

May 26, 2015

Mr. Armen Tatevossian
530 N. Kenwood Avenue #1
Glendale, CA 91206

**RE: ADMINISTRATIVE EXCEPTION NO. PAE 1506444
129-133 W. Los Feliz Road, Glendale, CA 91204**

Dear Mr. Tatevossian:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44, an Administrative Exception has been processed to allow for a three foot reduction or 13 percent deviation (less than 20%; GMC 30.12.030 and Table 30.12-B) from the required 23 foot minimum interior setback adjacent to residential zones for a new three-story medical office building, located at **129-133 West Los Feliz Road**, described as Lots 18 and 19 of Block 2 of the Vine Cottage Tract, in the City of Glendale, County of Los Angeles, in the C3 (Commercial Services) zone.

ENVIRONMENTAL RECOMMENDATION: An initial study was prepared per CEQA guidelines and circulated for the 20-day review period, starting on April #, 2015. Two mitigation measures were proposed regarding construction-related noise impacts. The Hearing Officer adopted the Proposed Mitigated Negative Declaration prior to making a determination regarding the AE application.

REQUIRED/MANDATED FINDINGS:

After thorough consideration of the statements contained in the application, the plans submitted therewith, the Community Development Director has **GRANTED WITH CONDITIONS** your application based on the following:

- A. The granting of the exception will result in design improvements, or there are space restrictions on the site that preclude full compliance with the Code requirements without hardship.**

The requested Administrative Exception is to allow for a three foot reduction or 13 percent deviation from the required minimum interior setback adjacent to a residential zone (GMC 30.12.030, Table 30.12-B). The project is a new three-story medical office building, consisting of two levels of medical offices over one level of at-grade and one level of subterranean parking totaling 65 spaces. The project site is a vacant 100 ft. by 176.5 ft. lot, zoned C3, located across from Glendale Memorial Hospital and abutting the R-1650 Medium High Density Residential zone to the rear. The building at its highest point is 46 feet, although the majority of the building is only 43 feet to the top of the parapet. According to Code, the minimum interior setback for this project adjacent to the multi-family residential zone is 23 feet (one foot for every two feet of height for the entire building). The AE request is to provide a 20 foot interior setback (13% deviation from Code) for the medical office building.

There are space restrictions that preclude full compliance with the 23 foot interior rear setback without hardship. The project has been designed to maximize the buildable leasing square footage while addressing certain setback requirements from various City divisions and providing the minimum parking spaces required by Code. In order to maintain non-fire rated exterior walls with vision windows on both sides of the medical office building, the building façades need to maintain a minimum of 10 feet from the interior property lines, thereby limiting the width of the building. No such setback is required for this property by the zoning code. The front of the building is limited by the 9'-3" clearance required by GWP from the existing utility poles at the sidewalk. Following project application submittal for the Design Review, the Public Works Engineering Division determined that a three foot dedication was required in order to provide a 10 foot sidewalk. Given the additionally required three foot building setback for the sidewalk easement, the applicant is forced to consider either decreasing the existing building depth/length or shifting the building back three feet. The layout of the parking spaces grids and the building's structural grid are wholly integrated, so a loss of three feet would result in the loss of five parking stalls. The reduction in building depth/length would also affect the interior medical office use space planning layout and space utilization efficiency. Therefore, the applicant is requesting to entirely shift the building three feet, thus accommodating the sidewalk dedication requirement while still making the project viable and in compliance with parking requirements.

B. The granting of the exception 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 three foot reduction in the interior setback at the rear will not be materially detrimental to the public welfare or injurious to the surrounding properties. The adjacent properties to the north include a surface parking lot and driveway serving a two-story apartment building with tuck-under parking on the ground floor, and a one-story detached residential unit behind a one-story triplex building. The project will still feature an interior setback of 20 feet from the common property line, providing separation from, as well as adequate light, air and ventilation between, the two different uses (commercial and residential). Furthermore, the rear adjacent properties sit approximately four feet higher than the proposed building grade; this differential helps reduce the perceived massing of the project in relation to the adjacent residential uses. Therefore, granting a three foot reduction to the interior setback is not expected to have negative impacts on the neighborhood or public welfare.

