



**CITY OF GLENDALE, CALIFORNIA**

Community Development  
Planning

633 E. Broadway, Suite 103  
Glendale, CA 91206-4311  
Tel. (818) 548-2140 Fax (818) 240-0392  
glendaleca.gov

February 17, 2021

Vardan Kasemyan  
600 West Broadway - Suite 350  
Glendale, CA 91204

**RE: 1127 NORTH PACIFIC AVENUE  
VARIANCE CASE NO. PVAR 2015878**

Dear Mr. Kasemyan:

On December 16, 2020, 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 Variance to allow the addition of a 97 square-foot atrium with a zero street front setback to an existing 1,752 square-foot dental office (West Dental Care), located in the "C1" - (Neighborhood Commercial) Zone, located at **1127 North Pacific Avenue**, described as a Portion of lot 79, Tract No. 6324, in the City of Glendale, County of Los Angeles.

Applicant's Proposal

- (1) To allow the addition of a 97 square-foot atrium with a zero street front setback to an existing 1,752 square-foot dental office (West Dental Care), located in the "C1" - (Neighborhood Commercial) Zone.

Code Requires

- (1) Buildings and structures are required to provide a five (5)-foot street front setback in the "C1" - (Neighborhood Commercial) Zone.

Environmental Determination

This project is exempt from environmental review as a Class 1 "Existing Structure," per Section 15301(e)(1) of the State CEQA Guidelines because this project is proposing an addition will not result in an increase of more than 50 percent of the floor area.

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

- A. That the strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.**

The strict application of the provisions of the street front setback requirements would result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the ordinance because of site development constraints and the existing floorplan of the dental office. The project site is zoned C1 (Neighborhood Commercial), is approximately 6,030 square feet in size and is developed with a one-story, 1,752 square-foot, commercial building with at-grade parking at the rear. The footprint of the existing building occupies a majority of the front portion of the lot along North Pacific Avenue. The shared driveway leading to the parking takes up the remainder of the front part of the lot. An existing, four-foot wide American Disability Act (ADA) ramp is parallel to the sidewalk adjacent to the existing building and leads to a landing adjacent to the building entrance. The landing is proposed to be enclosed as a 97 square-foot atrium. An approximately 30 square-foot (4-feet x 7.5-feet) portion of the atrium encroaches within the minimum five-foot street front setback required in the C1 zone.

Site development constraints prohibit the proposed atrium, which will function as a secondary lobby to the medical office, from locating elsewhere on the site. The site is developed with only the medical office building and surface parking. Locating the atrium elsewhere on the property would require modifications to the existing, legal non-conforming parking lot at the rear of the property and adversely impact parking space depth and width, backup, and/or landscaping requirements. Further, it would defeat the purpose of having a secondary lobby at the rear of the building, when patients enter the dental office from the front of the property into the existing lobby.

The existing floor plan of the dental office constricts the applicant from using existing space within the building for the new atrium without substantially changing office operations. Each space in the office has its dedicated use and purpose, including four treatment areas, a bathroom, a break room, administrative rooms and a camera room. Altering the existing floor plan to create a secondary lobby would impose unnecessary hardship given the specialty nature of many of the rooms.

As already mentioned, the subject site is zoned C1. This zone is intended for small shopping centers, professional buildings, services centers and other commercial activities providing goods and services to the surrounding residential neighborhoods. To maintain the health, safety and general welfare and assure compatibility with the surrounding residential neighborhoods, commercial uses and building heights shall be restricted and buffering techniques incorporated into the development design. The variance will not alter the use of the subject site. It will remain a professional (dental) office, which is a permitted use in this zone, and serve the nearby residents



as well as the larger Glendale community. The building height will not increase. Buffering of residential neighborhoods is commonly accomplished through the use of setbacks. However, in the present case, the requested setback encroachment is on the street-front (east side) rather than the west side, which is adjacent to residences, and, therefore, compatibility will not be compromised. Further, a number of nearby commercially-developed properties along Pacific Avenue are already developed with no street front setback and the minor 30-square-foot encroachment currently proposed is consistent with this. Taking the existing development of the property and building layout into consideration, the proposed location of the atrium is appropriate, particularly given it is consistent with the intent of the C1 zone.

**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.**

There are conditions applicable to the property involved that do not apply generally to other property in the same zone or neighborhood because of an existing covenant agreement on the property and unique site and building layouts that significantly limit the atrium location.

A seven (7) space at-grade parking lot is currently located at the rear of the subject site. Pursuant to a recorded 2000 Covenant Agreement, five (5) parking spaces need to be maintained in connection with the use of the building. Access to these spaces, along the southern property line, and the remaining two (2) tandem spaces, near the northern property line, which are not discussed in the covenant are jeopardized if the atrium is constructed behind the building. Further, the existing dental office floor plan constricts the applicant from significantly altering existing spaces without substantially changing office operations, since many of the rooms have specialty uses. Therefore, enclosing the existing, uncovered landing is the most appropriate means to construct the atrium secondary lobby addition to the dental office building.

