glendale california
City of Glendale
Community Development
Planning & Neighborhood Services

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November 23, 2015

MCR Construction
Attn: Daniel Rolph
903 East Verdugo Avenue
Burbank, CA 91501

RE: 330 KEMPTON ROAD
STANDARDS AND SETBACK VARIANCE CASE NO. PVAR 1520112

Dear Mr. Rolph:

On November 4, 2015, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, on your application for a Standards Variance to allow a retaining wall to exceed the allowable height within the street front setback and Setback Variance to allow a fence to be located within the street front setback, located at **330 Kempton Road**, in the "R1R" - Restricted Residential Zone, described as Lots 102 and 103 and Portions of 99, 100 and 101, Tract No. 9152, in the City of Glendale, County of Los Angeles.

CODE REQUIRES
Standards & Setback Variance

(1) Retaining walls which have a toe within fifteen (15) feet of a street front and street side property line and run essentially parallel to the street may have a maximum exposed height of five (5) feet at any point along the wall. An additional two (2) feet in height is permitted when the wall is faced with a decorative masonry or stone, subject to approval of the Director of Community Development.
(2) Retaining walls, planters or curbs which are not more than eighteen (18) inches in height above the ground surface existing at the time of construction,
(3) The minimum street front setback for all buildings and structures is 15 feet.

APPLICANT'S PROPOSAL
Standards & Setback Variance

1) To exceed the maximum allowable height by 13 feet to a maximum of 20 feet within the street front setback off of Brockmont Drive.
2) To exceed eighteen (18) inches above the grade existing at the time of construction by eighteen (18) inches or 36 inches above the existing grade line.

3) To allow a wrought iron fence to have a four foot street front setback in line with the existing wrought iron fence.

ENVIRONMENTAL DETERMINATION
The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small Structures" exemption pursuant to State CEQA Guidelines Section 15303.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

A. 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 "R1R" zone is a single family hillside zone. The zoning code establishes maximum retaining wall heights to minimize the mass and scale of these features as well as promote compatibility within the neighborhood. The site slopes down from Kempton Road to Brockmont Drive. The upper portion of the site has a gentle slope whereas the rear, east and west sides of the property consist of steeply sloping hillsides. The property has a grade differential from Kempton Road to Brockmont Drive of approximately 82 feet. The applicant is requesting that the proposed retaining wall be up to 20 feet high instead of the 7 feet allowed by code. Constructing a retaining wall complying with code requirements would not safely protect the property due to the grade differential between the yard and street level. The applicant is also adding two feet in height of fill between the existing yard and the retaining wall to have a consistent grade at the yard level, which will eliminate the need for additional retaining walls.

The goal of the street front setback is to provide a buffer between single-family homes and the street resulting in a uniformed setback. The wrought iron fence will have a minimum setback of four feet adjacent to Brockmont Drive. There is a 22-foot grade difference between this street and the yard where the wrought iron fence is proposed. This vertical difference creates a vertical buffer that is consistent with the intent of the street front setback.

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.

Due to the elevation difference between the yard and Brockmont Drive, a retaining wall would need to be at least 20 feet high to properly retain the subject site. The lot is a double frontage lot that has an elevation differential of approximately 82 feet from Kempton Road to Brockmont Drive. In addition, the terrace level where the fence will be located is approximately 22 feet above the street level on Brockmont Drive. This vertical elevation difference provides a similar buffer to the street, like that of the more standard horizontal setback.

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 proposed retaining wall, while visible from Brockmont Drive, will match the existing decorative retaining wall to the east both in height and appearance. This project will not conflict with adjacent residential uses or adversely affect them. One of the goals of the zoning ordinance is to ensure lots are safely developed such that there is no negative impact to life safety. The height of the proposed retaining wall is necessary to properly protect the property and related structures. This will benefit not only the subject property but surrounding properties as well. The grade difference as previously discussed is such that a buffer will still be provided.

D. The granting of the variance will not be contrary to the objectives of the ordinance.

The Municipal Code regulates height and setbacks such that mass and scale of development are minimized and compatible with the surrounding neighbors. Due to the topography of the site, the standards variance will not be contrary to the objectives of the ordinance since the height of the retaining wall is necessitated by the conditions of the property to prevent slope failure and damage to the structures on the property. The proposed location of the wrought iron fence is appropriate. Due to the elevation change, the fence would not be readily visible from the adjacent street or neighboring properties.

CONDITIONS OF APPROVAL

APPROVAL of this Standards and Setback 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 to the satisfaction of the Planning Hearing Officer.

(2) That all necessary permits (i.e., building, fire, engineering, 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 Historical Review approval or exemption shall be obtained prior to the issuance of a building permit.

(4) That should any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site be 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.

(5) That landscaping areas shall be maintained in good condition with live plants and free of weeds and trash.

(6) That any expansion or modification of the facility or use shall require a new variance application. Expansion shall constitute additional floor area, or any physical change as determined by the Planning Hearing Officer with concurrence from the Director of Community Development.

(7) That the premises shall be made available to any authorized City personnel (Fire, Police, Planning and Neighborhood Services, etc.), for inspection to ascertain that all conditions of approval of this variance are complied with.

(8) That the method of discharge of the onsite drainage shall be approved by the Director of Public Works. All roof and on-site drainage shall be conveyed to the street via sheet flow through the driveway apron or cast iron pipes/parkway drains from the property line and exiting through the curb per Standard Plans for Public Works Construction (SPPWC), and under separate permit.

(9) That separate permits are required for all work within 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.

(10) That the project shall comply with all National Pollutants Discharge Elimination System (NPES) requirements, including 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.

(11) That the proposed 4-inch curb drain in the right-of-way shall be solid cast iron pipe with no perforations.

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 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 **DECEMBER 8, 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 p.m. to 5 p.m.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

Every right or privilege authorized by a variance, shall terminate two (2) years after 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.

Extension
Variances 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 or 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 such variance.

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

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, CONTINUING JURISDICTION

Section 30.64.020 – REVOCATION – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions (individual cases heard and decided upon by the Hearing Officer). To consider the revocation, the Hearing Officer

shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least 10 days notice to the applicant or permittee. Continuing jurisdiction over any case is the purview of the hearing officer, with concurrence by the Director of Community Development.

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.

Sincerely,

Roger Kiesel
Planning Hearing Officer

RK:BC:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); 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); Seth Briskman-designer; and case planner-Brad Collin.