glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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May 13, 2016

Vic Mardian
Mardian & Associates, Inc.
416 North Glendale Avenue, Suite #212
Glendale, CA91206

RE: 1465 EAST CHEVY CHASE DRIVE
VARIANCE CASE NO. PVAR 1527167
(see: PCUP 1527164 and PAE 1527162)

Dear Mr. Mardian:

On May 4, 2016 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 maintain the existing non-conforming driveway slope of 18.75 percent to access the garages of the proposed and existing multi-family dwelling units, located at **1465 East Chevy Chase Drive,** subject to the provisions of the R-1250 zone in the "C3" zone, located at described as Lots 175 and 176, Tract No. 5319 in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Variance

1) A variance to maintain the existing non-conforming driveway slope of 18.75 percent to access the garages of the proposed and existing multi-family dwelling units.

CODE REQUIRES

Variance

1) A 15 percent maximum driveway slope in all zones except single family.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from CEQA review as a Class 3 (New Construction or Conversion of Small Structures) exemption, pursuant to State CEQA Guidelines Section 15303 because construction of a small structure does not exceed the maximum density for the parcel. The building does not exceed six units in an urbanized area and all utilities are available to serve the property.

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 any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the ordinance.

Strictly applying the driveway slope standards in the present case would result in unnecessary hardship inconsistent with the general purposes and intent of the ordinance. The City's Zoning Code outlines the maximum driveway slope standards to assure clearance of a standard vehicle, adequate site access, visibility and generally comfortable navigation. In all zones other than single family, the maximum driveway slope is 15 percent. In single family zones the maximum driveway slope increases to 20 percent. The existing driveway currently serving the existing two-unit apartment has a slope of 18.75 percent.

The applicant is proposing to construct two residential units, each with an attached two-car garage on a commercially zoned lot. The property is a 10,400 square foot rectangular shaped lot that slopes up from the street with an approximate average slope of 24 percent. The site is developed with a two-story apartment building, built in 1951 with two dwelling units above a seven car garage (five individual garages and one, two-car garage) located at the rear of the property. The site is accessed by an existing 10-foot wide driveway located along the west property line. The new two-story multi-family building is approximately 25 feet high and will include two, 2-bedroom units with approximately 1,400 square feet and 1,495 square feet of living space. Both units have attached two-car garages located behind the proposed building and across from the existing seven-car garage and will use the existing 10-foot wide driveway for access.

The subject site is zoned C3 (Commercial Service), Height District I (50 feet maximum height). In the C3 zone, multiple residential dwellings with dwelling units at the ground floor level (developed to the R-1250 standards) require approval of a conditional use permit. An administrative exception is also requested to maintain an existing single car garage door opening width of 8'-1", where 8'-8" (6.7 percent deviation) is required to meet the one guest parking space requirement.

The existing driveway and slope condition has served the existing multi-family units since 1951 and has been adequate for accessing the site without difficulties. In

order to propose a conforming driveway, the existing development would need to be demolished and the site conditions reconfigured, including additional grading. With the scale and design of this project, it is anticipated that the existing driveway will continue to provide adequate access to the existing and new multi-family units and is not contrary to the intent of the ordinance.

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 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, which warrant granting a variance for driveway slope. As stated above in finding A, in order to propose a conforming driveway, the existing development would need to be demolished and the site conditions reconfigured, including additional grading. The upslope nature of the property combined with the existing two-unit development located at the rear of the site leaves only the front portion of the property available for development. As designed the project makes use of this front portion while using the existing driveway, therefore minimizing grading to accommodate the two-proposed units.

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 a variance to maintain an existing driveway slope 3.75 percent greater than the maximum allowed will not be materially detrimental to the public welfare or injurious to the property or improvements in the C3 zoning district. The site is already developed with the driveway and two multi-family units. The proposed addition of two units will be in keeping with the existing character of the site as well as the surrounding development. In addition, Traffic and Transportation staff did not cite concerns related to this driveway location. Therefore, the continued use of the existing driveway will not be materially detrimental.