**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.**

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 because the elimination of the street front-setback would not reduce the buffer for the adjacent residences, is consistent with the commercial development pattern and will not impact the parking lot at the rear of the subject property. As mentioned previously, one of the intents of the C1 zone is to assure compatibility with the surrounding residential neighborhoods by incorporating buffering techniques into the development design. Approximately 30 square feet of the proposed 97-square-foot atrium will encroach into the east (street front setback) along Pacific Avenue, which is a commercially-developed street. Adjacent residential uses to the subject site are to the

west and, therefore, will not be impacted whatsoever from the variance requested. The requested zero (0) street front setback, which will be approximately seven and one half (7.5) feet in length along the street frontage, is consistent with the development pattern in the immediate neighborhood, particularly the southern parcels of North Pacific Avenue featuring a prevailing street front setback pattern of zero (0) foot. The proposed atrium will not change the street-facing façade drastically, as the building already has the appearance of having zero (0) street front setback due to the ADA ramp and the uncovered landing located at the front. Additionally, the proposed atrium will need to be reviewed from a design standpoint. This review will ensure that the design of the atrium will not detrimentally impact the surrounding neighborhood from a design perspective.

The proposed atrium will not affect the existing, legal non-conforming parking lot at the rear of the subject property. Dental offices require five (5) spaces per every 1,000 square-foot of floor area. The 97 square-foot addition, including the 30 square-foot encroaching into the setback will not require additional parking spaces, and, therefore, the atrium can be constructed without affecting the existing legal non-conforming parking lot. The seven (7) space parking lot will continue to adequately serve the dental office. Furthermore, various divisions and departments reviewed the project and cited no major concerns regarding the variance request.

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

The granting of the variance will not be contrary to the objectives of the ordinance because the purpose of setback requirements is to assure effective separation between properties and uses, provide landscaped areas for visual relief and respect the existing or preferred neighborhood character to maintain an attractive rhythm and streetscape. This is critical in a typical development pattern where buildings address the street the same way in a repeating pattern. Given the manner in which the immediate area has been developed, North Pacific Avenue does not function nor provide benefits of typical street-front landscaping. The proposed zero (0) street front setback along seven and one-half (7.5) feet of street frontage for the dental office building is similar to other buildings on the street as those buildings also feature zero (0) street front setbacks. The variance request gives the applicant a reasonable opportunity to improve the existing building similar to other commercial buildings in the immediate vicinity. Further, separation between uses is not impacted in the present case as the residential development is adjacent to the west of the subject site and the requested setback variance is along the eastern property line.

## **CONDITIONS OF APPROVAL**

**APPROVAL** of this Variance shall be subject to the following conditions:

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.



2. That all necessary permits (i.e., building, fire, engineering, grading, 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 the premises shall be made available and accessible to any authorized City personnel (Building, Fire, Police, Neighborhood Services, Planning, etc.), for inspection to ascertain that all conditions of approval of this variance are complied with.
4. That State Accessibility Standards be met for all parking requirements and building entrance accessibility as required by the Building and Safety Division.
5. That additional or other building code requirements or specific code requirements (i.e. CA Green Building Code, etc.) will be required upon submittal of plans for building plans check and permit.
6. That compliance with GBSC 2020, section 117 for "Refuse and Recycling Storage" rooms is required.
7. That Design Review approval shall be obtained prior to the issuance of a Building Permit.
8. That this variance is for the approximately 30 square-foot proposed addition (out of the total 97 square-foot addition) to the existing building, which encroaches into the minimum five (5)-foot street-front setback. Any expansion or modification of the facility or use shall require a new variance application. Expansion shall constitute adding of additional floor area or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.

#### **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. Appeals must be filed prior to expiration of the 15-day period, on or before **MARCH 4, 2021**.

Information regarding appeals, appeal forms and fees may be obtained by calling the Community Development Department (CDD) staff at 818-548-2140, or the case planner at (818) 937 -8178 (email: [mhahm@glendaleca.gov](mailto:mhahm@glendaleca.gov))



**APPEAL FORM is also available on-line:**

<https://www.glendaleca.gov/home/showdocument?id=11926>

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the MARCH 4, 2021 deadline (mailed to Community Development Department – Planning Division, Attention Minjee Hahm, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Minjee Hahm at MHahm@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact Minjee Hahm at 818-937-8178 to make arrangements with the cashier. Note: The standard 2.5% fee for **credit card payment** applies.

#### **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.

#### **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.

##### 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.

##### Extension

Variances 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. 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.

### **REVOCAION, CONTINUING JURISDICTION**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances (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.

### **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 (Minjee Hahm at 818-937-8178) first and then, the Planning 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,  
Philip Lanzafame  
Director of Community Development



Roger Kiesel  
Planning Hearing Officer

RK:MH:sm

CC: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. Van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Dir of Public Works (Y.Emrani); Traffic & Transportation Section (P.Casanova); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove/T.Dodson); Street and Field Services Admin.; Engineering and

Environmental Management (C.Chew/R. Villaluna); General Manager for Glendale Water and Power; Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian); and case planner and case planner – Minjee Hahm.