



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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January 27, 2022

Garo Nazarian
c/o Domus Design
109 East Harvard Street, No. 306
Glendale, CA 91205

**RE: 3132 CHARING CROSS ROAD
VARIANCE CASE NO. PVAR 1802906**

Dear Mr. Nazarian:

On December 8, 2021, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Section 30.43, to construct a new approximately 2,764 square-foot (SF), three-story single-family residence with an attached, 453 square feet, two-car garage on a vacant, up-sloped, hillside lot. The project site is 6,069 square feet in area with frontage on Charing Cross Road located in the "R1R-II" - (Restricted Residential Zone, Floor Area Ratio District II). The applicant is requesting multiple variances in conjunction with the new residential house as follows: construction on substandard lot in terms of lot area, reduction in interior setbacks for the building and retaining walls greater than three feet high, reduction in the required ungraded open space on a lot with an average current slope greater than 30%, and an increase in the maximum allowed floor area ratio (FAR). The lot features an average current slope of 50%, and an average current slope of 45% for the building footprint area. The subject property is located at **3132 Charing Cross Road**, in R1R - (Restricted Residential) Zone, Floor Area Ratio District II, and described as Lot 1, Block 2, Tract No. 9327 (APN: 5660-015-018).

APPLICANT PROPOSES

- 1) Construction of a single-family residence on at 6,069 SF vacant hillside lot.
- 2) Reduction of the required minimum 10-foot interior setback (for the building and retaining walls), and to allow a reduced interior setback of zero for the building along the north-easterly (left side) property line and propose the construction of two, five-foot high retaining walls within five feet of the interior property line.
- 3) Reduction of the required minimum 40% ungraded open space on a lot with an average current slope greater than 30%; the project proposes 31.8% ungraded open space.
- 4) Increase the maximum allowed floor area ratio (FAR) to 0.42 on a lot with an average current slope greater than 40%, where 0.3 is the maximum.

CODE REQUIRES

- 1) The minimum lot size for purposes of constructing a new dwelling unit on lots divided prior to June 26, 1986 is seven thousand five hundred (7,500) square feet (GMC 30.11.030 and GMC 30.11.060).
- 2) Building and structures permitted after May 2, 1991, shall be setback a minimum of 10 feet from the interior property line (GMC 30.11.030 Table 30.11-B), and retaining walls within five feet of the interior property line must be under three feet high.
- 3) A minimum of forty (40) percent of the site area in the R1R zones shall be ungraded open space for any lot exceeding an average current slope of thirty (30) percent (GMC 30.11.040 F).
- 4) The maximum floor area ratio shall be 0.30 for the first 10,000 sq. ft. of lot area on a lot with an average current slope of forty (40) percent or greater (GMC 30.11.030 Table 30.11-B).

ENVIRONMENTAL DETERMINATION

Community Development Department, after having conducted an Initial Study, prepared a Mitigated Negative Declaration (MND) for the project. The proposed MND was circulated for a 20-day public review period from November 1, 2021 to November 22, 2021. With the implementation of the Mitigation Monitoring and Reporting Program included in the Initial Study prepared for this project pursuant to the California Environmental Quality Act, the project will not result in any significant environmental impacts. The Planning Hearing Officer adopted the MND. See attached Motion.

After considering the evidence presented with respect to this application, the plans submitted therewith, the Community Development Department has **APPROVED** the variance request to construct a new single-family residence on a 6,069 square-foot substandard lot and has **DENIED** the variance requests for reduced setbacks, reduced ungraded open space and increased floor area ratio, based on the following findings:

REQUIRED/MANDATED FINDINGS

Findings to APPROVE the variance request to construct a new single-family residence on a 6,069 Square-foot substandard lot.

