

Case No. 2101078

Date 7/27/2022

Submit 3 copies of this application, along with the required fee, to:

Permit Services Center (PSC), 633 East Broadway, Rm. 101, Glendale, California, 91206 (Monday thru Friday, 7:00 am to 12:00 pm);

Or to:

Community Development Department (CDD), 633 East Broadway, Rm 103, Glendale, California, 91206 (Monday thru Friday, 12:00 pm to 5 p.m.).

For more information please call the PSC at 818.548.3200, or the Planning Division at 818.548.2115.

Please complete (PRINT or TYPE) the following information:

**PART 1 – NOTICE TO APPELLANT (please read carefully)**

- This form must be prepared, and 3 copies filed, within 15 days of the date of the decision being appealed.
- Every question must be answered.
- If a question does not apply, you must answer "does not apply" or words to that effect.
- Failure to properly fill out this notice or failure to make a sufficient statement of a case in this notice, even if in fact you have valid and sound grounds for appeal, may cause your appeal to be dismissed forthwith.
- Attach additional pages for long answers.
- Prior to completing this form, read the Glendale Municipal Code, Title 2, Chapter 2.88 Uniform Appeal Procedure on the City's webpage at [www.ci.glendale.ca.us/gmc/2.88.asp](http://www.ci.glendale.ca.us/gmc/2.88.asp)

**PART 2 – APPELLANT INFORMATION**

A. Anand Desai anand@s2kdev.com  
First Name Last Name Email Address

B. 1628 Victory Blvd Suite 101 Glendale CA 91201 (818) 208-4700  
Street Address City State Zip Code Area Code - Phone Number

**PART 3 – APPEAL BACKGROUND INFORMATION**

- State the name or title of the board, commission or officer from which this appeal is taken \_\_\_\_\_  
Design Review Board
- Were you given written notice of the action, ruling or determination? Yes ☐ No ☒  
If "Yes," attach a copy of the written notice and write the date you received it here \_\_\_\_\_  
If "No," give the following information concerning your receipt of notice of the action, ruling or determination.  
Date \_\_\_\_\_ Time \_\_\_\_\_ Location \_\_\_\_\_ Manner \_\_\_\_\_
- State generally what kind of permit, variance, ruling, determination or other action was the basis for the decision from which the appeal is taken \_\_\_\_\_  
\_\_\_\_\_82 room hotel project was approved with multiple conditions \_\_\_\_\_
- State the specific permission or relief that was originally sought from the board, commission, or officer \_\_\_\_\_  
Approval of the 82 unit hotel project without conditions number 1, 3, and 4.
- Were you the party seeking the relief that was originally sought? Yes ☒ No ☐  
If "No," how are you involved with the permit, variance, ruling, determination, or other action referred to above? \_\_\_\_\_
- Does this matter involve real property? Yes ☒ No ☐  
If "Yes," give the address, or describe the real property affected \_\_\_\_\_  
1633 Victory Blvd, Glendale, CA 91201

#### PART 4 – STATEMENT OF ERROR

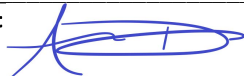
- A. Do you contend that there was a violation of a specific provision of law, which forms the basis for this appeal? ☒ Yes ☐ No If "Yes", state each specific provision of law that you contend was violated: This project complies with all development standards for the particular zone in which it is located. The allowable setback for zone is 10 feet. The applicant proposes 11 ft 6 inch setback The DRB is violating the development standards by imposing an additional setback.
- B. Do you contend that the board, commission or officer exceeded its authority by virtue of any of the provisions of law given in answer "A"? ☒ Yes ☐ No If "Yes", state which provisions, and state specifically each act that was in excess of authority: The board exceeded its authority by imposing requirements on the applicant beyond what is allowed by the City of Glendale Planning Department.
- C. Do you contend that the board, commission or officer failed to fulfill a mandatory duty by any provision of law given in answer "A"? ☒ Yes ☐ No If "Yes", state which provision, and the specific duty that it failed to exercise: The Design Review Board failed to adhere to the standards as set by the City of Glendale Planning Department.
- D. Do you contend that the board, commission or officer refused to hear or consider certain facts before rendering its decision? ☐ Yes ☒ No If "Yes", state each such fact, and for each fact, state how it should have changed the act, determination or ruling: \_\_\_\_\_
- E. Do you contend that the evidence before the board, commission or officer was insufficient or inadequate to support its action, determination or ruling or any specific finding in support thereof? ☐ Yes ☒ No If "Yes", state what evidence was necessary, but lacking: \_\_\_\_\_
- F. Do you contend that you have new evidence of material facts not previously presented, which if considered should change the act, determination or ruling? ☐ Yes ☒ No If "Yes", state each new material fact not previously presented to the board, commission or officer. For each fact, state why it was not available, or with the exercise of reasonable diligence could not have been discovered and previously presented by the appellant: \_\_\_\_\_

