glendale california
City of Glendale
Community Development
Planning & Neighborhood Services

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July 22, 2015

Alen Malekian
2255 Honolulu Avenue #1A
Montrose, CA 91020

RE: 1135 ELM STREET
ADMINISTRATIVE EXCEPTION CASE NO. PAE 1515319

(SEE VARIANCE CASE NO. 1428606)

Dear Mr. Malekian:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44.070, the Planning Hearing Officer has processed your application for an Administrative Exception to allow a 20% deviation from the minimum 5-foot setback for attached garages and from the average 8-foot interior setback in the "R-2250" zone as required by Chapter 30.11 of the Glendale Municipal Code. The proposed project is located at **1135 Elm Street**, being Lot 6, Tract No. 5424 in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL DETERMINATION: The project is exempt from environmental review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Section 15301.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the plans submitted therewith, the Planning Hearing Officer 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 subject property is 6,400 square feet, has a 40-foot lot width and is 160 feet deep. It is developed with a one-story, single-family residence with a detached garage. The proposed project would demolish the existing garage and construct a new residential dwelling unit integrating a single car garage

into the design at roughly the same location as the existing and including a three-car garage with access from the existing alley. In the R-2250 zone, attached garages are required a minimum 5-foot interior setback and the first residential floor is required a minimum 5-foot and an average 8-foot interior setback. The applicant is proposing a 4-foot setback for the attached garage and a 7'-1" average setback for the western interior property line.

Design improvements would result in allowing the 4-foot interior setback for the three-car garage because it would enable the proposed development to include a new full-width three car garage with access to the adjacent alley. The site, after the proposed construction, would provide a total of four off street parking spaces, which is one more than would otherwise be required pursuant to the City's Zoning Code. This additional parking space would incrementally improve the on-street parking situation in this area where there are several higher density multi-family residential developments, which were constructed when parking standards were lower.

Space restrictions on the site justify reducing the average 8-foot setback to a 7-foot, 1-inch setback along the western interior property line. The subject lot, while relatively deep, is only 40 feet wide. The first floor of the proposed residence contains a kitchen, living/dining area and one-half bathroom in a modest 638 square feet. Increasing the interior setback to comply with this development standard would reduce the livability and functionality of the "common area" of this residential unit without a noticeable benefit. It should be noted that the second floor of the proposed residence complies with the minimum (8 feet) and average (11 feet) interior setback requirements.

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 exceptions from the 5-foot garage setback and 8-foot interior setback will not be materially detrimental to the public welfare or injurious to the property and improvements in the area. Allowing the garage to have a 4-foot setback will enable a full-size three-car garage to be constructed on the site (for a total of four on-site parking spaces, one more than what is required) and incrementally reduce demand for on-street parking on Elm Street, which would provide a benefit to the neighborhood. Allowing a 7-foot, 1-inch average interior setback along the western property line would be difficult to notice (given the slight 11-inch reduction) from the surrounding area, particularly since the project complies with the minimum 5-foot setback on the first floor and both the 8-foot minimum and 11-foot average setbacks on the second floor.

C. The granting of the exception will not be contrary to the objectives of the applicable regulations.

The purpose of the administrative exception procedure is to provide a simplified means for considering applications for minor deviations from the code standards. These standards were developed to allow reasonable use of properties in order to promote the public health, safety and general welfare. Granting an administrative exception for an up to 20% deviation from garage and average interior setbacks will allow reasonable development of the site that meets other zoning regulations. Further, the slightly reduced garage setback will allow development of a full-width three-car garage, which will incrementally reduce demand for on-street parking. The slight reduction in average setback still provides adequate space between the project site and the adjacent neighbor, particularly since the project will comply with the minimum setback on the first floor and both the minimum and average setbacks on the second floor of the proposed building.

CONDITIONS OF APPROVAL

APPROVAL of this 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 for the Administrative Exception, except 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 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 the garage shall be used for the parking of motor vehicles.

4) That any expansion or modification of the dwelling, which is different from what is represented as part of this administrative exception application, shall require a new application and constitute adding of additional floor area or physical change as determined by the Hearing Officer.

5) Separate permits are required for all work in the public right-of-way. The applicant shall bear all fees for the necessary permits and construction inspections for work within the public right-of-way.

6) That Design Review Board approval or exemption 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.

APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS

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 City Council if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented.

It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within **fifteen (15) days** following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before AUGUST 6, 2015,** at the PSC, 633 East Broadway, Room 101, Monday through Friday 7:00 a.m. to 12:00 p.m., or at CDD, 633 East Broadway, Room 103, Monday through Friday 12:00 p.m. to 5:00 p.m.

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.

APPEAL FORMS available on-line http://www.glendaleca.gov/appeals

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

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.

REVOCATION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and 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 regarding this issue, please do not hesitate to contact the case planner, Roger Kiesel during normal business hours at his direct line (818) 937-8152 or office line (818) 548-2115 or rkiesel@glendaleca.gov , weekdays, during normal business hours.

Sincerely,

Laura Stotler
Planning Hearing Officer

LS:RK:sm

CC: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); Dir. Of Public Works (R.Golanian); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (A. Jimenez); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Environmental Management (M. Oillataguerra) and case planner Roger Kiesel.