



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Appeal of Design Review Board's approval of DRB Case No. PDR 002532-2023 located at 1000 Sandringham Drive for the construction of a new 2-story, 5,067 square-foot (SF) single-family dwelling with an attached 3-car garage on a vacant 31,290 SF lot located in the R1R, FAR District III Zone.

1. Motion to sustain the Design Review Board's decision of April 25, 2024, to approve the project with conditions.
2. Motion to continue the matter, directing the City Attorney to draft findings reversing the Design Review Board's decision and denying the project.

COUNCIL ACTION

Item Type: Public Hearing

Approved for February 11, 2025 **calendar**

EXECUTIVE SUMMARY

This hearing is an appeal of a decision made by the Design Review Board on April 25, 2024, to approve with conditions Design Review Case No. PDR 002532-2023 for the construction of a new two-story, 5,067 SF single-family residence and an attached three-car garage on a 31,290 SF lot in the R1R, FAR District III zone ("Project"). The first floor will contain 2,880 SF and the second floor will contain 2,187 SF. A swimming pool and 1,400 SF basement (not counted as floor area due to ceiling height) are also proposed.

The appellant is requesting that the City Council overturn the Design Review Board decision to approve Design Review Case No. PDR 002532-2023 and deny the Project. The appellant's arguments focus on the following:

- There was a violation of a specific provision of law, which forms the basis for the appeal;
- The Board exceeded its authority;

- The Board failed to fulfill a mandatory duty;
- The Board refused to hear or consider certain facts before rendering its decision;
- The evidence before the Board was insufficient or inadequate to support its approval decision; and
- New evidence not previously presented, which if considered, should change the Board's approval decision.

RECOMMENDATION

That the City Council sustain the Design Review Board's approval of Case No. PDR 002532-2023, based on all of the evidence, testimony, reasoning and findings of the DRB articulated at the April 25, 2024 DRB hearing, and set forth in the DRB's Record of Decision (PDR 002532-2023) dated April 25, 2024, staff's analysis of the appeal set forth below, any additional testimony or evidence presented at this hearing, and the Project's overall conformance with the Comprehensive Design Guidelines.

If the Council wishes to reverse the Design Review Board's decision, a second alternate motion is included to continue the matter for three weeks, without further public notice, and direct the City Attorney to prepare written findings in support of denying the Project.

BACKGROUND

This hearing is an appeal of a decision made by the Design Review Board on April 25, 2024, to approve Design Review Board Case No. PDR 002532-2023 with conditions for the construction of a new two-story, 5,067 SF single-family residence and an attached three-car garage, with a swimming pool and a basement on a 31,290 SF lot in the R1R, FAR District III zone.

General Information

<i>Appellant:</i>	Christopher Smee
<i>Status of Appellant:</i>	Interested Party
<i>Applicant:</i>	Malekian and Associates 2255 Honolulu Avenue #1A Montrose, CA 91020
<i>Owner:</i>	Garnik Hovsepyan GTS Investment Group LLC. 1400 Greenbrier Road Glendale, CA 91207

Requested Action:

The appellant is requesting that the City Council reverse the Design Review Board decision to approve Design Review Board Case No. PDR 002532-2023.

Legal Description: PM 144-4-5 Lot A Ex Land Description in document 2447914,051011

APN: 5650-001-017

Zone: “R1R” Low Density Residential Zone, Floor Area District III

Land Use Element: Low Density Residential

Lot Size and Frontage: The Project site is approximately 31,290 SF and has a frontage of approximately 75.5 feet along Sandringham Drive, near the intersection of Sandringham Drive and Balmoral Drive.

Existing Site Characteristics: The subject site is irregularly-shaped, currently vacant and located in the Greenbriar neighborhood above Verdugo Park. The northwestern portion of the site was previously graded and is relatively flat. The remainder of the site slopes steeply down to the residential neighborhoods below. Low density single-family residential neighborhoods, zoned R1R, surround the site to the north, south and west. To the east, an 8.2 acre vacant (Bachman Open Space) site, zoned SR (Special Recreation) is City-owned. There are no protected trees on the site.

A single-family house (similar to the current proposal) was approved for the subject site in 2008. A lot line adjustment between the subject site and the adjacent City-owned parcel was approved in 2005.

Circulation: Both Sandringham Drive and Balmoral Street are classified as local streets in the City’s Circulation Element of the General Plan. On-street parking is available on both sides of these streets adjacent to the subject property.

