



CITY OF GLENDALE, CALIFORNIA  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division

633 East Broadway, Room 103  
Glendale, California 91206-4386  
(818) 548-2140 (818) 548-2144  
(818) 548-2115 Fax (818) 240-0392  
www.ci.glendale.ca.us

September 7, 2011

Edward Hagobian  
220 South Kenwood Street, #210  
Glendale, CA 91205

RE: 3431 LINDA VISTA ROAD  
APPEAL CASES: STANDARDS VARIANCE CASE NO. PVAR 2010-009, AND  
CONDITIONAL USE PERMIT CASE NO. PCUP 2010-020

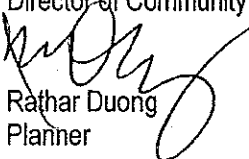
Dear Mr. Hagobian:

The Planning Commission of the City of Glendale, at its meeting held on September 7, 2011, conducted a public hearing on your appeals regarding Standards Variance Case No. PVAR 2010-009 and Conditional Use Permit Case No. PCUP 2010-020 for a property located at 3431 Linda Vista Road. After due consideration, the Planning Commission **reversed** the Planning Hearing Officer's decision denying said standards variance and conditional use permit applications and **APPROVED** said applications, subject to the findings and conditions listed in the motion adopted by the Planning Commission on September 7, 2011. Copies of the two motions are attached.

Under the provisions of Chapter 30.62.060 of the Glendale Municipal Code, any person affected by the decision of the Planning Commission has the right to appeal said determination to the City Council 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 at the hearing. Any appeal must be filed within fifteen (15) days following the actual date of such action (**September 22, 2011**). Appeal forms will be provided upon request and must be filed in the Building and Safety Division, 633 East Broadway, Room 101, together with the required filing fee for such appeal, prior to expiration of the fifteen (15) day period.

If you have any questions, please do not hesitate to call Rathar Duong, Planner at (818) 937-8185.

Sincerely,  
Hassan Haghani, AICP  
Director of Community Development Department

  
Rathar Duong  
Planner

Attachments: Motions

CC: City Clerk; Police Dept. (Lt. S. Davey); City Attorney's Dept. (M.Garcia); Dir. Of Redevelopment and Housing Dept.- (E. Tatevosian); Fire Prevention Engineering Section-(D.Nickles); Community Planning Dept.-(H.Malis); City Engineer; Dir. of Public Works Dept.; Water Section (R.Takidin); Electric Section (M.Kelley/M.Jackson); Dir. of Parks, Recreation and Community Services Dept.(M.Stirdivant); Neighborhood Services Admin. (S. Delis); Integrated Waste Management Admin. (D.Hartwell/T.Brady); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Ollataguerra);Traffic & Transportation Admin. (T.Mitchell); Crystal Properties Ltd.-prop owner; Alfie Shanfeld; Dan & Edie Hayes; James Murphy; Kent Vallette; John & Palma Vincenti; Michael Pontrelli; Kenny & Suzan Tintorri; Greg Guzik; Brian Duran; Bill Nicoll; Michele Selfman; Stewart & Nancy Reed; Mary Baldwin; Rondi Werner; and case planner – Rathar Duong.

RD:ar:sm



## MOTION

Moved by Planning Commissioner Yesayan, seconded by Planning Commissioner Astorian that upon review and consideration of all materials and exhibits of current record relative to Standards Variance Case No. PVAR 2010-009, located at 3431 Linda Vista Road, and after having conducted an appeal hearing on said matter, that the Planning Commission hereby **Reverses** the Planning Hearing Officer's decision and **APPROVES** said Standards Variance Case No. PVAR 2010-009 based on the following findings pursuant to Title 30, Chapter 30.43.030, Glendale Municipal Code:

### STANDARDS VARIANCE

- 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 in that:**

The subject property is a unique 4.72-acres parcel bounded by three streets, Buckingham Road, Figueroa Avenue, and Linda Vista Road. Only one road is accessible to the site, via an existing long approximately 500-foot asphalt driveway off of Linda Vista Road. The driveway leads to a large flat pad. The other two streets are on the upslope and downslope of the property. An existing driveway is an added benefit for this property, as it would minimize the amount of grading and general disturbance to the development of the site.

