

August 16, 2017

Barbara M. Ulle
Applicant
12448 Country Road
Valley Center, CA 92082
&
Cagliero Family Trust
Owner
Attention: Joseph E. Cagliero, Trustee
40121 Newport Road
Hemet, CA 92543
&
William M. Raymond Jr.
625 East Arrow Highway – Suite '7'
Glendora, CA 91740

**RE: 1203 & 1209 GLENWOOD ROAD, &
1308 BRUCE AVENUE
&
TPM GLN NO. 1636**

(1) VARIANCE CASE NO. PVAR1701033

(2) PARCEL MAP CASE NO. PPM1701032

Ladies and Gentlemen:

The Planning Commission of the City of Glendale, at its meeting held on August 16, 2017, conducted a public hearing and **APPROVED WITH CONDITIONS**, your application for the property located at **1203 & 1209 Glenwood Road, & 1308 Bruce Avenue**, for:

(1) Variance Case No. PVAR 1701033, and the four findings and the twelve (12) additional conditions,

&

(2) Tentative Parcel Map GLN No. 1636 and Parcel Map Case No. PPM1701032, and the four findings and the twelve (12) additional conditions,

listed in the two motions adopted by the Planning Commission on August 16, 2017, in the City of Glendale, County of Los Angeles, State of California.

ENVIRONMENTAL DETERMINATION

The project is exempt from environmental review per State CEQA Guidelines Section 15301. Existing Facilities (k).

Copies of the two adopted motions are enclosed.

**APPEAL PERIOD
(VARIANCE CASE NO. PVAR 1701033)**

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision for **(Variance Case No. PVAR 1701033)** has the right to appeal said decision 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 **AUGUST 31, 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 PERIOD
(TENTATIVE PARCEL MAP GLN NO. 1636 AND PARCEL MAP CASE NO.
PPM1701032)**

Under the provisions of Section 16.24.180 of the Glendale Municipal Code, any person affected by the above decision for **(Tentative Parcel Map GLN No. 1636 and Parcel Map Case No. PPM1701032)** may appeal said determination to the City Council within **ten (10) days (AUGUST 28, 2017)**, following the date of the Planning Commission's action.

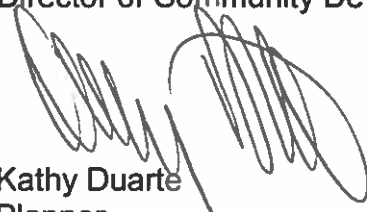
Information regarding appeals and appeal forms will be provided by the Building and Safety Section or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 10-day period, on or before **AUGUST 28, 2017**, at the Building and Safety Section, 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>

1203 & 1209 GLENWOOD ROAD, &
1308 BRUCE AVENUE
TPM GLN NO. 1636

If you have any questions, please do not hesitate to call the case planner, Kathy Duarte at (818) 937-8163.

Sincerely,
Phil Lanzafame
Director of Community Development Department



Kathy Duarte
Planner

KD:sm

CC: City Clerk (K.Gruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (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); and case planner Kathy Duarte.

MOTION
(VARIANCE CASE NO. PVAR1701033)

Moved by Planning Commissioner Lee, seconded by Planning Commissioner Satorian, that upon consideration of Variance Case No. PVAR1701033, and after reviewing the records, files, reports, and all documentary evidence submitted with regard to said variance, that Variance Case No. PVAR1701033 to allow a new lot line that creates a new street front setback at 1308 Bruce Avenue (built in 1924), where the existing front porch is approximately 18-feet from the front property line, where 25-feet is required, and the garage eaves (approximately 19-inches from the proposed property line), project greater than 30-inches into the new interior setback, where 30-inches is allowed and the proposed lot line creates a new interior property line at the rear of 1203 & 1209 Glenwood Road (both built in 1948), with garage eaves (approximately 6-inches and 2-inches from the proposed property line, respectively), which project greater than 30-inches into the interior setback, where 30-inches is allowed, is hereby deemed categorically exempt under CEQA Section 15301, Class-1 for Existing Facilities, and is hereby approved subject to compliance with the twelve (12) conditions listed below, based on the following findings of fact:

- 1. The strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.**

The land use designation of the subject site is Low Density Residential with one dwelling unit per lot allowed. The proposed parcel map will result in the three existing dwelling units to be located on three separate lots. In doing so, the current legal nonconforming situation will become Code compliant with the Low Density Residential zoning because one dwelling unit and one garage will be located on each individual lot. The garage for the house located at 1308 Bruce is currently located on a separate lot, and this subdivision would allow each house to have its own garage on the same lot as the house, and thereby meet the intent of the Code. However, this shift in lot lines causes the need for the setback variance request. The proposed new lots are situated such that the existing structures can remain with the least amount of variance requests. If the owner is forced to comply with the setback requirements, it will cause unnecessary hardship and practical difficulty as the existing front porch and one side of two garage roof eaves would need to be removed. Although removal is possible, the removal may create or exacerbate greater nonconformities and will negatively affect the design, style and aesthetic of the house, thereby causing the home to be inconsistent with the neighborhood character.

- 2. 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 property is developed with two houses on one lot when the intended use and development of the property is for one house per lot. The existing house and garage located at 1308 Bruce Avenue were constructed in 1924. They were built at the rear of the

two lots and front Bruce Avenue. In 1948, a building permit was issued for construction of houses at 1203 and 1209 Glenwood Road. The permit at 1203 Glenwood allowed two houses on one lot, when only one house per lot was allowed; this permit was issued in error. Now that the houses are built, however, the property owner has a vested right to maintain the non-conformity. The applicant could have subdivided the property in 1948 with a lot split map. This was not done, purportedly because the entire site was owned by one person. As stated above, because the owner is vested, subdivision is not necessary to keep the non-conforming use, but subdivision will eliminate this major nonconformity with the low density residential zoning requirement of one house per lot. In sum, there is an exceptional circumstance involving the intended use of this property because one of the houses and its garage are on different lots. The subdivision will correct this situation, but at the same time, it will create the need for a setback variance because the subdivision changes the house frontage from a street side setback to a street front setback. Based on the existing development of the property, it is apparent that this property was always intended to be function as three separate lots at the time the houses were built, and no setback variance would have been necessary. Additionally, a similar situation exists on the corner directly across the street from the subject property. There, the homes were built around the same time, such that allowing this subdivision will afford the subject property the same benefit as homes in the immediate vicinity. It is because of these special circumstances —correcting a major non-conformity that could have been done at the time the house was built without a variance for setback – that relief from the setback regulations is needed.

3. 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 lot sizes and shapes of the proposed lots are compatible with the surrounding neighborhood. The site has been developed with the existing residential uses since 1924 and 1948. The proposed lot areas are 6,275 square feet for Parcel 1, 6,331 square feet for Parcel 2, and 6,906 square feet for Parcel 3, with an average area of 6,504 square feet. Each of the three proposed parcels exceeds the minimum 5,500 square feet required. Thus, the proposed lot sizes comply with the minimum lot size requirement of the R1 zone. The average lot area within 500 feet of the site for R1 zoned properties is 6,817. While the lots meet the minimum requirement of the Zoning Code, they do not meet the average lot size requirement for a Parcel Map in the Subdivision Ordinance. The Planning Commission will consider an exception for the average lot size as part of the consideration for a Parcel Map. The proposed rectangular-shaped lots are similar in shape to the majority of lots within the 500-foot radius. Additionally, the lots across Bruce Avenue follow a similar pattern to the proposed parcel map. The proposed parcels and existing structures will meet requirements for lot size, lot coverage, floor area ratio, and landscaping. Therefore, the development will not be detrimental to the public welfare or injurious to the property or improvements and will be compatible with the character of the neighborhood.

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

The site is physically suitable for the proposed density of development. The 6.8 units per acre density of the proposed parcel map is below the 8 units per acre maximum density allowed by the land use element of the general plan for low density residential designations. The parcel map will subdivide two residential lots into three residential lots for the purpose of accommodating the existing single-family residences on each of the three lots. The variance will allow the existing house to remain with the same or similar architectural style as many of the other homes in the neighborhood, thereby preserving the character of the neighborhood and will therefore not be contrary to the objectives of the ordinance. The proposed development is consistent with surrounding development and will allow the existing uses to be in conformance surrounding land uses and minimize non-conforming uses. Therefore, the development and the variance grant is not contrary to the objectives of the ordinance because the proposal is compatible with the character of existing improvements in the neighborhood and conforms to the City's goals for development in the neighborhood.

