

July 26, 2018

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

**RE: 521 NOLAN AVENUE
VARIANCE CASE NO. PVAR1722701
(also see Administrative Exception Case No. PAE1722704)**

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 30.43, on your application for a Variance to allow the construction of a new 2,486 square-foot single family house and attached two-car garage on an 8,790 square-foot vacant hillside lot without providing the required minimum street front setback and driveway length and with uncovered stairs projecting into the front setback greater than what is permitted, and an Administrative Exception to exceed the maximum 32-foot building height allowed in the "R1R" - (Restricted Residential) Zone, Floor Area Ratio District II, for **521 Nolan Avenue**, described as a Portion of Lot 70, Tract No. 4881, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) A minimum 15-foot street front setback. (30.11.030)
- (2) Any driveway serving a parking area shall be a minimum of eighteen (18) feet in length in the R1R zones, from the back of the sidewalk or the property line where no sidewalk exists. (GMC 30.32.130)
- (3) Uncovered steps, ramps, or landings not over four (4) feet high as measured parallel to the natural or finish ground level at the location of the construction may project into the required setback area for a length of fourteen (14) feet measured parallel to the building. Such steps, ramps, and landings may project into the required setback area for a distance of three (3) feet in the ROS, R1R and R1 zones. (GMC 30.11.070)

APPLICANT'S PROPOSAL

- (1) A 5-foot street front setback.
- (2) A 6-foot, 1¾-inch driveway length.
- (3) Uncovered stairs greater than four feet high projecting into the street front setback area.

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.

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 **VARIANCE** application for **Case No. PVAR 1722701**, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your **VARIANCE** application based on the following:

A. The strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the ordinance.

The subject site is an 8,790 square-foot, irregularly-shaped through lot with frontages on Nolan Avenue and Valentine Drive. The subject site features an average current slope of 84.5% that drops off almost immediately from Nolan Avenue towards Valentine Drive below. The proposed 2,486 square-foot, two-story single-family residence with an attached two-car garage is to be located close to the front property line with a street front setback of five feet, driveway length of six feet, 1¾-inches, and uncovered stairs greater than four feet high projecting into the street front setback area for a length of eleven (11) feet.

Strict application of the code would result in practical difficulties and unnecessary hardship inconsistent with R1R street front setback and driveway length standards. Providing the minimum 15-foot street front setback and 18-foot driveway would require that the house be located farther from the street, thereby increasing the visible mass of the building; the massing of the dwelling and attached garage would project farther away from the slope and would loom over adjacent properties downslope of the subject site. Such a building would not comply with the hillside design guidelines that specifically recommend that new houses reflect the topography and slope, and that encourage building into the hillside to diminish visual impact of mass and scale. The design guidelines also state that prevailing setbacks of buildings on the street be considered as well as Code requirements. The majority of houses along Nolan Avenue within 300 feet of the subject property feature reduced front setbacks ranging from 3 to 6 feet, all of which approved by variance, including 531 Nolan Avenue (Case No. 6482-S, 1978) and 535 Nolan Avenue (Case No. 3134-S, 1964) – both houses on each side of the subject property, as well as 510 Nolan Avenue (Case No. 4453-S, 1967) and 524 Nolan Avenue (Case No 5504-S, 1972) – both properties directly across the street. Approval of a reduced street front setback and driveway length would allow for reasonable development of the site in such a manner that is not incompatible with the surrounding neighborhood.

Further, granting approval of the reduced setbacks for the house and garage creates a condition where stairs greater than four feet in height from the street level entrance to the topography below are required and which encroach into the street front setback area. These stairs lead down to the grade below and provide access around the residence and side yard, and to the rear deck atop the lower floor (as required access by the Building Code). Strict application of the required height limit for the stairs within the street front setback is not possible and elimination of these stairs would create a practical difficulty inconsistent with the Building & Safety standards.

B. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood. The subject site is one of a few remaining vacant, dual-frontage lots between Nolan Avenue and Valentine Drive. Its width, length,

slope and topography, which essentially determine the site planning and design of the project, are different than other lots in the neighborhood. The lot's steep topography, featuring an 84.5% average current slope, is unique to the subject property. The lot itself is narrower at the bottom of the hillside (79 feet along Valentine Drive) and curves into the slope, and is wider at the top of the hillside (97 feet along Nolan Avenue), while most other lots are narrower at the top and wider at the bottom. Such circumstances place the subject property at an unfair disadvantage because compliance with the zoning code minimum setback and driveway length requirements on this steeply sloped lot would cause unintentional conflicts between the City's Zoning Code Standards and Hillside Design Guidelines, resulting in a building form that is forced to project away from the topography. It would be impossible to lengthen the driveway and increase the depth of the street front setback to comply with current development standards without exacerbating the massing of the house, as the house would be pushed further away from the hillside. Additionally, given that the average current slope of the property is almost 85%, compliance with the driveway slope requirement with a minimum 18-foot driveway would necessitate a driveway bridge design, thus disrupting the street front development pattern along Nolan Avenue. Furthermore, the overall height limit for stairs projecting into the street front setback is meant for hillside properties with not as steep slopes; the subject lot drops off significantly from the street level and there is no physical way of providing access from the street entrance level to the ground below within the four foot height limit. Therefore, the subject site is unique in relation to the surrounding properties that do not generally apply to R1R properties.

C. The granting of the variance 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 variance to allow the single-family house without providing the required street front setback and driveway length, and stairs greater than four feet in height projecting in the setback area would not be materially detrimental to the public welfare or injurious to the surrounding properties and houses within the existing hillside neighborhood. The Zoning Code requires a 15-foot street front setback and a minimum driveway length of 18 feet for single-family residences located in the R1R zone. The applicant is requesting a reduced street front setback of five feet and a driveway length of six feet, 1¾ -inch. The intent of the front setback requirement is to maintain an attractive neighborhood with consistent streetscape and rhythm, in addition to relief from the street. This requirement is critical in a more typical arrangement where homes are aligned next to each other and address the street the same way in a repeating pattern. The reduced street front setback in this case would not create a visual impact and would be consistent with the development pattern in the immediate hillside neighborhood along this stretch of Nolan Avenue. This street is a remote cul-de-sac that already features a number of residences and garages with reduced front setbacks and driveways (see Finding A). Given that the requested street front setback and driveway length would be in line with other existing, neighboring, hillside, single family residential developments, approval of this proposal would not be materially detrimental to the public welfare, or injurious to property or adjacent neighbors. Approval of the stairs greater than four feet in overall height projecting into the street front setback will not be detrimental to the adjacent residences and neighborhood; the majority of the stairs will be hidden from the public right-of-way based on the downsloped condition from the street, and will provide the code-required access around the residence to the side and rear sloped areas. Furthermore, Public Works' Engineering Division did not cite any significant concern for the proposed setback and driveway width.

Granting of these variance requests will allow 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 needed and preserve the greatest amount of natural open space. New drought-tolerant landscaping is proposed around the perimeter of the new house and garage. Additionally, the proposed 2,486 square-foot house will be proportional in size and scale to the existing houses in the immediate neighborhood, which average 2,994 square feet in size. The neighborhood is developed with similar type homes on hillside lots that have not been detrimental to the neighborhood.

D. The granting of the variance will not be contrary to the objectives of the ordinance.

The granting of the variance will not be contrary to the objectives of the ordinance. The objective of the street front setback requirement is to ensure that the setbacks of buildings from a street respect the existing or preferred neighborhood character, maintain an attractive rhythm and streetscape, and provide landscaped open space along the street. The proposed street front setback is similar to other homes on the street and is in keeping with the neighborhood character. Sufficient open space and landscaping is provided on the downhill slope and interior setbacks. The objective of the driveway length standards is to ensure sufficient temporary off-street parking and to lessen traffic congestion on public streets. Nolan Avenue is a local street in the City's Circulation Element of the General Plan. The lack of required driveway length at the subject site will not negatively impact traffic congestion on this remote, cul-de-sac street. Moreover, the proposed house is providing the Code-required parking. The height and length limitations for stairs within the street front setback are intended to minimize the projection and appearance of stairs with railings along the streetscape and to ensure that stairs follow the natural grade. As proposed, stairs will be screened from view given that they lead from the street level entrance to the lower level below grade, and are buffered between the downslope of the lot from the street and the front elevation. In conclusion, the requested exceptions in this case are sensible and afford the property owner a fair opportunity in developing a vacant property similar to other residences in the immediate vicinity.

CONDITIONS OF APPROVAL

APPROVAL of the **VARIANCES** 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 and 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 shall 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 all indigenous trees on-site shall be identified on the plans, and that an indigenous tree permit shall be obtained prior to issuance of a building permit and that 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.

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.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, and conditional use permits (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 a variance 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 a Variances 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 Variances 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 Variances.

Cessation

A Variance may be terminated by the review authority upon any interruption or cessation of the use permitted by the Variance 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.

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.