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

The strict application of the provisions of the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance. The subject site was subdivided in 1926 (Lot 1, Block 2, Tract No. 9327), resulting in a lot area of 6,069 SF. To comply with Code, the applicant would need to increase the current lot size of 6,069 square feet by 1,431 square feet. Adherence to the minimum lot size standard of the ordinance would result in practical difficulties and unnecessary hardship and denies the applicant reasonable use of the land, and no opportunity exists to develop or

combine the subject site with the adjacent, vacant parcel to the northeast. While the property owner also acquired the adjacent parcel to the northeast, the lot cannot be developed with a residential use because it has a different land use designation – SR (Special Recreation) zone. The SR zone is intended for public and private open space and recreational uses and is intended to provide and protect open space, natural physical features and scenic resources in accordance with the General Plan of the City. Because the subject property and the adjacent lot are zoned differently, a parcel map or a lot line adjustment for purposes of combining the two parcels into one or adjusting the line to add area from the vacant site to the subject site to meet the 7,500 SF minimum are not viable options, since such actions would not be inconsistent with the Subdivision Code. The adjacent SR-zoned lot also features Pacific Edison power poles and power lines running east to west through the site, prohibiting development. The adjacent lots to the rear and west side of the subject site already contain single-family homes: the neighboring property on the left/east is also less than 7,500 SF (7,382 SF, according to the applicant's survey), and the lot on the right/west is much larger (15,680 SF) and developed with a single-family residence. The lot to the southeast on Buckingham Road (3235 Buckingham Road) is 9,220 SF and developed with a single family residence. Any lot line adjustment to achieve the minimum 7,500 SF for the subject lot may result in zoning violations for the adjacent lot and a skewed lot line that would not be consistent with the surrounding development pattern as required by Title 16 of the GMC.

To deny the variance request to allow developing the property with a single-family house is unreasonable because it would unduly restrict the property owners from reasonable use of the land and restricts the property owner from developing the lot with a single-family house – a common privilege shared by other property owners in the neighborhood. However, as previously mentioned, no opportunity exists to develop or combine the subject site with the adjacent vacant parcel to the northeast or purchase adjacent parcels because adjacent parcels are already developed. Granting of the variance will allow the applicant to develop the lot with a single-family house, which is consistent with the purposes and intent of the ordinance.

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 properties in the same zone or neighborhood for several reasons. First of all, the lot is legally nonconforming and smaller than today's minimum lot size regulation. The Chevy Chase Canyon neighborhood features a number of smaller lots developed with single family residences. Specifically, 18 of the 42 lots within 300 feet of the subject property are less than 7,500 SF (Exhibit 6), and range from 3,235 SF to 7,342 SF. Of those 18 lots, 11 lots have

been developed with single family residences over the years, and the average lot size of those 11 substandard lots is 6,703 SF. However, this property is unique in that the subject site is adjacent to a 7,382 SF vacant lot owned by the same owner that cannot be developed with a residential use because it has a different land use designation – SR (Special Recreation) zone. The SR zone is intended for public and private open space and recreational uses and is intended to provide and protect open space, natural physical features and scenic resources in accordance with the General Plan of the City. As previously noted in Finding A, the subject lot and the adjacent lot are zoned differently, so a parcel map or a lot line adjustment for purposes of combing the two parcels into one are not legally possible according to the Subdivision Code.

The variance request would accommodate and allow for the development of a new single-family residence with a maximum floor area ratio of 0.3 (approximately 1,820 SF). Development of the site with a modestly sized home will have less than minimal impact to the property, the neighbors and the environment. Subject to final review of the Design Review Board, proposed development of the house would ensure compatibility in scale and design with the other existing development in the neighborhood and consistent with the Hillside Design Guidelines; additional analysis of the site planning, massing/scale, and architectural style and detailing is provided as part of the required findings below. With the exception of the lot size, which as an existing condition, a new, code compliant single-family residence can be constructed on the site. The proposed project would be to meet all other applicable code requirements with the exception of the lot size which is an existing condition.

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.

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. With the lot size of 6,069 SF, a new approximately 1,820 SF (maximum 0.3 FAR) single-family residence could be developed on the subject site. The subject site is located in a single-family residential neighborhood containing single-family residential uses to the south, east and west. The new residence is proposed somewhat towards the center of the 6,069 SF, approximately 83-foot wide, upsloped lot. While the site is steep and smaller in area than required by Code, a number of homes in the neighborhood are located on lots with similar characteristics. The proposed attached, two-car garage and code-compliant driveway will provide the necessary and required parking on the site for the residents and guests. The proposed house location and configuration is well situated on the site. Similar conditions exist within the area and the community and have not proven to be detrimental to the neighborhood. The subject site has a land use designation of low density residential, which is designed for development of single-family residences. The project includes the construction of a new single-family house, which is consistent with the intended use.