CONDITIONS

Public Works Department Requirements

1. The subdivision shall comply with all provisions of applicable State laws, the Subdivision Ordinances and the Glendale Municipal Code.
2. All fees pertaining to subdivisions required by the Glendale Municipal Code and City Ordinances shall be paid in connection with the filing of the final map or prior to recording of final map, shall be based on the fees which are in effect at such respective times.
3. Survey monuments shall be set in accordance with the standards of the City Engineer's Office and to the satisfaction of the City Engineer. All monumentation work shall be performed by or under the supervision of a Licensed Surveyor, licensed in the State of California.
4. No cross-lot drainage between lots shall be allowed without a drainage easement. Parcel 1 and Parcel 2 shall grant a drainage easement for the benefit of Parcel 3. In addition, a legal description of the drainage easement shall be required. A drainage plan shall be required and shall be submitted to Public Works Engineering-Land Development Section for review and approval.
5. The applicant shall adhere to any additional requirements may apply after the initial submittal of the final engineering plans for building plan checking.

Community Development Department Requirements

6. The subject property shall be subdivided in full compliance with the conditions of this grant, the City of General Plan, the State Subdivision Map Act, Title 16 of the Glendale Municipal Code, and any other regulation applicable to the subdivision of the subject property. Any modification to these plans must be approved by the Community Development Department. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
7. For all walls, at or near a property line, item(s) following should be drawn in scale and detailed through section(s) and validated by a licensed architect's approval "stamped & signed" for compliance. **Exterior Walls:** Construction, projections, openings and penetrations of exterior walls of dwelling and accessory buildings shall comply with **Table R302.1(1)**. Dwellings and accessory buildings equipped throughout with an automatic sprinkler system installed in accordance with Section R313 shall comply with **Table R302.1(2)**.
8. 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.
9. The applicant shall adhere to any additional or other building code requirements or specific code requirements (i.e. CA Green Building Code, etc.) may be required upon submittal of plans for building plans check and permit.

GWP

10. **An easement is required. Easement documents must be written by GWP and signed by the property owner. This shall be completed prior to approval of the final map.**

Miscellaneous

11. Should litigation be commenced by any third party against the City concerning any procedural or substantive aspect of this subdivision, including without limitation, any litigation concerning the application of the California Environmental Quality Act, the City shall inform applicant of the estimated cost of defense. Applicant shall, within five (5) days of said notification, provide the City with a check, in same day available funds, for the estimated cost of City's defense. City shall deposit said funds into an interest bearing account. City may update said estimate at any time during any such litigation, in which case applicant shall, within five (5) days of notification of said updated estimates, provide the City with a check in same day available funds, for the additional estimated cost of defense. Should any applicant provided monies or interest on such monies remain unspent at the conclusion of litigation, City shall refund same to applicant. City retains the right to hire outside special legal counsel to represent City.

12. This approval shall expire in 36 months, on August 16, 2020, unless the applicant files for an extension prior to that date or the applicant demonstrates that all conditions have been met and has filed a final parcel map prior to the expiration date.

Adopted this 16th day of August, 2017.

VOTE

Ayes: Lee, Satoorian, Manoukian
Noes: Astorian
Absent: Shahbazian
Abstain: None

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 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 30.16.610 of the Glendale Municipal Code, 1995, provides for the Director of Community Development to have continuing jurisdiction over any Variance which is or has been granted and may revoke any Variance in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

GMC CHAPTER 30.4 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 (Kathy Duarte – 818.937.8163). 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.

MOTION

(TENTATIVE PARCEL MAP GLN NO. 1636 AND PARCEL MAP CASE NO. PPM1701032)

Moved by Planning Commissioner Lee, seconded by Planning Commissioner Satorian, that upon consideration of Tentative Parcel Map No. GLN 1636 ("TPM"), to divide two single family residential lots into three single family residential lots, and after reviewing the records, files, reports, and all documentary evidence submitted with regard to said tentative parcel map and related exceptions for average lot size and building setbacks, that the Planning Commission hereby determines that the TPM is categorically exempt as CEQA Section 15301, Class 1 Existing Facilities, and that the TPM and exceptions are hereby approved, subject to compliance with the twelve (12) conditions listed below, based on the following findings of fact:

1. The TPM is consistent with applicable General Plan elements, including the Land Use Element. . The land use designation of the TPM area is Low Density Residential, which allows one dwelling unit per lot. The proposed TPM will remedy a legal nonconforming by creating lots that accommodate one dwelling unit per lot. Bruce Avenue and Glenwood Road provide access to the TPM area and each have a 60-foot right-of-way. The streets are classified as Local Streets in the Circulation Element and are adequate to serve the residential needs of the immediate community. The proposed TPM is compatible with the goals and objectives of the Housing Element and is commensurate with local and regional needs for housing opportunities in that the TPM will divide two residential lots into three residential lots that each contains an existing single-family residence. In this way no housing will be lost and the will continue to provide opportunities for home ownership and maintain a high quality neighborhood that is attractive and well designed. The site is located in an area that is below the 60-65 CNEL noise contours which is "Normally Acceptable" for low density single-family homes if new buildings utilize conventional construction. No construction activities will occur; therefore there will not be a temporary periodic increase in ambient noise associated with construction activities. Although the existing structures are not historically significant, they are well maintained and contribute to the architectural fabric of the neighborhood. The Safety Element does not identify the TPM site as located in a High Fire Hazard Area. The TPM site is not located within a mapped liquefaction hazard zone or mapped landslide prone area. No known active faults cross the TPM site and the project site is not located within a currently-designated Alquist-Priolo Earthquake Fault Zone (CGS, 2000) and does not represent a fault rupture hazard to the proposed development. Recreation Planning Area No. 3 is the largest of all the Recreation Planning Areas. Residents are served by three parks which include Brand Park, Nibley Park and Verdugo Park/Stengel Ballfield. The area exceeds the present standard of 1 acre per 1,000 people for neighborhood park acreage, but because of the size of Brand Park, the area is deficient in providing accessible neighborhood parks. The TPM site is not in an area designated as open space.
2. The project will be consistent with the approved and adopted General Plan Elements as cited in the preceding paragraph so long as the TPM design and improvements are implemented in conformance with the conditions of approval.

3. The TPM site is physically suitable for the proposed development. The proposed lot sizes and shapes are compatible with the surrounding neighborhood. The proposed rectangular-shaped lots are similar in shape to the majority of lots within the 500-foot radius. Additionally, the lots across Bruce Avenue follow a similar development pattern to the TPM site. The proposed parcels and existing structures will meet requirements for lot size, lot coverage, floor area ratio, and landscaping of the Zoning Code. The site has been developed with the existing residential uses since 1924 and 1948. The proposed lot areas are 6,275 square feet for Parcel 1, 6,331 square feet for Parcel 2, and 6,906 square feet for Parcel 3, with an average area of 6,504 square feet. Each of the three proposed parcels exceeds the minimum 5,500 square feet required of the Zoning Code. Thus, the proposed lot sizes comply with the minimum lot size requirement of the R1 zone, but they do not meet the average lot size. The average lot area within 500 feet of the site for R1 zoned properties is 6,817. Additionally, creating a new lot results in setback violations, so an exception is needed for subdivision requirements in order for the subdivision to be consistent with the Zoning Code. The Planning Commission hereby adopts findings for both the average lot size and setbacks exceptions pursuant to Section 16.08.280 as follows:

- a) That the strict application of any standard prescribed by this title would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of this title related to lot size because meeting the average lot size would prevent the division and each house and garage from being on its own lot. The intent of the subdivision ordinance is to provide for clear ownership of property, which means having each house and garage on its own property. The land use designation of the subject site is Low Density Residential with one dwelling unit per lot allowed. The proposed parcel map will result in the three existing dwelling units to be located on three separate lots. In doing so, the current legal nonconforming situation will become Code compliant. The garage for the house located at 1308 Bruce is located on a separate lot; this subdivision would also allow each house to have its own garage on the same lot and thereby meet the intent of the Code. However, this shift in lot lines causes the need for the setback variance request. The proposed new lots will allow the existing structures to remain with the least amount of variance requests. If the owner is forced to comply with the setback requirements, it will cause unnecessary hardship and practical difficulty as the existing front porch and one side of two garage roof eaves would need to be removed. Although removal is possible, the removal may create or exacerbate greater nonconformities and will negatively affect the design, style and aesthetic of the long-existing house, thereby causing the home to be inconsistent with the neighborhood character.
- b) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property in the city being subdivided or re-subdivided. The property is developed with two houses on one lot when the intended use and development of the property is for one house per lot consistent with the R1 Zoning designation. The existing house and garage located at 1308 Bruce Avenue were constructed in 1924. They were built at the rear of the two lots and front Bruce Avenue. In 1948, a building permit was issued for construction of

