

July 26, 2018

Mr. Rodney Khan  
Khan Consulting, Inc.  
1111 North Brand Boulevard  
Glendale, CA 91202

**RE: 521 NOLAN AVENUE  
ADMINISTRATIVE EXCEPTION CASE NO. PAE1722704  
(also see Variance Case No. PVAR1722701)**

Dear Mr. Khan:

On April 18, 2018, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44, on your application for an Administrative Exception to exceed the maximum 32-foot building height (36 feet proposed, resulting in a 12.5% deviation from Code) for a project at **521 Nolan Avenue**, located in the "R1R" - (Restricted Residential) Zone, Floor Area Ratio District II, and described as a Portion of Lot 70, Tract No. 4881, in the City of Glendale, County of Los Angeles.

#### CODE REQUIRES

(1) No primary building in the R1R and ROS zones shall exceed two (2) stories in height or exceed a height of thirty-two (32) feet for a flat roof, pursuant to the definition of height set forth in this title. An additional 3 feet in height shall be permitted for any roofed area having a minimum roof pitch of 3 feet vertical in twelve horizontal. An additional story shall be permitted where the primary building is located on a portion of a lot having an average current slope of 40% (21.8 degrees) or steeper. (GMC 30.11.040)

#### APPLICANT'S PROPOSAL FOR AN ADMINISTRATIVE EXCEPTION

(1) To allow the construction of a new 2,486 square-foot house and attached two-car garage with a flat roof with an overall height of 36 feet, which is a 12.5% deviation from Code (less than the 20% maximum deviation, per GMC 30.44.020.E).

#### ENVIRONMENTAL DETERMINATION

The project is categorically exempt from CEQA review as a Class 3 (New Construction or Conversion of Small Structures) exemption, pursuant to State CEQA Guidelines Section 15303, since the project is a new single family residence.

#### REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to the **ADMINISTRATIVE EXCEPTION** application (Case No. PAE1722704), the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your **ADMINISTRATIVE EXCEPTION** application based on the following:

**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 8,790 square-foot, irregularly-shaped through lot, has frontages on Nolan Avenue and Valentine Drive and gains access from Nolan Avenue. The subject site is a very steep downhill vacant lot with an average current slope of 84.5% that drops off almost immediately from Nolan Avenue. The intent of the ordinance and Hillside Design Guidelines is to prevent massive buildings on hillside lots. The granting of the exception will result in design improvements by allowing the applicant to reduce the visible mass of the building by pulling the house closer to the front property line, rather than projecting the mass further from the hillside, yet this results in an increased overall height for the 3-story building. The current design features floor-to-ceiling heights of eight feet (8'-0") for the garage level, nine feet (9'-0") for the main level, and eight and a half feet (8'-6") for the lower bedroom level; such floor-to-ceiling heights are not overall tall by today's current standards. To provide the Code-required height, the applicant would either need to remove a story from the 3-story house (one of the stories is for the garage and front entry) or build a number of additional retaining walls. Removing a story would render a house not in compliance with Code: either the garage would have to be lowered to the point that the driveway exceeds the allowable slope and is too steep to be unusable, or the mass of the garage level would be increased to provide the additional space lost on the lower level, but resulting in a greater mass at the top of the slope, which would be contrary to the Hillside Design Guidelines. The option of creating additional retaining walls below the house would then also add to the massing as seen from below.

Furthermore, additional retaining walls would require substantial grading and negatively impact the hillside and visual quality of the neighborhood. Therefore, it was determined by the Urban Design Studio staff that the exception to allow an additional four feet in building height for a flat roof would be preferable to the other options and would maintain the design integrity of the proposed modern-style house while reducing the perceived massing from down below or across the hillside. The applicant is requesting to build a 2,486 square-foot house, where a 2,637 square-foot house is allowed for the 8,790 square-foot lot in the R1R (FAR District II); as such, the applicant is not maximizing the massing. The proposed house is compatible in size with the similar homes on sloping lots, which have an average size of 2,994 square feet.

