

March 18, 2014

Ricarda Bennett
148 Gazania Court
Thousand Oaks, CA 91362

**RE: 611 NORTH BRAND BOULEVARD
CONDITIONAL USE PERMIT NO. PCUP 1323051**

Dear Ms. Bennett:

On January 8, 2014, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a conditional use permit to allow the continued use of a non-emergency heliport on the rooftop of an existing parking structure, located at **611 North Brand Boulevard**, in the "DSP/GAT" - Downtown Specific Plan/Gateway District Zone, described as Parcel A, Parcel Map No. GLN 1114-A, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- 1) A conditional use permit to allow the continued use of a non-emergency heliport on the rooftop of an existing parking structure in the Downtown Specific Plan/Gateway District.

CODE REQUIRES

Conditional Use Permit

- 1) A conditional use permit application is required for the use of non-emergency heliports in the DSP/GAT District (Downtown Specific Plan, Chapter 3, Table 3-A-4).

ENVIRONMENTAL RECOMMENDATION: EIF No. 81-58 and an addendum is on file.

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 **GRANTED WITH CONDITIONS** your application based on the following:

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

A non-emergency heliport is a conditionally permitted land use within the Downtown Specific Plan (DSP) with an approved conditional use permit. This use is consistent with the general plan Land Use and Noise Elements. The DSP is considered the city's downtown core and permits the development of high-rise commercial/office buildings, high

density urban housing and mixed use developments. The establishment of non-emergency heliports is intended to support the efficient operation of the various tenants within these buildings and is conditionally permitted by the Zoning Code.

The existing heliport is located on the northwest corner of the six-story parking structure and has been in operation since 1982. The site also contains a 14-story office building and one-story commercial building and is surrounded by other high rise commercial and/or office buildings, many with emergency and non-emergency heliports. The heliport was approved on May 13, 1982 under Conditional Use Permit Case No. 7204-CU. The conditional use permit has been renewed three times since then: Case No. 7671-CU approved on October 17, 1984, Case No. 8975-CU on August 3, 1992 and Case No. 10522-CU on June 26, 2004. The heliport has been in continuous operation without incidents or complaints.

Prior to 2013, the property adjoining 611 North Brand Boulevard to the west at 610 North Central Avenue was developed with a 2-story office building. This building has been demolished and is currently being redeveloped with a 6-story building containing 235 residential dwelling units known as the Nexus on Central Avenue (formerly known as Verdugo Gardens). The land uses on the north, south, and east are the 134 Freeway, 11-story office building, and 6-story office building, respectively. The construction of the Nexus on Central Avenue will bring future residents within close proximity to the existing heliport. As such, there is the potential of noise impact on these residential dwelling units. A major source of background noise in this area is generated by the 134 Freeway. The Nexus on Central Avenue and the Glendale Center are located approximately 700 feet of the centerline of the freeway. However, the noise level generated by the helicopters used in conjunction with the heliport will be less than the 65 dBA CNEL noise identified in the Noise Element.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The existing heliport has been in operation since 1982 without any accidents, complaints, and violations. According to the application, the helicopter pilots are instructed to use a "fly neighborly" noise abatement technique and the path of travel will be over the 134 Freeway, which is located immediately north of the heliport. Based on the location of the landing pad and flight path, the helicopter will not cross over any adjacent land uses. The "fly neighborly" technique requires the pilot to utilize a steep approach and departure to lessen the noise impacts to the surrounding areas. Based on these techniques and the heliport's continued use for over 31 years, no adverse affects on the health, safety, general public, and the environment are anticipated.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

The continued use of the heliport will not adversely affect or conflict with the adjacent uses or impede the normal development of surrounding property. The heliport has been in existence and in continued use since 1982 (31 years) without any accidents, complaints, or

violations. The City and developer of the Nexus on Central Avenue were aware of the existence of the heliport which was disclosed in the final environmental impact report. The final EIR stated that:

“At the request of Maguire Properties (former owner of the Glendale Center), the City will require the Verdugo Gardens applicant prepare and submit to all potential homeowners a written disclosure statement advising the homeowners of the existence of the private-use permitted heliport located in the vicinity, and of the occasional helicopter operations from the heliport. In addition, the Draft Environmental Information Report (EIR) will be revised to include the disclosure requirement in both the Final EIR and the Mitigation Monitoring Plan. The applicant also agreed to work with Maguire Properties to prepare a recordable instrument, which would reiterate the heliport disclosure statement provided in the Final EIR and adopted Mitigation Monitoring Plan, so that all current and future unit owners are apprised of the heliport operations.”