Statement of additional facts related to the appeal: Applicant proposed a project that is "By-Right". The applicant's project complies with every standard and requirement for Hotel Development set by the City of Glendale Planning Department. The Design Review Board exceed it's authority by imposing an additional setback that would eliminate rooms for the project and ultimately render the project financially unfeasible.

The foregoing statements, contained in PARTS 2, 3 and 4 above, are true and correct to the best of my knowledge and belief.

Anand Desai

Appellant's Name – Please Print



Appellant's Signature

July 27, 2022

Date Signed

#### FOR STAFF USE ONLY

Date Stamp

Date received in Permit Services Center \_\_\_\_\_ Received by \_\_\_\_\_

Fee paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

# Appeal

Case No. 2101078

Date July 28, 2022

Submit 3 copies of this application, along with the required fee, to: RECEIVED

Permit Services Center (PSC), 633 East Broadway, Rm. 101, Glendale, California, 91206 (Monday thru Friday, 7:00 am to 12:00 pm);

Or to:

Community Development Department (CDD), 633 East Broadway, Rm 103, Glendale, California, 91206 (Monday thru Friday, 12:00 pm to 5 p.m.).

For more information please call the PSC at 818.548.3200, or the Planning Division at 818.548.2115.

Please complete (PRINT or TYPE) the following information:

CITY OF GLENDALE  
CDD PLANNING DIVISION

2022 JUL 29 P 3:51

## PART 1 – NOTICE TO APPELLANT (please read carefully)

- A. This form must be prepared, and 3 copies filed, within 15 days of the date of the decision being appealed.
- B. Every question must be answered.
- C. If a question does not apply, you must answer “does not apply” or words to that effect.
- D. Failure to properly fill out this notice or failure to make a sufficient statement of a case in this notice, even if in fact you have valid and sound grounds for appeal, may cause your appeal to be dismissed forthwith.
- E. Attach additional pages for long answers.
- F. Prior to completing this form, read the Glendale Municipal Code, Title 2, Chapter 2.88 Uniform Appeal Procedure on the City’s webpage at [www.ci.glendale.ca.us/gmc/2.88.asp](http://www.ci.glendale.ca.us/gmc/2.88.asp)

## PART 2 – APPELLANT INFORMATION

- A. Phillip Marks  
First Name Last Name Email Address
- B. 313 Winchester Ave. Glendale CA 91201 818-244-3454  
Street Address City State Zip Code Area Code - Phone Number

## PART 3 – APPEAL BACKGROUND INFORMATION

- A. State the name or title of the board, commission or officer from which this appeal is taken \_\_\_\_\_
- B. Were you given written notice of the action, ruling or determination? Yes \_\_\_ No X  
If “Yes,” attach a copy of the written notice and write the date you received it here \_\_\_\_\_ n/a  
If “No,” give the following information concerning your receipt of notice of the action, ruling or determination.  
Date July 14, 2022 Time 5:00 PM Location Council Chambers Manner DRB hearing
- C. State generally what kind of permit, variance, ruling, determination or other action was the basis for the decision from which the appeal is taken Approval with conditions
- D. State the specific permission or relief that was originally sought from the board, commission, or officer \_\_\_\_\_  
Project Applicant sought approval of NEW application project (de novo) of 82 room hotel abutting R-1 residential property
- E. Were you the party seeking the relief that was originally sought? Yes \_\_\_ No X  
If “No,” how are you involved with the permit, variance, ruling, determination, or other action referred to above? Owner of adjacent R-1 zoned residential property
- F. Does this matter involve real property? Yes X No \_\_\_  
If “Yes,” give the address, or describe the real property affected 313 Winchester Ave. Glendale CA 91201

PART 4 – STATEMENT OF ERROR

A. Do you contend that there was a violation of a specific provision of law, which forms the basis for this appeal?

X Yes \_\_\_ No If "Yes", state each specific provision of law that you contend was violated: \_\_\_\_\_

1.