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 objective of the ordinance. The objectives of the Code are intended to promote the public's health, safety and welfare, and to allow reasonable development and use of property. The objective of minimum lot size standards in the R1R zone is to preserve and protect low density residential neighborhoods and to provide some consistency in newly subdivided areas. The existing 6,069 SF lot was created in 1926, and located in the Chevy Chase Canyon neighborhood featuring a variety of hillside lots and developments. As previously noted, over half of the existing houses in the immediate area (within the 300-foot radius) are on lots smaller than today's 7,500 SF minimum lot size. Approval of the variance for lot size would allow reasonable flexibility in land use for the site, which was originally subdivided for a single-family residence.

Findings to DENY the variance requests to:

- 1) Reduce the required interior setback to zero along the northeast side of the property where a minimum 10-foot interior setback is required (for the building and retaining walls greater than three feet high);
- 2) Reduce ungraded open space to 31.8 percent where a minimum 40 percent ungraded open space is required on a lot with an average current slope greater than 30 percent; and
- 3) Increase the total floor area ratio (FAR) to 0.42 where the maximum allowed is 0.30 a lot with an average current slope greater than 40 percent

A. The strict application of the provisions of any such ordinance would not result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.

The variance requests are: to reduce the required interior setback to zero on the northeast side where a minimum of 10 feet is required for the building, while retaining walls located within five feet of the interior property line must be under three feet high in the interior setback; to reduce the required 40% ungraded open space to 31.8%; and to propose an FAR of 0.46 that exceeds the maximum allowed floor area ratio of 0.3 on a lot with an average current slope of 50%. Such requests are not justified on the basis that the strict application of the provisions of the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance. There are other options that can be explored that would not warrant the need for the above variances. For example, one option would be to propose a new house with a reduced square footage which complies with the maximum 0.3 FAR standard in the Zoning Code. Further, a reduction in the total floor area of the house would most likely result in smaller building footprint, creating additional

space between the house and the property line to comply with the 10-foot minimum from the interior property, and possibly eliminating or reducing the height of retaining walls within the interior setback in compliance with the Zoning Code. Additionally, reducing the footprint of the house would result in less grading, thereby increasing and complying with the minimum required 40% ungraded open space.

The request to exceed FAR, reduce interior setback and reduce ungraded open space for purposes of developing a 2,764 SF, three-story residence with a 547 SF outdoor paved backyard on a hillside lot characterized by a steep up-hill slope is not justified. Given the subject lot is vacant, to propose a new code compliant development in compliance with the FAR, setbacks and ungraded open space is feasible. In this case, the variances requested are self-imposed, there is no justifiable hardship associated with the variance requests, and the project is inconsistent with the intent of the ordinance.

B. There are no 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 no exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property related to specific variances request that do not apply generally to other property in the same zone or neighborhood because there are substandard, irregularly-shaped hillside parcels in the neighborhood developed with single-family residences. Also, there are at least seven developed properties in the immediate neighborhood which share a similar situation associated with such transitional zones – R1R adjacent to SR zone. With the exception of the lot size, the site is suitable for developing a single-family house in compliance with the Zoning Code. Therefore, there are no 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.

C. The granting of the variance would 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.

Granting of the requested variances will be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood. The proposal to reduce the required interior setback to zero where 10 feet is required, reduce the amount of required ungraded open space by almost nine percent and exceed the maximum allowed 0.3 FAR by 0.16 would not be in character with the majority of development in the area. Each lot is to be taken as a stand-alone parcel for development. As previously noted, while the owner owns both the subject property and the adjacent vacant lot, the two lots cannot be legally joined for development as one larger parcel. As such, the

adjacent lot can be sold at any time and approval of the various requests would exacerbate the neighborhood conditions and not protect the intentions and letter of the law in regards to residential hillside development.

