



# APPEAL APPLICATION EXHIBIT 9

Case No. PDR-003119-2024

05/03/2024

Submit this form on the Glendale Permits site at [www.glendaleca.gov/permits](http://www.glendaleca.gov/permits) (Click "Apply," "Skip..." and then search for "Appeal of Planning Decision"). For more information about this form and related fees, please call the Planning Division at (818) 548-2115. Please complete (PRINT or TYPE) the following information:

## PART 1 – NOTICE TO APPELLANT (please read carefully)

- A. This form must be prepared **and filed, within 15 days of the date of the decision being appealed. Sub-division applications must be appealed within 10 days of the date of decision.**
- B. Every question must be answered.
- C. If a question does not apply, you must answer "does not apply" or words to that effect.
- D. Failure to properly fill out this notice or failure to make a sufficient statement of a case in this notice, even if in fact you have valid and sound grounds for appeal, may cause your appeal to be dismissed forthwith.
- E. Attach additional pages for long answers.
- F. Prior to completing this form, read the Glendale Municipal Code, Title 2, Chapter 2.88 Uniform Appeal Procedure on the City's webpage at [https://library.qcode.us/lib/glendale\\_ca/pub/municipal\\_code/item/title\\_2-chapter\\_2\\_88](https://library.qcode.us/lib/glendale_ca/pub/municipal_code/item/title_2-chapter_2_88)

## PART 2 – APPELLANT INFORMATION

A. <u>Lermont</u>	<u>Akopyan</u>	<u>lermont7@yahoo.com</u>		
First Name	Last Name	Email Address		
B. <u>1239 Rossmoyne Avenue</u>	<u>Glendale</u>	<u>CA</u>	<u>91207</u>	<u>(818) 572-3688</u>
Street Address	City	State	Zip Code	(Area Code) Phone Number

## PART 3 – APPEAL BACKGROUND INFORMATION

- A. State the name or title of the board, commission, or officer from which this appeal is taken Historic Preservation Commission
- B. Were you given written notice of the action, ruling or determination? Yes ☒ No ☐  
If "Yes," attach a copy of the written notice and write the date you received it here 4/30/2024  
If "No," give the following information concerning your receipt of notice of the action, ruling or determination.  
Date \_\_\_\_\_ Time \_\_\_\_\_ Location \_\_\_\_\_ Manner \_\_\_\_\_
- C. State generally what kind of permit, variance, ruling, determination, or other action was the basis for the decision from which the appeal is taken Historic Preservation Commission Record of Decision
- Condition 1: second-floor balcony should be retained. Condition 2: front windows shall be retained.
- D. State the specific permission or relief that was originally sought from the board, commission, or officer \_\_\_\_\_  
I requested to enclose the balcony with windows and replace of all the existing windows.
- E. Were you the party seeking the relief that was originally sought? Yes ☒ No ☐  
If "No," how are you involved with the permit, variance, ruling, determination, or other action referred to above?  
\_\_\_\_\_
- F. Does this matter involve real property? Yes ☒ No ☐  
If "Yes," give the address, or describe the real property affected 1239 Rossmoyne Avenue Glendale, CA 91207

## PART 4 – STATEMENT OF ERROR

A. Do you contend that there was a violation of a specific provision of law, which forms the basis for this appeal? Yes ☒ No ☐

If "Yes", state each specific provision of law that you contend was violated: \_\_\_\_\_

The current balcony and windows pose safety concerns and do not meet building/safety code requirements.

B. Do you contend that the board, commission, or officer exceeded its authority by virtue of any of the provisions of law given in answer "A"? Yes ☒ No ☐ If "Yes", state which provisions, and state specifically each act that was in excess of authority:

The Commission's concern is solely a preference of look and to preserve the front façade aesthetically, failing to consider safety and code requirements.

C. Do you contend that the board, commission, or officer failed to fulfill a mandatory duty by any provision of law given in answer "A"? Yes ☒ No ☐ If "Yes", state which provision, and the specific duty that it failed to exercise:

California requires guardrails to have a minimum of 42" from ground. Regarding windows, if the bottom of the window is less than 18" above the floor then they are considered a hazardous location and must be tempered. Neither one of these requirements are met as my balcony is currently 32" above ground and the windows are less than 18" above ground.

D. Do you contend that the board, commission, or officer refused to hear or consider certain facts before rendering its decision? Yes ☒ No ☐ If "Yes", state each such fact, and for each fact, state how it should have changed the act, determination, or ruling: \_\_\_\_\_

The Commission did not consider any safety requirements, security issues, or noise concerns regarding the existing balcony and windows.

E. Do you contend that the evidence before the board, commission or officer was insufficient or inadequate to support its action, determination or ruling or any specific finding in support thereof? Yes ☒ No ☐ If "Yes", state what evidence was necessary, but lacking: \_\_\_\_\_

There was not enough evidence to support their decision.

F. Do you contend that you have new evidence of material facts not previously presented, which if considered should change the act, determination or ruling? Yes ☒ No ☐ If "Yes", state each new material fact not previously presented to the board, commission, or officer. For each fact, state why it was not available, or with the exercise of reasonable diligence could not have been discovered and previously presented by the appellant: \_\_\_\_\_

At the time, I did not have enough knowledge and information regarding the codes to support my reason. Additionally, we discovered that the front facing balcony was already altered by previous owner and is not original to begin with.

