



CITY OF GLENDALE, CALIFORNIA  
Office of the City Attorney

613 E. Broadway, Suite 220  
Glendale, California 91206-4394  
(818) 548-2080 Fax (818) 547-3402  
www.glendaleca.gov

August 17, 2022

**Via Electronic Mail Only**

Grant Michals  
2710 Piedmont Avenue, Apt. 12  
Montrose, CA 91020  
E-mail: grant@michals.com

**Re: Public Records Request Dated August 8, 2022**

Dear Mr. Michals:

This correspondence is in response to your public records request to the City of Glendale ("City"), dated August 8, 2022, seeking "[a]ll materials relating to proposed project at 246 N. Jackson Case # PDBP2120753 including but not limited to documents provided by applicant, internal emails, and public correspondence. Electronic delivery is acceptable."

Due to the voluminous amount of records responsive to your request, the records are being provided to you via a City of Glendale "One Drive" link contained in the email transmitting this letter. Among these records, the City has also included a word document it created with hyperlinks to some of the records that can be found on the City's website. Please contact Kristina Nazarian of the City Attorney's Office at (818) 548-2080 if you have any questions about the "One Drive" link or the hyperlinks, or are having trouble downloading or accessing the records in the link.

Please note that the City Attorney's Office determined certain records are exempt from production under the California Public Records Act, and those are withheld from production and/or redacted. Such records include, but are not limited to, preliminary drafts, notes and memoranda exempted pursuant to Government Code section 6254(a) and records exempt from disclosure based upon privilege pursuant to Government Code section 6254(k), including, but not limited to, documents protected by the attorney-client privilege, work product privilege, or deliberative process privileges.

Sincerely,

*MICHAEL J. GARCIA, CITY ATTORNEY*

By: Yvette Neukian  
Yvette Neukian,  
Principal Assistant City Attorney

Mr. Grant Michals  
August 16, 2022  
Page 2 of 2

cc: Mike Garcia, City Attorney – [Mgarcia@glendaleca.gov](mailto:Mgarcia@glendaleca.gov)  
Gillian van Muyden – [GVanMuyden@glendaleca.gov](mailto:GVanMuyden@glendaleca.gov)  
Aram Adjemian, Assistant City Clerk – [Aadjemian@glendaleca.gov](mailto:Aadjemian@glendaleca.gov)

**246 North Jackson Street; Density Bonus – PDBP2120753**

1. June 1, 2022 Planning Hearing Officer Hearing agenda and all materials:

<https://glendaleca.primegov.com/Portal/Meeting?meetingTemplateId=32861>

2. July 7, 2022 Planning Hearing Officer Decision:

<https://www.glendaleca.gov/home/showpublisheddocument/67546/637927948509311685>

## Neukian, Yvette

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**From:** Neukian, Yvette  
**Sent:** Tuesday, November 8, 2022 10:07 AM  
**To:** Catherine Jurca  
**Subject:** RE: documentation regarding vacation of easement

Hi Cathy,

I did not make the statement you are attributing to me at the Planning Commission appeal hearing. I re-listened to the tape and I believe the statement you are referring to was actually made by Ms. Pruett, who stated: ".... there were further discussions that happened that weren't shown in the slides . . ." Ms. Pruett never stated there were documents or records related to this issue that were not provided in response to the public records request, nor am I aware of any records or documents concerning this subject outside of what has already been provided to Grant in response to his public records request. The public records request was very broad and requested every record regarding this project, which is why there were thousands of pages of records provided. In other words, all records related to the project, including the subject matter you referenced, have already been provided, and to the best of our Office's and staff's knowledge, there are no additional documents or records related to the project that have not already been provided.

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Yvette Neukian, Principal Assistant City Attorney • City of Glendale • Office of the City Attorney

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The City Attorney's Office is committed to serving the City's legal needs during the COVID-19 pandemic. Consistent with guidance from the City, as well as county, state, and federal authorities, our attorneys and staff may be working remotely for an undetermined period of time. Please know that we are making every effort to respond promptly, but there may be some delays in our responses. Be assured that we are monitoring email and voicemail, and we will respond to your inquiry as soon as possible. Because staff may not receive regular U.S. mail or other deliveries during this period of time, please also e-mail copies of anything you send by regular mail and provide notification of delivery (i.e. for tracked mail or packages). Service of process of court or similar documents must be made pursuant to prior arrangement with the attorney who appeared on your case. Finally, please ensure all communications include a telephone number where you can be reached.

