



**CITY OF GLENDALE, CALIFORNIA**

Community Development  
Planning

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June 14, 2023

Rodney Khan  
Khan Consulting Inc.  
P. O. BOX 816  
Montrose, CA 91021

**RE: 511 NOLAN AVENUE**  
**ADMINISTRATIVE EXCEPTION CASE NO. PAE-001142-2023**

➤ (SEE ALSO VARIANCE CASE NO. PVAR-000961-2023)

Dear Mr. Khan:

On May 24, 2023, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Section 30.43, requesting a ***Standards Variance And Administrative Exceptions*** to construct a 2,149 square-foot, three (3)-story single-family home with an attached two (2)-car garage on a 7,166 square-foot vacant, hillside lot in the "R1R-II" - (Restricted Residential, Floor Area Ratio District II) Zone, described as Lot 68 Tract 4881/ 5630-011-033, located at **511 Nolan Avenue**, in the City of Glendale, County of Los Angeles.

➤ **VARIANCES** are requested for a reduced street front setback (six (6) feet whereas fifteen (15) feet is required) and to provide a ten (10)-foot driveway length (18 feet required).

➤ **ADMINISTRATIVE EXCEPTIONS** are requested to develop the project on a substandard lot size (7,166 whereas 7,500 square feet is required) and to exceed the maximum allowed height (32 feet) by four feet (36 feet).

**ENVIRONMENTAL DETERMINATION**

This project is categorically exempt from environmental review as a Class 3 "New Construction or Conversion of Small Structures" per Section 15303(a) of the State CEQA Guidelines because the project involves construction of one single-family residence. The on-site oak tree is not a protected species and the protected oak tree near the site is over 20 feet away from the property line.

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

## **REQUIRED/MANDATED FINDINGS**

### **FINDINGS FOR ADMINISTRATIVE EXCEPTION REQUEST**

**A. The granting of the exception will result in design improvements, or there are space restrictions on the site which preclude full compliance with code requirements without hardship;**

The application request is to build a 2,149 SF, three-story single-family home with an attached two-car garage on a 7,166 SF, vacant, hillside lot in the R1R-II (Restricted Residential Zone, Floor Area Ratio District II) Zone with a substandard lot size (7,500 SF required) and while exceeding the maximum allowed height (32 feet) by four feet (36 feet). The subject site is on a down-sloping lot with an average current slope of 101%. The site is similar to the other lots on the down-sloping side of Nolan Avenue in terms of lot size and topography. The proposed single-family residence and attached two-car garage is proposed to be located close to the front property line with a street front setback of six feet (6'-0").

There are space restrictions on the site which preclude full compliance with code requirements without hardship. The lot was originally created in 1927 (Tract 4881, Lot 68, as per Map Book 140, pages 32-35, in the County Recorder of Los Angeles) and complied with lot size standards at the time. The vacant, adjacent lot to the north (Lot 67) is 7,000 SF in size which is also substandard, so no area is available to be taken from that lot and joined to the subject lot to make bring the lot size up to current code standards. Further, the applicant states the property owner was not interested in selling any portion of the lot. The lot to the south, Lot 69, is 11,000 SF in size; however, the applicant states the property owner is not willing to sell a portion of the land to remedy the subject lot size. Therefore, no land is available to expand the lot size and bring it to the minimum required size. Not allowing reasonable development of the lot similar to other lots created and legally recorded nearby would create a hardship for the applicant.

In terms of the building height, the exceedingly steep site slope of 101% makes it very challenging to conform to the maximum building height standard. The building is already pushed very close (six feet) to the front property line to reduce total building height to the extent possible. The driveway slope is 6.5%, the maximum

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allowed before additional five-foot long transition slopes are required, which are not feasible given the driveway is only 10 feet long at the shortest point. The design also uses a retaining wall at the base of the building to step the grade down and reduce total height, and the project features an eight-foot floor-to-ceiling height in the garage and a nine-foot floor-to-ceiling height in the two lower levels, which are typical within the current development market. To require the building to be pushed down further into the hillside to meet the maximum required building height would render the project infeasible since there is no other viable location for the required garage.

**B. The granting of the exception, with any conditions imposed, 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; and**

The substandard-sized lot (7,166 SF versus 7,500 SF required) is only slightly (334 SF, or four percent [4%]) smaller than the required lot size. This difference in size is not substantial and will not have a visible impact on the development of the site and therefore will not be materially detrimental to the properties in the neighborhood. The 36-foot height is four feet higher than the allowed building height, however, the building is pushed into the hillside to reduce overall massing. Approval of the exception allows the house to better fit with the natural topography of the site and thereby minimize visual impacts to surrounding properties. The house is located and sized to minimize the amount of grading and preserve natural open space. The proposed 2,149 SF three-story home is proportional in size and scale to existing houses on the same side of the street which have similar site conditions and which average 2,391 SF with three stories.