**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 single-family house to exceed the maximum allowed height by four feet would not be materially detrimental to the public welfare or injurious to the surrounding properties. Approval of the height exception allows the house to fit with the natural topography of the site and minimize visual impacts to the neighborhood by reducing the massing. The house is sited to minimize the amount of grading and preserve the amount of natural open space. Additionally, the proposed 2,486 square-foot, three-story house will be proportional in size and scale to the existing houses in the immediate neighborhood, which average 2,994 square feet in size in the 300-foot survey area. The house will be compatible with the existing 2- and 3-story residences on hillside lots that have not been detrimental to the neighborhood.

**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. One of the objectives of the Zoning Ordinance is to accommodate reasonable development in a fair and appropriate manner. The proposed project does this by allowing the development of a single dwelling unit on the site, which is allowed in the R1R (Restricted Residential) Zone. The objective of height limits is to provide consistency and compatibility throughout neighborhoods, as well as light and air between structures. Essentially, height limitation is a means for relating heights on adjoining lots as well as for controlling height on one lot. The proposed project is designed similar to other homes in the neighborhood, with the building pushed closer to the street in order to reduce massing and building to the hillside. Therefore, the four-foot height exception is consistent and compatible with the neighborhood.

## **CONDITIONS OF APPROVAL**

**APPROVAL** of the **Administrative Exception** shall be subject to the following

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer. Furthermore, no expansion of the proposed outdoor decks and/or balconies depicted in the variance application may be permitted.
2. That all necessary permits (i.e. building, fire, engineering, etc.) shall be obtained from the Building & Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
3. That Design Review approval shall be obtained prior to the issuance of a building permit and that the project shall comply with the Hillside Design Guidelines.
4. That a grading/drainage plan be submitted for the Engineering Division's review and approval and shall be made a part of the building plans submitted with the building permit application.
5. That the project shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements, including filing a Notice of Intent with the Los Angeles Regional Water Quality Control Board, and the submittal and certification of plans and details showing preconstruction, during construction and post-construction Best Management Practices (BMPs) that are integrated into the design of the project. In addition, the applicant shall submit an approved Standard Urban Stormwater Mitigation Plan (SUSMP) to be integrated into the design of the project.
6. That the Scrub Oak shall be specifically identified as an Oak on the plans and an indigenous tree permit shall be obtained prior to issuance of a building permit and protective measures for the indigenous Oak tree shall be maintained throughout construction.

7. That Glendale Water and Power Customer Service Engineering shall be contacted to determine electric service requirements before starting the permitting process and final construction plans shall incorporate the electric service plan information.
8. That the developer shall be responsible for the current cost of a water service or fire service line installation in accordance with the current water fee schedule.
9. 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.
10. That the floor-to-ceiling heights shall not exceed eight feet (8'-0") for the garage level, nine feet (9'-0") for the main level, and eight and a half feet (8'-6") for the lower bedroom level.

### APPEAL PERIOD

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 **August 10, 2018**, 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.

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

### TRANSFERABILITY

This authorization runs with the land for which it was intended for and approved. In the event the property is to be 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, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Exceptions (individual cases heard and decided upon by the Planning Hearing Officer). To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of an Administrative Exception at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

## 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.

### Extension

An extension of the Administrative Exception 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.

### 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.

## NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. 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, Kathy Duarte, at (818) 937-8163 or [kduarte@glendaleca.gov](mailto:kduarte@glendaleca.gov).

Sincerely,



Vilia Zemaitaitis  
Planning Hearing Officer

VZ:KD:sm

cc: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic &

Transportation Section (Larry Tan/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 (Rene Sada); 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); S.Bersell; C.Corcoran; M.Foster; H.Shahbazi; A.Vartabetian; and case planner Kathy Duarte.