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-----Original Message-----

**From:** Catherine Jurca <cathjurca@gmail.com>  
**Sent:** Wednesday, November 2, 2022 9:37 PM  
**To:** Neukian, Yvette <YNeukian@Glendaleca.gov>  
**Subject:** documentation regarding vacation of easement

CAUTION: This email was delivered from the Internet. Do not click links, open attachments, or reply if you are unsure as to the sender.

Hi Yvette. You mentioned tonight that in my presentation I didn't include any documents regarding the City's decision to allow Art Simonian to count property he doesn't own (by vacating the old easement) to claim enough square footage to achieve a base density of 6.096 (seven) units.

As I mentioned tonight, nothing related to this decision was to be found in the 7,000 documents produced in the public records requested by Grant.

Would you please send all of the documents related to that decision, including texts and drafts of emails or emails recovered from trash? Consider this a request under the California Public Records Act. As you know, no specific form needs to be filled out to make a Public Records Act request. If any of these documents are redacted, please remember you must site a reason for redaction for each and every document. No blanket redactions will do. And do not redact senders and recipients of emails or the subject.

Thanks,  
Cathy

## Neukian, Yvette

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**From:** Neukian, Yvette  
**Sent:** Tuesday, February 7, 2023 8:29 AM  
**To:** Grant Michals  
**Cc:** Garcia, Michael; van Muyden, Gillian  
**Subject:** RE: 246 N. Jackson  
**Attachments:** 246 N Jackson June 20 email with attachment.pdf

Dear Mr. Michals,

If you read the email directly below your email of last night, you will see that I already sent you the document (the Findings of Fact sent to me by Mr. Simonian, that was an attachment to an email dated June 20, 2022). The email from me that had the document was sent to you on January 11, 2023 at 2:46 pm (see below), two days after you requested it.

However, I am providing it again—it is attached to this email (please see PDF attachment here). The last three pages of the PDF contains the Findings of Fact (directly following the email).

Please acknowledge receipt of this email and the attachment. If you would prefer, I can also send this document to you via U.S. mail. Please advise.

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Yvette Neukian, Principal Assistant City Attorney • City of Glendale • Office of the City Attorney

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**From:** Grant Michals <grant@michals.com>  
**Sent:** Monday, February 6, 2023 10:14 PM  
**To:** Neukian, Yvette <YNeukian@Glendaleca.gov>  
**Subject:** RE: 246 N. Jackson



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Dear Ms. Neukian:

Please send the Findings of Fact provided to you by Mr. Simonian as an attachment to an email dated June 20, 2022. I requested this document on January 9.

Thank you,

Grant Michals

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**From:** Neukian, Yvette <[YNeukian@Glendaleca.gov](mailto:YNeukian@Glendaleca.gov)>

**Sent:** Wednesday, January 11, 2023 4:46 PM

**To:** Grant Michals <[grant@michals.com](mailto:grant@michals.com)>

**Subject:** RE: 246 N. Jackson

Dear Mr. Michals,

Per your request below, attached please find the email of June 20, 2022 attaching the Findings of Fact (the attachment follows immediately after the email).

