Park. This location on a wide roadway and between a major arterial and alley, and abutting a community park provides extra distance on the front and rear elevations for access to light and air circulation. This setting and the residential setbacks provided for the first and second residential floors result in a less bulky, massive mixed use project than what could be built. Given that the C3 zone is the most intensive of the traditional commercial zones, the lot could be developed with a commercial building 50 feet tall and spanning the width and length of the 18,000-square foot project site (with an FAR of 3.0). The intended development, however, is a mixed-use project with commercial on the ground floor along the street edge and residential recessed above. This building's setting lessens the need and intended desire for extra setbacks with landscaped open space, a characteristic of typical suburban R-1250 residential development with landscaped street front setbacks and 50% maximum lot coverages contributing to a uniform traditional residential neighborhood characteristic/standard. Furthermore, the subject site is only 120 feet deep, which is shallower than the typical 150-foot depth of traditional multi-family zoned lots. Most multi-family residential projects in R-1250 zones are developed on 50 feet by 150 feet, or 100 feet by 150 feet lots, resulting in different site plan configurations than the building footprint of this mixed use project. As already pointed out, mixed-use designs are not common developments in Glendale even though they are supported in the City's General Plan and are an allowed use in the C3 zone. Though the project's design deviates from certain R-1250 standards, the project is a unique and desirable mixed commercial and housing opportunity that differs from other single use projects in this zone.

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.

Granting of the variances for exceeding the maximum allowable lot coverage and allowing the planters and private open space to be less than the minimum street front setback would not be materially detrimental to the public welfare or injurious to the surrounding properties and neighboring developments. The C3 zoning allows for mixed-use development, and the project features both commercial and residential uses that would be compatible with the commercial uses along North Verdugo Road and multi-family residential units to the east. The building has been designed to sensitively relate to its surrounding context and neighboring developments. The mixed-use project is specifically set back approximately 21 feet along the easterly (rear) property line, adjacent alley to the east. This significant setback provides an adequate separation between the two existing apartment buildings and Montrose Community Park across Sparr Boulevard and the proposed mixed-use project, as well as providing ample setbacks for the proposed residential portion of the project to

allow adequate light and air circulation. This area is landscaped, thereby providing a better visual buffer as well. No variance would be required for lack of setbacks if the project were developed as a wholly commercial use, and use of the space above the first floor for the residential decks does not create any visual or use-related impacts that would justify greater setbacks from adjacent buildings than would use of the space for commercial purposes.

The project complies with the allowable density and height permitted by Code. Furthermore, the Initial Study, prepared on behalf of the project, analyzed seventeen environmental factors identified with the development that could potentially impact the neighborhood. The Initial Study concluded that the proposal would have a less-than-significant impact on the neighborhood's environment. Even though the proposed project deviates from certain C3 mixed-use development standards, its design reflects many of the mixed-use standards adopted for mixed-use zones in other parts of the City, albeit on a much smaller scale. Mixed-use developments are recognized in the City's General Plan as being a beneficial use to the community that will not significantly conflict or adversely affect the adjacent city park and multi-family residential neighborhood to the east, or the mix of commercial residential uses along North Verdugo Road.

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

The granting of the variance for additional FAR will be contrary to the objectives of the ordinance because this is a regularly shaped parcel and there are no special circumstances related to the property that are not applicable to other properties in the vicinity (See findings A, B, and C). The C3 I zone has no FAR standards, but the proposed multi-family residential use in this project is subject to an FAR of 1.2, consistent with FAR requirements in the R-1250 zone. Each variance is considered independently and is analyzed in light of the overall project, which in this case includes two other variance requests. The request to exceed the allowable floor area by 0.05, or about 900 square feet, is not justifiable due to the project still being viable if the floor area is reduced to comply with the maximum allowable floor area. The granting of the variance for additional FAR for this project would constitute a special privilege for this property that is not generally available to surrounding properties in the C3 zone; therefore, the variance for FAR is not consistent with the intent of the ordinance.

The granting of the variances for exceeding the allowable lot coverage and being less than minimum street front setback at the first residential floor will not be contrary to the objectives of the ordinance. The building has been designed to sensitively relate to its surrounding context and neighboring developments. The proposed mixed-use development is consistent with the goals and objectives in the City's Land Use Element of the General Plan and the Housing Element. The project provides a housing type that will increase opportunities for families while also providing street-level commercial activity, Code-required off-street parking, and appropriate traffic circulation. Approval of the proposed variances addresses the community's evolving

design and desire for urban living and mixed-use housing needs in a sensitive and functional manner. The intent of the lot coverage and street front setback requirements is to provide consistency in how large multi-family developments relate to the size of the lot. The goal is to avoid creating structures that overwhelm the lot and ensure some consistency with similar surrounding multi-family developments.

CONDITIONS OF APPROVAL

APPROVAL of this Variance shall be subject to the following conditions:

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 Planning Hearing Officer.

2. That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.

3. That Design Review approval shall be obtained prior to the issuance of a building permit.

4. That the billboard located on the property shall be removed prior to building permit issuance.

5. That if any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Planning Hearing Officer for private property and the Director of Public Works for public property.

6. That the applicant is responsible for the current cost of a water service or fireline in accordance with the current water fee schedule at the time of installation.

7. That individual water meters are required for each residential unit per Glendale Municipal Code (Chapter 13.12). The water meters are to be installed by the applicant per City specifications. Meters must be installed in the parking garage or placed near the front of the building and readily accessible to the meter reader. Meter locations must be approved by Glendale Water & Power (GWP), Building and Safety, and Planning Departments.

8. That any water service or fire line connection, when no longer needed by the customer, must be permanently abandoned (disconnected at water main and water meter removed) by the GWP Water Department following payment of the necessary fee.