**C. The granting of the exception will not be contrary to the objectives of the applicable regulations. Decisions related to development in the ROS and R1R zones shall consider the hillside development review policy contained in Section 30.11.040(A).**

The granting of the administrative exception will not be contrary to the objectives of the ordinance. One of the objectives of the Zoning Ordinance is to accommodate reasonable development in a fair and appropriate manner. The proposed project does this by allowing development of a single dwelling unit on the site, which is allowed in the R1R (Restricted Residential) Zone. The objective of the lot size and height limits is to provide consistency and compatibility throughout neighborhoods,

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as well as light and air between structures. The proposed project is designed similar to other homes in the immediate area, with the building pushed close to the street in order to reduce massing and alteration of existing natural topography. Therefore, the exception is consistent and compatible with the neighborhood.

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.

### **HILLSIDE DEVELOPMENT REVIEW**

Every discretionary decision made by the city council, along with city boards, commissions and administrators related to development in the ROS and R1R zones shall take the following into consideration:

- A. Development shall be in keeping with the design objectives in the Glendale Municipal Code, the hillside design guidelines and the landscape Guidelines for hillside development as now adopted and as may be amended from time to time by city council.
- B. Development shall be compatible with the surrounding neighborhood in terms of size, scale, bulk/mass, roofline orientation, setbacks, and site layout.
- 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.
- D. Site plans for development of property on steep slopes shall take into account the visual impact on surrounding properties.
- E. The architectural style and architectural elements of in-fill development shall be compatible with the surrounding neighborhood.

The proposed development is in keeping with the hillside design guidelines, and the landscape guidelines. The proposed 2,149 SF, three-story single-family home with an attached two-car garage is compatible in size with other houses near it on similar lots (on Nolan Avenue), which average 2,391 SF. The siting, mass and scale are similar to the other nearby houses on the downslope side of Nolan Avenue, which feature similar site conditions. The style of the proposed house (contemporary with flat roof) is compatible with the flat-roofed, contemporary house across the street at 524 Nolan Avenue, and with other homes in the neighborhood. The project is designed to provide stepping with the hillside. The building is designed as a one-story house as viewed from

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Nolan Avenue, consistent with the street pattern. The building is designed as a three-story house as viewed from Valentine Drive, consistent with the street pattern. The building maintains required setbacks except on Nolan Avenue, where it is being pushed closer to the street and into the hillside to reduce the building's apparent massing and scale. This site layout is consistent with the street pattern. Seventy-four percent of the site will be maintained as ungraded open space. The building is designed with cantilevered decks to provide outdoor space in lieu of grading the hillside. The driveway is designed as an open bridge to reduce massing and preserve the hillside beneath. No indigenous protected trees will be impacted by the project.

### **CONDITIONS OF APPROVAL**

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

- 1) That the development shall be in substantial accord with the plans presented in conjunction with the application, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Community Development Department
- 2) That all necessary permits shall be obtained from the Building and Safety Section and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
- 3) That design review approval or exemption shall be obtained prior to the issuance of a building permit.
- 4) That any expansion or modification of the project which is different than what is represented as part of this Variance approval shall require a new application as determined by the Planning Hearing Officer.
- 5) That cars parked on the driveway shall not extend into the roadway.

### **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

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appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires.

***All appeals must be filed using the City's online permit portal: [www.glendaleca.gov/Permits](http://www.glendaleca.gov/Permits). Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before **JUNE 29, 2023**. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818-548-2140, or contacting the case planner, Cassandra Pruett, at [cpruett@glendaleca.gov](mailto:cpruett@glendaleca.gov) or 818-937-8186.***

#### **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.

#### **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

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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

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 the Administrative Exception 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, Cassandra Pruett, during normal business hours at (818) 937-8186 or via e-mail at [cp ruett@glendaleca.gov](mailto:cp ruett@glendaleca.gov).

Sincerely,  
Bradley Calvert  
Director of Community Development



Dennis Joe  
Senior Planner

DJ:CP:sm

cc: City Clerk (K.Cruz); Building and Safety (S.Hairapetian); Neighborhood Services Division (J.Sada); Design Review & Historic (J.Platt/K.Conley); Economic De. (M.Berry); Housing (P.Zovak / M. Fortney); Urban Design and Mobility (F.Zohrevand); Parks, Recreation and Community Services and Park (T. Aleksanian/ A.Limayo); Information Services (G.Arnold); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Engineering Section-(J.Diaz/ D.Stimson); Traffic & Transportation Section (P.Casanova/S.Roudsari); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (S.Boghosian/R.Takidin/F.Garcia); Glendale Water & Power--Electric Section (C.Babakhanlou/ S.Boghosian / F.Garcia/ H.Barkhordian/ D.Scorza ); Police Dept. (Lt.S.Riley/Z.Avila); Dir. Of Public Works (Y.Emrani); Engineering and Land Development (A.Avazian/ S.Oganesyan / M.Oillataguerre/ R. Villaluna); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field / Urban Forester (L.Klick / C.Linares / O. Urquidez); A.Malekian; J.Jackson; and case planner Cassandra Pruett.