The design approval was based on a City Council decision of 2019 that was not vetted by City traffic officials and lends itself to public trespassing upon the adjacent privately owned property; violating the rights of adjacent neighbor. Furthermore, the above described 2019 decision to create a driveway composed of 1/2 public and 1/2 private property CREATES a safety hazard for users of public alleyway and sets aside public property for the use of a private business which expects the majority of it's incoming traffic to occupy area allocated for use by ALL of the public.

Standard alleyway speed limit is 15 mph, and legal width is 20'. 4' expansion of alleyway creates a 'pseudo-street' portion of of a public right of way in part which can not expect or enforce the set speed limit of 15 mph to be practiced. The City should avoid creating a situation that:

a. confuses the driving public as to the legal and safe speed of travel

b. requires the public to forfeit portions of a public right of way for a private business' overflow or queuing.

c. creates inconsistency of the perceived nature of a public service alleyway and public right of way

d. creates any situation that directs public traffic onto private property

e. creates any situation that could endanger the health, safety, or risk fatality on public or private property

f. creates traffic situations that increase the risk of damage to private property

g. per the Applicant's admission the "vast majority" of hotel clientele will access the development via this public alleyway

2.

Not all members of the Design Review Board acted in a fair and impartial manner expected of a board appointed by a higher quasi-judicial authority. In considering only the Applicant's financial needs, some members of the Design Review Board failed to provide equal consideration of financial implications for any affected members of the neighborhood or public. Considerations of any party's financial implications (whether development costs or devaluation due to development) are beyond the Design Review Board's purview. (see Municipal code cited below)

3.

Per staff's comments, CEQA began 5 years ago for the previous design. This is a new project and application. In response to GK Law, staff indicated that it relied on a MND for a different project. CEQA baseline average daily trips should have been accurately updated and applied in a manner contemporary for an application considered "de novo." The new application was submitted in January 2021. The lot's use was near zero for years before

that, and at zero since February 2019. During the COVID-19 pandemic lock-downs, not even maintenance traffic was present. A new MND should be required because:

This is a NEW application, for a NEW project of NEW and different design, assigned a NEW case number, classified as "de novo", confirmed by DRB as "de novo," and for which approval or denial of the NEW design does not affect the status of the old design. A NEW MND should be drawn which includes NEW environmental report data that includes ground sampling previously neglected ("parked cars" cited as reason for not testing). New MND should also include notation of roof level asbestos found since previous appeal. Above ground level asbestos presents a greater potential hazard to nearby neighbors and elementary school beyond that previously found at ground level.

4.

Official Glendale City design guidelines should be applied completely along the northern side of the proposed development for functional applications in addition to those merely aesthetic. Applying only partial stepped setbacks of development mass addressed views from publicly visible perspectives, but did not go far enough to address concerns from adjacent property owner affecting: solar access rights, privacy, nuisance.

B. Do you contend that the board, commission or officer exceeded its authority by virtue of any of the provisions of law given in answer "A"? X Yes \_\_\_ No If "Yes", state which provisions, and state specifically each act that was in excess of authority:

Board Chair exceeded the DRB's City ordinance defined purview when contemplating the personal financial needs of the Applicant to make this project "pencil out." (See ordinance citation in additional supporting facts below.)

The DRB Board Chair failed to maintain impartial, non-biased decision making procedure when empathizing with developer financial needs while implying adjacent neighbor performed inadequate research purchasing next to commercial property. Applicant should be held to the same pre-purchase research expectations to ensure his project was feasible while constrained by abutting R-1 residential and public alleyway.

Board Chair overstepped the DRB's purview when taking into account the needs or requirements of commercial hotel brands (Marriott, Hyatt, or Hilton) to determine building feasibility for the Applicant.

C. Do you contend that the board, commission or officer failed to fulfill a mandatory duty by any provision of law given in answer "A"? X Yes \_\_\_ No If "Yes", state which provision, and the specific duty that it failed to exercise:

The Design Review Board avoided fully addressing public safety issues surrounding the alleyway on the western side of the proposal for their authoritative inability to do so. The previous 4' alleyway expansion was assigned by City Council in 2019. The Applicant and DRB chose not to address the design related flaw and treated it as unquestionable precedent due to its assignment by a higher authority. It's reconsideration can only be addressed, or staff prefers it be addressed, by the same level of authority that imposed it, which is City Council.

