glendale california
City of Glendale
Community Development
Planning & Neighborhood Services

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Glendale, CA 91206-4311
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December 19, 2016

Marc Homes, LLC
c/o Suzie Aceves
8282 White Oak Avenue, Suite 112
Rancho Cucamonga, CA 91730

RE: 318 BROCKMONT DRIVE
STANDARDS AND SETBACK VARIANCE CASE NO. PVAR 1620648

Dear Ms. Aceves:

On November 30, 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 – Case No. PVAR 1620648 for a *Standards Variance* to allow a single family dwelling to be re-constructed on a lot less than 7,500 square feet in size, to allow a less than required driveway length of one-foot three-inches, where 18 feet is required, and *Setback Variances* to allow a street front setback of one-foot three-inches where 15 feet is required and interior setbacks of six feet, six inches, and three-feet, eight-inches, where 10 feet is required, located at **318 Brockmont Drive**, in the "R1R" - (Restricted Residential) Zone, Floor Area District II, described as Lot 5, Block 6, Tract No. 8280, in the City of Glendale, County of Los Angeles, State of California

CODE REQUIRES
Standards Variance
1) Minimum lot area of 7,500 square feet.
2) Minimum driveway length of 18 feet.

Setback Variance
1) Minimum street front setback of 15 feet.
2) Minimum interior setback of 10 feet.

APPLICANT'S PROPOSAL
Standards Variance
1) To construct a single-family residence on a property with a lot area of 5,880 square feet.
2) To provide a driveway length of one-foot three inches.

Setback Variance
1) To provide a one-foot three-inch street front setback.
2) To provide interior setbacks of six feet six inches and three feet eight inches.

ENVIRONMENTAL RECOMMENDATION

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

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:

Standards Variance

1) To construct a single-family residence on a property with a lot area of 5,880 square feet where 7,500 square feet is required.
2) To provide a driveway length of one-foot, three inches where 18 feet is required.

Setback Variance

1) To provide a one-foot three-inch street front setback where 15 feet is required.
2) To provide interior setbacks of six feet six inches and three feet eight inches where 10 feet is required.

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.

The applicant is proposing to reconstruct a single-family house on a 5,880 square foot lot that was previously developed with a single-family house that was damaged by fire and subsequently demolished down to the foundation. The intent of the lot area requirement is to ensure adequate space for a building pad and access for new hillside development. Since this lot already has a building pad and utilities to accommodate the proposed residence, this property is of a size and location that can accommodate a single family home. The strict application of the current lot size requirement would result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the ordinance because it would prevent single family development on this lot, even though the site was developed with such a use 52 years.

In an effort to minimize impacts on the neighborhoods, the applicant is proposing to locate the new house in approximately the same location as the previous house being situated between the existing swimming pool and the street and using the previous building footprint, with the exception of the east side of the property where additional interior setback is necessary to accommodate access for fire

safety. The previous house had interior setbacks of less than the code required 10 feet. The applicant is requesting to maintain the existing reduced interior setbacks in order to use the existing building pad and build in a similar location to the previous structure.

On the east side, the applicant is requesting a 6-foot, 6-inch setback where he states that adequate fire access can be provided to the pool deck area. The applicant also would like to keep the existing cantilevered pool deck which provides no setback between the pool deck overhang and the neighbor to the east. The strict application of the interior setbacks would result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the ordinance because such a change would result in loss of substantial floor area for the residence or an expansion of the building footprint toward the south that would remove the pool and create privacy concerns with neighbors to the east and west.

The previous house had a street-front setback of one-foot, three-inches, and a driveway length of one-foot, three inches, and allowing the new house to use the same street-front setback and driveway length would allow the replacement building to use the same building pad and build in the same location. Compliance with code requirements for a driveway setback of 18 feet and a street front setback of 15 feet would result in moving the residence further south on the property, toward the rear of the lot. Therefore, the strict application of the street front setback and driveway length would result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the ordinance because such a change would result in either loss of substantial floor area for the residence or an expansion of the building footprint toward the south that would remove the pool and create privacy concerns with neighbors to the east and west.

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.

The applicant is proposing to reconstruct a single-family house that was damaged by fire and was demolished down to the foundation. The existing house could not be salvaged due to the severity of the fire damage. The existing house was nonconforming with several standards of the zoning code since it was built 52 years ago, prior to the current zoning code. The reconstruction of this house is considered new and therefore would require that the new house be built per current code requirements. If the house were able to be repaired and not required to be demolished it could have retained its existing nonconforming status. By building the house back in its previous nonconforming location the new house will not be able to meet current code requirements as it relates to lot area, driveway length, and street front and interior setbacks.

