



October 6, 2017

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&

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&

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**RE: 3200 FOOTHILL BOULEVARD
VARIANCE CASE NO. PVAR 1703994
(WELLS FARGO BANK)**

Dear Sirs:

On June 28, 2017, 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 Standards Variance to allow a seven foot tall composite fence where a minimum five and one half foot high decorative masonry wall is required adjacent to a residential zone, located at **3200 Foothill Boulevard**, in the CHⁿ - Commercial Hillside Zone, described as Portion of Lot 1, Block I, Crescenta Canada Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

Standards Variance

- (1) A minimum five and one-half (5-1/2) foot high decorative masonry wall shall be provided along the property line abutting any residential zone boundary line

APPLICANT'S PROPOSAL

Standards Variance

- (1) To maintain a seven foot high composite fence adjacent to the property line that abuts a residential zone boundary line.

ENVIRONMENTAL RECOMMENDATION

The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small Structures" exemption pursuant to State CEQA Guidelines Section 15303.

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. The strict application of the provisions of the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.

The Wells Fargo bank site is located in the "CH" Commercial Hillside Zone. The CH zone is located on the north and south sides of Foothill Boulevard, within the City limits. The City's zoning code requires construction of a minimum five and one-half foot high decorative masonry wall along common property lines between commercially- and residentially-zoned properties. In this specific case, the subject site abuts to the south properties zoned R-3050 (Moderate Density Residential). The intent of the masonry wall requirement is to provide privacy and a buffer, both physical as well as for noise and light between more intense commercial uses and less intense residential uses. The applicant constructed a seven-foot high composite fence instead of the minimum five and one-half foot high decorative masonry wall.

In the present situation, strictly applying the provisions of the ordinance (requiring a masonry wall) would result in a practical difficulty and an unnecessary hardship inconsistent with the intent of the ordinance. There is an existing retaining wall located at the rear of the residential properties that varies in height from seven feet, along the western portion of the lot, to about one-foot, six-inches along the eastern portion of the lot. Construction of a block wall (as opposed to the composite fence) in the same location as the composite fence will negatively impact the structural integrity of the retaining wall (as well as six existing garages located on the residential properties) and require significant demolition, excavation, and shoring on both the commercial and residential properties. Constructing a masonry wall at a location that would not impact the existing retaining wall (further north on the commercial site) would render the commercial property very difficult to develop and would create a "no-man's-land" between the commercial property and residential properties.

The seven-foot high composite fence provides an appropriate screen, which will maintain the privacy of the residential uses to the south of the subject site. Conditions are added to the approval of the variance enabling the fence to provide an appropriate physical, noise and lighting buffer between the two uses. To more effectively buffer noise and lighting, additional vertically-oriented plants shall be installed within the landscape area in the southern portion of the subject site. To

provide a more effective physical buffer, additional bollards shall be installed within this same landscape area. It would be an unnecessary hardship and practically difficult to either construct a masonry wall at the present location of the composite fence, with the associated demolition, excavation and shoring, or at a location further north on the subject site (in the middle of the parking lot), where this associated work would not be necessary, particularly when the composite fence, as conditioned, meets the intent of the masonry wall requirements.

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.

The subject property slopes approximately seven feet from the west to the east. In addition, it is also at a higher elevation than the residential properties to the south. To address this elevation change, the residential properties are developed with retaining walls in their rear yards. The severe elevation change between the subject property and the residential properties to the south, as well as the existing retaining walls on the residential properties, are the unique conditions applicable to this project that warrant granting the variance.

The purpose of the decorative masonry wall, in conjunction with a five-foot wide landscaping planter and thirteen, 24-inch box trees along the rear property line, is for privacy and to provide a buffer between the commercially- and residentially-zoned properties. The seven-foot high composite fence achieves these goals because it shields the residential properties from the parking lot on the subject site and it is higher than the minimum required five and one-half feet, so additional privacy is provided. The subject fence allows the existing retaining walls to remain in place without removing or modifying them. In addition, construction of a block wall near the existing retaining walls would require both the subject property and the residential properties to the south to be re-graded with required shoring. The seven-foot tall composite fence accomplishes the goals of providing an adequate physical, noise and light buffer (as conditioned with additional landscaping and bollards) and protecting the privacy of the residential neighbors, while not requiring extensive excavation and shoring.

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.

Allowing the composite fence, instead of the masonry wall, will not be detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located because the purpose of requiring a masonry wall between commercial and residential properties is to provide privacy and a buffer for the residential use. The composite fence, as conditioned, achieves this. The seven-foot high fence provides privacy for the residential use. To bolster buffering, a condition of approval is added to the project to install supplemental plant material with vertically-oriented growth within the five-foot wide landscape area in the southern portion of the subject site. The fence also provides a physical, noise and lighting buffer. Bollards are currently located within the landscape area between the composite wall and the parking lot. To provide a more physical buffer, additional bollards shall be installed within the landscape area between the existing bollards.

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

The variance will not be contrary to the objectives of the ordinance because one of the objectives of the Glendale Municipal Code is to provide a buffer between commercial and residential uses. Most of the city's commercial zones are adjacent to residential zones and the Zoning Code requires five-foot wide landscaping areas, a 24-inch box tree for every 20 feet of residentially-zoned adjacent property and a block wall as means to buffer the two uses. The project includes the landscape area and trees. The seven-foot high fence, as conditioned, in conjunction with the landscape area and trees will provide privacy and an effective physical buffer as well as mitigation for noise and light between the subject site and residential uses.

CONDITIONS OF APPROVAL

APPROVAL of the Standards Variance 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 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 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.
4. 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 Planning Hearing Officer.
5. The site as well as the landscaping areas shall be maintained in good condition with live plants and free of weeds and trash.
6. 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 variance are complied with.
7. Supplemental vertically-oriented plants shall be installed within the 5-foot wide landscape area located in the southern portion of the site. The Planning Hearing Officer shall review and approve the selection of plant material.
8. Additional bollards shall be installed between the existing bollards located within the landscape area. Plans showing the locations of these bollards shall be reviewed and approved by the Planning Hearing Officer.

APPEAL PERIOD

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 **OCTOBER 23, 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>

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.

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 variances, administrative use permits, 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.

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.

Extension

An extension of the Variance 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 Variance

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.

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. 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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Brad Collin, at 818-548-3210 or bcollin@glendaleca.gov

Sincerely,



Roger Kiesel
Planning Hearing Officer

RK:BC: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 (P. Cassanova); General Manager for Glendale Water & Power (S. Zurn); Glendale Water & Power - Water Section (G. Tom/S. Boghosian); Glendale Water & Power - Electric Section (B. Alshanti/B. Ortiz); Community Services & Parks Dept. (A. Isayan); Neighborhood Services Division (J. Jouharian/R. Sada); Integrated Waste Management Admin. (C. Marcarello); Maintenance Services Section Admin. (D. Hardgrove); Street & Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); Susan Bolan; Mary-Lynn Fischer; Wolfgang Krause; Emily Lanigan; Sherry Stubs; Bill and Sharon Weisman; and case planner Bradley Collin.