D. Do you contend that the board, commission or officer refused to hear or consider certain facts before rendering its decision? X Yes \_\_\_ No If "Yes", state each such fact, and for each fact, state how it should have changed the act, determination or ruling:

1. Blind spot creation by 8' wall at Winchester Avenue spanning the northern property line threatens the public

safety for: elementary school students, parents, neighbors, pets, non-neighbor pedestrians, and the adjacent property. A portion of the proposed development's north-east corner should be stepped back further on the eastern, Winchester side. The current design uses the same design method to to reduce blind spots at the south-east corner (Victory and Winchester). The same, or similar, design should be applied to the corner next to the adjacent R-1 residential property driveway. And a fencing material allowing visibility should be required at the eastern end, at least equal to an extended setback on the Winchester Ave. side that allows visibility of approaching pedestrians which is not possible through a block wall. Current west side setback is 3'.

2. The DRB did not consider setting conditions allowing an adequate solar easement for the adjacent neighbor, but did acknowledge the validity or benefit of doing so. I appeal to City Council to allow for such easement in consideration of:

• California Policy to Promote Solar Energy – Section 65850.5(a) provides that it is the policy of the state of California to “promote and encourage the use of solar energy systems and to limit obstacles to their use.”

1) the adjacent property has always been a non-gas metered or plumbed, all-electric home.

2) The City Council's recent and current energy direction of reducing grid dependence and encouragement of residents to implement renewable, clean energy alternatives.

3) The City's future energy goals to meet State mandates, and create conditions to reduce further natural gas necessity at our Grayson Power Plant.

4) A City Council application of our stepped setback guidelines is necessary along the full length of the northern side of proposal because adjacent neighbor has no protection from Applicant through the California Solar Rights Act Section 801.5(b) or California's Solar Shade Control Act without an agreement by the Applicant - which is not possible to obtain. At this time, Glendale has no formal solar easement ordinance of their own, so only maintaining the stepped setback guideline can serve this functional purpose, which (as staff has noted) is inline with the spirit of the previous hotel design for this site.

3. (see also Part 4 Answer "A" item 3 above)

Though staff used BRC (Business Registration Certificates) to determine ancillary use, all users functioned under a single roof and the lot was subdivided for three businesses without permitting even though they registered with the City as individuals entities. At the time of use, even a fourth business existed under the same roof (auto upholstery) unknown to the City, plus one non-permitted modification used unofficially for residential purposes. However, the lot's original structural intent has always been a single user location under a single roof.

Regarding Subsequent MND VMT (Vehicle Miles Traveled) Analysis, staff admits that there is no ITE (Institute of Traffic Engineers) data regarding ADT's (Average Daily Trips) and relies on inaccurate assumptions (with inadequate knowledge of the site's usage). Prior uses including an upscale auto dealer, a Volvo dealership/repair, a three service bay mechanic, auto upholstery service, and unofficial use as a private residence. The City lacks any accurate data in relation to these conditions. REGARDLESS of past uses, and traffic estimate inaccuracies, the CEQA baseline should reflect the traffic usage at the time when the new project application was submitted, after years of vacancy, and under post-pandemic reduced traffic conditions. Baseline zero.

The DRB did not respond to GK Law's representative, even though VMT is an important State mandated (SB 743) measurement in line with our current Council's values as a tool for assessing environmental impacts under

CEQA. It is used to assess a project's transportation impacts affecting greenhouse gas emissions, air quality, and energy.

4. The DRB did not adequately address comments regarding fire safety, noise, or other nuisance issues, along northern side of the proposed project caused by the placement of a smoking deck terrace. The City of Glendale has acknowledged flaws in its ordinance violations reporting and enforcement policies/procedures. It is not appropriate or acceptable to create circumstances that require a single unique R-1 residential property owner to become a vehicle for the purpose of enforcing city ordinances.

E. Do you contend that the evidence before the board, commission or officer was insufficient or inadequate to support its action, determination or ruling or any specific finding in support thereof?   X   Yes    No

If "Yes", state what evidence was necessary, but lacking:

The grounds along the northern property line at the western end have never been tested for ground contaminants even though they are a known dumping ground for automotive liquids (oil, transmission fluid, antifreeze, brake fluid, etc.) and land on which their associated parts frequently rested with no ground protections (liners, planks, or containers). The Applicant's environmental studies are incomplete and inadequate. Applicant's report indicated that these grounds were not tested for reasons of cars parked along that portion of the lot. However, cars could have been easily moved at the time, and none have occupied that space for many years since testing. The environmental reports are not fully conclusive, and the MND and Subsequent MND should have been rejected. The Applicant should be required to test the grounds which he previously neglected to test. Since the above mentioned cars were removed after the time of testing, superficial contaminants are visible, including automotive liquid stains and metallic solids protruding above the ground surface.

