

April 10, 2017

Mr. Vijay Sehgal  
2902 Knox Avenue, 2nd Floor  
Los Angeles, CA 90039

**RE: 1820 SOUTH BRAND BOULEVARD  
PARKING EXCEPTION CASE NO. PPPEX 1703990**

(ALSO SEE: VARIANCE PVAR 1605003)

Dear Mr. Sehgal:

On March 29, 2017, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code (GMC), Title 30, Section 30.32.020, on your application for a parking exception to allow a six-story, 26-unit live/work project with less than the required number of "accessible" parking spaces for the project, which is proposed at **1820 South Brand Boulevard**, in the "SFMU" - Commercial/Residential Mixed Use Zone, described as Lots 26 and 27 of Tract No. 1578 (APN 5640-037-036), in the City of Glendale, County of Los Angeles.

At the same hearing, the Planning Hearing Officer also considered a variance application to allow development of the 26-unit live/work project with less than the required 1,000 square-foot minimum live/work unit size (Variance Case No. 1605003).

#### CODE REQUIRES

##### Parking Exception

- (1) Live/work units less than 2,000 square feet in area require three parking spaces, all of which need to be "accessible", as per Section 30.32.180 Chart VI. There are 26 live/work units in the proposed development and, therefore, 78 accessible parking spaces are required.

#### APPLICANT'S PROPOSAL

##### Parking Exception

- (1) To allow 78 parking spaces, 21 of which are in a tandem (non-accessible) arrangement.

#### ENVIRONMENTAL DETERMINATION

An Initial Study was prepared per CEQA guidelines and circulated for the 20-day review period. The Hearing Officer adopted the Proposed Negative Declaration prior to making a determination regarding the applications.

#### **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 parking exception application based on the following:

**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.**

Parking spaces required for the proposed use cannot reasonably be provided in an accessible configuration without impairing the project's viability. The 26 live/work development has a parking requirement of 78 accessible parking spaces (three spaces for each live/work unit less than 2,000 square feet). The project is providing a total of 57 directly accessible parking spaces and 46 tandem parking spaces, for a total of 103 parking spaces on-site. The 46 tandem spaces are not recognized as accessible spaces that can be counted towards the required parking calculation. Therefore, the applicant is requesting a parking exception for 21 "inaccessible" parking spaces that are in a tandem configuration (difference between the 78 required spaces and the 57 accessible spaces provided on-site). The overall total of 103 parking spaces, including all tandem spaces, far exceeds the 78 spaces required for the project.

The shape of the lot and the limited driveway location, in addition to the desire of having active commercial frontage along Brand Boulevard, limit the potential of providing all 78 accessible parking spaces. The subject site is a somewhat odd-shaped corner lot with 115.25 feet of frontage along South Brand Boulevard and 125.78 feet of frontage along Vassar Street. The property is 110 feet deep perpendicular to Vassar Street, and 163.88 feet deep from Brand Boulevard. Given that the Commercial Design Guidelines call for active street frontage along major commercial thoroughfares, the larger live/work units are specifically located fronting Brand Boulevard. The desirability of having an active street front along South Brand Boulevard with the live/work units (as opposed to surface parking) and the necessity of thereby locating the parking ramps on Vassar Street for access to the subterranean and above-grade parking spaces dictated the site planning for the project. The subsequent internal layout for vehicular access and parking was further impacted by the angled property line along Brand Boulevard and the acute angle at the northwest corner of the project site; this unique shape consequently limited the area available for code compliant parking spaces and drive aisles. The site constraints and site plan prevent the location of more than one drive aisle allowing all of the parking spaces to be accessible.

Therefore, approval of the applicant's request to provide tandem spaces is reasonable, given that the spaces cannot be provided in configuration specified by the parking code without impairment of the project's viability, in addition to the fact that a greater number of parking spaces are provided on-site than required by code with the tandem arrangement.

