glendale california

City of Glendale
Community Development Department
Planning Division

633 E. Broadway, Room 103
Glendale, CA 91206-4386
Tel (818) 548-2140 or (818) 548-2115
Fax (818) 240-0392 glendaleca.gov

October 19, 2016

Jonathan Peters
6014 Flambeau Road
Rancho Palos Verdes, CA 90275

RE: 3160 LINDA VISTA DRIVE
SETBACK AND STANDARDS VARIANCE CASE NO. PVAR 1609138

Dear Mr. Peters:

On October 5, 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 standards and setback variance requests to allow the construction of a new 2,606 square-foot, two-story single-family residence with an attached 411 square-foot, two-car garage in the "R1R" – Restricted Residential Zone (FAR District II) Zone with a 6-foot interior setback, where a minimum of 10 feet is required, and to maintain an existing asphalt driveway with a slope of 21.3 percent, where a maximum driveway slope of 20 percent is allowed. The subject lot is located at **3160 Linda Vista Drive,** described as Portion of Lot B, Sicomore Canon Tract (APN# 5660-014-005), in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL
Setback Variance
1) To construct a new single-family residence with a 6-foot interior setback.
Standards Variance
2) To maintain an existing asphalt driveway with a 21.3 percent slope.

CODE REQUIRES
Setback Variance
1) The minimum required interior setback is 10 feet in the R1R zone.
Standards Variance
2) The maximum driveway slope is 20 percent in the R1R zone.

ENVIRONMENTAL DETERMINATION
The Mitigated Negative Declaration was adopted by the Planning Hearing Officer on October 18, 2016.

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.

Strict application of the Zoning Code for driveway slope and interior setbacks would result in practical difficulties inconsistent with the intent of such ordinances. The project site is a 13,504 square-foot, hillside lot that is irregular in shape. The property features a concave topography whereby the land slopes downward away from Linda Vista Road in the southerly direction and slopes upward as the contour approaches the southern interior property line. A total of eleven protected indigenous trees (nine Coastal Live Oaks and two California Sycamores) and a blue-line stream are located on the site. The lot was developed previously and developed in 1950 with a single-family residence that sustained major fire damage in 2011, ultimately resulting in its demolition. At the lower portions of the lot are remnants of the demolished single-family dwelling and the existing flat building pad. A stone chimney, concrete footings, a landscape retaining wall, an asphalt driveway, and an existing wooden bridge crossing a blue-line stream are all that remain on the lot. The existing asphalt driveway providing vehicular access onto the lot from Linda Vista Road and the wooden bridge crossing the blue-line stream are proposed to remain unchanged to minimize land disturbance and avoid any grading within 30 feet of the centerline of the blue-line stream, as specified by GMC 30.08.030.D.

The applicant is requesting to maintain the existing asphalt driveway with a slope of 21.3 percent and to construct a new single-family residence approximately six feet from the south interior property line. The Zoning Code restricts driveway slopes to a maximum of 20 percent and requires a minimum interior setback of 10-feet for single-family residences located in the R1R zone.

In order to provide a code compliant driveway slope of 20 percent, the existing driveway would need to be graded; such grading would require an approval of an exception by the Planning Commission to allow grading within the protected blue-line stream buffered area (measured 30-foot from the centerline of the stream), as specified in GMC 16.080.040. Staff does not believe there are conditions for an exception to allow grading within the protected streambed buffered area. The applicant's request to maintain an existing asphalt driveway with a minor slope deviation exceeding the maximum by 1.3 percent is less than significant impact than intrusive grading within a protected blue-line stream buffer area.

Additionally, there are practical difficulties present on the lot that limit the area for building pad to accommodate a new single-family residence on the lot. The building pad is limited by the blue-line stream buffer area and eleven mature Coast Live Oaks on the property. Because of these constraints, unnecessary hardships exist on the lot that prevents the land owner to redevelop the property in a similar manner as surrounding R1R zoned properties. If the new dwelling unit were to conform to a ten-foot interior setback, the location of the residence would be more central on the lot and closer to the blue-line stream. To avoid disruptive grading in proximity of the blue-line stream buffer area and any of the mature Coast Live Oaks, the applicant/owners propose to reuse the existing footings of the previous building, with a six foot setback at the rear (except for the enlargement of the garage footprint at the front of the house to provide a code-compliant parking). This was substantiated by the applicant who testified during the Planning Hearing Officer's hearing the structural engineer confirmation of the potential reuse of the remaining footings and building foundation. It is not anticipated that the maintenance of a six-foot interior setback will cause any conflicts among adjoining properties, as there were no known issues on record from the previous house with a six-foot interior setback. Strict

application of a minimum 10-foot interior setback would require demolition of the existing retaining wall along the rear and removal of the existing footings/foundation, which would be an unnecessary hardship in light of the reuse of the building footings and the maintenance of the existing retaining walls.