The community relies on the Zoning Code's hillside standards as adopted by the Council to ensure compatible development within existing hillside neighborhoods. As proposed, the project will exacerbate development on a substandard hillside lot by proposing a 2,764 three-story house, which significantly exceeds the maximum allowed 0.3 FAR on a lot with an average current slope greater than 40%; the project will not provide the minimum 10-foot interior setback on the east side; and the project proposes to reduce ungraded open space by 496 SF by proposing 1,932 SF (31.8%) of ungraded open space on a property with an average current slope of 50%. The project proposes 2,091 cubic yards of grading, which is considerably high considering the size of the 6,069 SF lot. With the exception of the substandard lot size, the developer could accommodate a smaller size home which complies with all zoning standards while providing reasonable living space to meet the needs of the residents.

D. The granting of the variance will be contrary to the objectives of the ordinance.

Granting the requested variances would be contrary to the objectives of the ordinance. The objectives of the Code are intended to promote the public's health, safety and welfare, and to allow reasonable development and use of property. As proposed, the project exceeds the maximum allowed 0.3 FAR and proposes 0.46 FAR on a lot with an average current slope greater than 40%, proposes to significantly reduce the minimum required interior setback to zero on the northeast side where a minimum ten feet is required, and proposes to reduce the minimum required 40 percent ungraded open space to 31.8 percent. Furthermore, in conjunction with the reduced setbacks and ungraded open space, the current project proposes excessive grading on a hillside property, which is contrary to the objectives of the hillside ordinance.

The objective of the 10-foot interior setback requirement as well as limiting the height of retaining walls in the interior setback is to provide and maintain a reasonable separation between structures for adequate open space in the R1R Zone. While the adjacent lot to the east is zoned SR (Special Recreation), notwithstanding, the Code does not exempt projects from complying with the interior setback requirements simply because the SR zone parcel may not be developed in the future. The project must comply with the required setback. The total floor area for the new house would result in a 0.46 FAR, thus creating more mass/bulk on the property in relationship to the lot size, which is contrary to the objectives of the FAR regulation. The objective of the FAR standard is to limit the overall bulk of the house, keep it in proportion to a given lot size, and not allow a house to be out of character with other homes in the immediate area. As proposed, the project does not comply with objectives of the ordinance as described above.

- **Additionally, a discretionary application, such as the requested variances, must also take into consideration the hillside development review consistent with Chapter 30.11.040 (A), which is as follows:**

- a. *Development shall be in keeping with design objectives in the Glendale Municipal Code and the Hillside Design Guidelines (Residential), as adopted in the City's Comprehensive Design Guidelines.*

These guidelines suggest preferred methods to develop single-family homes in hillside areas of the City and recommends minimizing grading to preserve the natural hillside appearance, open space and groves of native trees. The project does not currently comply with the design objectives of the Code and the Hillside Design Guidelines because the project proposes to reduce the minimum 40 percent ungraded open space for the site to 31.8 percent on a property with an average current slope greater than 40 percent; the variance request for this reduction has been denied, so any new project would have to comply with the 40 percent minimum. The variance request for reduced interior setback has also been denied, so the proposed retaining walls at the front and the rear of the property, and the 2,091 cubic yards of cut grading, will have to be amended to better comply with the Hillside Design Guidelines. The Guidelines state that new homes should follow and be built into the topography of the site. The current proposal shows that the residence's building forms terrace uphill, with complete visibility of the front and side facades. Given that the variance request for additional FAR is also denied, the house will have to be reduced in size to 1,820 for a 0.3 FAR from the proposed 2,764 SF. The Design Review process will ensure that the new design also features building forms that terrace up the hillside.