9. That Fire Department approval/exemption shall be obtained when determining if existing fire flow is adequate. The applicant shall pay the cost of any necessary fire or domestic water services and recycled water service to the property, as well as offsite water facility improvements necessary to provide fire flow as required by the Glendale Fire Department.

10. That installation of a recycled water (RW) irrigation system is required, and to be initially connected to the potable system if the recycled water system is not available. The RW irrigation system must be inspected and approved by the local health agency and GWP prior to receiving recycled water. Plumbing plans must be submitted to the local health agency and GWP Water Department for review and approval.

11. That dual plumbing using recycled water (RW) is required for sanitary flushing in common areas, initially connected to the potable system if the recycled water system is not available. Plumbing plans must be submitted to the GWP Water Department for review and approval.

12. That a separate fire line is required for this project, and a double check detector assembly (DCDA) must be provided. Please refer to the GWP Cross-Connection Control Program and Glendale Municipal Code (Chapter 13.32). The device locations must be approved by both GWP Water Department and Planning Departments prior to installation.

13. That a reduced pressure principle (RP) backflow prevention assembly is required and also backflow prevention (BFP) devices are required for each separate irrigation and fire service connection(s) from the City of Glendale. BFP devices will be required if multiple service lines are needed for domestic service. Please refer to the GWP Cross-Connection Control Program and Glendale Municipal Code (Chapter 13.32) to determine the type of device required. BFP device locations must be approved by both GWP Water Department and Planning Departments prior to installation. Sub-level installations are not allowed. Final inspection and approval by the GWP Water Department of the installed facilities is required to ensure adequate backflow protection. The BFP device must be tested by a certified tester licensed by the local health agency before service can be granted.

14. That a complete automatic fire sprinkler system and sounding devices shall be installed throughout the entire building in accordance with the recommendations of the National Fire Protection Association, Standard No. 13D, and the requirements of the Glendale Fire Division. The fire sprinkler plans shall be submitted to the Glendale Fire Engineering Bureau prior to the issuance of any building permits.

15. That any proposed exterior lighting shall be directed onto the driveways, walkways and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Hearing Officer. That any proposed exterior lighting shall be directed away from adjacent properties and the public right-of-way to the satisfaction of the Hearing Officer.

16. That (water conserving) plant materials shall be installed as represented on the plan displayed at the public hearing and in accordance with the approved landscape plan. This landscaping plan shall include a complete irrigation plan with water conserving devices, shall be prepared by a person licensed to prepare such plans and shall be approved by the Hearing Officer prior to the issuance of a building permit.

17. That landscaping areas shall be maintained in good condition with live plants and free of weeds and trash.

18. That adequate means be provided for the collection of solid waste generated at the site and that all recyclable items be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale.

19. That State Accessibility Standards be met for all parking requirements and building entrance accessibility as required by the Building and Safety Section.

20. That any expansion or modification of the facility or residential use shall require a new variance. Expansion shall constitute adding of an additional unit, floor area, or any physical change (except for consolidation of units), as determined by the Hearing Officer.

21. That the premises shall be made available to any authorized City personnel (Fire, Police, Neighborhood Services, etc.), for inspection to ascertain that all conditions of approval of this conditional use permit are complied with.

22. That the applicant shall comply with all Section requirements as specified in their respective memos to the satisfaction of the City Department Directors, unless otherwise amended by the said Department.

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 (COD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **September 26, 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 (COD), 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/appeal

TRANSFERABILITY

This authorization runs with the land 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.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

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

Extension

Variances 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 such variance.

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 variances and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a Variance at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

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 (Vilia Zemaitaitis *at 818-937-8154*) first and then, the Planning 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.

Sincerely,

Bradley Collin
Planning Hearing Officer

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); J.Kroening; H.Morovati; and case planner – Vilia Zemaitaitis, Principal Planner

A RESOLUTION OF THE PLANNING HEARING OFFICER
OF THE CITY OF GLENDALE, CALIFORNIA,
ADOPTING A CERTAIN NEGATIVE DECLARATION
PREPARED PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT

WHEREAS, the Community Development Director considered the Initial Study and the Proposed Negative Declaration, prepared on behalf of Standards Variance Case PVAR 17086908 to allow the demolition of existing buildings and to construct a new three-story (with mezzanine) mixed-use project, which consists of fourteen (14) residential dwelling units (three two-bedroom units, seven three-bedroom units, and four four-bedroom units) in the upper two floors, 2,762 square feet of retail/office space on the ground floor, and a total of 49 parking spaces located within two levels (ground floor and subterranean level), on an 18,000 square-foot (0.41 acre) project site, zoned "C3" - (Height District I), at **3506 – 3514 North Verdugo Road**, pursuant to the California Environmental Quality Act; and

WHEREAS, the Proposed Negative Declaration was made available for a 20-day public review and comment period from June 14, 2018 to July 5, 2018; and

WHEREAS, a Final Negative Declaration has been prepared and no comments were received during the review period; and

WHEREAS, the Final Negative Declaration reflects the independent judgment of the City of Glendale; and

WHEREAS, the Planning Hearing Officer has read and considered the Negative Declaration; and

WHEREAS, the Planning Hearing Officer acknowledges the findings of the Community Development Director with respect to the preparation of the Negative Declaration; and

WHEREAS, the Glendale Planning Division has been identified as the custodian of record for the Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED that the Planning Hearing Officer of the City of Glendale finds on the basis of the whole record, including the Initial Study, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Planning Hearing Officer adopts the Final Negative Declaration for Case No. PVAR 1708690 for 3506-3514 N. Verdugo Road.

Adopted this 11th day of September, 2018.

Planning Hearing Officer