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 on the lot that generally do not apply to other R1R zoned properties. The subject property features a blue-line stream that flows westerly through the property with well-defined channel and bank boundaries. Blue-line streams are significant stream channels either with or without year-round running water and provide surface and/or groundwater for vegetation and wildlife, as well as a natural corridor for wildlife movement. Of the numerous hillside lots throughout the City, very few properties in the R1R zone feature a blue-line stream running through the middle of the lot, such as in this case. Additionally, there are 11 protected indigenous trees (nine Coastal Live Oaks; two California Sycamores) on or within 20 feet the subject property. In order to preserve the blue-line stream and avoid disturbance within a 30-foot area from the centerline of the streambed, the applicant proposes to re-use the existing nonconforming asphalt driveway and the existing building footings and rear retaining wall.

By maintaining the nonconforming asphalt driveway with a 21.3 percent slope, the natural stream course of the blue-line stream is preserved and unnecessary disturbances to the natural vegetation and protected indigenous trees located adjacent to the existing driveway are avoided. If the applicant were to re-grade portions of the lot to accommodate a code compliant driveway, an approval by the Planning Commission for an exception to Chapter 16.08 will be required to allow grading within 30-feet of the centerline of the blue-line stream. Staff does not believe there are conditions for an exception to allow such grading within the protected streambed buffered area.

Furthermore, the applicant proposes to locate the new single-family dwelling at the existing concrete building pad and above the existing footings for the previous residence damaged by fire in 2011. The new single-family dwelling will maintain the required 30-foot clearance from the streambed's centerline and will feature the same six foot setback from the rear property line. The footprint for the new single-family dwelling will be limited to the existing flat building pad with little or no impact to the nearby indigenous trees (identified trees 8, 9, and 10 of Indigenous Tree Report prepared by Julie Bush). Construction guidelines are provided by the indigenous tree report to mitigate less than significant impact levels. Therefore, the combination of the location of the blue-line stream, the numerous indigenous trees on the property and the reuse of the existing footings and foundation provide exceptional conditions that constrain development on the R1R lot that do not apply generally to other properties in the same neighborhood or zone.

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 both variances will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood. The intent of the maximum driveway slope restriction is to assure the clearance of a standard vehicle onto a property and ensure onsite parking is accessible. The maintenance of the existing asphalt

driveway will not be detrimental to the public welfare or injurious to the property because the slope deviation requested is insignificant (1.3 percent) and will not hinder standard sized vehicles from gaining access to the property. The existing driveway slope has existed on the site for over half a century and there are no records within City files noting issues for access using the driveway with the noncompliant slope. The driveway slope will only affect the subject property and will not be materially detrimental to the public welfare or injurious to the surrounding properties in the neighborhood.

The purpose of an interior setback is to provide adequate separation between buildings and to foster compatibility, privacy, light, air and ventilation, in addition to providing opportunity landscaping and open space. It is not anticipated that the proposed six-foot interior setback for the new residence will cause any conflicts among adjoining properties, as there were no known issues on record from the previous house with the same six-foot interior setback. Moreover, there are three mature Costal Live Oak trees (trees 8, 9, and 10, according to the submitted Indigenous Tree Report) in moderate to good health that straddle the southern property line. These mature trees range from 18 to 36 inches in diameter and 45 to 50 feet in height. The existing Coast Live Oak trees will provide some screening and enhance the buffer between the two properties. Also, the Zoning Code requires a minimum interior setback for existing houses between 20 and 30 feet in height in R1R zones is five feet. The six-foot setback for the proposed house (less than 30 feet in height) would be consistent with interior setback conditions for existing residences. As such, the proposal to rebuilding a new single-family dwelling with the same six-foot interior setback from the rear property line will not be detrimental to the surrounding properties in the R1R zone.

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. The intent of 20 percent maximum driveway slope standard is to not allow driveways that are too steep so as to not be safe and useable. The existing driveway with its 21.3 percent slope was used from 1950 to 2011, when the fire damaged the previous residence beyond repair. Approval of the variance to maintain the driveway slope will still provide a fully functional driveway to be used by residents and visitors. Meanwhile, approval of the interior setback variance of six feet for the new residence atop the same building footprint also meets the setback intent of providing sufficient open space, light, air and landscaping between the building and the property line, as well as neighboring structures. Therefore, the requested exceptions are not contrary to the objectives of the ordinance and are sensible to allow the property owner a fair opportunity in developing a vacant property similar to other homes in the immediate vicinity.