- b. *Development shall be compatible with the surrounding neighborhood in terms of size, scale, bulk/mass, roofline orientation, setbacks and site layout.*

The current proposal features a 2,764 SF single family residence that has a minimum 15-foot setback from Charing Cross Road, and is located towards the front and side/center of the site. The three-story house is approximately 32 feet in height and features a relatively flat roof above three levels. The forms of the street front façade somewhat stagger up the sloped hillside. Nevertheless, with its current 2,764 SF area, the proposed residence does not appear compatible in size with other homes in the neighborhood, which has an average house size of 1,5761 SF within a 300-foot radius. However, with the denial of the request for additional FAR, the smaller, redesigned house at an FAR of 0.3 will be more compatible with the neighborhood average. Furthermore, with the denial of variance requests for reduced setbacks and ungraded open space, the smaller building footprint in compliance with the required interior setbacks and ungraded open space standards will result in a project that is more in keeping with the surrounding context.

- c. *Site plans shall show preservation of prominent natural features, native vegetation and open space in a manner compatible with the surrounding neighborhood, minimizing alteration of terrain necessary for development.*

There are no protected scenic vistas, blue line streams or primary or secondary ridgelines on the site. The current project proposal requires significant landform alteration with its variance requests for reduced interior setbacks along the northerly property line and reduced ungraded open space; the Code requires a minimum 40% ungraded open space, and the project proposes 31.8%. These variance requests have been denied, so compliance with Code will help minimize the amount of grading and alterations of the terrain, thereby increasing open space on site and preserving more of the existing conditions.

There are protected trees on and within 20 feet of the site. According to the submitted Indigenous Tree Report (Exhibit 5), there are five oak trees identified on or within 20 feet of the subject site. Out of the five, three are located on the subject site, and two are located on the adjacent parcels. Two out of the five trees are six or less inches in diameter. Per Urban Forestry comments included in their memo dated June 22, 2021, three new coast live oak trees are proposed and shown on the project's landscape plan, all landscaping adjacent to the new and existing oak trees should be compatible per the Urban Forestry Guidelines, the project will comply with the tree protection measures proposed in the updated Indigenous Tree Report, and the applicant shall contact Urban Forestry to obtain an Indigenous Tree Permit during the plan check process. The landscape plan and tree protection plan will be reviewed for compliance with these conditions at that time.

- d. *Site plans for development of property on steep slopes shall take into account the visual impacts on surrounding properties.*

The subject site has an average current slope of 50%, and is approximately 86.62 feet wide at the street and approximately 48.03 feet wide along the rear property line. The visual impacts of the proposed single-family house on surrounding property on Charing Cross Road will be significant since the proposed 2,764 SF, three-story, 32-foot house with an attached garage, located on the up-hill lot, will be visible from the street including the street front and side façades. However, with the denial of the reduced interior setbacks, reduced ungraded open space, and increased FAR, the resulting house will be over 900 SF less than currently proposed (0.3 FAR, approximately 1,870 SF), and have a smaller building footprint. Also, with less massing, the resulting house will have less visual impact on the surrounding properties.

- e. *The architectural style and architectural elements of in-fill development shall be compatible with the surrounding neighborhood.*

The proposed residence is in a contemporary design and uses materials such as a combination of stucco, cement board siding, decorative stone cladding for the walls, fiberglass windows, metal balcony railings, decorative retaining block walls at the front and rear. These materials are common and appropriate for contemporary-styled residence. However, contemporary architecture is not a common theme on the immediate street block; most homes in this area were constructed between the 1950's and 1960's. Notwithstanding, existing homes in the Chevy Chase Canyon neighborhood are designed in various architectural styles, which were common at the times when these residences were constructed and some include contemporary-styled homes. It is anticipated that the future proposal to be redesigned in compliance with the interior setback, ungraded open space and FAR standards will be a smaller, more compact version of the currently proposed design; the Design Review Board will be responsible for ensuring the compatibility of the design of the future project within its neighborhood context.

CONDITIONS OF APPROVAL

APPROVAL of the Variance for lot size shall be subject to the following conditions:

- (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.
- (2) That all necessary licenses (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 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.
- (4) That separate permits shall be obtained for all work within the public right-of-way. The applicant shall bear all fees for the necessary permits and construction inspection for work within the public right-of-way.

