glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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February 17, 2016

Edward Hagobian
220 South Kenwood Street, Suite 210
Glendale, CA 91205

RE: 4000 BOUQUETE STREET
STANDARDS VARIANCE CASE NO. PVAR 1500289, &
RIDGELINE OR BLUELINE STREAM EXCEPTION CASE NO. PRBSE 1500291

Dear Mr. Hagobian:

The Planning Commission of the City of Glendale, at its meeting held on February 17, 2016, conducted a public hearing and **APPROVED WITH CONDITIONS,** and the eight conditions listed in the motion and adopted by the Planning Commission on February 17, 2016, on your application for the property located at **4000 Bouquete Street** - Standards Variance Case No. PVAR 1500289, & Ridgeline Or Blueline Stream Exception Case No. PRBSE 1500291.

The applicant originally requested to deviate from the fifteen(15)-foot height limit for an accessory building (garage), fifteen (15)-foot street front setback, ten (10)-foot interior setback and requested an exception to Title 16, which limits the height of any buildings to fifteen (15) feet on lots with secondary ridgeline in conjunction with the construction of a new one-story, single-family residence and detached two-car garage, in the "RIR–II" - (Restricted Residential) Zone, Floor Area Ratio District II, described as Lot 27 of Tract No. 25862, in the City of Glendale, County of Los Angeles.

The applicant revised his request. The Planning Commission considered his request to deviate from the ten (10)-foot interior setback and secondary ridgeline exceptions to permit a flat roof design for the house and garage and to exceed fifteen (15) feet in height for a single-family residence.

CODE REQUIRES

Setback Variance

(1) In the "R1R" zone, the required interior setback is ten (10) feet (G.M.C. Chapter 30.11.030, Table 30.11 – B).

Ridgeline Exception

(1) The height of any buildings located on a lot with a secondary ridgeline shall be limited to fifteen (15) feet or one-story, and a roof pitch that follows the slope of the hillside (G.M.C. Title 16, Chapter 16.08.020 (E) (4)).

APPLICANT'S PROPOSAL

Setback Variance

(1) The applicant is proposing to construct a new residence in the "R1R" zone with a five-foot (5'-0") interior setback.

Ridgeline Exception

(1) The applicant is proposing to exceed the fifteen (15)-foot height limit and a flat roof design for the house and garage, for the single-family residence.

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.

A copy of the adopted motion is enclosed.

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 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 (COD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **March 3, 2016,** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (COD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

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

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.

GMC CHAPTER 30.41 PROVIDES FOR

Termination
Every right or privilege authorized by a Variance 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
A Variance may be terminated by the review authority upon any interruption or cessation of the use permitted by the Variance for one year or more in the continuous exercise in good faith of such right and privilege.

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 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 such variance.

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 (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Community Development Department shall hold a public hearing after giving notice by the same procedure as for consideration of a Variance at least ten (10) days' notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of 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 (Laura Stotler *at 818-937-8158*). 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,

Philip Lanzafame
Director of Community Development Department

Laura Stotler
Principal Planner

LS: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); George K. Aintablian –owner; K.Altieri; A.&K. Asaturian; S.&E. Badkoubei; L.Corbett; R.Feur; W.Holt; G.&R. Lossone; A.Martin; A.V.Marturano; B.Nicoll; G.&B.O'Bryant; J.Wood; R.Wood; and case planners Laura Stotler and Roger Kiesel.

MOTION

Moved by Planning Commissioner Astorian, and seconded by Planning Commissioner Manoukian, that the Planning Commission of the City of Glendale, after having reviewed the November 18, 2015 staff report and February 17, 2016 staff report addendum from the Planning Division concerning a request for Standards Variance for a 2,596 square-foot, single-family residence and detached 441 square-foot, two-car garage at 4000 Bouquete Street to permit a reduced interior setback of five feet (5'-0") on a lot with a secondary ridgeline; and to permit exceptions to development standards for properties with secondary ridgelines to allow development of a flat roof where a pitched roof design is required and to exceed 15 feet in height for a single family residence, where after having conducted a public hearing relative to the requested standard variance and exception to Title 16, the Planning Commission hereby grants the standards variance and exception to Title 16 based upon the following findings and conditions made pursuant to Chapter 30.43.030 of the Glendale Municipal Code, 2005 and Title 16, Chapter 16.08 and determined that 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

A. That the strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.

The purpose and overall intent of the Zoning Code is to ensure orderly development throughout the city and to make reasonable accommodation for properties in unique circumstances. The applicant is requesting exception to the 10-foot interior setback.

The subject property is one of the last remaining vacant sites in the neighborhood. The property is zoned R1R (Restricted Residential), Floor Area Ratio District II, which is the same zoning designation as all nearby lots in the same neighborhood. In particular, this zone permits the construction of a single-family residence.

The subject site has a unique lot shape and is located at the terminus of Bouquete Street. The lot abuts the SR (Special Recreation) Zone at the rear on three sides along its southern edge. The lot also spans the rear of six lots along its northern boundary. The site slopes up from Bouquete Street towards the rear. Moreover, the property contains a secondary ridgeline at the 1225 topographic contour line.

