

May 14, 2018

Demery Matthews
3404 Buena Vista Avenue
Glendale, CA 91208

**RE: 3509 SIERRA VISTA AVENUE
ADMINISTRATIVE EXCEPTION CASE NO. PAE 1806809**

Dear Ms. Matthews:

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 Community Development Department 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 **3509 Sierra Vista Avenue**, in the "R1" – Low Density Residential zone Floor Area Ratio District II, described as, Lot 16, Block 21, Sparr Heights Tract, in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL DETERMINATION

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 it is an addition to an existing single-family residence.

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.

The applicant is proposing a 1,161 square-foot addition to an existing 828 square-foot single-family residence on a 6,500 square-foot lot zoned "R1" - FAR District II. The project includes a 351 square-foot addition to the first floor, a new 810 square-foot second floor, demolition of the existing garage and construction of a new two-car garage. The minimum interior setback in the "R1" zone for a house built prior to May 2, 1991, is four (4) feet for buildings 20 feet or lower in height and 5 (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 interior setback along the south side. With the proposed second story addition, the house will become 23 feet in height. Therefore, the residence is required to be set back a minimum of 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 southern interior setback of the existing residence.

Granting of the administrative exception results in design improvements to the project. The majority of the proposed second floor is located at the rear of the existing residence. The design of the project, with the second floor recessed from portions of the first floor, assists in reducing the mass of the residence. The subject wall set back four feet from the property line will provide an approximately one-foot step back for a portion of 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 an existing bedroom and create a hardship, particularly given that the step back between the first and second floors 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 90 years (since the house was built). The existing house is and will remain similar to existing residential uses in the area where single-family homes are permitted and appropriate land uses for the underlying zoning designation. The Design Review Board will review the proposed project for compliance with the Single-family Design Guidelines. The minimum five-foot interior setback is provided for the proposed additions to the residence. The interior setback, which is not being reduced at the original first floor, is a reasonable amount of space between adjacent properties to allow for air, light and ventilation because the second floor will meet the Code required five-foot interior setback, and because an existing driveway is located on the adjacent property.

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 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 from the property line for approximately 90 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 (i.e., building, fire, engineering, etc.) 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 the existing covering over the cabana is not permitted and shall either be demolished or legalized.
- 4) 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.
- 5) 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. Expansion shall constitute additional floor area, or any physical change as determined by the Hearing Officer with concurrence from the Director of Community Development.
- 6) That Design review approval shall be obtained prior to the issuance of a building permit.
- 7) That the premises, including landscaping areas, be maintained in a clean orderly condition, free of weeds, trash and graffiti.
- 8) That the premises shall be made available to any authorized City personnel (Fire, Building, Planning, Neighborhood Services, etc.) for inspection to ascertain that all conditions of approval of this administrative exception are complied with.
- 9) That any proposed exterior lighting shall be directed on the driveways, walkways and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Planning Hearing Officer.
- 10) 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.

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.

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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 May 29, 2018**, 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.

REVOCACTION

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, Roger Kiesel during normal business hours at (818) 937-8152 or rkiesel@glendaleca.gov.

Sincerely,
Philip Lanzafame



Milca Toledo
Planning Hearing Officer

MT:RK: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-(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 (B.Alshanti/B.Ortiz); Parks, Recreation and Community Services Dept. (A.Isayan); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services/ Street & Field/ Urban Forester. (D.Hardgrove/J.Cawn); Engineering & Environmental Management (C.Chew/R.Villaluna); and case planner –Roger Kiesel.