C. The granting of the exception will not be contrary to the objectives of the applicable regulations.

The purpose of the administrative exception procedure is to provide a simplified means for considering applications for minor deviations from the code standards. These standards have been developed to allow reasonable use of properties in order to promote the public health, safety, and general welfare. The proposed reduction in the rear interior setback for the new medical office building will provide adequate separation between the different uses and structures. Additionally, the project complies with the remaining C3 Zoning Code standards, including the required number of parking spaces, which would not be the case if the required 23 foot interior setback was provided. Therefore, granting a 13 percent exception of less than the 23 foot interior rear setback will not be contrary to the objectives of the applicable regulations.

CONDITIONS OF APPROVAL:

APPROVAL of this Administrative Exception shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans presented in conjunction with the application for the Administrative Exception for reduced interior rear setback adjacent to a multi-family residential zone, except 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 permits shall be obtained from the Building and Safety Section and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That any expansion or modification of the building, which is different than what is represented as part of this Administrative Exception application, shall require a new application, as determined by the Director of Community Development.
4. That the project shall obtain Design Review Board approval.
5. That the on-site and off-site improvements specified in the Interdepartmental Comments submitted by the Public Works Engineering Division, as revised on March 18, 2015, shall be complied with and/or completed, as necessary, to the satisfaction of the Director of Public Works and the Planning Hearing Officer.
6. That the premises be maintained in a clean orderly condition, free of weeds, trash, and graffiti.

APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS:

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 Building and Safety Section upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before June 10, 2015**, in the Permit Services Center, 633 E. Broadway, Room 101.

GMC Chapter 30.41 provides for:

TERMINATION: Every right or privilege authorized by a variance, a conditional use permit, parking reduction permit, parking use permit, or Density Bonus Housing Plan 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: Variances, conditional use permits, design review, parking reduction, parking use permits, administrative exceptions, and Density Bonus Housing Plan. 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 such variance, conditional use permit, design review, parking reduction, parking use permit, administrative exception, or Density Bonus Housing Plan.

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, 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 shall punish any person convicted of a misdemeanor. 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.

REVOCACTION:

Section 30.64.020 – Revocation – The Planning Division shall have continuing jurisdiction over variances, conditional use permits, and administrative exceptions (individual cases heard and decided upon by the Hearing Officer). To consider the revocation, the Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a variance 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 Vilia Zemaitaitis 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.

Sincerely,



Howard R. Malis
City Resource Specialist

HM:VTZ:vtz

Attachment: Resolution to Adopt Proposed Mitigated Negative Declaration

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

WHEREAS, the Director of Community Development considered the Initial Study prepared on behalf of Administrative Exception Case No. PAE 1506444 to allow for a three foot reduction or 13 percent deviation (less than 20%; GMC 30.12.030 and Table 30.12-B) from the required 23 foot minimum interior setback adjacent to residential zones for a new three-story medical office building, located at **129-133 West Los Feliz Road**, described as Lots 18 and 19 of Block 2 of the Vine Cottage Tract, in the City of Glendale, County of Los Angeles, in the C3 (Commercial Services) zone, and approved on May 6, 2015, a Proposed Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act; and

WHEREAS, the Proposed Mitigated Negative Declaration was made available for a 20-day public review and comment period starting May 6, 2015; and

WHEREAS, a Final Mitigated Negative Declaration has been prepared incorporating any comments received during the review period and any responses to those comments; and

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

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

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

WHEREAS, the Glendale Planning Division has been identified as the custodian of record for the Mitigated 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 Mitigated Negative Declaration prepared on behalf of Administrative Exception Case No. PAE 1506444.

Adopted this 26th day of MAY, 2015



Planning Hearing Officer