

December 2, 2013

Mehrdad Hemmati  
6362 La Jolla Boulevard  
La Jolla, CA 92037

**RE: 1229 VISTA SUPERBA DRIVE  
CONDITIONAL USE PERMIT NO. PCUP 1238077**

*(SEE: VARIANCE CASE NOP. PVAR 1238084)*

Dear Mr. Hemmati:

On September 25, 2013, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a Conditional Use Permit and Variances to allow construction of a new 1,175 square-foot, three story single-family residence, located at **1229 Vista Superba Drive**, in the "R1R" - Restricted Residential Zone, Floor Area Ratio District III, described as Lots 150 and 161, Tract No. 6759, in the City of Glendale, County of Los Angeles.

In the "R1R" - Restricted Residential zone, approval of a conditional use permit is required when a lot has an average current slope exceeding 50% or when the lot is less than 80 feet in width measured 15 feet from the front property line. The subject lot has an average current slope of 77% and a lot width of 55 feet adjacent to both Vista Superba Street and Corona Drive and, therefore, the proposed single-family residence requires approval of a conditional use permit. New single-family dwellings less than 3,500 square feet are required to provide two covered and enclosed directly accessible parking spaces. The City's Zoning Ordinance requires that lot size for constructing a new dwelling unit on lots divided prior to June 26, 1986 be a minimum of 7,500 square feet. Approval of variances are required to allow development of the proposed single-family residence with only one directly accessible covered and enclosed parking space on the 4,213 square-foot lot.

APPLICANT'S PROPOSAL

CONDITIONAL USE PERMIT

- 1) Construct a new dwelling unit on a lot having an average current slope of 77%.
- 2) Construct a new dwelling unit on a lot having a lot width of 55 feet.

CODE REQUIRES  
CONDITIONAL USE PERMIT

- 1) New dwelling unit construction on a lot having an average current slope that exceeds 50% requires the approval of a conditional use permit.
- 2) New dwelling unit construction on a lot having a lot width of less than 80 feet requires approval of a conditional use permit.

ENVIRONMENTAL RECOMMENDATION: Pursuant to the California Environmental Quality Act (CEQA), the Community Development Department, after having conducted an Initial Study, has prepared a negative declaration for the project.

**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 **DENIED** your application based on the following:

**A. The proposed single-family residence will not be consistent with the various elements and objectives of the General Plan.**

For hillside lots, the reason for a conditional use permit process and for a minimum lot size is because hillside properties have a range of individual lot characteristics and constraints as do the various hillside neighborhoods throughout the city. The purpose of a Conditional Use Permit is to allow special consideration for certain uses to ensure compatibility with an area or neighborhood with focus on particular characteristics, such as lot width, lot slope, parking, traffic, noise and apply conditions to control potential effects. The use is assumed to be generally appropriate, but a conditional use permit process is utilized to review site specific characteristics to determine suitability for the use proposed.

The subject site was subdivided many years ago and consists of two lots – the lot adjacent to Vista Superba Street is approximately 2,260 square feet and the lot adjacent to Corona Drive is approximately 2,080 square feet. The average current slope of the site is 77 percent and the site is 55 feet wide adjacent to both streets.

For this site, the proposed development is not consistent with the various elements and objectives of the general plan because it is too small and the small size of the lot impacts the functionality of the house, size of the house, and lack of reasonable access to the proposed parking layout impacts the existing neighborhood. Additionally, having a small lot is compounded by the steep topography which further limits the availability of building area. These constraints of the site make code compliant development difficult, although the applicant has attempted to provide

two parking spaces and to combine lots to get closer to the minimum lot size. Vista Superba is a very narrow street that services older development. As infill development, this project on a small narrow lot has the potential for greater impacts to neighbors and neighborhood character than new residential development in other hillside neighborhoods with larger lots and frontage.

**B. The proposed single-family residence will be detrimental to the public health or safety, the general welfare, or the environment.**

The intent of the conditional use permit process is to reduce impacts to the neighbors and achieve compatibility with the surrounding neighborhood generally by placing conditions on the project. The narrowness, size and slope of the site dictate the project's design. As designed, the project further impacts the neighbors and the neighborhood. In this case, the project cannot be conditioned to meet the intent of the Code because the site is too small and too narrow to accommodate flexibility in design necessary to ensure compatibility and adequate living area and parking. Therefore, it will be detrimental to the public health or safety, the general welfare, or the environment.

**C. The proposed project will adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.**

The proposed project has the potential to conflict with adjacent uses or impede the normal development of surrounding property because it could set a precedent of development on other vacant, infill, small, steep and narrow substandard lots in the area. Granting approval to a house design with restricted functionality and questionable parking functionality with the use of an elevator lift to access the second required parking space does not appear practical. The concern related to the second space, as accessed by a lift, has the potential to discourage use by the occupants and cause the second space to be left unused thereby creating further impacts to parking on a narrow, hillside street where parking is already limited to one side of the street.

**D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed single-family residence.**

Public and private utilities have been in place and would be available for the proposed residence. Vista Superba Street and Corona Drive are local streets designed to carry traffic generated by residential uses. This site is served by Vista Superba, a narrow street with limited parking along one side, and testimony given at the public hearing by neighbors raised concerns about the lack of adequate parking, difficulty of everyday services like trash pick-up and general access for public safety.

**Additionally, finding I requires consideration for all discretionary decision related to development in the ROS and R1R zones shall consider the Hillside Development Review Policy contained in sub-section 30.11.040(A).**

The purpose of the design objectives of the Code is to allow for reasonable development of a site. The Hillside Design Guidelines suggest preferred methods to develop single-family homes in hillside areas taking into account site planning such as, building location, landscaping design, parking and driveways, and other development standards like height, stories and setbacks. It also considers mass and scale, and design and detail suggesting that the building location and profile reflect the topography and slope of the site.

The reasons for requiring a minimum lot size are to accommodate flexibility in providing code required items such as parking and a reasonable floor area for living space. As designed, the proposed residence has a compact footprint located in the middle of the site with the upper level recessed from the lower level to follow the topography of the site. At 1,175 square feet, the contemporary design of the house is modest in size and scale. The applicant has designed a project that is generally consistent with this policy.

#### **SUMMARY OF PLANNING HEARING OFFICER'S DECISION**

The Planning Hearing Officer was not able to make the required findings for the conditional use permit for a new dwelling on a lot with an average current slope of 77% and lot width of 55 feet.

#### **APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION**

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 **DECEMBER 17, 2013** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

**APPEAL FORMS available on-line:**

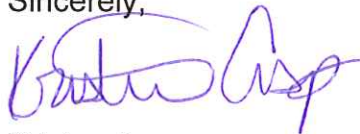
<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

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.

**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 who acted on this case. This would include clarification and 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,



Kristen Asp  
Planning Hearing Officer

KA:sm

CC: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/F.Jenks); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); M. Baldwin; S.T.Butka; D.Bunzley; G.Hartshorn; J.Livinstone; S.Roberts; R.Sarkissian; R. Scipio-James; M.Teahan; A.Tran;; R. Werner; J. Winston; and case planner –Roger Kiesel.