houses at 1203 and 1209 Glenwood Road. The permit at 1203 Glenwood allowed two houses on one lot, when only one house per lot was allowed; the permit was issued in error. Now that the houses are built, however, the property owner has a vested right to maintain the non-conformity even though the permit was issued in error. The applicant could have subdivided the property in 1948 with a lot split map. This was not done, purportedly because the entire site was owned by one person. As stated above, because the owner is vested, subdivision is not necessary to keep the non-conforming use, but subdivision will eliminate this major nonconformity. In sum, there is an exceptional circumstance involving the intended use of this property because one of the houses and its garage are on different lots. The subdivision will correct this situation, but at the same time, it will create the need for a setback variance because the subdivision changes the house frontage from a street side setback to a street front setback. Based on the existing development of the property, it is apparent that this property was always intended to be function as three separate lots at the time the houses were built, and no setback variance would have been necessary. Additionally, a similar situation exists on the corner directly across the street from the subject property. There, the homes were built around the same time, such that allowing this subdivision will afford the subject property the same benefit as homes in the immediate vicinity. It is because of these special circumstances —correcting a major non-conformity that was not done at the time the house was built without a variance for setback – that relief from the setback regulations is needed. Additionally, because the property was developed with two houses on one lot (when the intended use and development of the property was for one house per lot), and there are similarly sized lots in the neighborhood, allowing a smaller than average lot size is not inconsistent with the intended use of the property as it was developed.

- c) That the granting of the exceptions will not be materially detrimental to the public welfare nor injurious to the property or improvements in the immediate vicinity. The lot sizes and shapes of the proposed lots are compatible with the surrounding neighborhood. The site has been developed with the existing residential uses since 1924 and 1948. The proposed lot areas are 6,275 square feet for Parcel 1, 6,331 square feet for Parcel 2, and 6,906 square feet for Parcel 3, with an average area of 6,504 square feet. Each of the three proposed parcels exceeds the minimum 5,500 square feet required. Thus, the proposed lot sizes comply with the minimum lot size requirement of the R1 zone. The average lot area within 500 feet of the site for R1 zoned properties is 6,817. While the lots meet the minimum requirement of the Zoning Code, they do not meet the average lot size requirement for a Parcel Map in the Subdivision Ordinance. The proposed rectangular-shaped lots are similar in shape to the majority of lots within the 500-foot radius. Additionally, the lots across Bruce Avenue follow a similar pattern to the proposed parcel map. The proposed parcels and existing structures will meet requirements for lot size, lot coverage, floor area ratio, and landscaping. Additionally, a variance was granted for setback deviations caused by the new lot line. The existing structures will remain; therefore, the exceptions for average lot size and setbacks will not be detrimental to the public welfare or injurious to the property or improvements and will be compatible with the character of the neighborhood.

- d) That the granting of the exceptions for average lot size and setback will not be contrary to the objectives of this Title. The site is physically suitable for the proposed density of development. The 6.8 units per acre density of the proposed parcel map is below the 8 units per acre maximum density allowed by the land use element of the general plan for low density residential designations. The parcel map will subdivide two residential lots into three residential lots for the purpose of accommodating an existing single-family residence on each of the three lots. The exceptions will allow the existing house and garages to remain with the same or similar architectural style as many of the other homes in the neighborhood, thereby preserving the character of the neighborhood and will therefore not be contrary to the objectives of the ordinance. The proposed development is consistent with surrounding development and will allow the existing uses to be in conformance with surrounding land uses and will minimize non-conformity with zoning standards. Additionally, similarly-sized lots are located across the street, so the smaller than average sized lots (which exceed the Zoning Code minimum) are not contrary to the objectives of this Title. Therefore, approving the TPM and the granting the exceptions are not contrary to the objectives of the ordinance because the proposal is compatible with the character of existing improvements in the neighborhood and conforms to the City's goals for development in the neighborhood.
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4. The site is physically suitable for the proposed density of development. The 6.8 units per acre density of the proposed TPM is below the 8 units per acre maximum density allowed by the land use element of the general plan for low density residential designations. The TPM will subdivide two residential lots into three residential lots for the purpose of providing one single-family residence on each of the three lots. The proposed TPM is consistent with surrounding development and will allow the existing uses to be in conformance surrounding land uses and minimize non-conforming uses. Therefore, the TPM is compatible with the character of existing improvements in the neighborhood and conforms to the City's goals for development in the neighborhood.
 5. Adherence to the development criteria and conditions of approval will provide for development of the project site consistent with City environmental standards. The design of the subdivision will allow each existing house and garage to be on one property. No physical changes are proposed to the existing residential structures; therefore no environmental damage will occur.
 6. Compliance with subdivision design standards and criteria of the Glendale Municipal Code and the conditions of approval will protect the public health and welfare, and prevent any serious health problems. No physical changes are proposed to the existing residential structures; therefore no serious health problems will occur.
 7. The project will not conflict with any easements acquired by the public at large for access through or use of property within the project site. Adherence to the conditions of approval will provide for an easement for Glendale Water and Power to access the existing electrical power pole and lines.