Surrounding Land Use/Zoning: The majority of properties nearby the subject site are zoned R1R (Restricted Residential), FAR District III. Immediately north and east of the site is the Bachman Open Space area, which is approximately 8.2 acres and zoned SR (Special Recreation). Properties within the surrounding area vary widely in size. Within 300 linear feet of the site, the average lot size is 15,945 square feet. The surrounding homes are predominantly two-story. Home sizes range from 1,965 SF to 5,515 SF with an average size of 3,833 SF.

Utilities and Public Services: All municipal and private utilities are in place serving the neighborhood and other public services are currently provided in the vicinity.

PROJECT HISTORY

DRB Case (PDR 002532-2023):

December 16, 2005 – Lot Line Adjustment Case No. 04-1-A between two parcels at 1000-1012 Sandringham Drive and 1376 -1382 Sunshine Drive was found to be in compliance with local zoning and building ordinances. On October 11, 2005, Certificates of Compliance and a grant deed related to the lot line adjustment were recorded at the Los Angeles County Recorder's Office.

June 26, 2008 – Design Review Board Case No. 1-PDR-2007-134 was presented to the Design Review Board for the construction of a new, two-story, 5,113 SF single-family residence in the R1R, FAR District II zone. A swimming pool and basement were also proposed. The Board approved this project with three conditions. The design of the residence was very similar to the present design. The house was never built.

November 21, 2023 – Applicant submitted a design review application (PDR 002532-2023) proposing the construction of a new, two-story, 5,067 SF single-family residence and an attached three-car garage on a 31,290 SF lot in the R1R, FAR District III zone. A swimming pool and 1,400 SF basement were also proposed.

April 25, 2024 - Design Review Board Case No. PDR 002532-2023 was presented to the Design Review Board with a staff recommendation to approve the project with conditions. The DRB voted unanimously (3-0, Kaskanian and Simonian absent) to approve the Project with three conditions:

Conditions:

1. Vines or other hanging plants shall be planted adjacent to the driveway retaining walls to soften the appearance of these features.
2. Rescale the entry of the residence slightly to reduce its mass, while maintaining the balance of the overall façade composition.
3. To visually minimize the rear retaining walls, the color and materials used shall blend with the adjacent earth and substantial landscaping shall be planted above and below them.

May 10, 2024 – An interested party (the appellant) appealed the case.

ANALYSIS

SUMMARY OF DESIGN REVIEW BOARD'S DISCUSSION FROM APRIL 25, 2024:

- Three of the five current Design Review Board members attended the April 25, 2024, meeting at which the Project was discussed. Board Members Kaskanian and Simonian were absent.

- Board Member Welch stated that the subject Project was prominent on a unique lot. The proposed residence would be located between a high granite hillside and a very large house and while it will be visible from the street, it is setback significantly with a long driveway and in line with other homes on Balmoral Drive. He cited no objections regarding the site planning of the project. Mr. Welch acknowledged that the proposed residence is massive and prominent but is located in a neighborhood of very large homes. The detailing of the house is well done and breaks up the straight up and down massing. The proposed residence appropriately integrates with the rest of the neighborhood. Mr. Welch noted that the design and detailing is very nice, including the copper roofing and window details and that the entry does not rise to being “monumental”. His biggest objection regarding the project was the back side of the house and the prominence of it with anyone viewing it from a distance. He stated that any downslope retaining walls need to blend with the hillside and significant landscaping should be provided in this area, along with anything else considered that would minimize these walls.
- Board Member Tchaghayan concurred with Mr. Welch. She stated that the house, while not her style, was beautifully done and she appreciates the details. Ms. Tchaghayan acknowledged that the house was massive but that the subject site is helping the situation, where the house is away from the street and pushed back in line with other houses and no other neighbors around it. She also had concerns regarding the rear retaining walls but appreciated their terracing.
- Board member Lockareff stated that she was more challenged with the Project than the other two Board members. She felt that the Project was massive and much more visible than she would have thought. Ms. Lockareff concurred with the concerns expressed regarding the rear retaining walls and her opinion regarding the potential alterations to the front of the residence to minimize its massiveness generated some Board discussion and in the end a condition to slightly rescale the entry of the residence.

The Board voted to approve the project (3 - yes, 0 – no, 2 - absent) with three conditions, as noted above.

