

February 16, 2018

Lauren Robles
123 East 9th Street, Suite 300
Upland, CA 91786

**RE: 1236 RUBERTA AVENUE
ADMINISTRATIVE EXCEPTION CASE NO. PAE 1726316**

Dear Ms. Robles:

Pursuant to the provisions of the Glendale Municipal Code, Chapter 30.44.020 (G), the Community Development Department has processed your application for an Administrative Exception to allow rooftop equipment to be located on the portion of your building that has a flat roof with a pitch not exceeding one in twelve (1:12) and where the building has no attic space and no crawl space in the "R1" zone. The subject property is located at **1236 Ruberta Avenue**, in the "R1" - (Low Density Residential) Zone, described as Lot 12, Tract No. 5622, in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL DETERMINATION

The project is exempt from environmental review as a Class 1 "Existing Facility" exemption (Section 15301(e) (1) of the State CEQA Guidelines) because this application is for mechanical equipment located on the roof of an existing single family dwelling. There are no changes to the floor area or any changes to the façade of the building.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the plans submitted therewith, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following findings:

- A. The granting of the exception will result in design improvements, or there are space restrictions on the site that preclude full compliance with the Code requirements without hardship.**

The applicant is proposing to maintain mechanical equipment that is located on the flat portion of their roof. There are space restrictions on the site that preclude full compliance with Code. The subject lot is fairly flat and the house is a Spanish style; whereby, the roof is predominantly flat. Due to the flatness of the lot there is no crawl space below the house nor are there any locations around the perimeter of the house to place the mechanical equipment without negatively impacting the architecture of the house with duct work and unsightly furring or soffits running up the exterior walls. In addition, there is no attic area, due to the flat roof, in which to place the equipment or necessary duct work.

The roof is the only location to place the mechanical equipment that minimizes the impact to the design of the house and still be functional. Further, there is a parapet at the front of the house that helps to conceal the equipment. A condition of approval has been included to require a screen or something similar around the equipment to help it blend in with the walls of the house for those portions of the equipment that are partially visible.

B. The granting of the exception 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.

Granting of the exception will not be detrimental to the surrounding neighborhood. The applicant is proposing to maintain the mechanical equipment on the flat portion of their roof. The mechanical equipment is located toward the rear of the roof and there is a parapet at the front façade that helps to conceal the equipment. In addition, a condition of approval has been included in this decision letter to require a screen around the equipment such that it matches the color of the house. The condition to screen the equipment will help to minimize the impact to the neighborhood and therefore it will not be materially detrimental to the public.

C. The granting of the exception will not be contrary to the objectives of the applicable regulations.

The granting of the administrative exception will not be contrary to the objectives of the ordinance in that the subject property will have roof top mechanical equipment on the flat portion of the roof when there are no other feasible locations to place it on the property or within any attic or crawl space. The location of the equipment toward the rear of the roof, the parapet at the front facade and the condition of approval requiring the equipment to be further screened will help mitigate any negative visual impacts. For these reasons, the granting of the exception will not be contrary to the objectives of the Zoning Code.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Exception shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Hearing Officer.
2. That all necessary permits 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 a screen or other similar method to conceal the roof top equipment be installed around the front and sides of the equipment such that it is six inches above the equipment and that it matches architecturally with the existing house in color and material.
4. That design review approval or exemption shall be obtained prior to the issuance of a building permit of the equipment screen.

5. That any expansion or modification of the dwelling which is different than what is represented as part of this Administrative Exception application, shall require a new application as determined by the Hearing Officer.

APPEAL PERIOD

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires.

Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (COD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **March 5, 2018**, 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 (COD), 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/appeal>

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by an Administrative Exception shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

CESSATION

An Administrative Exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Exception for one year or more in the continuous exercise in good faith of such right and privilege.

EXTENSION

Permits granted by such right or privilege may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the administrative exception.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCATION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least 10 days' notice by mail to the applicant or permittee.

NOTICE – subsequent contacts with this office

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner first and then, the Hearing Officer who acted on this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Bradley Collin during normal business hours at (818) 548-3210 or office line (818) 548-2115 or bcollin@glendaleca.gov, between 7:30 a.m. to 5:00 p.m. weekdays.

Sincerely,



Laura Stotler
Planning Hearing Officer

LS:BC:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); 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 – Brad Collin.