While the overall lot size is 32,931 square feet and larger than the majority of the properties in the area, the buildable area is considerably less as a result of the above-mentioned features. The house and garage will be situated on the northeast portions of the lot closest to the street due to the relatively flat topography. This area amounts to a triangular piece of buildable land. The shape of the house, in particular, and the garage will essentially follow the triangular shape of this area.

The lot slopes up as it moves away from the street. To place the house closer to the secondary ridgeline when combined with other requirements, such as rear retaining walls behind the house would limit the buildable area further, require additional grading of the hillside, and place the house closer to the secondary ridgeline. Attempting to comply with this requirement may also result in a taller primary building (house) above the maximum 15-foot height limit due to the existence of a secondary ridgeline on the lot. As previously stated, the shape of the house will follow the shape of the lot in the buildable area. Compliance with the required 10-foot interior setback as opposed to the requested 5-foot setback would further reduce the buildable area, impact the floor plan, and the usability of the interior space, which includes much of the common rooms, including the family room and kitchen/dining room. The subject site is the only property at the terminus of a short street and properties to the west and south are public open space. The purpose of the interior setback requirement is to provide sufficient light, air circulation, and level of privacy between buildings. Due to the unique lot shape and location of buildable area on the lot, the new home and garage will essentially be located behind the rear yards of its neighbors. The side of the lot with reduced setback will be adjacent to open space and the reduced setback will have no impact upon it. From this perspective, the proposed buildings will be situated further away than homes located side-by-side to one another. The requested exception to the interior setback is located along the rear of the house. The lots behind the subject site are zoned SR where the development of single-family residences is prohibited. Therefore, there will not be any buildings to the rear of the proposed residence.

Given the physical constraints of the site, requiring the project to meet all current Zoning Code requirements would result in practical or unnecessary hardship inconsistent with the general purposes and intent of the ordinance. Based on the site's unique conditions, the strict application of the Zoning Code would place the property owner at an unfair disadvantage in developing his/her property even though it is zoned for single-family residential development, much like other lots in the immediate neighborhood.

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 and conditions that exist on the subject property that do not generally apply to neighboring properties. Although zoned with the same designation as other residential lots in the neighborhood, the hillside site is unique in many ways. These features include its location within the tract. The subject site has a peculiar lot shape and is located at the terminus of a short street and situated behind (south) six properties. To the rear of the subject site is public open space zoned SR (Special Recreation). The lot slopes up from the street and at the 1225 topographic contour line is a protected secondary ridgeline. Per Title 16, the existence of a secondary ridgeline places additional requirements on development, such as height of buildings. Also on the site are two protected oak trees.

At 32,931 square feet, the subject property is substantially larger than the majority of the lots in the area. However, due to the physical constraints of the site, the buildable area is limited to a fraction of the lot area that is closest to the street due to the flat topography. While it is entirely possible to require the proposed project to meet the required interior setback, full compliance of this standard coupled with the specific and unique features of the lot will cause noncompliance with other Zoning Code requirements, policies, and design guidelines.

The unique features and constraints that exist on this property do not exist on other lots in the immediate neighborhood or elsewhere in the city.

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 variances will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood. The subject property is zoned for single-family residential development and the proposal is to develop a new single-family residence and garage. The zoning designation of the property and proposed use, and the surrounding uses are consistent.

Due to unique location of the lot at the end of a short street, lot shape, sloping topography, and the existence of a secondary ridgeline, the requested variances to the Zoning Code and exception to Title 16 are necessary and sensible due to the physical constraints of the site. The applicant's request for reduced interior setback would not negatively impact the neighborhood for reasons discussed above under finding A.

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

The objective of the Zoning Code is to protect the character of the neighborhood and ensure sensible development. Specifically, the objective of the interior setback requirements is to maintain appropriate light, air, circulation, privacy among properties, and maintain an attractive rhythm and streetscape. The applicant's proposal to provide a reduced interior setback and exception will not be contrary to the objectives of the ordinance due to the site's unusual features that do not exist on other residential lots in the same area. The requested exceptions are sensible and afford the property owner a fair advantage in developing a vacant property zoned the same way as its neighbors, which permits the construction of a single-family residence.

The Commission considered hillside development review standards as consistent with Chapter 30.11.040 (A) as described in the staff report dated November 18, 2015.

CONDITIONS OF APPROVAL

Approval of the **Standards Variance** and **exceptions to Title 16** shall be subject to the following condition(s):

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 Case Planner.

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 Board (DRB) approval shall be obtained prior to the issuance of a building permit. A flat roof design is permitted by this exception to secondary ridgeline standards.

4) That the applicant shall comply with all Fire; Public Works-Engineering; and, Glendale Water and Power (GWP) requirements, to the satisfaction of the Fire Chief, Director of Public Works, and Director of GWP, respectively.

5) That if any buildings, curb or gutter, fencing or landscaping areas, etc., adjacent to the site are damaged during construction on public or private property, the damage shall be repaired to the satisfaction of the Director of Community Development for private property and the City Engineer for public property.

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

7) That any expansion or modification of the structure shall require a new variance application. Expansion shall constitute adding of floor area, reduction of parking/open spaces, or any physical changes as determined by the Case Planner.

8) That the applicant shall comply with Title 30 height requirements for the garage and retaining wall.

VOTE

Ayes: Astorian, Manoukian, Lee
Noes: None
Absent: Landregan
Abstain: None