The applicant is proposing to provide a driveway slope of 25% in certain segments of the driveway. Strict application of the Zoning Code for residential driveway slope to maintain 20% would either render the existing driveway useless or would require substantial modification to it. As previously stated, creating a new driveway either off of Buckingham or Figueroa Avenue would not be possible due to the change in topography and could potentially impact the oak tree woodland or resulted in the removal of more oak trees which are located in the northern portion of the lot.

The option to modify the existing driveway in order to provide a 20% slope would require the construction of high retaining walls between 5-10 feet along the front portion of the driveway closest to Linda Vista Road on both sides. Constructing these walls would require additional grading beyond the specified 1,573 cubic yards, resulting to further degradation of the lot. Any retaining walls in exceedance of five (5) feet would be subject to an additional variance request. Additionally, the appearance of high retaining walls, which will be seen from Linda Vista Road can be visually intrusive and are not consistent with the general intent of the hillside zoning requirement to maintain as much of the natural features of the lot as possible.

From this perspective, the strict application of the Zoning Code would not benefit the property and would appear, in some aspects, inconsistent with the Hillside Design Guidelines. In this case, if the project is to meet the 20% driveway slope, it would require the retaining walls needed along the driveway to be higher than five (5) feet, which is an additional variance request.

- 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 properties in the same zone or neighborhood in that:**

The subject property is located in a hillside zone as are the surrounding properties. These lots, due to their location, shape, and topography, are all unique in some aspects. However, what is particularly unique about the subject property is the existence of a flat building pad at the top of the lot, as well as a driveway. For most hillside properties, these features would have to be created as part of the site preparation, prior to the construction of the house.

The request to use the existing driveway, with some modifications, as an access to the pad instead of constructing a new driveway elsewhere on the lot is an added benefit. This option would result in the least amount of disturbance to the area around the driveway. The request to provide a 25% driveway slope as opposed to the required 20% slope appears reasonable given the characteristics of the subject property. As previously mentioned, if the applicant proposes to use the existing driveway and provide a 20% driveway slope, it would require additional grading of the area around the driveway and the construction of high retaining walls, exceeding the Zoning Code limit. Given both scenarios, the proposed 25% slope appears more sensitive than the code-compliant 20% driveway slope. The requested 25% is justified.

- 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 in that:**

The granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in this zone or neighborhood. An accessible driveway is a common necessity for any residential development. In this case, it will service a proposal that is consistent with both the Zoning Ordinance and the General Plan Land Use Element. The request to use the existing driveway with some modifications and provide a 25% slope is a sensible approach given the condition of the lot and its topography. This option would require the construction of new retaining walls; however, the highest segment of the wall is four (4) feet high and within the limits of the Zoning Code.

On the other, a code-compliant 20% driveway slope would require additional grading beyond the 1,573 cubic yards proposed, creating more disturbance of the natural hillside. Additionally, retaining walls of 5-10 feet will be required in order to contain the earth due to the steep topography in this area. These walls would exceed the height limit as prescribed by the Zoning Code. Such retaining walls, when avoidable, would be considered inconsistent with the intent of the hillside design guidelines.

- d. The granting of the Variance will not be contrary to the objectives of the ordinance in that:**

The variance application is an opportunity for properties with unique conditions to propose alternative solutions to Zoning Code requirements. The subject standards variance application is related to a request to construct a new single-family residence on a vacant lot. Whereby the Zoning Code requires a 20% slope for residential driveway, the proposed 25% slope is comparable and will meet the overall intent of the Zoning Code to provide adequate

access to the lot and/or residence. The intent of the 20% is to ensure that the driveway is not too steep and to provide a level of ease when traveling through it. While not consistent with Code, a 25% driveway is still passable and the difference is small. Visually, a 20% slope vs. 25% slope is not easily visually detectable. A 20% slope would require the construction of high retaining walls that would become visually obtrusive. Additionally, the 25% slope is not proposed for the entire length of the driveway. The majority of the driveway will be 20% or less. Moreover, the existing driveway in some locations has a 27.7% slope. The proposal to provide a 25% slope is an improvement over the existing condition.