SUMMARY OF APPELLANT’S DISCUSSION and STAFF’S ANALYSIS OF APPEAL:

In the appeal application, the appellant states that there was a violation of a specific provision of law, which forms the basis for the appeal and that the Design Review Board

exceeded its authority, failed to fulfill a mandatory duty, and refused to hear or consider certain facts before rendering their decision. Further, the appellant believes that the evidence before the Board was insufficient or inadequate to support its approval and that new evidence, not previously presented, which if considered, should change the Board's approval decision. The appellant also provided additional facts to support their opinion related to the appeal. Detailed content of the appellant's arguments are contained in the appeal application. For clarity, staff has labeled arguments contained in the appellant's appeal application. Below is a summary of the statements made by the appellant in the appeal application, as required by Glendale Municipal Code Section 2.88.030 and staff's analysis of those arguments:

1. The appellant argues that the proposed Project provided insufficient notice because the required "story poles" were installed less than 10 days prior to the Design Review Board meeting, preventing neighbors from viewing the project story poles prior to this meeting. Further, the appellant states that the appeal fee submitted is filed under protest because the hearing date was set prematurely by the City.

Staff's Response:

The story poles for the project were installed approximately 5 days prior to the hearing, and the City's Zoning Code does not contain a requirement that an applicant erect the temporary frames (story poles) any number of days prior to the Design Review Board hearing. All public noticing for the project, including installing an on-site sign, mailing property owners and occupants within 500 feet of the subject site notice of the public hearing, and posting the public hearing notice at City Hall and on the City's website, were done in a timely manner. Accordingly, both the noticing and the temporary frame installation were completed in a timely manner consistent with legal requirements.

2. The appellant states that the subject parcel has an irregular shape and does not follow a clear lot line, as required by subdivision codes. The appellant questions whether the lot was created legally, whether variances were granted for lot frontage and why the property does not match the shape and square footage of the parcel description shown in the Los Angeles County Tax Assessor maps.

Staff's Response:

The subject parcel is an irregular shape, particularly in its northern portion; however, no changes to the lot or property lines are proposed as a result of the present application. The present application seeks approval to construct a new single-family residence on the subject lot. A lot line adjustment between 1000-1012 Sandringham (the subject site) and 1376-1382 Sunshine Drive (the lot immediately north of the subject site) was found to be in compliance with local zoning and building ordinances on December 6, 2004.

Certificates of compliance and a grant deed related to this lot line adjustment were recorded at the Los Angeles County Recorder's office on October 11, 2005. The two lots were legally altered with the approval of the lot line adjustment and the recording of the above-mentioned documents with the County. There were no variances granted for lot frontage at the time of the lot line adjustment. The submitted site plan for the project and the Los Angeles County assessor's map for the subject site match in shape and property line dimensions, with the exception of the western property line, which is 0.01-FT in deviation – the assessor's map shows a dimension of 336.97 feet while the survey and site plan submitted with the project application shows a dimension of 336.96 feet. The square footages of subject site are the same on both the assessor's map and the site plan. Accordingly, the evidence demonstrates the Project site, parcel and/or lot is legally sufficient.

3. The appellant states that there is a fire access easement across the driveway portion of the property that has been gated off, and questions the legitimacy of this. The applicant questions whether the City's Fire Department knows about this claimed easement, given the very high fire severity zone in which the property, as well as wildlands to the north and east of the subject site and surrounding residential area, is located.

Staff Response:

Staff spoke with a representative of the City's Fire Department and there is no fire access easement across the driveway portion of the property. The appellant is accurate in stating that the subject site and the surrounding area are located in a very high fire hazard severity zone.

4. The appellant is unclear whether a portion of Parcel A (now Bachman Open Space) that was given to the City as open space was legally or illegally subdivided. The appellant states that the California Environmental Quality Act (CEQA) review is required when a City accepts lands for public purpose, which he assumes is open space and habitat protection, and questions when the land donation was cleared through CEQA.

Staff Response:

As previously mentioned, in 2004/2005, a lot line adjustment was found in compliance with City zoning and building ordinances and certificates of compliance and a grant deed were recorded in the Los Angeles County Recorder's office between the subject site (1000 Sandringham) and the adjacent property to the north and east, what is known as Bachman Open Space. This change in parcel boundaries was legally done with recordings of these documents. The purpose of the lot line adjustment was for the City to acquire additional open space and access to the adjacent city-owned parcel. The area of land which encompassed the lot line adjustment, approximately 20,250 SF, was

donated from the private property owners of 1000-1012 Sandringham Drive to the City, which owns the adjacent Bachman Open Space.

Lot line adjustments are ministerial projects. Ministerial projects are projects where the law requires a governmental agency to act on a project using fixed standards and the agency does not have authority to use its own judgement. Ministerial projects are exempt from California Environmental Quality Act (CEQA) requirements. CEQA only applies to discretionary actions. Discretionary actions under CEQA are projects that require a government agency to use judgement to approve or disapprove them. CEQA review was not required with the lot line adjustment in the present case.