- (5) 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 Design Review Board approval shall be obtained prior to the issuance of a building permit.
- (7) 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.
- (8) That a complete automatic fire sprinkler system and sounding devices shall be installed throughout the structure in accordance with the recommendations of the National Fire Protection Association 13 and the requirements of the Glendale Fire Department. The fire sprinkler plans shall be submitted to the Glendale Fire Engineering Bureau prior to the issuance of any building permits.
- (9) That any proposed exterior lighting shall be directed onto 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 water conserving plant materials shall be installed. The landscaping plan shall include a complete irrigation plan with water conserving devices, shall be prepared by a person licensed to prepare such plans and shall be approved by the Design Review Board and Fire Staff prior to the issuance of a building permit.
- (11) That landscaping areas shall be maintained in good condition with live plants and free of weeds and trash.
- (12) That the applicant shall comply with all requirements of the Building and Safety Section of the Community Development Department, as specified in their memo dated January 18, 2021, to the satisfaction of the Building Official.
- (13) That the applicant shall comply with all requirements of Fire Engineering of the Fire Department, as specified in their memo dated January 20, 2021, to the satisfaction of the Fire Chief.
- (14) That the applicant shall comply with all requirements of the City Engineer, as specified in the memo dated January 28, 2021, to the satisfaction of the City Engineer. That the applicant shall comply with all the recommendations contained in the Soils and Engineering Investigation for the proposed project.

- (15) That the applicant shall comply with all requirements of the Public Works - Urban Forestry Division, as specified in the memo dated June 22, 2021, to the satisfaction of the Urban Forester.
- (16) That the applicant shall comply with all requirements of the Public Works - Traffic Division, as specified in the memo dated January 20, 2021, to the satisfaction of the City Engineer.
- (17) That the applicant shall comply with all requirements of the Glendale Water and Power (Water & Electric), as specified in the memo dated January 11, 2021.
- (18) That the applicant shall consult with Pacific Edison in regards to any easements or building clearances required in relation to the power poles and power lines on the adjacent vacant lot under the same ownership.

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. Appeals must be filed prior to expiration of the 15-day period, on or before **FEBRUARY 11, 2022**. Information regarding appeals, appeal forms and fees may be obtained by calling the Community Development Department (CDD) staff at 818-548-2140, or the case planner at 818-937-8181.

APPEAL FORM is also available on-line:

<https://www.glendaleca.gov/home/showdocument?id=11926>

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the FEBRUARY 11, 2022 deadline (mailed to Community Development Department – Planning Division, Attention Milca Toledo, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Milca Toledo at MiToledo@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact Dennis Joe at 818-548-2140 to make arrangements with the cashier. Note: The standard 2.5% fee for **credit card payment** applies.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by a Variance 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

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.

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 Variance.

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. 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 ten (10) days' notice by mail to the applicant or permittee.

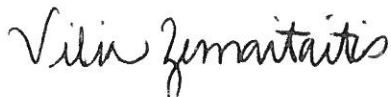
NOTICE – subsequent contacts with this office

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.

You may contact the case planner, Milca Toledo, during normal business hours at (818) 937-8181 or via e-mail at MiToledo@glendaleca.gov.

Sincerely,

Philip Lanzafame
Director of Community Development



Vilia Zemaitaitis, AICP
Principal Planner

VZ: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-(S.Demirjian/F.McLean); Traffic & Transportation Section (P.Casanova/Mark Bueno-Traffic Engineer Assoc.); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (G. Tom/S.Boghosian/R.Takidin/ C.Babakhanlou/D.Scorza); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); 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); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); P.Bernier; J.Velasco and F.Fowler; S.Rizzo; R.Rose; and case planner – Milca Toledo.

**A RESOLUTION OF THE PLANNING HEARING OFFICER
OF THE CITY OF GLENDALE, CALIFORNIA,
ADOPTING A CERTAIN MITIGATED NEGATIVE DECLARATION
PREPARED PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

WHEREAS, the Director of Community Development considered the Initial Study prepared on behalf of Variance Case No. PVAR1802906 requesting standard variances to construct a new approximately 2,764 square-foot (SF), three-story single-family residence with an attached 453 SF two-car garage on a vacant uphill hillside lot, located at 3132 Charing Cross Road, and heard by the Planning Hearing Officer at a public hearing on December 8, 2021, a Proposed Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act; and