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 requested variances will allow the lot which has been virtually vacant, except for the existing foundation, fences and swimming pool, to be built with a new single family residence eliminating the unsafe conditions of the lot. In addition, the proposed house will eliminate potential safety concerns and allow the property to be properly constructed per building code requirements. The request for these variances was necessitated by the fire damage to the previous house. Because of the amount of fire damage, the previous house had to be demolished for safety purposes and therefore the construction was considered new and required to comply with the current zoning code. This will not be precedent setting due to the lot being a substandard lot both in area and lot width and the fact that the previous house existed on the lot for 52 years. The proposed house will be required to be reviewed and approved by the Design Review Board to address any potential massing and siting issues as well as ensuring compatibility with the surrounding properties. Due to the substandard lot and the fact that the previous house was legally nonconforming prior to the fire, the standards and setback variances will not be materially detrimental to the public welfare or improvements in such zone or neighborhood.

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

The standards and setback variances will not be contrary to the objectives of the ordinance. The proposed house will be constructed above the existing foundation and in between the existing pool and the street similar to the previous house that was in existence for 52 years. While the house will be reconstructed on a substandard lot with less than the required driveway length and street front and interior setbacks, the intent of the zoning code will still be met. The amount of required accessible parking will be complied with. The house's scale and massing will be compatible with the surrounding area and is subject to the review and approval of the Design Review Board.

COMPLIANCE WITH HILLSIDE DESIGN POLICY (GMC SECTION 30.11.040(A))

Every discretionary decision related to development in the R1R zone requires the following five considerations:

A. *Development shall be in keeping with the design objectives in the Glendale Municipal Code, the Hillside Design Guidelines and the Landscape Guidelines for hillside development as now adopted and as may be amended from time to time by city council.*

- The applicant is using colors and textures that blend with the natural hillside.
- The applicant is using the existing house foundation and retaining walls to minimize grading.
- The proposed home will require the approval of the Design Review Board in order to ensure compatibility with the surrounding neighborhood. Design Review Board approval is required prior to issuance of any building permits.

B. ***Development shall be compatible with the surrounding neighborhood in terms of size, scale, bulk/mass, roofline orientation, setbacks, and site layout.***

- The proposed building will be two-story and 25 feet high (from the low point where the homes come out of the ground to the high point on the house) which is similar to the size of the previous home and others in the neighborhood.
- The floor area of the proposed building complies with the zoning code floor area ratio for the project site.

C. ***Site plans shall show preservation of prominent natural features, native vegetation and open space in a manner compatible with the surrounding neighborhood, minimizing alteration of terrain necessary for development.***

- The previous structure on the property had a reduced interior setback from the west side property line and a reduced front setback. The applicant proposes to build a new house using the existing house foundation and the same reduced setbacks on the west side in order to minimize landform alteration.
- Given that the previous residence on the property was destroyed by fire, neighbors expressed concern that new development on the property provide for adequate fire access, particularly given the site constraints of building on a steep hillside with existing homes on either side of the subject property. While the home itself will have fire sprinklers, a condition has been added to ensure adequate, clear fire access to the pool deck level and to the lower landscaped terrace.

D. ***Site plans for development of property on steep slopes shall take into account the visual impact on surrounding properties.***

- The building's massing has some variation in plane on each side of the structure. In addition, the proposed architectural style utilizes a flat roof, with no eaves, which follows the natural features of the hillside.
- The proposed driveway provides access to an attached two-car garage, located on the upper level of the house. Allowing parking on the upper level and with a reduced front setback with one level visible from the street will

have a similar visual impact as the residence located directly west of the subject site.

E. *The architectural style and architectural elements of in-fill development shall be compatible with the surrounding neighborhood.*

- The surrounding residential neighborhood is characterized by low-scale, modest single family residences with one and two-stories. With one story visible from the street, this single-family home would be consistent with adjacent homes on Brockmont.
- Concerns were expressed by neighbors over compatibility of the design with neighboring uses, particularly given that the proposed interior setbacks are well under the required 10 feet from the property line. A condition has been added to prohibit any windows on the west facing walls of the house and garage to help preserve the privacy of the property at 320 Brockmont, the neighbor to the west.

CONDITIONS OF APPROVAL

APPROVAL of the Standards and Setback Variances shall be subject to the following

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

4. 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.

5. 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 Planning Hearing Officer.

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

7. That the premises shall be made available to any authorized City personnel (Fire, Building and Safety, Neighborhood Services, etc.), for inspection to ascertain that all conditions of approval of this variance are complied with.

8. That the development shall comply with the conditions of approval as specified in the Building and Safety conditions, dated October 10, 2016.

9. That the development shall comply with the conditions of approval as specified in the Glendale Water and Power, dated October 3, 2016.

10. That the residence shall use the same footprint on the existing building pad, with the exception of the east side where additional setback is necessary to comply with fire safety access requirements.

11. That a 6-foot, 6-inch interior setback on the east side is permitted. However, if greater setback is determined necessary by the Fire Department for fire access then the setback shall be increased to accommodate Fire Department access requirements.

12. That the cantilevered pool deck shall be modified on the east side to accommodate a minimum three-foot clear Fire Department access. Fire Department access shall be unobstructed, clear to the sky, and provided to all levels of the property to the satisfaction of the Fire Department.

