glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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November 4, 2015

Shawn Rabbani
P.O. Box 573022
Tarzana, CA 91357

RE: ADMINISTRATIVE EXCEPTION CASE NO. PAE 1520550
3346 MILLS AVENUE

Dear Mr. Rabbani:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44.070 (E), for a maximum 20 percent deviation from one or more numeric standards in this Title, the Community Development Department has processed your application for an Administrative Exception to allow an interior setback of 4'-9" instead of the required 5'-0" (five percent deviation) described in Section 30.11.030, Table 30.11-B of the Glendale Municipal Code in conjunction with the construction of a 857 square foot second-story addition to an existing one-story, single-family residence without providing the required interior setback at the north side of the subject property located at **3346 Mills Avenue**, in the " R1"(Low Density Residential) Zone, Floor Area Ratio District II and described as Lot 183, Tract No. 5547, in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL DETERMINATION: The project is exempt from environmental review as a Class 1 "Existing Facility" exemption (Section 15301(e)(1) of the State CEQA Guidelines).

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, all of the required three findings can be made in support of the application. The Director of Community Development has **APPROVED 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 a 7,328 square-foot lot with a 1,750 square-foot, three-bedroom single-family residence. The applicant is proposing to add a 857 square-foot, second-story addition, which includes a master bedroom suite with a bathroom and closet and a small bedroom and closet. The existing attached, two-car garage facing Mills Avenue has non-conforming 4'-9" interior set back at its north side and a non-conforming 19'-6" front setback. The house with its attached two-car garage was built in 1951 in its existing condition. Accordance with Chapter 30.11 of zoning Code, 5'-0" interior setback is required for the proposed second-story addition with overall height of 25'-10", where the existing garage has a non-conforming 4'-9" interior setback.

The second-story addition is designed to locate back from Mills Avenue and will not locate above the attached garage. Therefore, the addition will not create a new non-conforming situation in terms of the front set back, since it is recessed 39'-3" from the front property line and a minimum of 5'-4" from the interior side property line.

The proposed addition is also recessed from the south and rear side of the existing single-story residence to allow it to be more architecturally consistent with the existing house and neighborhood architectural concept. Providing a 5'-0" interior set back would require the garage wall at the north side be removed and rebuilt 3-inch towards the south. This would create an odd and unbalanced eave overhangs from the sides of the roof , as well as create asymmetrical elevation at the garage entry. Keeping the 4'-9" interior setback would maintain the existing non-conforming garage dimensions as well. Additionally, any construction to move the garage wall or its roof may have negative impacts on a mature 20-inch oak tree located at the northeast side of the garage. The tree is approximately 6 feet away from the garage wall. The site contains five mature oak trees. Another 24-inch oak tree located at the front of the house, southeast corner of the lot and two 24-inch and one 18-inch oak tree located at the rear of the existing house (southwest corner of the lot). The presence of these protected trees restricts the buildable area of the. The proposed second-story addition, with the requested minor exception will protect the oak tree at the front as well as provide a reasonable use and development of the property without increasing the existing nonconforming front and interior setbacks.

B. The granting of the exception will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

The granting of the administrative exception to allow the property to maintain the existing non-conforming setback will not be materially detrimental to the public welfare or injuries to the property or improvements such zone or neighborhood.

There are five oak trees on the subject lot, which would not provide enough space to create a compatible development to comply with the Zoning Code and design regulations. Given its unique features, the proposed development with the requested exception from Zoning Code is reasonable given the rectangular, narrow lot and the existence of the oak trees that prevent the expansion of the existing residence as a single-story addition. Furthermore, the proposed second-story is located above the attached garage. The addition is designed to be in-line and above the part of the existing residence with interior setbacks ranging from 5'-4" to 5'-8". The design concept would allow the development on the site to continue to provide the separation from its neighbors as well as provide light, privacy, and ventilation as intended by the Zoning Code.

Overall, the exception to deviate 3-inch from the required interior 5'-0" foot setback is minimal and will help preserve the mature oak trees located on the site. By granting this administrative exception, the project will allow for an improvement of the property while the second-story addition meets the other Zoning and Development Standards. The overall design, mass and scale of the project appear appropriate, but will require separate review and approval by Design Review Board.

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

The proposed addition meets all other zoning code requirements of the R1Zoning, including lot coverage, floor area ratio, and landscaping. The purpose of the administrative exception procedure is to provide a simplified means for considering applications for minor deviations from Code standards. These standards have been developed to allow reasonable use of properties in order to promote the public health, safety, and general welfare.

Granting of this exception for a 857 square foot second-story addition on the existing single-story residence while maintaining the existing non-conforming interior setback will allow reasonable development of the site. Therefore, granting the exemption will not be contrary to the objectives of the applicable regulations.

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 Community Development Department.

2) That all necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.

3) That any expansion or modification of the dwelling which is different than what is represented as part of this Administrative Exception application, shall require a new application as determined by the Hearing Officer.

4) That Design Review Board (DRB) approval shall be obtained prior to issuance of a building permit.

5) That the premises be maintained in a clean orderly condition, free of weeds, trash, and graffiti.

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 Design Review Board 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 **November 19, 2015** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

GMC Chapter 30.41 provides for:

TERMINATION: Every right or privilege authorized by an Administrative Exception shall terminate two 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 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 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 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 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, Aileen Babakhani during normal business hours at his direct line (818) 937-9331 or ababakhani@glendaleca.gov, between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,

Erik Krause
Planning Hearing Officer

EK:ab

cc: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section-(J. Halpert); 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 (S. Mirzaians); 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); and case planner Aileen Babakhani.