With respect to your request for the LLC agreement, as we previously advised you in September of 2022 when we provided you records in response to your public records request, our Office determined that the Operating Agreement for Artshar LLC, though a public record, was exempt from disclosure. It was redacted in its entirety/withheld (due to redaction) due to the harm that disclosure of the document would have to the owner's/applicant's privacy interests and interest in maintaining the confidentiality of private financial/business affairs; in particular, releasing the agreement would expose the LLC and its members to publication of sensitive private contractual financial terms and potentially expose it to fraud or other crimes, among other dangers. In addition to this harm, our office determined that there was very little to no public interest in disclosing the LLC agreement because it was not relevant or related to the project decision or the appeal of such decision and was only sent to the City to show that the person signing the application as the owner was indeed an owner of the LLC. Accordingly, on the facts of this particular case, the public interest served by not making the record public outweighs the public interest served by disclosure of the record. Gov. Code, § 7922.000 (formerly Gov. Code, § 6255). Weighing the public interest in nondisclosure and the public interest in disclosure under the public interest exemption is a balancing test. CBS Broadcasting, Inc. v. Superior Court (2001) 91 Cal.App.4th 892, 908. The CPRA does not specifically identify the public interests that might be served by not making the record public under the public interest exemption, but the nature of those interests may be inferred from specific exemptions contained in the CPRA. The scope of the public interest exemption is not limited to specific categories of information or established exemptions or privileges. Each request for records must be considered on the facts of the particular case in light of the competing public interests. Times Mirror Co. v. Superior Court (1991) 53 Cal.3d 1325, 1338. In this case, our Office determined that, on balance, the LLC agreement qualifies under this exemption from disclosure under the California Public Records Act.

Please let me know if I can be of further assistance

Sincerely,

Yvette Neukian

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Yvette Neukian, Principal Assistant City Attorney • City of Glendale • Office of the City Attorney

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**From:** Grant Michals <[grant@michals.com](mailto:grant@michals.com)>  
**Sent:** Monday, January 9, 2023 2:15 PM  
**To:** Neukian, Yvette <[YNeukian@Glendaleca.gov](mailto:YNeukian@Glendaleca.gov)>  
**Subject:** 246 N. Jackson

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Dear Ms. Neukian,

In reviewing the documentation provided, we have a few requests:

Please provide the Findings of Fact submitted by Art Simonian as an email attachment on June 20, 2022.

Please provide the LLC agreement, which is part of the public record.

Thank you for your continued efforts.

Sincerely,

Grant Michals  
[grant@michals.com](mailto:grant@michals.com)



**From:** [Art Simonian](#)  
**To:** [Pruett, Cassandra](#); [Neukian, Yvette](#)  
**Cc:** [Zemaitaitis, Vilija](#)  
**Subject:** RE: 246 Jackson Ave  
**Date:** Monday, June 20, 2022 4:32:10 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Revised Waiver Findings 246 N Jackson-6-17-2022.rtf](#)  
**Importance:** High

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Hi Yvette: thank you again for taking the time to speak to me regarding the waiver findings for the subject property. Per our discussion and per Cassandra's request below attached are the revised waiver findings for the 246 N. Jackson project.

Please let me know if I can be of any further assistance.

Sincerely,

Art Simonian  
Principal  
Metro Investments  
450 North Brand Boulevard  
6<sup>th</sup> Floor  
Glendale, CA 91203

Phone- 818-246-0092  
Email- [asimonian@metinvestments.com](mailto:asimonian@metinvestments.com)  
Web- [www.metinvestments.com](http://www.metinvestments.com)

---

**From:** Pruett, Cassandra [<mailto:CPruett@Glendaleca.gov>]  
**Sent:** Wednesday, June 15, 2022 3:04 PM  
**To:** Art Simonian  
**Cc:** Zemaitaitis, Vilija  
**Subject:** RE: 246 Jackson Ave

Hi Art,

Staff needs additional information about the project in order to make the waiver findings of fact. The waiver finding of fact standard (see below) is centered on "physically preclude," yet the focus of the justification that was provided for the project is it would make the project financially feasible or reduce costs, which is not the standard. We need the waiver finding to be written to use evidence that without the waivers the project would be physically precluded from being built. Can you please provide this revised write up and information?

1. The application of said development standard(s) will have the effect of **physically precluding** the construction of the housing development at the density and with the incentives or concessions granted pursuant to this chapter;

Looking forward to yours,

Cassandra Pruett, AICP | Planner | City of Glendale  
633 East Broadway, Room 103 | Glendale, CA | 818-937-8186  
[cpruett@glendaleca.gov](mailto:cpruett@glendaleca.gov) | [www.glendaleca.gov](http://www.glendaleca.gov) | [Follow us!](#)