F. Do you contend that you have new evidence of material facts not previously presented, which if considered should change the act, determination or ruling?   X   Yes    No If "Yes", state each new material fact not previously presented to the board, commission or officer. For each fact, state why it was not available, or with the exercise of reasonable diligence could not have been discovered and previously presented by the appellant:

See above comments regarding roof level asbestos in section "A."

See above comments regarding ground contaminants in section "F."

See below comments regarding DRB not hearing evidence regarding the quality of Applicant's other known establishment supporting expected conditions of current proposal.

Statement of additional facts related to the appeal:

**1. Glendale Municipal Code 30.47.030 Authority (supporting comments made above regarding DRB purview)**

Section F Item 4: The design review board may review final design review projects listed in this subsection H when, in the opinion of the director of community development, a new building or structure, or alteration or addition to an existing building or structure is determined by staff to be incompatible with the surrounding neighborhood character or with existing buildings or structures on the lot. In making their determination of incompatibility, staff shall consider evidence such as neighborhood predominance of street front setback, roof styles, use of eaves and overhangs, variation in plane (both horizontal and vertical), building location on the site,

massing, scale, use of colors and materials and other architectural treatments which, if otherwise ignored, could be injurious to surrounding properties.

Section I Item 1: The review authority may impose conditions related to site planning, design, general layout, and appearance

...

the review authority may impose conditions to address impacts related to construction and grading, including, but not limited to, haul routes, protection of indigenous trees and requirements and conditions of approval of any city department that are reasonably related to the public health, safety or welfare. The review authority shall approve, approve with conditions or deny the design of the project.

2. Per City Council's own direction to our Design Review Board, the DRB acted presumptuously when approving this project with an excessive number of conditions. These conditions included items that in and of themselves should have been considered cause for redesign, and the Applicant should have been required to submit revised plans and renderings reflecting staff's (and DRB-requested) conditions.

3. Architectural style: Previously agreed and acceptable color scheme, style, and materials were changed from those consistent with Glendale Riverside Rancho to those dictated by a non-neighborhood resident hotel chain. The DRB (of whom none are known to be neighborhood residents) allowed the Applicant to deviate profoundly from architectural style consistent or appropriate with the surrounding equestrian, semi-rural, and suburban Riverside Rancho neighborhood for the sake of appeasing a hotel chain's requirements for labeling and branding.

4. Past behaviors of the Applicant and Applicant's development team indicate erroneous assumptions on the part of the DRB Chairman regarding the Applicant's level of respect for the surrounding community and propensity for neglect of the current development site; and expectations of the nature of the finished development project. The DRB Chairman worked on the assumption that the Applicant's behavior would be bound and adhere to "contracts" required by a non-community resident commercial hotel chain. The DRB did not review evidence of the Applicant's other known establishments to ascertain or exemplify the low level quality of performance that can be expected of the Applicant. The Applicant's previous participation in a proposed project indicate a hostility toward, and inability to work with, the surrounding community.

In support of point 4 above, the proposal offers:

a. NO public green space

b. NO service inviting, or available, to the public (such as restaurants, cafe or access to purchase beverages)

5. Inconsistencies in plans and renderings: Applicant's plans and renderings do not accurately reflect surrounding neighborhood conditions or improvement nature of the adjacent property. It should be unacceptable for our Planning Department to allow plans and rendering that deviate so far from the known reality of surrounding factors.

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Due to time constraints, and the design-specific focused nature of this appeal, I will bring further points not included in this application to City Council via future public comments and during the upcoming appeal hearing. These are topics directly related to the project, but not necessarily design specific, which are relevant to City concerns. These do not need to be addressed by Planning Department staff in considering the DRB's handling of this case and are not included in this application.

I reserve the right to bring to City Council any new discovery of design flaw not included in, and discovered subsequent to, filing this application.

The foregoing statements, contained in PARTS 2, 3 and 4 above, are true and correct to the best of my knowledge and belief.

