

May 12, 2015

Erik J. Petersen
Manager
c/o O.E.I. Investments LLC
2805 Washington Blvd.
Ogden, UT 84401

**RE: 707 OMAR STREET
ADMINISTRATIVE EXCEPTION CASE NO. PAE 1419744**

Dear Mr. Petersen:

Pursuant to the provisions of the Glendale Municipal Code, Chapter 30.44.020 (E) for a maximum 20 percent deviation from one or more numeric standards in this Title, the Community Development Department has processed your application for an Administrative Exception to allow an interior setback of 4'-9" (20 percent deviation) instead of the required 6'-0" described in Section 30.11.030, Table 30.11-B, to exceed lot coverage by 8% above the maximum allowable 40%, and to reduce the interior clear dimension of the garage to 18'-0" by 18'-3" (10 percent deviation) instead of the required 20'-0" by 20'-0" described in Section 30.32.180 - Charts of the Glendale Municipal Code in conjunction with the construction of a new 1,915 square-foot house. The subject property is located at **707 Omar Street**, in the "R1" - (Low Density Residential) Zone, Floor Area Ratio District II and described as Lot 188, Tract No. 6243, in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL RECOMMENDATION: The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small Structures" exemption, pursuant to State CEQA Guidelines Section 15303.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the plans submitted therewith, the Planning Hearing Officer has **PARTIALLY GRANTED WITH CONDITIONS** your application based on the findings below.

Your request to allow a reduced garage width of 18'-0" is **DENIED**.

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

The subject property is an undeveloped, relatively flat 5,448 square-foot, irregularly shaped lot located near the intersection of Omar and Concord Streets. Omar Street is 50 feet wide, but once it reaches the Arroyo Verdugo Wash, the street narrows to 9.25 feet wide parallel to the wash unit it ends at Concord Street. The subject property fronts the Arroyo Verdugo Wash where the street width is 9.25 feet.

The majority of the neighborhood contains standard, rectangular shaped lots, and flat topography, and front a street that is 50 feet wide. The site contains two mature sycamore trees located at the rear and front of the property that are 34-inch and 24-inch, respectively. The presence of these protected trees restricts the site planning of the building and reduces the buildable area of the lot. The construction of the proposed residence, if built to meet all development standards for the R1 Zone, would necessitate the removal of the 34-inch sycamore tree. The proposed site planning, with requested exceptions is appropriate and sensitive in that it protects the sycamore trees at the front and rear, provides a usable two-car garage and temporary parking in the driveway, as well as maintains consistency with the immediate adjoining neighbors to the east and west. The proposed project provides a reasonable use and development of the property that will be compatible with other lots in the neighborhood.

B. The granting of the exception will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

The granting of the administrative exception will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood. The subject property is zoned for single family residential development, meets the minimum lot size requirement, and is the last remaining lot in the neighborhood. Given its unique features, the proposed development with the requested exceptions from the Zoning Code is reasonable given the irregular shape of the lot and the existence of sycamore trees. Furthermore, the property is not readily visible due to its unique location next to the wash coupled with its location within the neighborhood as a whole. Similarly, the narrow street width in front of the property discourages regular use by the general public. The exception to deviate from the required interior 6-foot setback is minimal and will continue to provide the separation from its neighbors consistent with other homes as well as provide light and ventilation as intended by the Zoning Code. The

requested 18' by 18'-3" garage interior would be able to accommodate parked cars and its size will also be similar to older garages in the immediate neighborhood. However, there is space on the lot to construct a garage that is 20' wide. The request to exceed lot coverage by 8% above the Code-permitted 40% would help the building to be located further from the sycamore tree at the rear of the property as required by the Urban Forestry Division. Moreover, allowing the project to exceed the lot coverage as requested helps the proposed residence to achieve a sensible livable area of approximately 1,590 square feet. Overall, these three exceptions will help preserve the mature sycamore trees located on the site. The design, mass and scale of the project appear appropriate, but will require separate review and approval by the Design Review Board.

As such, the project as conditioned will not be detrimental to the public welfare, injurious to the property or improvements in the zone.

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

The granting of the administrative exception will not be contrary to the objectives of the ordinance in that the subject property will be developed with a single-family residence, consistent with the intent of the Zoning Code. The requested 4'-8" interior setback will be similar to other residences within the neighborhood. The garage's interior clearance of 18' by 18'-3" will also be similar to other garages in the area, since these homes were built prior to the requirement of a 20' by 20' garage. However, based on the proposed floor plan, there is opportunity to increase the width of the garage to 20' wide as required by Code. The requested setback, garage's depth, and lot coverage exceptions ensure that a reasonable residence could be built without negative impacts to the two sycamore trees, which is consistent with the indigenous tree ordinance. Similarly, it provides a level of reasonableness and flexibility for this unique lot to be developed and will provide separation between neighboring buildings, provide the enclosed parking, and landscaping/open space as intended by the Zoning Code.

CONDITIONS OF APPROVAL

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

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Hearing Officer.
2. That the interior width of the garage shall be increased to 20 feet.

3. That the applicant shall comply with Indigenous Tree Protection Measures numbers 1 through 25 dated January 22, 2015 as indicated in the Interdepartmental Communication from the city's Urban Forestry staff.
4. That the applicant shall comply with all general recommendations of the Indigenous Tree Report, dated August 14, 2014 and updated on January 14, 2015, prepared by Kay J. Greely.
5. That all necessary permits 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.
6. That design review approval shall be obtained prior to the issuance of a building permit.
7. That any expansion or modification of the dwelling, which is different than what is represented as part of this Administrative Exception application, shall require a new application as determined by the Hearing Officer.

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

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within **fifteen (15) days** following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before May 27, 2015** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday through Friday from 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5:00 p.m.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION: Every right or privilege authorized by an Administrative Exception 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: An Administrative Exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Exception for one year or more in the continuous exercise in good faith of such right and privilege.

EXTENSION: Permits granted by such right or privilege may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the administrative exception.

APPEAL FORMS available on-line <http://www.glendaleca.gov/appeals>

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, 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.

REVOCATION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least 10 days' notice by mail to the applicant or permittee.

NOTICE – subsequent contacts with this office

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner first and then, the Hearing Officer who acted on this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Rathar Duong during normal business hours at his direct line (818) 937-8185 or office line (818) 548-2115 or rduong@glendaleca.gov , between 7:30 a.m. to 5:30 p.m. weekdays.

Sincerely,



Erik Krause
Planning Hearing Officer

EK:sm

CC: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); Dir. Of Public Works (R.Golanian); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (A. Jimenez); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Environmental Management (M. Oillataguerra) and case planner Rathar Duong.