13. That the residence shall have no windows on the west side of the property.

14. That a 3-foot, 8-inch interior setback is permitted on the west side of the property. No eaves shall encroach upon this area. The existing privacy fence within the easement area on the west side of the property and within the street-front setback is permitted.

APPEAL PERIOD

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 3, 2017,** 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

TRANSFERABILITY

This authorization runs with the land for which it was intended for and approved. In the event the property is to be 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, administrative use permits, and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer). To consider the revocation, the Planning Hearing Officer 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 Planning Hearing Officer, with concurrence by the Director of Community Development.

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.

Extension

An extension of the Variance 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 Variance.

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.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. 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, Brad Collin, at 818-548-3210 or bcollin@glendaleca.gov

Sincerely,

Erik Krause
Interim Deputy Director of Planning

(for) Laura Stotler
Planning Hearing Officer

EK:LS:BC: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); M. J. Lutz; G.Kemoine; P. Keller;J.Kussman; F.Molloy; G.Naeve; S.Phillips; and case planner Brad Collin.

INTER-DEPARTMENTAL COMMUNICATION
PROJECT CONDITIONS AND COMMENTS

Project Address: 318 Brockmont Drive	**Project Case No.: PVAR 1620648**

NOTE: *Your comments should address, within your area of authority, concerns and potentially significant adverse physical changes to the environment regarding the project. You may also identify code requirements specific to the project, above and beyond your normal requirements. Applicant will be informed early in the development process. You may review complete plans, maps and exhibits in our office, MSB Room 103. We appreciate your consideration and look forward to your timely comments.* Please do not recommend APPROVAL or DENIAL. *For any questions, please contact the Case Planner ASAP, so as not to delay the case processing.*

COMMENTS:

☐ **This office DOES NOT have any comment.**

☒ **This office HAS the following comments/conditions.** ☐ (See attached Dept. Master List)

Date: 10/10/2016
Print Name: Sarkis Hairapetian
Title: Pr. Bld'g Code Sp. Dept. Bld'g & safety. Tel.: X-3209

Conditions:

☒ 1. 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.

☒ 2. That the premises shall be made available and accessible to any authorized City personnel (Building, Fire, Police, Neighborhood Services, Planning, etc.), for inspection to ascertain that all conditions of approval of this conditional use permit are complied with.

☒ 3. That Structure or building on hillside with slope greater than 33% shall comply with the Section 1615 special hillside design requirements.

☒ 4. That additional or other building code requirements or specific code requirements (i.e. CA Green Building Code, etc.) will be required upon submittal of plans for building plans check and permit.

CITY OF GLENDALE

INTERDEPARTMENTAL COMMUNICATION

DATE: October 03, 2016

TO: Brad Collin, Community Development Department

FROM: Gerald Tom, GWP Water Engineering
Burhan Alshanti, GWP Electric Engineering

SUBJECT: **PVAR 1620648**
318 Brockmont Dr.

Glendale Water & Power (GWP) Engineering has reviewed the plans for the two standard variances.

Requirements are as follows:

Electric Engineering

Customer Service (818) 548-3921

- Project to contact GWP Customer Service Engineering to determine electric service requirements before starting the permitting process. Final construction plans must incorporate the electric service plan information for GWP Electric Engineering to sign off the building plan application.
- Permanent structures above ground will not be allowed under high voltage power lines, with the exception of fencing (e.g., wood, chain link, or block wall). All fences shall comply with the required overhead line clearances as specified by GWP Customer Service Engineering. In order to build any fencing, contact GWP Customer Service Engineering to obtain a Permit to Occupy (PTO) application and pay applicable fee.
- The location of power poles shall be clearly shown on the proposed plans for approval. Project to maintain a minimum of five (5) feet clearance from face of power pole in all horizontal directions. Clearance shall extend from below ground level and clear to sky. Contact GWP Customer Service Engineering to obtain pole height and line clearance requirements.

Fiber Optics (818) 548-3923

- No conflict.

Street Lighting (818) 548-4877

- No Conflict

Transmission & Distribution (818) 548-3923

- The existing electrical facilities (vaults, pull boxes, power poles, etc.) shall be protected in place and be accessible to GWP personnel at all times.
- Any work to be done by GWP, as a result of this project, shall be coordinated with GWP Electrical Engineering Department in advance at the project's expense.
- Project personnel are responsible for maintaining a ten foot (10') radial clearance from all overhead electrical lines during construction, including construction equipment. If the ten foot (10') radial clearance cannot be met, contact GWP Electrical Engineering Department to determine the appropriate actions. Any work required by GWP to maintain proper clearance shall be done at the project's expense.

Water Engineering

Potable Water (818) 548-2062

- No conflict.

Recycled Water (818) 548-2062

- No conflict.

Backflow Prevention (818) 548-2062

- No conflict.

Burhan Alshanti
Electrical Engineer II

Gerald Tom
Senior Civil Engineer

BA/GT:bo