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

The objectives of the City's driveway slopes standards include assuring clearance of a standard vehicle, providing adequate site access, visibility and generally comfortable navigation of a car to and from the site. In all zones other than single family, the maximum driveway slope is 15 percent. In single family zones the maximum increases to 20 percent. The existing driveway currently serving the existing two-unit apartment has a slope of 18.75 percent. Adding two-units while proposing to use the existing non-conforming driveway will not be contrary to the objective of these standards because it has been established that use of this existing driveway has adequately served the site for decades and will continue to serve the needs of the site as proposed.

CONDITIONS OF APPROVAL

APPROVAL of this 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 section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.

3. That State Accessibility Standards be met for all parking requirements and building entrance accessibility as required by the Building and Safety Division.

4. That Design Review approval shall be obtained prior to the issuance of a building permit.

5. That the applicant shall comply with all Section/Department requirements as specified in their memos/interdepartmental communications to the satisfaction of the City or Department Director. These memos include GWP (December 3, 2015), Building and Safety Section (December 4, 2015) and Community Services and Parks (December 7, 2015), Integrated Waste (December 7, 2015), Fire Engineering (January 21, 2016).

6. That a grading/drainage plan shall be submitted for the Engineering Division's review and approval, and shall be made part of the building plans submitted with the shoring permit application, or is no shoring permit is required, with the building permit application.

7. That the method of discharge of the onsite drainage shall be approved by the Director of Public Works.

8. That drainage from all new improved surfaces, roof, and on-site drainage shall be conveyed to the street via cast iron pipes and/or parkway drains from the property line and existing through the curb per Standard Plans for Public Works Construction (SPPWC) manual, and under separate permit.

9. That the applicant shall perform at its sole expense, and at no cost to the City, remove all broken/damages/deteriorated curb, gutter, sidewalk, and landscaping and irrigation along the entire frontage of the property on Chevy Chase Drive and construct new concrete integral curb gutter, sidewalk, and landscaping and irrigation per the SPPWC manual, under separate permit, and to the satisfaction of the Director of Public Works.

10. That the applicant shall bear all costs involved in the relocation/reconstruction and/or adjustment to new finished grade of all utilities (underground and overhead) within the public right-of-way that may be affected by the proposed street improvements, and shall coordinate all such work with the respective utility companies, including the Los Angeles County Department of Public Works, Glendale Water and Power, and the City's Traffic and Transportation Division. In addition, the applicant shall restore all traffic lane striping, curb painting and markings, and pavement markings to the satisfaction of the City Engineer.

11. That the entire asphalt concrete roadway pavement within the vicinity of the property be inspected after the completion of the construction of the project. In the event of damage, as a result of construction-related activities, the applicant may be required to perform additional street improvement repairs, up to the reconstruction of the asphaltic concrete pavement and the restoration of all parking restriction curb painting, traffic delineation, striping, and pavement markings, per California Department of Transportation (CALTRANS) Standards, at no cost to the City and to the satisfaction of the Director of Public Works.

12. That the project shall comply with all National Pollutants Discharge Elimination Systems (NPDES) 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.

13. That if any buildings, sidewalks, curb or gutter, fencing or landscape areas 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 Community Development Director for private property and the Public Works Director for public property.

14. That adequate means be provided for the collection of solid waste generated at the site and that all recycling items be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator.

15. That any proposed exterior lighting shall be directed onto the driveways, walkways and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Hearing Officer.

16. That a landscape plan proposing water conserving materials and including a complete irrigation plan shall be prepared by a person licensed to prepare such plans and shall be approved through Design Review prior to the issuance of a building permit.

17. That landscaped areas shall be maintained in good condition with live plants and free of weeds and trash.

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

19. That any expansion or modification of the facility or use shall require a new variance application. Expansion shall constitute adding of additional units, floor area, or any physical change as determined by the Planning Hearing Officer.

20. That the applicant shall comply with all conditions of approval associated with Conditional Use Permit Case No. PCUP 1527164 and Administrative Exception Case No. PAE 1527162.

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 **MAY 31, 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 (CDD), 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/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.

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
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.

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.

You may contact the case planner, Kristen Asp, during normal business hours at (818) 937-8161 or via e-mail at kasp@glendaleca.gov.

Sincerely,

Bradley M. Collin
Planning Hearing Officer

BC:sm

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); Eric Aguilar; and case planner Kristen Asp.