Overall, the granting of the variance for the requested 25% slope does not appear to be contrary to the objectives of the ordinance in providing a usable and accessible driveway.

Adopted this 7<sup>th</sup> day of September, 2011.

### CONDITIONS

1. The building shall be pushed back away from the edges of the building pad from the southern and northern portions.
2. Oak tree no. 20 is the biggest tree located on the lot and shall be preserved and not be removed. Pushing the building back from the edge of the pad will help in protecting this tree during and after construction.
3. The proposed retaining walls located along the eastern edge of the building pad do not appear to be necessary in the site preparation of the lot or construction of the residence, and shall be eliminated.
4. The trash enclosure area shall be relocated to another area of the pad as to eliminate the need to construct unnecessary retaining walls and to save the existing pine trees, if possible.
5. Any changes to the site planning, site preparation, grading, and construction requires the review by and an addendum to the previously submitted oak tree report by the arborist of record (AOR) and approved by the Urban Forestry Division, the Director of Community Development, and the Planning Hearing Officer prior to the submittal, approval, or issuance of any development permits.
6. Prior to the issuance of building permits, the applicant shall submit a traffic control plan, including haul route(s) and a street conditioning and reconditioning plan, to be reviewed and approved by the Director of Public Works.
7. No heavy construction-related truck traffic shall be permitted during peak traffic hours, as determined by the Director of Public Works.
8. Concrete pavers shall be used in the driveway under the oak tree canopies, to the satisfaction of the Director of Public Works. The City Engineer shall review and approve the friction factor of the pavers.
9. All oak trees shall be saved to the maximum extent possible, to the satisfaction of the Director of Public Works.
10. An arborist shall be on-site during all grading and construction activities that may affect the oak trees.
11. The fire marshal shall determine the appropriate enhanced fire safety measures, which shall be included in the design review board conditions of approval.
12. Construction-related activity shall be limited to the days and hours permitted by the Glendale Municipal Code.
13. Design review approval shall be obtained prior to the issuance of any development permits.

Vote as follows

Ayes: Astorian, Yesayan, Lee

Noes: Landregan

Abstain: None

Absent: Scheetz

## MOTION

Moved by Planning Commissioner Yesayan, seconded by Planning Commissioner Astorian that upon review and consideration of all materials and exhibits of current record relative to Conditional Use Permit Case No. PCUP 2010-020, located at 3431 Linda Vista Road, and after having conducted an appeal hearing on said matter, that the Planning Commission hereby **Reverses** the Planning Hearing Officer's decision and **APPROVES** said Conditional Use Permit Case No. PCUP 2010-020 based on the following findings pursuant to Title 30, Chapter 30.42.030, Glendale Municipal Code:

### CONDITIONAL USE PERMIT

- a. **That the proposed use will be consistent with the various elements and objectives of the general plan.**

The proposal is to construct a new single-family residence and an attached garage on a vacant lot. The subject property and surrounding lots are zoned "R1R" - Restricted Residential; while the General Plan - Land Use Element designates this lot as low density residential. The proposed project and associated use are consistent with both the Zoning and General Plan designation.

- b. **That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.**

The proposed single-family residence and its use are consistent with the adjoining properties in the same neighborhood. Upon completion of the project, the use typically associated with a single-family residence is considered to be a low intensive use and would not negatively impact the adjoining properties. Additionally, the proposed project will be situated on a large 4.72-acres lot. Due to the characteristics of the lot coupled with its topography, the proposed building will be located far from the surrounding streets and its adjoining neighbors. Aside from the requested standards variance for driveway slope and the conditional use permit for the amount of grading and average current slope, the project will meet all other provisions of the Zoning Code. Any impacts, aside from the temporary construction activity, would not exist once construction ceases. Therefore, the use and the building will not be detrimental to the public health, safety, or the general welfare. An environmental review/initial study was conducted and a mitigated negative declaration was prepared, which determined that the proposed project would not be a detriment to the environment.