Appellant's Name – Please Print Phillip Marks  
Appellant's Signature *Phillip Marks*  
Appellant's Date Signed \_\_\_\_\_

|   |                   |
|---|-------------------|
| FOR STAFF USE ONLY                            |                   |
| Date received in Permit Services Center _____ | Received by _____ |
| Date Stamp _____                              |                   |

Fee paid \_\_\_\_\_ Receipt No. \_\_\_\_\_



**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

## DESIGN REVIEW BOARD RECORD OF DECISION

**Meeting Date** July 14, 2022 **DRB Case No.** PDR. 2101078  
**Address** 1633 Victory Blvd  
**Applicant** Anand Desai c/o AV Hospitality, LLC

### Project Summary:

To modify a previously approved three-story hotel project on a 21,647 square-foot lot, located in the C3 (Height District I) Zone. A 35,575 square-foot, 64-room hotel with a two-level subterranean garage with 64 parking spaces and a total export of 12,348 cubic yards of soil was approved with conditions by the Design Review Board (DRB) in January 2019, and appealed to City Council (the "Original Project"). In May 2019, City Council voted to adopt the MND and sustain the DRB's approval. AV Hospitality, LLC is proposing to revise the Original Project by expanding the building to accommodate an additional 18 guest rooms and increasing the building square footage by 6,735 square feet (the "Revised Project"). The Revised Project would still be three-stories, but would expand the building footprint towards the northern interior property line and revise the interior setback from 15-feet to -11 feet; it would eliminate portions of the Outdoor Terrace located above the one-story volume at the eastern building elevation. The Revised Project would consist of 82 rooms, 42,310 square feet, and include a two-level subterranean garage with 67 instead of 64 parking spaces.

### Environmental:

| Board Member        | Motion | Second   | Yes | No | Absent | Abstain |
|---------------------|--------|--|-----|----|--------|---------|
| Lockareff           |        |  |     |    | X      |         |
| Minas               |        |  | X   |    |        |         |
| Simonian            |        |  | X   |    |        |         |
| Tchaghayan          |        | X  | X   |    |        |         |
| Welch               |        |  | X   |    |        |         |
| Totals              |        |  | 4   | 0  |        |         |
| <b>DRB Decision</b> |        | Adopt Subsequent Mitigated Negative Declaration. |     |    |        |         |

9. Prior to & Building & Safety plan check submittal, the rooftop mechanical screens are to be lowered to comply with the Zoning Code and for applicant provide plans demonstrating how the roof top equipment will be adequately obscured from view.
10. The overall pattern and placement of materials at the north facade should be redesigned at the upper floor levels (second and third) to improve the hierarchy of applied finishes, as well as improve the appearance of the façade.
11. Provide greater articulation and design character at the north façade, possibly by providing variation in parapet heights, changes in wall plane, incorporation of windows featuring high sill heights to preclude views toward the neighbors to the north, and/or other design revision to achieve this goal.
12. Revise the design of the street façade at the lobby to make it more distinctive and inviting, possibly by widening its street frontage, incorporating additional architectural design features, and/or other design changes to achieve this goal.
13. Prior to Building & Safety plan check submittal, a lighting plan shall be provided to staff demonstrating lighting detail that are appropriate to the building design and shielded to avoid spillover onto adjacent properties.

#### **Determination of Compatibility: Site Planning**

The proposed site planning is appropriate, as modified by any proposed conditions, to the site and its surroundings for the following reasons:

- Similar to the Original Project, the Revised Project's building footprint follows the square shape of the lot. While the Revised Project proposes to reduce the northern interior setback to 11-feet, 6-inches, the proposed street and interior setbacks of the building will comply with the Zoning Code.
- Traffic circulation onto and within the site will remain the same as the Original Project. Access into the subterranean garage will be via an existing alley located west of the project site and away from the Victory Boulevard/Winchester Avenue intersection.
- The revised outdoor terrace at the second level is appropriately sited on the building. However, staff recommends that the landscape planter span the entire length of the outdoor terrace and the 7-foot tall screen wall with acoustical panels be returned to the planter to visually obscure and buffer potential noise onto the neighboring property.
- Ground cover and shrubs will be provided along the right-of-ways to provide texture and pedestrian interest at the street level. Staff recommends a condition for the landscaped design at the northern interior yard to be revised to include a similar variety of canopy trees, shrubs and ground cover as was provided by the Original Project to provide visual relief for the abutting parcel. Additionally, staff recommends that the paved walkway at the northern interior yard be eliminated and return the layered landscaping design that was provided by the Original Project. Portions of the paved walkway providing emergency egress out of the building and onto the public alley should remain.