

November 16, 2017

Mike Moradian
1213 North Cedar Street
Glendale, CA 91207

**RE: 1213 NORTH CEDAR STREET
ADMINISTRATIVE EXCEPTION CASE NO. PAE 1725829**

Dear Mr. Moradian:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44.070, for a maximum twenty percent deviation from one or more numeric standards in this Title, the Planning Hearing Officer has processed your application for an Administrative Exception to allow a 20 percent deviation from setback standards from the south interior property line as required by Chapter 30.11.030 Table 30.11 -B of the Glendale Municipal Code. The proposed project is located at **1213 North Cedar Street**, in the "R1" – Low Density Residential Zone, being Lot 600 and a portion of Lot 601, Bellehurst Park Tract, in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL RECOMMENDATION

The project is exempt from CEQA review as a Class 3 "New Conversion of Construction of Small Structures" exemption pursuant to Section 15303 of the State CEQA Guidelines because the proposal is to allow a nonconforming first story setback to remain in conjunction with a new code compliant second story on an existing single family dwelling.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the plans submitted therewith, the Planning Hearing Officer 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.**

In September, 2017, the applicant received Design Review Board approval for an approximately 830 square-foot, second-story addition to an existing

one-story single-family house on a 7,228 square-foot lot located at 1213 North Cedar Street in the R1 zone. The minimum interior setback in the R1 zone for a house built prior to May 2, 1991, is four feet for buildings 20 feet or lower in height and 5 feet for buildings over 20 feet and equal to or less than 30 feet in height. The existing house is less than 20 feet in height and has a four-foot, one-inch south interior setback. With the proposed second story addition, the house will become 26-feet, 11-inches in height. Therefore, the residence is required to be set back five feet from the interior property line. The proposed addition will be setback 5 feet from the interior property line. The applicant is requesting an administrative exception for a 20 percent deviation from the minimum interior setback requirements in the R1 zone to maintain the four-foot, one-inch southern interior setback of the existing residence.

Granting of the administrative exception results in design improvements to the project. The Design Review Board reviewed and approved the design of the addition where the existing southern wall was four-foot, one-inch from the property line. The proposed second floor is located at the rear of the existing residence. The design of the project, with the second floor recessed from the first floor assists in reducing the mass of the residence. The subject wall set back four-foot, one-inch from the property line will provide at least an approximately one-foot step back for the second story addition, which is a feature encouraged by the Single-Family Design Guidelines. Full compliance with setback requirements would require demolition of a one-foot wide portion of the existing living room (including the fireplace) and two of the three bedrooms. This demolition would render the bedrooms unusable and be a hardship, particularly given that by maintaining the step backs between the first and second floors would result in design improvements to the residence.

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 exception to allow a reduced southern interior setback will not be materially detrimental to the public welfare or injurious to the property and improvements in the area because the wall which otherwise would have required demolition has existed at its present location for approximately 80 years and the design of the project as a whole was reviewed as such by the Design Review Board. The minimum five-foot interior setback is provided for the proposed additions to the residence. The interior setback, which is not being reduced for the original first floor, is a reasonable amount of space between adjacent properties to allow for air, light and ventilation.

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

The purpose of the administrative exception procedure is to provide a simplified means for considering applications for minor deviations from the code standards. These standards were developed to allow reasonable use of property in order to promote the public health, safety and general welfare. Granting an administrative exception to allow a four-foot, one-inch minimum interior setback instead of a five-foot setback will allow reasonable development of the site to continue. The southern wall of the residence has been located four-feet, one-inch from the property line for approximately 80 years. The project complies with all other zoning regulations in the R1 zone, including lot coverage, floor area ratio, landscaping and building height. One of the objectives of requiring minimum setbacks is to ensure sufficient light and air is maintained for the site on which the project is proposed as well as its adjacent neighbors. As stated above, the wall of the residence in question will not reduce the amount of light or air.

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 Planning Hearing Officer.
- 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 separate permits are required for all work in the public right-of-way. The applicant shall bear all fees for the necessary permits and construction inspections for work within the public right-of-way.
- 4) That any expansion or modification of the dwelling unit 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.
- 5) That if any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Planning Hearing Officer for private property and the Director of Public Works for public property.

- 6) That the "basement" level shall have a floor to ceiling height of less than six feet and shall not be finished or made useable.
- 7) That Design Review Board (DRB) approval/exemption shall be obtained prior to issuance of a building permit.

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 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.

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 December 1, 2017**, at the PSC, 633 East Broadway, Room 101, Monday through Friday 7:00 a.m. to 12:00 p.m., or at CDD, 633 East Broadway, Room 103, Monday through 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>

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.

REVOCAION

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.

1213 North Cedar Street
PAE 1725829

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Roger Kiesel during normal business hours at (818) 937-8152 or rkiesel@glendaleca.gov.

Sincerely,



Bradley Collin
Planning Hearing Officer

BC:RK: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 (P.Casanova); 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); case planner –Roger Kiesel.