- c. **That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.**

The "R1R" zoning designation of the subject property only permits the construction of a single-family residence, garage, and related buildings/structures such as a pool/spa, guesthouse, decks, patios, retaining walls, and fences. Any other uses, such as a multi-family, commercial, or industrial buildings would not be permitted.

The proposed construction of a single-family residence, garage, and a pool/spa are also consistent with the adjoining uses in this neighborhood. As such, the proposed use and facility will not conflict with the adjoining uses. However, the proposal calls for the removal

of more vegetation, including a protected oak tree, than is needed for reasonable development on the site, and which would make the project inconsistent with the Hillside Design Guidelines. Approval of this permit is conditioned on relocating the building away from the edges of the building pad and retaining oak tree no. 20. As conditioned, approval of the proposed project would not impede on future improvements of the adjoining properties, as long as the project meets all provisions of the Zoning Code.

**d. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.**

The subject lot and proposed project is surrounded by developed lots containing similar single-family residences and is surrounded by improved public streets. Likewise, the subject parcel is located in a developed urban environment. Public and private facilities, such as utilities exist and will be provided to the residence. With the exception of the proposed residence and driveway, the rest of the lot will be landscaped. Most of the landscape will consist of the natural, ungraded hillside, consisting of wild grasses, oak trees, pine trees, and a variety of shrubs. The square footage of the residence determines the number of parking spaces required for the proposed development. The proposed residence is 3,158 square feet and per the Zoning Code, two spaces are required. The project will provide two enclosed parking spaces. The impact of one new residence on the existing roadway is minimal. The increase in traffic volume will be generated during the construction phase of the project; however, it will cease once construction is over.

Adopted this 7<sup>th</sup> day of September, 2011.

**CONDITIONS**

1. The building shall be pushed back away from the edges of the building pad from the southern and northern portions.
2. Oak tree no. 20 is the biggest tree located on the lot and shall be preserved and not be removed. Pushing the building back from the edge of the pad will help in protecting this tree during and after construction.
3. The proposed retaining walls located along the eastern edge of the building pad do not appear to be necessary in the site preparation of the lot or construction of the residence, and shall be eliminated.
4. The trash enclosure area shall be relocated to another area of the pad as to eliminate the need to construct unnecessary retaining walls and to save the existing pine trees, if possible.
5. Any changes to the site planning, site preparation, grading, and construction requires the review by and an addendum to the previously submitted oak tree report by the arborist of record (AOR) and approved by the Urban Forestry Division, the Director of Community Development, and the Planning Hearing Officer prior to the submittal, approval, or issuance of any development permits.
6. Prior to the issuance of building permits, the applicant shall submit a traffic control plan, including haul routes and a street conditioning and reconditioning plan, to be reviewed and approved by the Director of Public Works.
7. No heavy construction-related truck traffic shall be permitted during peak traffic hours, as determined by the Director of Public Works.
8. Concrete pavers shall be used in the driveway under the oak tree canopies, to the satisfaction of the Director of Public Works. The City Engineer shall review and approve the friction factor of the pavers.

9. All oak trees shall be saved to maximum extent possible, to the satisfaction of the Director of Public Works.
10. An arborist shall be on-site during all grading and construction activities that may affect the oak trees.
11. The fire marshal shall determine the appropriate enhanced fire safety measures, which shall be included in the design review board conditions of approval.
12. Construction-related activity shall be limited to the days and hours permitted by the Glendale Municipal Code.
13. Design review approval shall be obtained prior to issuance of any development permits.

Vote As Follows

Ayes: Astorian, Yesayan, Lee

Noes: Landregan

Abstain: None

Absent: Scheetz