**From:** Art Simonian <[asimonian@metinvestments.com](mailto:asimonian@metinvestments.com)>  
**Sent:** Wednesday, June 8, 2022 6:20 PM  
**To:** Pruett, Cassandra <[CPruett@Glendaleca.gov](mailto:CPruett@Glendaleca.gov)>  
**Subject:** 246 Jackson - Trees

**CAUTION: This email was delivered from the Internet. Do not click links, open attachments, or reply if you are unsure as to the sender.**

Hi Cassandra, attached is some additional information about the flora and fauna of the site. I've highlighted the existing tree specimens on the property. I hope this helps. Thank you,

Art Simonian  
Principal  
Metro Investments  
450 North Brand Boulevard  
6<sup>th</sup> Floor  
Glendale, CA 91203

Phone- 818-246-0092  
Email- [asimonian@metinvestments.com](mailto:asimonian@metinvestments.com)  
Web- [www.metinvestments.com](http://www.metinvestments.com)

The applicant is requesting the following Two (2) waivers necessary in order to make the project affordable pursuant to GMC Section 30.36.080 (B).

- 1) A waiver from the minimum unit size requirements in GMC 30.11.050
- 2) A waiver to allow an increase in floor area ratio ("FAR") in GMC section 30.11 .020 table 30.11 B

Besides the requested waivers the project does not include any additional waivers of any Building and Safety, Fire Department, Engineering or other requirements pertaining to health or safety.

**A. The application of said development standard(s) will have the effect of physically precluding the construction of the housing development at the density and with the incentives or concessions granted pursuant to this chapter;**

**A waiver from the minimum unit size requirements in GMC 30.11.050, whereby the units listed below do not meet the minimum unit size and are slightly shy of the minimum unit size requirements.**

- unit 102 - 1 bedroom at 574 SF is only 26 SF shy, or 4.33%, of the minimum 600 SF requirement
- unit 103 - 1 bedroom at 574 SF is only 26 SF shy, or 4.33%, of the minimum 600 SF requirement
- unit 202 - 1 bedroom at 574 SF is only 26 SF shy, or 4.33%, of the minimum 600 SF requirement
- unit 203 - 1 bedroom at 574 SF is only 26 SF shy, or 4.33%, of the minimum 600 SF requirement
- unit 204 - 2 bedroom at 768 SF is only 32 SF shy, or 4.0%, of the minimum 800 SF requirement
- unit 302 - 1 bedroom at 574 SF is only 26 SF shy, or 4.33%, of the minimum 600 SF requirement
- unit 303 - 2 bedroom at 768 SF is only 32 SF shy, or 4.0%, of the minimum 800 SF requirement

The California density bonus laws dictate a density calculation methodology that results in a maximum number of units for a given project site, which for the subject property equates to a maximum allowable density of 11-units. It is the applicant's intent is to optimize the project's density with a balanced unit mix consisting of 1-bedrooms and 2-bedrooms within this allowable 11-unit density. The requested waiver is required to allow relief to provide for a more balanced unit mix that will meet the desired 11-unit program of the proposed development project and the minimum unit size requirements in GMC 30.11.050 would physically preclude the construction of the housing development at the density and with the incentives or concessions granted pursuant to this chapter.

As an example, unit 102 is 26 SF shy of the minimum 600 SF requirement for a 1-bedroom unit. However, unit 102 is a functional contemporary 1-bedroom urban in-fill unit. As designed, the 26 SF is inconsequential since the unit has a functional kitchen, a functional living area, an above average bedroom area, a private bathroom, a private washer and dryer and adequate storage/closet area. Without the requested waiver, all (Five) 5 of the proposed 1-bedroom units of the project would be categorized as studio-units versus one-bedroom dwelling units. Similarly, units 204 and 303 are each 32 SF shy of the minimum 800 SF 2-bedroom requirement, and without the requested waiver these two units would be categorized as one-bedroom dwelling units versus two-bedroom dwelling units.

Without the requested waiver the project would consist of five (5) studios and six (6) one-bedroom units which would physically preclude the construction of the housing development at the allowable 11-unit density and with the desired unit mix, and with the incentives or concessions granted pursuant to this chapter. In addition to the increased number of bedrooms the requested waiver will improve and will

balance the project's unit mix, thereby attracting families to the project.