**B. The parking exception will serve to promote specific goals and objectives of the adopted plan for the San Fernando Road Corridor 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.**

The proposed development will be consistent with the goals of this San Fernando Road Corridor Redevelopment Project Area: elimination of the spread of blight and deterioration; achievement of an environment reflecting a high level of concern for architectural, landscape, urban design and land use principles; expansion of the community's supply of housing; and re-planning, redesign and development of areas which are stagnant or improperly utilized. The project will expand the supply of a

relatively unique form of housing (live/work), be designed in an attractive, contemporary style requiring approval by the Design Review Board, and will more fully utilize an important, commercial site at the southerly entrance to the City.

The project is consistent with the various elements of the General Plan. The subject site has a General Plan Land Use Designation of Community/Services Commercial, with a corresponding zoning of SFMU (Commercial/Residential Mixed Use). The zoning designation permits live/work units by right, subject to the provisions of GMC 30.34.090. The project is located along Brand Boulevard, which is deemed a Major Arterial in the Circulation Element. A trip generation memorandum submitted by Jano Baghdanian and Associates determined that trips generated by the project would be far less (13 a.m. trips and 16 p.m. trips) than the 50 trips required to exceed the City's threshold for preparing a traffic impact study, and would therefore, not create a significant impact on the surrounding community. The project is compatible with the goals and objectives of the Housing Element and is commensurate with local and regional needs for housing opportunities in that the live/work development contributes to the provision of a wide range of housing types, and provides high density in proximity to public transportation, services and recreation to meet the needs of current and future residents. The Recreation Element places the property in Recreation Planning Area No. 8, and it does not identify the subject site for public park needs. The Historic Preservation Element does not identify the project property as a historical site. The Safety Element does not identify major hazards that could impact development in the subject area and the Open Space Element does not designate this site as open space. Public and private utilities can accommodate the proposed live/work development, as Glendale Water and Power and the City's Public Works Department did not cite concerns related to providing services to this project.

**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's proposed live/work land use is presently unique to the surrounding neighborhood and to the SFMU zone. The neighborhood adjacent to the proposed project includes industrial uses to the south, single-family residential uses to the southeast, multi-family residential uses to the east and southwest, a fast-food restaurant, car repair uses and banquet hall to the west. The historic Seeley's building and its surface parking lot are located immediately north of the subject site. Several years ago, as part of an overall upgrade and improvement to the Seeley's site, an addition containing three live/work units was constructed at the south-east corner of the site. These are the only other live/work units located anywhere close to the project site.

The live/work development is proposed in the SFMU zone, which is generally located along the southern portion and the west side of San Fernando Road and along Broadway and Colorado Street between Columbus Street and San Fernando Road. With the exception of the Seeley's building addition, no other live/work units have been developed in the SFMU zone. The new Arts Colony project, developed on the former YMCA surface parking lot, located at 121 North Kenwood Street in the DSP zone (approximately two miles from the project site), also features live/work unit. This project would only be the third new live/work development in the City, and as such, a unique proposal for this property that is not a typical use or development in relation to other properties in the same zone and neighborhood.

Furthermore, the parking requirement for this live/work development is greater than the surrounding high-density multi-family residential projects in the area, and the smaller units approved under Variance Case No. 1605003 have the same parking requirement as the larger live/work units. Live/work units have a parking requirement of three (3) spaces for the first 2,000 square feet, per GMC 30.32.050, Table 30-32-A, compared to studio, 1- and 2-bedroom units in multi-family residential projects that require 2 spaces plus ¼ guest space per unit. If the project was parked according to the multi-family residential parking standards, 59 spaces would be required. The live/work project is providing a total of 57 accessible parking spaces, in addition to 46 tandem spaces, for a total of 103 parking spaces on the project site; this amount is far in excess of the 78 spaces required for the live/work project and significantly more if the project was solely multi-family residential. Meanwhile, the nine of the 26 live/work units are approved to be less than the minimum required 1,000 square-foot area minimum (775 square feet and 850 square-foot units), yet these smaller units have the same three space parking requirement as the two largest live/work units within the development (1,800 square feet and 1,980 square feet) that include multiple interior levels. Given the amount of parking required for this live/work development with varying unit sizes, in addition to the unique lot shape and constraints described in Finding A, result in 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.

