



December 2, 2013

Mehrdad Hemmati  
6362 La Jolla Boulevard  
La Jolla, CA 92037

**RE: 1229 VISTA SUPERBA DRIVE  
VARIANCE CASE NO. PVAR 1238084**

*(SEE CONDITIONAL USE PERMIT NO. PCUP 1238077)*

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 30.43, on your application for Variances and a Conditional Use Permit 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

### VARIANCES

- 1) Allow the construction of a new dwelling unit on a 4,213 square-foot lot.
- 2) Allow the construction of a new dwelling unit without providing two directly accessible covered and enclosed parking spaces. The design includes one directly accessible space; the other space is accessed by a lift.

### CODE REQUIRES

#### VARIANCES

- 1) The minimum lot size for purposes of constructing a new dwelling unit on lots divided prior to June 26, 1986 is 7,500 square feet.
- 2) A new dwelling unit under 3,500 square feet in area is required to have two directly accessible covered and enclosed parking spaces.

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. That the strict application of the provisions of any such ordinance would not result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.**

In 1993 the City adopted a Hillside Development Ordinance to limit further development in the hillsides. The purpose of the development of the Hillside Ordinance was in response to public concerns "over the need to establish and/or maintain a high level of safety in hillside development; over the importance of maintaining a high level of quality in the hillside environment to preserve the economic benefits to individual residents and property owners and the community as a whole which is associated therewith; and over the loss of the hillside character which frames the city due to housing development within the hillsides." It was in this ordinance that the minimum lot size of 7,500 square feet was established for R1R zones. This site combines two lots for a total of 4,213 square feet and both lots were purchased well after 1993.

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. A 5-foot wide public walk (undeveloped and leading from Vista Superba Street to Corona Drive) is located immediately north of the subject site. The lots on either side of the subject site already contain single-family homes on lots of less than 3,000 square feet where the homes were built prior to 1993. Of the 11 lots abutting the west side of Vista Superba Street in Glendale, nine are less than 4,000 square feet (including the 2,260 square foot portion of the subject site). Therefore, the subject site is not uniquely small. Along Corona Drive, lots on either side of the subject site are vacant but only the southern adjacent lot(s) would be available to add to this property without vacating the walk. The southern adjacent lot is only 2,720 square feet. The applicant would need to acquire two lots south of the site before it would exceed the minimum lot size for new development.

This site and proposed development has the characteristics that the hillside ordinance sought to limit. Namely, lot size, narrow lot width, steepness of slope, limited building area, limited access and further impacts to existing conditions in already developed neighborhoods. 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. There are still options to meet the minimum lot size with adjacent vacant lots and vacating the adjacent undeveloped public walk to eliminate the need for a variance for lot size and potentially give greater flexibility to providing code compliant parking. Therefore, the strict application of the provisions of any such ordinance would not result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.

**B. There are no 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 Adams Hill area was studied in 1993 when the Hillside Ordinance was adopted. Adjacent properties to this site are smaller in size, but they were developed prior to 1993. Existing houses in the neighborhood reflect the time the area was developed. The codes have since changed to reflect the intent of the city to minimize impacts to existing neighborhoods caused by development on small, narrow infill hillside lots. When the owner purchased these properties, the lot size restrictions had been in place for almost 20 years. As stated above, this site is not uniquely small. Small lots with steep slopes are common in the neighborhood and in the R1R Zone in general. Therefore, there are no 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.

**C. The granting of the variance will 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 community relies on the Hillside Ordinance as adopted by Council to ensure compatible development within existing hillside neighborhoods. This project would exacerbate parking impacts on a neighborhood that already has constraints. If the site was larger, where the applicant could design a project that could accommodate parking and reasonable living space on the site, a different development proposal may be appropriate and not materially detrimental to the properties on this street and to the surrounding neighborhood.

Additionally, this neighborhood is serviced by a narrow street with limited parking as confirmed by neighbor testimony and exhibits provided at the hearing. Having questionable parking functionality with the use of an elevator lift to access the second required parking space does not appear practical. The concern is 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. In addition, the small size of the lot impacts the design and functionality of the size of the house and lack of reasonable access to parking in turn impacts the neighborhood. The applicant has done a commendable job attempting to balance compliance with most development standards for proposing a single-family home; however because this is an infill development it is critical for new development to have functional development features to minimize neighborhood impacts, such as on site, easily accessible parking.

**D. The granting of the variance will be contrary to the objective of the ordinance.**

The granting of the variances would be contrary to the objective of the ordinance because it does not meet the minimum lot size and minimum accessible parking requirements that could be developed in accordance with the Zoning Code and as referenced above in finding A.

**All discretionary applications in the ROS and R1R zones must also take into consideration the Hillside Development Review Policy, 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 requested variances for lot size and two directly accessible covered and enclosed parking spaces.

### **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>

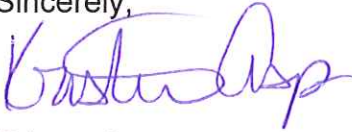
To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

### **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.