



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

633 E. Broadway, Suite 103
Glendale, CA 91206-4311
Tel. (818) 548-2140 Fax (818) 240-0392
glendaleca.gov

September 24, 2019

Shawn Mann
3141 El Tovar Drive
Glendale, CA 91208

**RE: 3141 EL TOVAR DRIVE
ADMINISTRATIVE EXCEPTION NO. PAE 1909032**

Dear Mr. Mann:

Pursuant to the provisions of the Glendale Municipal Code, Chapter 30.44.020 (G), the Community Development Department has processed your application for an Administrative Exception to allow rooftop mechanical equipment to be located on a portion of your building that has a flat roof with a pitch not exceeding one in twelve (1:12) and where the building has no attic space and no crawl space in the "R1R-II" Restricted Residential Zone – Floor Area District II. The subject property is located at **3141 El Tovar Drive**, described as described as Lot A on Parcel Map Book 14, Page 46, in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL DETERMINATION

This project is exempt from environmental review as a Class 1 "Existing Structure", per Section 15301(e)(1) of the State CEQA Guidelines because this application is for rooftop mechanical equipment located on the roof of an existing single family house - there are no changes to the building's floor area or façade.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application and 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 granting of the exception to allow rooftop equipment is appropriate because there are space restrictions on the site that preclude full compliance with Code requirements without hardship. Due to the existing on-site conditions, which include

the location of the building on the property, irregular shape of the lot, and visibility from the public right-of way, placing the mechanical equipment on the ground would not be practical. The site is developed with a one-story, single-family house constructed in 1955. Presently, there is unpermitted rooftop mechanical equipment that has existed for approximately 25 years. The applicant is proposing to remove and replace the existing rooftop mechanical equipment with new and smaller rooftop mechanical equipment on the flat roof.

Based on the existing site plan, there is insufficient room to accommodate the mechanical equipment on the ground without causing unsightly duct-work exposed at the front, rear and sides of the building. The subject site is located on a hillside corner lot that is irregular in shape, and the entire north-east side slopes downward. The house features an entirely flat roof with no attic and crawl spaces where the mechanical equipment and necessary duct work could be placed. There are two protected oak trees located on the property within close proximity to the house - one of the trees is on the north edge of the property directly in front of the house, and the second tree is next to the house on the north-east side of the property that slopes downward. Neither of the oak trees' canopies extends far enough to reach the current location of the unpermitted rooftop mechanical equipment. Furthermore, there are no locations on the ground and around the house to place the mechanical equipment without impeding circulation (path of travel), potentially interfering with and blocking window egress, and negatively impacting the aesthetics of the house with duct work and unsightly furring or soffits running up the exterior walls. Additionally, there are planters and lawn adjacent to the walkway, which preclude locating mechanical equipment on the ground. As a result of the space restrictions on the site, the roof is the most convenient and practical location to place the new rooftop mechanical equipment while minimizing the impact to the site and the design and architectural style of the house. A condition of approval has been included to require a screen around the equipment to help it blend with the walls of the house for those portions of the equipment that may be partially visible.

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 will not be materially detrimental to the public welfare or property of the surrounding neighborhood. The existing unpermitted rooftop equipment has existed on the roof for about 25 years without any complaints. The applicant is proposing to replace the existing unpermitted rooftop equipment with a smaller rooftop equipment unit (reducing the height from 42.75" to 34.75"). The new rooftop equipment will be installed in the same location as the current equipment. The proposed mechanical unit will be located approximately 36' from the roof edge facing the street front (north), and approximately 6' from the roof edge facing the street side (east). The proposed equipment will also be partially screened

from view by an existing 32" high and 10' long parapet. This location is the most practical as it can limit the rooftop equipment's visibility from the public rights-of-way and adjacent properties. Due to the existing site characteristics, which include sloping terrain and distance from the street, the proposed location of the rooftop equipment will not have major impacts (i.e. noise, natural light, air circulation, privacy, scenic view or aesthetics) on the neighboring properties or structures. In addition, the property has several mature trees with large canopies, which essentially screen the flat portion of the roof, especially along the downhill side of the property. A condition of approval is included, which requires a screen around the proposed equipment to architecturally integrate it with the house (i.e. color and material) to help further minimize the impact to the neighborhood. Therefore, the granting of the exception will not be materially detrimental to the public.

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 applicable regulations in that the subject property will have rooftop equipment on a portion of the flat roof when there are no other feasible locations to place it on the property or within any attic space (as explained in finding A). Furthermore, the rooftop equipment will be partially screened from view of the public streets by means of an existing design feature on the roof (a 32" high and 10' long parapet), site planning, topography, and landscaping. To further mitigate any negative visual impact, two conditions of approval are included, to paint the equipment and screen to match the house/roof in order to blend with the existing building and to construct a screen around the front and sides of the equipment such that it is six inches above the equipment and that it matches architecturally with the existing house in color and material.

Therefore, granting of the Administrative Exception will not be contrary to the objectives of the City's Zoning Code.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Use Permit shall be subject to the following conditions:

- 1) That the project shall be in substantial accord with the plans submitted with the application, except for any modification as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Hearing Officer.
- 2) That all necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.

- 3) That the equipment and screens be painted to match the roof in order to blend with the existing building.
- 4) That a screen to conceal the rooftop equipment be installed around the front and sides of the equipment such that it is six inches above the equipment and that it matches architecturally with the existing house in color and material.
- 5) That design review approval or exemption shall be obtained prior to the issuance of a building permit.
- 6) That any expansion or modification to the rooftop equipment and of the dwelling which is different than what is represented as part of this Administrative Exception application, shall require a new application as determined by the Hearing Officer.

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 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 **OCTOBER 9, 2019**, 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 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.

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.

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. 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, you may contact the case planner, Betty Barberena, during normal business hours at (818) 937-8162 or via e-mail at bbarberena@glendaleca.gov between 7:30 a.m. and 5 p.m. on weekdays.

Sincerely,



Bradley Collin
Planning Hearing Officer

BC:BB:sm

CC: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G.Van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G.Tom/S.Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D.Hardgrove/T.Dodson); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R.Villaluna); and case planner - Betty Barberena.