glendale california

City of Glendale
Community Development Department

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January 5, 2016

John F. Cutter
15362 Sutton Street
Sherman Oaks, CA 91403

**RE: 3615 ENCINAL AVENUE**
**VARIANCE CASE NO. 1523208**

Dear Mr. Cutter:

On December 16, 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 floor area expansion to an existing one-story single-family house while not providing the required two covered and enclosed parking spaces, located at **3615 Encinal Avenue,** in the "R1" – Low Density Residential Zone, Floor Area District II, described as Lot 23, Tract No. 13694, in the City of Glendale, County of Los Angeles.

CODE REQUIRES
Standards Variance

1) Two covered and enclosed parking spaces are required for a single-family house with a total gross floor area ranging between 0 - 3,499 square feet (GMC 30.32.050). Currently there is a one-car, 250 square-foot attached garage on the site.

APPLICANT'S PROPOSAL
Standards Variance

1) Proposing to maintain the existing one-car garage and not provide an additional covered and enclosed parking space.

ENVIRONMENTAL DETERMINATION
This 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 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.**

Strictly applying the parking space standards in the present case would result in an unnecessary hardship inconsistent with the general proposes and intent of the ordinance because of existing site constraints, including the location of the oak tree next to the garage, topography at the rear of the site and the existing building layout. The intent of the minimum parking requirements is to ensure sufficient off-street parking for various uses. The existing garage, a portion of which will be legalized, is a minimum of 32 feet in depth. While the garage is in a tandem arrangement, its depth can accommodate two modest-sized automobiles. Further, the proposed modest addition to the existing modestly sized house should not increase the need to any significant degree for additional parking spaces. The on-site garage has accommodated the residence since the site was developed in the 1950's. Requiring a 20-foot wide garage because of the proposed modest addition would require potentially removing the existing oak tree, demolishing a portion of the existing house or undermining the existing upslope topography of the rear of the property and given the scale of the addition would be an unnecessary hardship.

**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 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 because of the locations of the existing mature trees at the front of the property and the topography at the rear of the property. Different options were explored to make the parking code-compliant. However, each option resulted in potential additional Code violations or removal of protective trees.

**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 materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located because the project is an addition to an existing residence in a single-family zone. The surrounding area includes already developed single-family residences. As discussed above, the depth of the garage (after legalization) will be able to accommodate two modestly sized automobiles and the modestly-scaled addition will not create the need for additional parking. The bulk of the addition will be located in the rear of the site, not visible from the surrounding neighborhood and will comply with the development standards in the R1 zone.

**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 while the project will not provide the minimum number of parking spaces, the garage (after legalizing an existing garage extension) will be 32 feet long, which can accommodate two modest sized cars. Further, granting of the variance will allow the preservation of an existing on-site oak tree, open space on the small lot and topography of the site.

## CONDITIONS OF APPROVAL

**APPROVAL** of this Standards 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 <u>except</u> 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 Design 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.

## 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 **JANUARY 20, 2016** 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:MT: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); Janek Dombrowa – architect; and case planner-Milca Toledo.