Lastly, the proposed development is in keeping with design objectives for hillside development, as noted in the Glendale Municipal Code Chapter 30.11.040 (A). The proposed residence reuses the existing footings/foundation of the previous residence on the concave-shaped hillside lot featuring a blue-line stream and a number of mature Oaks and Sycamore trees. The proposed 2,606 square-foot, two-story single-family residence and attached 411 square-foot two-car garage have a floor area ratio (FAR) of 0.19. The sensible size, scale, bulk/mass and site layout appears to be appropriate for the neighborhood and replicates the existing development pattern along Linda Vista Road. The roof design of the dwelling will be flat minimizing the height as observed from the street. The building pad will be located away from the street and closer to the southern interior property line to minimize landform alteration and preservation of the blue line stream. Grading is limited. As proposed, the subject site will maintain the natural

vegetation with 60 percent landscape coverage. The new home and garage will be designed in a contemporary style with low-lying linear form and will be finished with a combination of smooth stucco and wood siding, harkening back to the original residence designed and constructed in the Mid-Century style. The proposed project will be reviewed by the Design Review Board.

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

4. That the applicant shall comply with all Section/Department requirements and standards, as specified in the submitted memos/interdepartmental communications, to the satisfaction of the applicable Department Director or Hearing Officer. These memos include Public Works Engineering (May, 26, 2016), GWP (May 10, 2016), Building & Safety Section (May 4, 2016), Community Services and Parks (May 17, 2016), and Urban Forester (July 14, 2016).

5. That the project shall comply with the four mitigation measures specified in the Final Mitigated Negative Declaration prepared for the project.

6. That a landscape plan proposing water conserving materials and 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.

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

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

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 **November 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 (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, Dennis Joe, during normal business hours at (818) 937-8157 or via e-mail at djoe@glendaleca.gov.

Sincerely,

Vilia Zemaitaitis

Vilia Zemaitaitis, AICP
Planning Hearing Officer
VZ:DJ: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); Community Services & Parks Dept. (T. Aleksanian); Neighborhood Services Division (S. Sardarian/J. Jouharian); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street & Field Services Admin.; Engineering & Environmental Management (C.Chew/R. Villaluna); Mr. and Mrs. Comorre; and case planner Dennis Joe.

ENVIRONMENTAL REVIEW RESOLUTION

RESOLUTION CERTIFYING AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE SINGLE FAMILY RESIDENTIAL PROJECT LOCATED AT 3160 LINDA VISTA DRIVE, GLENDALE, CA

Setback and Standards Variance Case No. PVAR 1609138

WHEREAS, the City of Glendale, as lead agency, has caused to be prepared an initial study to identify environmental impacts of a new single family residence located at 3160 Linda Vista Drive, in Glendale, CA (the "Project"); and

WHEREAS, the initial study revealed that were no significant Project impacts that could not be mitigated to a level of less than significant with mitigation measures incorporated;

WHEREAS, the City of Glendale, exercising its independent judgement, has read, reviewed and analyzed the initial study and all reports and appendices in connection with the Mitigated Negative Declaration for the Project, and the Planning Hearing Officer finds and determines that the proposed mitigation measures and monitoring program will reduce all impacts to less than significant level.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING HEARING OFFICER OF THE CITY OF GLENDALE AS FOLLOWS:

SECTION 1. The recitals as set forth above are true and correct.

SECTION 2. The Mitigated Negative Declaration prepared for the Project to be located at 3160 Linda Vista Road, is hereby certified and approved as being prepared in conformance with the California Environmental Quality Act (CEQA) with the following mitigation measures and monitoring action imposed:

MITIGATION MONITORING AND REPORTING PROGRAM

BIOLOGICAL RESOURCES-1	The applicant shall contact the California Department of Fish and Wildlife to determine if a Stream Alteration Agreement is necessary. No construction activity shall take place prior to contacting the California Department of Fish and Wildlife.
Monitoring Action:	Plan review
Timing:	Prior to issuance of development permits (plan review).
Responsibility:	Director of Community Development

BIOLOGICAL RESOURCES-2	The applicant shall not store or stage any construction equipment and/or building material within 30 feet of the centerline of the blue-line stream.
Monitoring Action:	Site inspection
Timing:	During construction activities

Responsibility:	Director of Community Development

BIOLOGICAL RESOURCES-3	The applicant shall comply with all applicable Indigenous Tree Protection Measures included in the Public Works – Urban Forester's Interdepartmental Communication comments, dated July 15, 2016.
Monitoring Action:	Plan review; site inspection
Timing:	Prior to issuance of development permits (plan review). During construction activities.
Responsibility:	Director of Public Works

BIOLOGICAL RESOURCES-4	The applicant shall comply with all applicable construction guidelines included in the Indigenous Tree Report prepared by Julie Bush, dated February 19, 2016.
Monitoring Action:	Plan review; site inspection
Timing:	Prior to issuance of development permits (plan review). During all site preparation activities and construction.
Responsibility:	Director of Public Works

SECTION 3. The proposed Mitigated Negative Declaration was published and duly notices as required by law. The comment period for the proposed mitigated negative declaration took place from September 15 to October 3, 2016.

Adopted this 18th day of October, 2016.

Vilia Zymaitaitis

Planning Hearing Officer