

September 8, 2015

Caruso Affiliated (CAH Acquisition Co. VI, LLC)  
101 The Grove Drive  
Los Angeles, CA 90036

**RE: 238 SOUTH BRAND BOULEVARD  
PARKING EXCEPTION CASE NO. PPPEX 1520674  
(Masonic Temple Retail)**

(DIRECTOR OF COMMUNITY DEVELOPMENT REVIEW)

Dear Sirs:

Pursuant to Chapter 30.32.020, the Director of Community Development has processed an application for a Parking Exception for the property located at **238 South Brand Boulevard**, in the "DSP/M" – Down Town Specific Plan/ Maryland Arts and Entertainment District, and described as a Portion of Lot 12 and Lots 13 through 17, Tract No. 2461, 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 applicant is requesting to construct a new 9,737 square-foot building on a 17,928 square-foot site without providing the minimum number of required on-site parking spaces for a property located at 238 South Brand Boulevard, described as a portion of Lot 12 and Lots 13 through 17, Tract No. 2461.

#### **SUMMARY AND BACKGROUND**

The applicant, Caruso Affiliated, is proposing to construct a one-story 9,737 square-foot commercial building located at 238 South Brand Boulevard. The subject site, approximately 17,930 square feet, is located at the northeast corner of Brand Boulevard and Colorado Street. The site has been vacant for a number of years and is occasionally used as a seasonal pumpkin or Christmas tree sales lot. The proposed building will be located in the western portion of the site, fronting Brand Boulevard. Fourteen (ten of which are in five pairs of tandem spaces) on-site parking spaces are proposed in the eastern portion of the site with access from the public alley. The site is zoned DSP (Downtown Specific Plan)/Maryland Arts and Entertainment District.

## PARKING EXCEPTION REQUEST

The Code requires that new buildings provide a minimum number of on-site parking spaces to serve the eventual new uses. In some cases, a strict application of the parking code to require full on-site parking for these uses is not practical or desirable, and would prevent businesses from locating in the project area.

The new building will contain 9,737 square feet and is intended for retail and restaurant tenants. Retail uses in the DSP require 3 spaces per 1,000 square feet of floor area. Fast food and full service restaurant uses in the DSP require 5 spaces per 1,000 square feet of floor area. The proposed building will accommodate 2,612 square feet of retail space and 7,125 square feet of restaurant space. There are 14 (ten of which are in five pairs of tandem spaces) parking spaces proposed on the subject site. As proposed, these tandem spaces do not comply with the minimum 18-foot parking space length and are 16 feet in length. As a condition of project approval, the proposed tandem spaces shall be eliminated and one row of code compliant parking spaces shall be provided. The analysis contained in this staff report will be based on this provision. Pursuant to the parking requirements in Sections 30.32.030 and .050 of the Glendale Municipal Code, the parking shortfall for the proposed building will be 34 parking spaces (see table below).

Use(s)	Parking Required	Comments
Retail use	3 spaces per 1,000 SF	
Restaurant use	5 spaces per 1,000 SF	
<u>Proposed:</u> SF of retail use	2,612 SF = 7.8 spaces	The new building is required to provide 43 on-site parking spaces. A total of 9 parking spaces will be provided resulting in a shortfall of 34 spaces.
SF of restaurant use	7,125 SF = 35.6 spaces	
	Total = 43 parking spaces	

## REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the Director of Community Development has determined that Parking Exception Case No. PPPEX 1520674, a request for a 29-space parking exception (and conditioned as a 34-space reduction) in conjunction with the construction of a proposed commercial building at 238 South 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, number of spaces or locations specified by the provisions of this title without impairment of the project's viability.**

The required number of parking spaces for the new commercial building cannot reasonably be provided on-site. The subject site is located on the northeast corner of Brand Boulevard and Colorado Street, which is a prominent street intersection in the City of Glendale. The site is a modest 17,928 square feet in area and bounded by Brand Boulevard to the west, Colorado Street to the south, an alley to the east and the Masonic Temple building to the north, which is listed on the Glendale Register of Historic Resources. Given the site's

north. No additional adjacent land can be purchased to provide space for additional parking. While a small, stand-alone building with sufficient parking could be constructed on this modestly-sized site, the resulting development would be appropriate in a more traditional suburban setting rather than in downtown Glendale at one of the city's most prominent intersections. Further, this type of development would not be consistent with the DSP. Providing code-required parking for a building appropriate for the subject site and consistent with the DSP given its small size would require either subterranean or above ground parking. Both of these alternatives would negatively impact the viability of developing the site and the aesthetics of the resulting commercial building.

**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 subject site is located in downtown Glendale on one of the busiest intersections of the city. The DSP governs development of the site and surrounding area. Goals of the DSP include strengthening downtown's pedestrian, bicycle and transit oriented characteristics while ensuring vehicular access to downtown designations and preserving and enhancing the distinctive character of Glendale's downtown buildings, streets and views. As previously mentioned, additional on-site parking could be provided for the proposed building in an above-ground structure. Not only would this arrangement make the project financially infeasible but also the maximum slopes for drive aisles combined with the relatively small site dimensions make this unrealistic.

The project is proposed to contain fourteen on-site parking spaces and as conditioned will contain nine parking spaces. Brand Boulevard to the west and the public alley to the east of the subject site provide significant public metered parking to serve the project site. A public parking lot located on the corner of Maryland Avenue and Harvard Street, a block north of the subject site, and the Americana at Brand parking garage, northwest of the subject site, also provide nearby parking opportunities. The street fronts between the various parking options and the project site contain active pedestrian uses. This situation is consistent with the DSP goal of bolstering downtown Glendale's walkability and ensuring automobile access. Fulfillment of goals of the DSP and availability of a variety of nearby parking options are the mitigating circumstances to ensure that a reduction in the number of parking spaces for the project 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.

Therefore, Parking Exception PPPEX 1520674 is hereby **APPROVED**, subject to the following conditions:

**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. Planning & 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.
4. That the applicant shall provide revised plans showing one row of code-compliant parking spaces and eliminate the tandem parking currently proposed.
5. That the on-site landscape areas be appropriately planted and well maintained.
6. That this parking exception shall not be in effect unless and until the size of the property is increased to the size and dimensions indicated in the submitted plans and a Property Exchange Agreement between the applicant and the City of Glendale is recorded at the County Recorder's Office.

#### **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.

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 **SEPTEMBER 21, 2015** 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.

#### **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.

### **REVOCAION, 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 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, Roger Kiesel, who acted on this case. He may be reached at 818-937-8152 or rkiesel@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,

A handwritten signature in black ink that reads "Philip Lanzafame". The signature is written in a cursive style and is positioned above the printed name.

Philip Lanzafame  
Director of Community Development

PL:TF:RK:sm

CC: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); Dir. Of Public Works (R.Golanian); 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/B. Ortiz); Parks, Recreation and Community Services Dept. (T.Aleksanian); 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 – Roger Kiesel.