



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

October 11, 2022

Philip and Alison Barrie
1765 Fern Lane
Glendale, CA 91208

**RE: 1765 Fern Lane
Variance Case No. PVAR 2202444**

Dear Mr. and Mrs. Barrie:

On October 5, 2022, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Section 30.43, Variances, to construct a 288 square-foot addition to the existing 809 square-foot single-family house (built in 1924) without providing the minimum number of code-required, enclosed parking spaces. The subject property is a 4,000 square-foot lot located at **1785 Fern Lane**, in the R1 zone, FAR District II, and described as the Westerly 50 feet of Lot 4 of Tract No. 7146, in the City of Glendale, County of Los Angeles (APN: 5653-016-006).

APPLICANT PROPOSES

- (1) To allow a 288 square-foot addition to an existing 809 square-foot single-family residence (total of 1,097 square feet) while maintaining the existing substandard, 12-foot wide by 14-foot, 4-inch deep garage.

CODE REQUIRES

- (1) In the R1 zone, dwelling units up to 3,499 square feet cumulative gross floor area are required to have two covered and enclosed parking spaces (GMC 30.32.050).

ENVIRONMENTAL DETERMINATION:

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to Section 15303 of the State CEQA Guidelines because the project includes the construction of an addition to a single-family house, which will not result in an increase of more than 50% of floor area of the residence.

After considering the evidence presented with respect to this application, the plans submitted therewith, the Community Development Department has **APPROVED WITH CONDITIONS** the variance request, based on the following findings:

REQUIRED/MANDATED FINDINGS

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 parking standards for this property would result in practical difficulties inconsistent with the general purposes and intent of standards because of the locations of the existing garage and oak tree and the City's desire to maintain existing indigenous trees within the City limits, as per the Indigenous Tree Ordinance GMC 12.44. The site is developed with a one-story, 809 square-foot single-family residence and an approximately 12-foot wide by 14-foot, 4-inch deep detached garage. The applicant is proposing to construct a one-story, 288 square-foot addition at the rear of the single-family house. The existing detached garage is located in the rear third of the lot directly along the western interior property line. A mature oak tree is located approximately five feet east of the garage. The tree canopy extends over the garage, a portion of the existing residence and the majority of the rear yard. Expansion of the garage to the east, north or south would compromise the existing mature oak tree or require its removal. The City's Urban Forestry Division stated in their comment letter regarding the project that garage expansion would likely cause irreparable damage to the oak tree. The location of the garage on the western interior property line prevents expansion of the garage to the west. This variance finding is justified because the locations of the garage and oak tree would preclude the garage expansion.

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 area is legally nonconforming and smaller than today's minimum lot size regulation and the majority of the surrounding lots; the Verdugo Woodlands neighborhood features a number of smaller lots developed with single family residences, but this one is only 4,000 square feet in area. The smaller lot area, along with the property's current site plan layout with the existing house, detached garage, and existing, mature oak tree in the rear yard, limit the possibility of constructing the required two-car garage. Meanwhile, the subject site is located on a block of Fern Lane between North Verdugo Road and the Verdugo Wash, featuring only three properties on each side of the street; the short block is somewhat isolated from the rest of the Verdugo Woodlands neighborhood, given that the Verdugo Wash creates a dead end on the west, and Verdugo Road on the east is a minor arterial connecting the northerly part of

the City to the south. Additionally, there are two oak trees located on private property within this small block, although both are situated within front yards and are protected from development given minimum street front setback requirements. The existing oak tree on the subject site, on the other hand, is located in the rear yard and outside of minimum street front and interior setback standards; this situation is different from the other two houses on this block with oak trees, which are located within front yards and are protected from development given minimum street front setback requirements. Therefore, the oak tree's unique location in the middle of the 4,000 square-foot lot, along with the placement of the existing house and garage, result in exceptional conditions and constraints for the property and preclude expansion of the existing garage or construction of a new garage.

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 will not be detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood because the existing oak tree will remain and sufficient parking will be maintained on the site. The residence, along with the garage, were built almost 100 years ago, with a small 98 square-foot addition that was constructed approximately 10 years ago with an approved Administrative Exception to maintain the existing parking. The proposed 288 square-foot addition is modest in size, as is the existing 809 square-foot house, and the addition will have no impact on the existing oak tree. The project proposes no changes to the existing garage or the driveway leading to it. The approximately 71-foot long driveway can easily accommodate the parking of cars (albeit not covered and enclosed) outside of the street-front setback; therefore, no parking impact is anticipated on the short block of Fern Lane as a result of the approval of the variance. The proposed one-story addition will be located at the rear of the house and not visible from the public right-of-way. This project will require either design review approval or a design review exemption, ensuring the addition will comply with the City's design guidelines. The addition complies with all other R1 development standards, such as height, setbacks, lot coverage, floor area ratio and landscaping. Therefore, the proposed addition, in conjunction with the maintenance of the existing parking situation, will not be detrimental as the surrounding 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 because the present garage/driveway arrangement complies with the intent of the parking requirements and the project maintains the existing on-site oak tree in the rear yard. The purpose of parking regulations is to provide off-street, covered parking for single family residences, and to protect the public safety by lessening traffic congestion on the public streets. The purpose of the

Indigenous Tree Ordinance is to preserve indigenous trees as natural aesthetic resources while respecting individual rights to develop, maintain and enjoy private property. The existing 71-foot long driveway can accommodate the parking of cars without encroaching into the street front setback or the need to park on the street on this short, exclusively residential, dead-end block. Granting of the variance will allow the existing oak tree to be maintained and a modest addition to a modest residence to be constructed, consistent with the intent of the Indigenous Tree Ordinance, which encourages tree preservation while valuing the rights of property owners.

CONDITIONS OF APPROVAL

APPROVAL of the Variance 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, except for the front façade of the existing garage, which is to remain as is (no modifications to the existing roof eaves).
2. That all necessary permits (i.e., building, fire, engineering, grading, etc.) 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 additional or other building code requirements or specific code requirements (i.e. CA Green Building Code, etc.) will be required upon submittal of plans for building plans check and permit.
4. 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. The applicant shall submit an approved Standard Urban Stormwater Mitigation Plan (SUSMP) to be integrated into the design of the project.
5. 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.
6. 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.

7. That Design Review exemption or approval shall be obtained prior to the issuance of a building permit.
8. That the applicant shall comply with all requirements of Glendale Water and Power, as specified in their memo dated May 22, 2022, to the satisfaction of the General Manager of Glendale Water and Power.
9. That the applicant shall comply with all requirements of the Building and Safety Division, as specified in the memo dated June 6, 2022 to the satisfaction of the Building Official.
10. That the applicant shall comply with all requirements of the Public Works - Urban Forestry Division, as specified in the letter dated January 12, 2022 to the satisfaction of the Urban Forester.
11. That the applicant shall comply with all requirements of the Public Works – Traffic and Transportation Division, as specified in the memo dated June 6, 2022 to the satisfaction of the Director of Public Works.
12. That this variance is for the 288 square-foot addition to the existing residence without providing code-compliant two-car covered and enclosed parking. Any expansion or modification of the facility or use shall require a new variance application. Expansion shall constitute adding of additional floor area or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.

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 **October 26, 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 818-937-8152.

APPEAL FORM is also available on-line:

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

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.

REVOCAION

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

Sincerely,

Bradley Calvert
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 (F.McLean); Traffic & Transportation Section (P.Casanova/Mark Bueno); 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; Integrated Waste Management Admin; Maintenance Services Section Admin.; Street and Field Services Admin.; Engineering and Environmental Management; and case planner – Roger Kiesel.