

March 3, 2016

Philip Herbst
12036 Mitchell Avenue
Los Angeles, CA 90066

**RE: 1380 OPECHEE WAY
ADMINISTRATIVE EXCEPTION CASE NO. PAE 1528416**

Dear Mr. Herbst:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44.070 (E), for a maximum 20 percent deviation from one of more numeric standards in Title 30, the Community Development Department has processed your application for an Administrative Exception for a three feet (3'-0") reduction or 16.7% deviation from the required 18'-0" minimum driveway length, as required by Chapter 30.32 of the Glendale Municipal Code, in conjunction with an expansion of the existing two-car garage. The subject property is located at **1380 Opechee Way**, in the "R1R" (Restricted Residential) Zone, and described as Lot 12, Block 18, Selvas De Verdugo Tract, in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL DETERMINATION

This project is exempt from environmental review as a Class 1 "Existing Facility" Section 15301 of the State CEQA Guidelines.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the plans submitted therewith, the Community Development Department has **GRANTED WITH CONDITIONS**, your application based on the following findings:

- 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.**

Originally developed in 1940, the subject property is a 12,160 square foot lot with a 2,148 square foot single family residence and a legal non-conforming two-car

garage attached to the house by a breezeway. The applicant is proposing to expand the existing legal non-conforming two-car garage and to convert the existing breezeway and laundry room into an additional third-car garage. In accordance with Chapter 30.32.130.G.4 of the Zoning Code, any driveway serving a parking area shall be a minimum of 18'-0" in length. The existing legal non-conforming two-car garage is accessed off of Opechee Way and the driveway at the shortest portion is only 13'-2" in length. Many of the properties in the area feature a similar development pattern with a shorter driveway leading to a garage that is either attached to or detached from the existing residence. The applicant is requesting an Administrative Exception to allow a 15'-0" long driveway, a 16.7% deviation or three feet (3'-0"), from the required minimum driveway length.

There are space restrictions on the site that preclude full compliance with the Zoning Code requirement for the minimum required driveway length of 18'-0" in the R1R zone. Based on the existing development and topography of the subject property, the site would not be able to accommodate an 18'-0" driveway length. The western portion of the lot has an uphill slope with an existing five feet (5'-0") high retaining wall located behind the house. In addition, there are seven Oak trees located on the upslope portion of the property at the rear. Currently, there is a 24" diameter Oak tree located behind the garage to the southwest. While the site plan indicates there may be room at the rear of the property to allow for an 18'-0" driveway length, the existing retaining wall and mature Oak trees on the site preclude full compliance with the Zoning Code. Providing an 18'-0" long driveway in conjunction with the expansion of the existing legal non-conforming two-car garage would result in construction beneath the drip line of the Oak tree directly behind the garage that could severely damage the tree. In addition, due to the topography of the site, additional retaining walls could potentially be required, further impacting the existing Oak trees. California Live Oaks are State and City protected trees, and any removal of the trees would also have an impact on neighboring properties. By granting this administrative exception, the project will allow for a minor addition to the existing garage without unduly restricting the reasonable use and improvement of the property.

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 to allow the applicant to expand the existing legal non-conforming two-car garage with proposed driveway length of 15'-0" where a minimum length of 18'-0" is required will not be materially detrimental to the public welfare or injurious to the property or improvements in the R1R-zoned

neighborhood in which the property is located. The existing driveway is only 13'-2" long, and the applicant's proposal to modify and expand the existing garage will provide an improvement to the driveway length of the property. The proposed driveway length of 15'-0" would still provide for enough space for the temporary parking of vehicles in front of the new garage, as intended by code. In addition, the longer driveway and additional enclosed parking space for the residential use will provide better functionality and allow residents to park on-site. This will further ease any congestion on this portion of Opechee Way where there is a narrow road and limited on-street parking available for residents. The proposed addition will allow for adequate open space, light, and ventilation for the project site as well as adjacent residences.

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

The proposed addition meets all other Zoning Code requirements of the R1R Zone, such as lot coverage, floor area ratio, and landscaping. Based on the total height of the building, the minimum required interior setback from the southerly property line must be five feet (5'-0") in order to comply with Chapter 30.11 of the Zoning Code. The purpose of the administrative exception procedure is to provide a simplified means for considering applications for minor deviations from Code standards. These standards have been developed to allow reasonable use of properties in order to promote the public health, safety, and general welfare. The proposed expansion of the existing legal non-conforming two-car garage with a proposed driveway length of 15'-0" where a minimum length of 18'-0" is required will allow reasonable development of the site. Therefore, granting the minor exception will not be contrary to the objectives of the applicable regulations. Conditions of approval have been included that would mitigate any potential negative impacts.