WHEREAS, the Proposed Mitigated Negative Declaration was made available for a 20-day public review and comment period (November 1, 2021 to November 22, 2021); and

WHEREAS, a Final Mitigated Negative Declaration has been prepared incorporating any comments received during the review period and any responses to those comments; and

WHEREAS, the Final Mitigated Negative Declaration reflects the independent judgment of the City of Glendale; and

WHEREAS, the Planning Hearing Officer has read and considered the Mitigated Negative Declaration; and

WHEREAS, the Planning Hearing Officer acknowledges the findings of the Director of Community Development with respect to the preparation of the Mitigated Negative Declaration; and

WHEREAS, the Glendale Planning Division has been identified as the custodian of record for the Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED that the Planning Hearing Officer of the City of Glendale finds on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Planning Hearing Officer adopts the Final Mitigated Negative Declaration prepared on behalf of Variance Case No. PVAR1802906 and the Mitigation Monitoring and Reporting Program attached as Exhibit A.

Adopted this 27th day of January, 2022.



Planning Hearing Officer

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

The following mitigation measures shall apply to allow the construction of a new three-story, 2,764 SF single-family house, with an attached 453 SF garage proposed on a vacant 6,069 SF hillside lot with an average current slope of 50 percent, located at 3132 Charing Cross Road, to reduce identified impacts to less than significant levels.

Mitigation Measure:

BIOLOGICAL RESOURCES

MM-1 The applicant shall comply with all Recommendations and Construction Impact Guidelines for Pre-Construction, During-Construction and Post Construction included in the arborist report prepared by McKinley and Associates, dated August 25, 2020 and updated report submitted by the applicant on December 8, 2020.

MM-2 An Indigenous Tree Permit shall be obtained prior to building permit issuance. The approved Indigenous Tree Permit shall be maintained on the project site at all times and shall be presented upon request to any City official.

MM-3 That three new coast live oak trees be planted as indicated the project's landscape plan dated February 2020.

MM-4 All landscaping adjacent to the new oak trees should be oak compatible, and to the satisfaction of Urban Forestry.

The following Monitoring Action, Timing and Responsibility applies to all Biological Resource MMs 1-4

Monitoring Action Plan review; site inspection
Timing: Prior to Building Permit issuance;
 During all site preparation and construction activities
Responsibility: Director of Public Works; Project applicant

CULTURAL RESOURCES

MM-5 If human remains or funerary objects are encountered during activities associated with the project, work in the immediate vicinity (within a 60-foot buffer of the find) shall cease and the County coroner shall be contacted. If the human remains prove to be Native American in origin by the County Coroner, the applicant shall immediately notify the lead agency and all consulting Tribes.

Monitoring Action: Site inspection
Timing: During all site preparation and construction activities
Responsibility: Community Development Department; Project Applicant

MM-6 In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archeologist meeting Secretary of Interior standards shall assess the find. The Gabrielino Indian Tribe Band of Mission Indians shall be contracted to consult if any such find occurs. The archaeologist shall complete all relevant California State Department of Parks and Recreation (DPR) 523 Series forms to document the find and submit this documentation to the applicant, Lead Agency and the FTBMI. If the Native American cultural resource is determined to be significant, as defined by consulting Tribes, a Native American monitor procured by the Gabrielino Indian Tribe Band of Mission Indians shall be present for all ground disturbing activities that occur within the proposed project area.

- The archaeologist and Tribal monitor will have the authority to request ground disturbing activities cease within the area of a discovery to assess and document potential finds in real time.
- The Lead Agency and/or applicant shall, in good faith, consult with Gabrielino Indian Tribe Band of Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the project.

Monitoring Action: Site inspection
Timing: During all site preparation and construction activities
Responsibility: Community Development Department; Project Applicant

GEOLOGY AND SOILS

MM-7 That the development shall comply with all recommendations of the Geologic and Soils Engineering Exploration report dated September 20, 2019 and in their (email) memo dated June 8, 2021.

Monitoring Action Plan review; site inspection
Timing: Prior to Building Permit issuance;
 During all site preparation and construction activities
Responsibility: Director of Public Works; Project applicant