

September 19, 2016

Musa Can  
3450 Brookhill Street  
Glendale, CA 91214

**RE: 3450 Brookhill Street  
ADMINISTRATIVE EXCEPTION CASE NO. PAE 1621689**

Dear Mr. Can:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44.070, for a maximum twenty percent deviation from one or more numeric standards in this Title, the Planning Hearing Officer has processed your application for an Administrative Exception to allow a 16.5 percent deviation from setback standards (G.M.C. Section 30.44.020.E) from the east interior property line as required by Chapter 30.11.030 Table 30.11 -B of the Glendale Municipal Code. The proposed project is located at 3450 Brookhill Street, being Lot 9, Tract 26566 in the City of Glendale, County of Los Angeles.

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

**REQUIRED/MANDATED FINDINGS**

After considering the evidence presented with respect to this application, the plans submitted therewith, the Planning Hearing Officer has **GRANTED 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.

In July, 2014, the applicant received Design Review Board approval for an approximately 1,500 square-foot, two-story addition to their existing one-story single-family house on a 9,356 square-foot lot located at 3450 Brookhill Street in the R1 zone. The minimum interior setback in the R1 zone is six feet. The

existing residence had a five-foot eastern interior setback. The addition to the house is currently under construction and the eastern wall of the residence was inadvertently demolished and reconstructed. Therefore, it is required to be set back six feet from the interior setback. The reconstructed wall is setback five feet from the interior property line. The applicant is requesting an administrative exception for a 16.5 percent deviation from the minimum interior setback requirements in the R1 zone from six feet to five feet.

Granting of the administrative exception results in design improvements to the project. The Design Review Board reviewed and approved the design of the addition where the existing eastern wall was five feet from the eastern property line. The design of the project, with the second floor recessed from the first floor assists in reducing the mass of the residence and was determined to be in compliance with the Single Family Design Guidelines. The reconstructed wall is at the same location, is faced with the same material and includes windows at the same locations as the Board reviewed and approved. Further, the subject wall at the five-foot setback line will provide a generous three and one-half foot stepback for the second story addition, which is a feature encouraged by the Single-family Design Guidelines.

**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 exception to allow a reduced eastern interior setback will not be materially detrimental to the public welfare or injurious to the property and improvements in the area because the reconstructed wall is at the same location as the previous wall of the residence and was reviewed as such by the Design Review Board. The minimum five-foot interior setback is maintained. The interior setback, which is not being reduced, is a reasonable amount of space between adjacent properties to allow for air, light and ventilation.

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

The purpose of the administrative exception procedure is to provide a simplified means for considering applications for minor deviations from the code standards. These standards were developed to allow reasonable use of properties in order to promote the public health, safety and general welfare. Granting an administrative exception to allow a five-foot minimum interior setback instead of a six-foot setback will allow reasonable development of the site to continue. The eastern wall of the residence was located with a five-foot setback and inadvertently demolished as part of the overall project, which is the addition to an existing single-family residence. The project complies

with all other zoning regulations in the R1 zone, including lot coverage, floor area ratio, landscaping and building height. One of the objectives of requiring minimum setbacks is to ensure sufficient light and air is maintained for the site on which the project is proposed as well as its adjacent neighbors. As stated above, the newly constructed wall, with a five-foot setback, is at the same location as the previous wall of the residence and, therefore, will not reduce the amount of light or air.

#### **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 Planning Hearing Officer.
- 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 separate permits are required for all work in 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.
- 4) That any expansion or modification of the dwelling unit which is different than what is represented as part of this administrative exception approval shall require a new application as determined by the Hearing Officer.
- 5) That if any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., 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 Planning Hearing Officer for private property and the Director of Public Works for public property.

#### **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

3450 Brookhill Street  
PAE 1621689

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 (CDD) upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before , 2016,** at the PSC, 633 East Broadway, Room 101, Monday through Friday 7:00 a.m. to 12:00 p.m., or at CDD, 633 East Broadway, Room 103, Monday through Friday 12:00 p.m. to 5:00 p.m.

**GMC Chapter 30.41 provides for**

**TERMINATION:** Every right or privilege authorized by an Administrative Exception 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:** 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 (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.

**APPEAL FORMS available on-line**

**<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>**

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

3450 Brookhill Street  
PAE 1621689

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.

### **REVOCAION**

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, Roger Kiesel during normal business hours at (818) 937-8152 or [rkiesel@glendaleca.gov](mailto:rkiesel@glendaleca.gov).

Sincerely,



Kristen Asp, AICP  
Planning Hearing Officer