Additionally, a discretionary action, such as the requested Administrative Exception, must also take into consideration the hillside development review consistent with Chapter 30.11.040 (A) of the Glendale Municipal Code, which is as follows:

A. That the development shall be in keeping with the design objectives in the Glendale Municipal Code, the hillside design guidelines and the landscape Guidelines for hillside development as now adopted and as may be amended from time to time by City Council.

The Hillside Design Guidelines suggest preferred methods to develop single-family homes in hillside areas of the City and recommend minimizing grading to preserve the natural hillside appearance, open space and groves of native trees. The project,

as proposed, is consistent with the design objectives of the Hillside Design Guidelines because the proposal fully integrates the expansion of the garage within the overall structure, the proposed length sets it back from the street as much as possible given the location of the oak trees and retaining wall at the rear, and the paving materials will be decorative and consistent with the style of the house. The applicant's proposal is compatible with the Hillside Design Guidelines and will enhance the design and function of the residence.

B. That the development shall be compatible with the surrounding neighborhood in terms of size, scale, bulk/mass, roofline orientation, setbacks, and site layout.

The applicant's request to expand the existing legal non-conforming two-car garage with a proposed driveway length of 15'-0" where a minimum length of 18'-0" is required will be compatible with the surrounding neighborhood. Many of the properties in the area feature a similar development pattern with a shorter driveway leading to a garage that is either attached to or detached from the existing residence. The design of the project is consistent with the existing single-family dwelling and compatible with surrounding development in terms of size, scale, bulk and mass, roofline orientation, setbacks and site layout.

C. That the site plans shall show preservation of prominent natural features, native vegetation and open space in a manner compatible with the surrounding neighborhood, minimizing alteration of terrain necessary for development.

The applicant's proposal requires minimal landform alteration since the site is already developed with a single-family home. There are currently seven Oak trees on the subject property that are located on the uphill portion of the lot at the rear, including a 24" diameter Oak tree located directly behind the garage. The City's Urban Forester reviewed the applicant's proposal and did not cite any major concerns with the proposal. As discussed above, a code compliant driveway length would potentially impact the existing Oak trees on-site. There are no protected scenic vistas, blue line streams or primary or secondary ridgelines on the site. Aside from the area of development, the rest of the site will remain in its natural state.

D. That site plans for development of property on steep slopes shall take into account the visual impact on surrounding properties.

The visual impacts of the proposed addition on surrounding properties on Opechee Way have been taken into consideration and will not be detrimental. The proposed addition will be constructed in a way that is compatible with the existing architecture

and will maintain the integrity of the residence. While the proposed addition will face the street, design improvements will occur because the small-scale character of the residence and street elevation will be maintained, while at the same time providing a reasonable use of the property that is architecturally consistent with the existing style of the home.

E. That the architectural style and architectural elements of in-fill development shall be compatible with the surrounding neighborhood.

The proposed addition is consistent with the existing single-family home and surrounding neighborhood. The applicant's proposal will match the existing architecture including all materials and finishes. Existing homes along Opechee Way and throughout the greater Verdugo Woodlands neighborhood are various architectural styles, which were common when these residences were constructed. A condition of approval is included such that the project is required to obtain approval/exemption from Design Review Board.

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 presented in conjunction with the application for the Administrative Exception, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Community Development Department.
- 2) That all necessary permits shall be obtained from the Building and Safety Section and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
- 3) That any expansion or modification of the dwelling which is different than what is represented as part of this Administrative Exception approval shall require a new application as determined by the Hearing Officer.
- 4) That DRB approval/exemption shall be obtained prior to issuance of a building permit.
- 5) That the premises be maintained in a clean orderly condition, free of weeds, trash, and graffiti.

- 6) That the building shall have a minimum interior setback of five feet (5'-0") from the southerly property line.
- 7) That all necessary permits and/or approvals be obtained from the Urban Forestry department regarding the existing Oak tree prior to Zoning approval.

APPEAL PERIOD

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 **MARCH 18, 2016** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 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 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.

You may contact the case planner, Vista Ezzati, during normal business hours at (818) 937-8180 or via e-mail at vezzati@glendaleca.gov.

Sincerely,



Bradley M. Collin
Planning Hearing Officer

BC: vz:ve:sm

cc: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section-(J. Halpert); 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 (S. Mirzaians); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner Vista Ezzati.