In the Final EIR, additional requirements were imposed in the design and construction of the Nexus on Central Avenue to include additional insulation in the walls and windows in order to attenuate the exterior noise level in order to achieve an interior noise level of 55 dBA CNEL during the daytime and 45 dBA CNEL during nighttime when doors and windows are closed.

The EIR addendum also concluded that the location of the residential units located within the vicinity of a private use heliport would not result in a safety hazard for people living and working in the project area.

The ingress and egress of the heliport is above the 134 Freeway, which is north of the Nexus on Central development. Additionally, the pilots are required to utilize at all times the abatement flight method known as “Flying Neighborly”. This method requires the pilots to approach and depart the heliport at a much steeper glide slope at approximately 5:1 approach path. This technique will reduce the noise exposure on the ground by approximately 80% and is considered an acceptable noise abatement procedure.

The existing heliport will only be used to transport time-sensitive documents between the hours of 7:00 a.m. and 8:00 p.m. and is not approved for general public use or the transport of people or goods. Additionally, the use of the heliport will not be permitted on the weekend. Therefore, the continued use of the existing heliport will not conflict with adjacent uses or impede the normal development of surrounding properties.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

Adequate public and private facilities such as utilities, landscaping, parking and traffic circulation measures are provided upon development of the site. No changes or impacts to these facilities will be generated as a result of the continued operation of the heliport. Additionally, both air and ground traffic circulations were addressed in environmental document Case No. 81-58.

Furthermore, the heliport will be maintained to meet requirements and is equipped with perimeter lights, fire protection equipment, security cameras, and motion alarm detector.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make all the four required findings in favor of the application and was able to justify approval of the case based on the applicant substantiating the findings for a Conditional Use Permit for the continued use of a non-emergency heliport. This use is consistent with the general plan Land Use and Noise Elements because non-emergency heliports are intended to support the efficient operation of the city's downtown core and is conditionally permitted by the Downtown Specific Plan. Additionally, pilots are required to utilize at all times the abatement flight method known as "Flying Neighborly" which reduces noise exposure to surrounding land uses. The recent addition of adjacent residential uses to the existing site were imposed with conditions to the design and construction to include additional insulation in the walls and windows in order to attenuate the exterior noise level in order to achieve the appropriate interior noise level.

The use will not conflict with adjacent uses or impede the normal development of surrounding properties because the non-emergency heliport has been in operation for over 30 years without incident or complaint. Furthermore, the conditions attached to the approval will control the use in a manner necessary to allow the use to properly fit into the specific location.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit 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 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.
3. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
4. That the premises shall be operated in full accord with applicable State, County, and local laws.
5. That access to the premises shall be made available to all City of Glendale Planning Division, Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
6. That all landscape areas shall be kept clean and maintained with live plants free of dead or dying plants.

7. That all mitigation measures agreed to by the original applicant for the negative declaration EIF No. 81-58 shall be complied with at all times except that newer model helicopters of similar size and capacity may also be landed at the facility.
8. That no increase in the number of flights shall be permitted. No flights shall be permitted on Saturdays and Sundays.
9. That no general public use of the facility shall be permitted. The flights authorized shall not be for the regular transportation of personnel, but only for records transfer and personnel related to or incidental to document transportation.
10. That authorization granted herein shall be valid for a period of **20 years until March 18, 2034.**

APPEAL PERIOD (effective date), 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 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 **APRIL 2, 2014** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

APPEAL FORMS available on-line:
<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

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.

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.

Section 30.16.610 of the Glendale Municipal Code, 1995, provides for the Community Development Director to have continuing jurisdiction over any Conditional Use Permit which is or has been granted and may revoke any Conditional Use Permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

REVOCAION, 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 conditional use permit 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.

GMC CHAPTER 30.41 PROVIDES FOR

Termination: Every right or privilege authorized by a conditional 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 conditional 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 conditional 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 who acted on this case. 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,



Kristen Asp
Planning Hearing Officer

KA:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); and case planner-Rathar Duong.