

April 11, 2017

Graham Dodson  
5031 Jarvis Avenue  
La Canada, CA 91011

**RE: 2653 MANHATTAN AVENUE  
ADMINISTRATIVE EXCEPTION CASE NO. PAE 1705027**

Dear Mr. Dodson:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44.070 (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 the construction of two new units (a duplex) without providing the required total number of parking spaces for both units. As proposed, each unit will have a private attached two-car garage for a total of four parking spaces where five spaces (2.5 spaces per unit) are required for the duplex. The subject property is located at **2653 Manhattan Avenue**, in the "R-3050" - Moderate Density Residential Zone and described as Lot 37, Tract 5157, in the City of Glendale, County of Los Angeles.

**APPLICANT'S PROPOSAL**

**Administrative Exception**

- (1) A twenty (20) percent deviation of a numeric standard to allow the construction of new residential duplex without providing the required number of parking spaces on-site.

**CODE REQUIRES**

**Administrative Exception**

- (1) A total of four covered and enclosed parking spaces are provided where five spaces total are required by Chapter 30.32.050 of the Glendale Municipal Code.

**ENVIRONMENTAL RECOMMENDATION**

This project is exempt from environmental review as a Class 3 "New Construction or Conversion of Small Structures" exemption (Section 15303 (e)(1) 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.**

The subject property is a 7,022 square-foot through lot developed with a single-family house and detached garage. The proposal involves demolishing the existing structures on the property and constructing a new 3,332 square-foot two-story duplex. Each unit will have a private attached 441 square-foot two-car covered and enclosed garage with driveway access from the street. Both units are designed with three bedrooms and two, two-car garages (four spaces total). The Zoning Code requires parking in a multi-family zone as follows: 2.5 covered and enclosed parking spaces per three bedroom unit. Given the number of bedrooms provided per unit, a total of five parking spaces are required for the duplex. As proposed, the project results in a one-space parking shortfall.

There are several mature protected oak trees on the property, which limits adequate development of the property. Thus, there are space restrictions associated with the site that precludes complete Zoning Code compliance. The site is zoned R-3050. This zone is a moderate density multi-family residential zone where the maximum allowed density is two units based on the lot size of 7,022 square feet. The applicant's proposal to develop the lot with two units is a reasonable request. Each unit is designed with a two-car garage and a 25-foot driveway depth leading from the street to the garage. The location of the existing mature oak trees throughout the property limits reasonable development of the site without compromising, in this case, required parking. To propose a third parking space in one of the garages would negatively alter the proposed exterior design of the building, site planning and the oak trees. As proposed, the applicant has made an effort to design a building that thoughtfully considers and avoids undermining the existing oak tree roots and canopies. As a result, the existing mature oaks will be preserved and continue to enhance the property and future new development. To comply with the Zoning Code, could potentially result in the removal of one or more trees.

The western façade of the building is setback between five and twenty feet from the property line. This generous setback will accomplish preservation and viability of the existing oak trees in this area. Further, there are two oak trees along the east side of the property where the building is setback a

minimum of five to eleven feet. Given the locations of the trees, the building footprint will achieve preservation of the oak trees and is a thoughtful design concept. To modify the proposed building footprint and/or exterior design would not accomplish reasonable development 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 construction of a duplex with individual private attached covered and enclosed garages for two-car parking will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood. The area surrounding the property includes both single and multi-family residential uses. Hence, the proposed duplex is consistent with other multi-family uses in this R-3050 zoned neighborhood. The proposed development with the requested exception from the Zoning Code is reasonable. The Zoning Code requires 2.5 parking spaces per three bedroom unit. As proposed, the project requires a total of five covered and enclosed parking spaces for the duplex. The project will provide a total of four covered and enclosed parking spaces, which results in a one-space shortfall.

Through the Administrative Exception process, the Zoning Code allows a maximum 20 percent deviation from numeric standards in the code. The applicant is requesting to apply the 20 percent deviation from the required five parking spaces by providing four spaces. The one-space parking shortfall will not negatively impact surrounding uses or exacerbate the existing parking conditions in the area. While covered and enclosed parking is required, each unit is designed with a private 25-foot deep driveway leading from the street to the garage. A 25-foot deep driveway could reasonably accommodate a temporary third parking space per unit if necessary. Overall, the exception to deviate by one-parking space for the entire project is minimal and allows reasonable development of the property while preserving the existing mature oak trees. By granting this administrative exception, the property and the neighborhood will benefit in that a new development will improve the property, it will provide additional housing in the multi-family zone and it will preserve the existing oak trees. The design, mass and scale of the project will require separate design review and approval.

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

The proposed project meets all other zoning code requirements of the R-3050 Zoning, including density, lot coverage, floor area ratio, landscaping, common and private open space, height and setbacks. 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. Granting of this exception would allow reasonable development of the site vis-à-vis the construction of a new two-story duplex with a private two-car attached garage per unit, while preserving the existing mature oak trees on the property. The Code intends to promote reasonable development or use of property. To deny the request would unduly restrict the development of a new residential duplex, which is a permitted use and density in this zone. Therefore, granting the minor exception to allow one-space parking shortfall where five parking spaces are required will not be contrary to the objectives of the applicable regulations.

### **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 Design Review Board approval shall be obtained prior to issuance of a building permit.
- 4) That the premises be maintained in a clean orderly condition, free of weeds, trash, and graffiti.

### **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 Building and Safety Division upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before APRIL 26, 2017**, in the Building and Safety Division, 633 East Broadway, Room 101.

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

### **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.

### **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.

### REVOCAATION

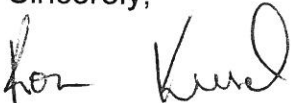
Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same 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, Milca Toledo during normal business hours at (818) 937-8181, between 7:30 a.m. to 3:30 p.m.

Sincerely,



Roger Kiesel  
Planning Hearing Officer

RK:MTOLEDO:sm

CC: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section-(J. Halpert); Dir. Of Public Works (R.Golianian); 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 Milca Toledo.