Statement of additional facts related to the appeal: \_\_\_\_\_

Yes, please find California Code of Regulations, Title 8, Section 3209 Standard Guardrails attached. I will provide my presentation at the time of the hearing.

The foregoing statements, contained in PARTS 2, 3 and 4 above, are true and correct to the best of my knowledge and belief.

Lermont Akopyan

Appellant's Name – Please Print

L. Akopyan  
Appellant's Signature

05/03/2024

Date Signed

### FOR STAFF USE ONLY

### Date Stamp

Date received in Permit Services Center \_\_\_\_\_ Received by \_\_\_\_\_

Fee paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

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Subchapter 7. General Industry Safety Orders  
Group 1. General Physical Conditions and Structures Orders  
Article 2. Standard Specifications

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## §3209. Standard Guardrails.

Wherever guardrail protection is required, the following standards shall be adhered to except that other types and arrangements of guardrail construction will be acceptable where the height, surface and end projection of the top rail complies with the standard specifications and the closure of the vertical area between the top rail and floor, platform, runway, or ramp provides protection at least equivalent to that afforded by a mid-rail.

(a) A standard guardrail shall consist of top rail, midrail or equivalent protection, and posts, and shall have a vertical height within the range of 42 inches to 45 inches from the upper surface of the top rail to the floor, platform, runway, or ramp level. (Note: the permissible tolerance on height dimensions is one inch). The top rail shall be smooth-surfaced throughout the length of the railing. The midrail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts, except where such overhang does not constitute a projection hazard. (Title 24, Part 2, Section 2-1716(a)).

Note: Local building regulations may require 9-inch spacing of midrails.

(b) All guardrails and other permissible types, including their connections and anchorage, shall be designed for a live load of 20 pounds per linear foot applied either horizontally or vertically downward at the top rail. Dimensional details of railing members of a few types of construction which comply with this strength requirement are given hereinafter in subsection (c).

Note: It is recognized that the minimum value of railing strength here specified is inadequate for safety under operating conditions where railings are liable to receive heavy stresses from crowds, trucking, handling materials, etc. For such conditions, additional strength shall be provided by use of heavier stock, closer spacing of posts, bracing, or otherwise.

Railing members shall be framed in such a position that they will afford the greatest support and protection, for example, top rails of structural steel angles shall have the outside face of vertical leg located on the side adjacent to the side of normal contact by the employee. (Title 24, Part 2, Section 2-1716(b).)

(c) The following are some acceptable guardrail specifications: other combinations will be accepted as long as equivalent strength and protection are maintained.

(1) In wooden construction, the posts to be of at least 2-inch by 4-inch nominal material spaced not to exceed 6 feet, the top rails to be smooth with corners rounded and not less than 2-inch by 4-inch nominal material. The posts may be spaced on 8-foot centers if the top rails consist of double 1-inch by 4-inch nominal boards, provided that 1 board is fastened in a flat position on top of the posts and the other is fastened in an edge-up position to the inside of the posts and the side of the top board. Single midrails, where permitted, shall be not less than 2-inch by 4-inch nominal material and installed on the contact side of the guardrail.

(2) If constructed of standard metal pipe, the top rails and single midrail, where permitted, to be 1 1/2-inch outside diameter or larger. The posts to be 1 1/2-inch outside diameter or larger, the spacing not to exceed 8 feet.

(3) Guardrails installed on or before May 26, 2011. If constructed of structural metal, the top rails to be angle iron of at least 2-inch by 2-inch by 1/4-inch angles or other metal shapes of equivalent bending strength; and the single midrail, where permitted, to be iron or steel of at least 2-inch by 2-inch by 1/4-inch angles or other metal shapes of equivalent strength. The posts to be angle iron of at least 2-inch by 2-inch by 1/4-inch stock, the spacing not to exceed 8 feet.

(4) Guardrails installed after May 26, 2011. If constructed of structural metal, the top rails to be angle iron of at least 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength; and the single midrail, where permitted, to be iron or steel of at least 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent strength. The posts to be angle iron of at least 2-inch by 2-inch by 3/8-inch stock, the spacing not to exceed 8 feet.

(d) Where toeboards are required, they shall be constructed of wood, concrete, metal, or other suitable material. Where constructed of metal grille, mesh shall not exceed 1-inch. The top of the toeboard shall be not less than 3 1/2 inches above the platform, walkway, or other working level and the bottom clearance shall not exceed 1/4-inch.

Note: Where materials are piled, higher toeboards, or paneling from floor to intermediate rails or top rail shall be provided where necessary for safety. (Title 24, Part 2, Section 2-1753.)

Note: Authority cited: [Section 142.3, Labor Code](#). Reference: [Section 142.3, Labor Code](#); and [Section 18943\(c\), Health and Safety Code](#).

## HISTORY

1. Amendment of subsection (c)(1) filed 1-18-78; effective thirtieth day thereafter (Register 78, No. 3). For prior history, see Register 77, No. 41.

2. Repealer of NOTE in subsection (c)(4) filed 1-23-81; effective thirtieth day thereafter (Register 81, No. 4).

3. Amendment filed 5-25-83; effective thirtieth day thereafter (Register 83, No. 22). Approved by State Building Standards Commission 1-24-83.

4. Amendment of subsection (c)(3) and new subsection (c)(4) filed 4-26-2011; operative 5-26-2011 (Register 2011, No. 17).

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