**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.**

Approval of a parking exception for 21 spaces because they are not considered “accessible” due to their tandem arrangement will not be materially detrimental to the public or injurious to the subject property and surrounding neighborhood. The intent of the Code is to ensure adequate parking is provided on-site that is accessible to the residents and guests. While the City’s parking standards do not recognize inaccessible spaces, the project is providing a total of 57 directly accessible parking spaces and 46 tandem parking spaces, for a total of 103 parking spaces on-site. The provision of extra on-site parking in the form of tandem spaces is a mitigating circumstance available so the project will not be detrimental to the public welfare or injurious to the property or surrounding area.

Furthermore, as a condition of approval, each live/work unit shall be assigned a set of tandem spaces, and that the assignment of additional tandem parking spaces and the restrictions of their use shall be the responsibility of the owner of the premises or the owner’s assigned representative, to the satisfaction of the Director of Community Development.

**CONDITIONS OF APPROVAL**

**APPROVAL** of the **Parking Exception** 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 Planning Hearing Officer.

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. A grading/drainage plan shall be submitted for the Engineering Division's review and approval and shall be made a part of the building plans submitted with the building permit application.
4. Separate permits are required for all work within the public right-of-way. The applicant shall bear all fees for the necessary permits and construction inspection for work within the public right-of-way.
5. The project shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements, including filing a Notice of Intent with the Los Angeles Regional Water Quality Control Board, and the submittal and certification of plans and details showing preconstruction, during construction and post-construction Best Management Practices (BMPs) that are integrated into the design of the project. In addition, the applicant shall submit an approved Standard Urban Stormwater Mitigation Plan (SUSMP) to be integrated into the design of the project.
6. That Design Review approval shall be obtained prior to the issuance of a building permit.
7. 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.
8. That the applicant shall comply with all the requirements of the Building & Safety Section, as specified in their memo dated May 10, 2016, to the satisfaction of the Department Director.
9. That the applicant shall comply with all the requirements of Glendale Water & Power, as specified in their memo dated May 6, 2016, to the satisfaction of the Department Director.
10. That the applicant shall comply with all the requirements of the Public Works Department, Maintenance Services Division, as specified in their memo dated June 7, 2016, to the satisfaction of the Department Director.
11. That the applicant shall comply with all the requirements of Public Works Department, as specified in their memo dated June 10, 2016, to the satisfaction of the Department Director.
12. That the applicant shall comply with all the requirements of the Community Services & Parks Department, as specified in their memo dated May 17, 2016, to the satisfaction of the Department Director.
13. That each live/work unit shall be assigned a set of tandem spaces, and that the assignment of additional tandem parking spaces and the restrictions of their use shall be the responsibility of the owner of the premises or the owner's assigned representative, to the satisfaction of the Director of Community Development.

## 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 **April 25, 2017**, 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>

## GMC CHAPTER 30.41 PROVIDES FOR

### TERMINATION

Every right or privilege authorized by a Parking Exception 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 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.

### 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 Parking Exception.

## 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.

## **REVOCATION**


Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. 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 Conditional Use Permit at least 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, Roger Kiesel, during normal business hours at (818) 937-8185 or via e-mail at rkiesel@glendaleca.gov.

Sincerely,



VILIA ZEMAITAITIS, AICP  
Planning Hearing Officer

VZ:RK:sm

cc: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section (J. Halpert); 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 (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); Rodney Khan –consultant on the project; Jeffrey Roi; Matt Dixon-Abundant Housing LA; and case planner- Roger Kiesel.