CONDITIONS

Public Works Department Requirements

1. The subdivision shall comply with all provisions of applicable State laws, the Subdivision Ordinances and the Glendale Municipal Code.
2. All fees pertaining to subdivisions required by the Glendale Municipal Code and City Ordinances shall be paid in connection with the filing of the final map or prior to recording of final map, shall be based on the fees which are in effect at such respective times.
3. Survey monuments shall be set in accordance with the standards of the City Engineer's Office and to the satisfaction of the City Engineer. All monumentation work shall be performed by or under the supervision of a Licensed Surveyor, licensed in the State of California.

4. No cross-lot drainage between lots shall be allowed without a drainage easement. Parcel 1 and Parcel 2 shall grant a drainage easement for the benefit of Parcel 3. In addition, a legal description of the drainage easement shall be required. A drainage plan shall be required and shall be submitted to Public Works Engineering-Land Development Section for review and approval.

5. Additional requirements may apply after the initial submittal of the final engineering plans for building plan checking.

Community Development Department Requirements

6. The subject property shall be subdivided in full compliance with the conditions of this grant, the City of General Plan, the State Subdivision Map Act, Title 16 of the Glendale Municipal Code, Variance Case No. PVAR1701033, and any other regulation applicable to the subdivision of the subject property. Any modification to these plans must be approved by the Community Development Department. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
7. For all walls, at or near a property line, item(s) following should be drawn in scale and detailed through section(s) and validated by a licensed architect's approval "stamped & signed" for compliance. **Exterior Walls:** Construction, projections, openings and penetrations of exterior walls of dwelling and accessory buildings shall comply with **Table R302.1(1)**. Dwellings and accessory buildings equipped throughout with an automatic sprinkler system installed in accordance with Section R313 shall comply with **Table R302.1(2)**.

8. 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.
9. Additional or other building code requirements or specific code requirements (i.e. CA Green Building Code, etc.) may be required upon submittal of plans for building plans check and permit.

GWP

10. **An easement is required. Easement documents must be written by GWP and signed by the property owner. This shall be completed prior to approval of the final map.**

Miscellaneous

11. Should litigation be commenced by any third party against the City concerning any procedural or substantive aspect of this subdivision, including without limitation, any litigation concerning the application of the California Environmental Quality Act, the City shall inform applicant of the estimated cost of defense. Applicant shall, within five (5) days of said notification, provide the City with a check, in same day available funds, for the estimated cost of City's defense. City shall deposit said funds into an interest bearing account. City may update said estimate at any time during any such litigation, in which case applicant shall, within five (5) days of notification of said updated estimates, provide the City with a check in same day available funds, for the additional estimated cost of defense. Should any applicant provided monies or interest on such monies remain unspent at the conclusion of litigation; City shall refund same to applicant. City retains the right to hire outside special legal counsel to represent City.
12. This approval shall expire in 36 months, on August 16, 2020, unless the applicant files for an extension prior to that date or the applicant demonstrates that all conditions have been met and has filed a final parcel map prior to the expiration date.

Adopted this 16th day of August, 2017.

This motion shall take effect and be in force upon the tenth (10th) day after its passage.

VOTE

Ayes: Lee, Satorian, Manoukian
Noes: Astorian
Absent: Shahbazian
Abstain: None