The proposed decrease in the minimum unit size is minor and the most drastic proposed deviation is only 4.33% shy of the minimum requirement. While the units listed above are smaller than the minimum requirements of GMC Section 30.36.080 (B), the project will meet building and safety codes and there are similarly sized residential units elsewhere in the City. Furthermore, the current trend of urban infill multifamily unit sized is smaller in footprint compared to traditional units built during the latter part of the 20<sup>th</sup> century. The requested minimum unit size waiver will provide the creation of a greater number of bedrooms and will allow the very low income affordable unit to be a two bedroom unit versus a one-bedroom unit. Without the waiver it will be physically impossible to build a project with a balanced unit mix and would preclude the development of the property by rendering the project unbuildable.

**In accordance with GMC section 30.11 .020 table 30.11 B, applicant is requesting a waiver to allow an increase in floor area ratio ("FAR") to 1.32 (9,760 SF) where a maximum FAR of 1.20 (8,904 SF) is permitted.**

Similar to the minimum unit size waiver, the requested waiver to exceed the FAR maximum is necessary to accommodate added floor area in order to achieve a more balanced unit mix as an 11 unit development project. If the project were to comply with the FAR maximum of 1.2, the project would be penalized with, not only smaller residential units, consisting of studios and one-bedroom units, but also a project consisting of only 10-total units versus the maximum allowable 11-units.

The additional FAR allows for a 11-unit project with a more balanced unit mix consisting of six (6) two-bedroom units and five (5) 1-bedroom units. Similarly, the increased FAR of 856 SF allows for the one very low income affordable unit to be a 2-bedroom versus a 1-bedroom unit; hence the creation of an affordable unit to accommodate a larger very low income family. As a result, the strict application of the FAR development standard would physically precluding the construction of the housing development at the 11-unit density and with the incentives or concessions granted pursuant to this chapter

The Density Bonus Housing Plan meets the requirements of Government Code Section 65915 because at least 14% of the total units of the housing development are for very low income households. The waivers result in a project with an appropriate unit sizes, an appropriate number of bedrooms and a balanced unit-mix, to attract families to the project and thus render the project feasible to build per the maximum allowable 11-unit density and with the incentives or concessions granted pursuant to this chapter.

- B. The waiver or reduction in development standards will not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;**

The waivers will have no specific adverse impact upon public health and safety or the physical environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The applicant is seeking approval of waivers pursuant to California Government Code Section 65915 and GMC Chapter 30.36 (Density Bonus Incentives) in order to provide one (1) unit affordable to very low income households. No specific adverse impacts upon public health or safety or on the physical environment or on any real property that is listed in the California Register of Historical Resources would occur by granting the requested waivers.

While the units listed above are smaller than the minimum requirements of GMC Section 30.36.080 (B), the

proposed project will meet building and safety codes and there are similarly sized residential units elsewhere in the City. Furthermore, the current trend of urban-infill multifamily unit is sized smaller in footprint compared to traditional units built during the latter part of the 20<sup>th</sup> century. Similarly, while the floor area of the proposed project is slightly greater than the maximum requirements of GMC Section 30.11.030, the project will meet building and safety codes and there are multiple examples affordable projects with similar FAR deviations elsewhere in the City. There are no requested waivers of any other Building and Safety, Fire Department, Engineering or other requirements pertaining to health or safety.

**C. The waiver or reduction in development standards will not have an adverse impact on any real property that is listed in the California Register of Historical Resources;**

The waivers will not have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse. The applicant is seeking approval of two waivers pursuant to California Government Code Section 65915 and GMC Chapter 30.36 (Density Bonus Incentives) in order to provide one (1) unit affordable to very low income households. No specific adverse impacts upon public health or safety or on the physical environment or on any real property that is listed in the California Register of Historical Resources would occur by granting the requested waiver. Besides the requested waivers, the project does not include any additional waivers of any Building and Safety, Fire Department, Engineering or other requirements pertaining to health or safety.

**D. The waiver or reduction in development standards will not be contrary to state or federal law;**

The waivers will not be contrary to state or federal law and do not require any other discretionary entitlement. The waivers will not be contrary to any state or federal laws.