5. The appellant contends that the entire original parcel (including the subject site) should be in public ownership as open space given the area is a known wildlife corridor. The appellant notes that protection of wildlife habitat and corridors and natural resource protection is policy in the Greener Glendale Plan and the City's General Plan and cites state law on the importance of preserving wildlife habitats and corridors. The appellant concludes that Project design that accommodates (development), while protecting wildlife corridors, falls under the purview of the Design Review Board and suggests design modifications and conditions to the Project. These modifications and conditions include the following:

- a. Northern 15 feet of the property should be designated for wildlife passage, rather than the minimum 10-ft. interior setback.
- b. Fencing/retaining walls should be limited to no more than 3 ft. high along the northerly 15 feet of the property to allow open access for migrating wildlife.
- c. No buildings/accessory structures should be constructed within 15 feet of the northerly property line, within the area designated as a wildlife passage.
- d. No outdoor lighting/spill over lighting should be permitted within the northern 15 feet of the property, consistent with dark skies and privacy requirements.
- e. A maximum of 15% or less slope should be instituted, consistent with the Glendale Municipal Code for driveways, which would allow for wildlife access as well as for firefighters during emergency events.
- f. The second story of the residence should be setback from the slope along the northern edge of the property, adjacent to the wildlife passage to allow light and air flow and reduce the "tunneling" effect.

- g. Native landscaping, chosen from a fire-wise pallet and approved by the Fire Department, should be used particularly within the northern 15 feet of the property.
- h. Mechanical equipment should not be located within the northerly 15 feet of the property, within the wildlife passage.
- i. Trash enclosures should not be located within the northern 15 feet of the property, within the wildlife passage.
- j. Consistent with the Hillside Design Guidelines, walls along the northerly property line should be decorative and contain natural material to blend into the landscape.
- k. Any walled areas should include steps or terraces to allow access escape during emergencies and for fuel modification and other maintenance.
- l. Required drainage facilities should be colored to match the hillside and use decorative treatment.

Staff Response:

The subject site (1000 Sandringham) is privately owned and zoned R1R (Restricted Residential) zone. Single-family homes are a permitted use in this zone and the present project is the construction of a new single-family house. The subject site was initially larger in size. As mentioned, in 2004/2005, a lot line adjustment was performed between this site and the adjacent approximately 8.2 acre City-owned site, Bachman Open Space. The lot line adjustment (and deed) transferred approximately 20,500 SF of the subject site to the City-owned site for open space purposes.

The Greener Glendale Plan is the City's sustainability plan and was adopted in March 2012. The purpose of this Plan is to describe specific measures that the City can take to address topics including, energy, water, waste, transportation, urban design, urban nature, and environmental and how the City can meet its state-mandated reduction targets for greenhouse gas emissions.

As it relates to the appellant's suggested conditions and design modifications, staff's responses are as follows:

- a. The subject site is zoned R1R, a single-family zone, and the interior setback (northern property line) requires a minimum of 10 feet. The property currently

does not include an easement for wildlife access and the Design Review Board has no authority to require an easement.

- b. Retaining walls are located within the street front and interior setbacks. These walls are either a maximum of 18 inches, three feet or five feet depending on their locations, consistent with Zoning Code requirements.
- c. There are no buildings within 15 feet of the northern property line. There are retaining walls within this area, consistent with Zoning Code requirements. There is no area designated as a wildlife passage on this privately-owned site, zoned for single-family use.
- d. The City does not have a “dark skies” ordinance and regulations related to privacy are limited to certain window locations and balconies. There will be lighting installed on the proposed residence. Staff did not note any lighting on the various retaining walls proposed for the Project.
- e. There are areas of the driveway with a maximum 20% slope, as permitted in the Zoning Code. Transition slopes are also shown on the plans. During plan check, driveway slopes will be verified to ensure compliance with code requirements.
- f. The front of the house generally faces the northern property line. There are areas of the second floor of the residence where the second floor steps in from the first floor and other areas where the floors are “in-line”. The closest portion of the house to the northern property line is approximately 17 feet.
- g. Native and drought-tolerant planting is used throughout the site. A minimum 100-foot fuel modification zone is required by the Fire Department.
- h. Mechanical equipment is proposed in the western portion of the site adjacent to the proposed residence, approximately 10 feet from the western interior property line. The location of this equipment complies with the City’s Zoning Code.
- i. Trash storage is located adjacent to the garage in a “trash storage area” and covered by the walkway leading to the front door of the residence. A small portion of this area, which is in effect subterranean, is located within 15 feet of the northern property line.
- j. Retaining walls are split face CMU, which is consistent with the “decorative wall” requirements in the zoning code and the Hillside Design Guidelines.
- k. There are a number of retaining walls proposed for the project. Some of these walls have railings above them depending on the particular circumstances. The property owner will be responsible for maintenance of the site as well as anything related to fuel modification responsibilities. The Building and Safety Division will review the Project during plan check to ensure the residence will be safe and provide proper access.
- l. Staff is unsure what the appellant is referring to regarding drainage facilities. The City’s Public Works Department reviewed the proposed plans prior to the Design Review Board hearing and did not cite concerns related to drainage. During plan

check, drainage will be checked by the Building and Safety Division and the Public Works Department.

Accordingly, staff does not recommend imposing any of the appellant's proposed conditions.

SUMMARY

Based on the analysis of the appeal and the reasoning contained in the April 25, 2024, staff report, staff recommends that the City Council sustain the Design Review Board's approval decision.

The basis of the staff's recommendation includes the following:

Site Planning: The proposed site planning is appropriate, as modified by any conditions, to the site and its surroundings for the following reasons:

- The residence does not have much presence from the adjacent streets, given the unusual shape of the lot.
- The residence will be located on a relatively flat portion of the subject site.
- The attached garage proposed is typical of the neighborhood. The garage (as well as the residence) will be located within the main body and not the "flag" portion of the lot and, therefore, is not readily visible from the public right-of-way.
- The landscape plans propose drought-tolerant plants, consistent with the Hillside Design Guidelines. As conditioned, vines or other hanging plants shall be installed to soften the appearance of the driveway adjacent retaining walls as well as the walls at the rear of the house.

Mass and Scale: The proposed mass and scale are appropriate, as modified by any conditions, to the site and its surroundings for the following reasons:

- The proposed residence is located on a flat portion of a relatively steep lot.
- While the south elevation of the proposed residence does not follow the topography of the site, given the location of the proposed residence as well as existing topography and development in the greater neighborhood, this should not be problematic.
- While the proposed residence (including its entry) is large and appears monumental, it is set back significantly from adjacent streets. As conditioned, the entry shall be slightly reduced in scale, while maintaining the balance of the overall façade composition.

Building Design and Detailing: The proposed building design and detailing are appropriate, as modified by any conditions, to the site and its surroundings for the following reasons:

- The large balcony located off the primary bedroom should not pose privacy concerns given its location and orientation and distance from the adjacent property to the west.
- The various materials used, including smooth stucco, slate roofing and fiberglass windows, are of high quality and re-enforce the architectural design of the proposed residence.
- As conditioned, to visually minimize the rear retaining walls, the color and materials used shall blend with the adjacent earth.

STAKEHOLDERS/OUTREACH

The Code requires public notice when the Council considers approval of entitlements such as design review. Staff has mailed copies of the notice to all property owners and occupants within 500' of the project. Also, a public notice was posted on-site.

FISCAL IMPACT

There is no fiscal impact associated with this project.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small Structures" exemption pursuant to Section 15303 of the State CEQA Guidelines because the project is the construction of a new single-family house. The property does not appear eligible for historic designation at the federal, state or local levels and is, therefore, not considered a historic resource under the California Environmental Quality Act.

CAMPAIGN DISCLOSURE

The names and business addresses of the members of the board of directors, the chairperson, CEO, COO, CFO, Subcontractors and any person or entity with more than 10% interest in the company proposed for contract in this Agenda Item Report are attached in Exhibit 7, in accordance with the City Campaign Finance Ordinance No. 5744.

ALTERNATIVES

The City Council has the following alternatives to consider:

Alternative 1. Sustain the Design Review Board's decision to approve Case No. PDR 002532-2023 with any desired added, removed or modified conditions.

Alternative 2. Continue the case, directing the City Attorney to draft findings supporting denial of the Design Review Board application.

ADMINISTRATIVE ACTION

Prepared by:

Roger Kiesel, Senior Planner

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

- Exhibit 1: Location Map
- Exhibit 2: Project plans reviewed and approved by the Design Review Board on April 25, 2024
- Exhibit 3: Staff report and Record of Decision for April 25, 2024, Board meeting
- Exhibit 4: Site and Neighborhood Photos
- Exhibit 5: Appeal application of Board's decision to City Council filed on May 10, 2024
- Exhibit 6: Lot Line Adjustment approval
- Exhibit 7: Campaign Disclosure Form