



**CITY OF GLENDALE, CALIFORNIA
REPORT TO THE PLANNING COMMISSION**

TO: Members of the Planning Commission

MEETING DATE: April 3, 2019

PREPARED BY: Kathy Duarte, Planner

FILE/CASE NO.: Variance Case No. PVAR1722701

PROPOSAL: Appeal of Planning Hearing Officer's approval of Variance Case No. PVAR1722701 to allow the construction of a new 2,486 square-foot, three-story single-family residence with a five-foot street front setback, six-foot, 1¾ - inch driveway length, and uncovered stairs greater than four feet high projecting into the street front setback area.

APPLICANT Rodney V. Khan, Khan Consulting, Inc.

PROPERTY OWNER: Matilda Hartounian

APPELLANT: Alexander Jackson

LOCATION/APN: 521 Nolan /APN5630-011-035

LEGAL DESCRIPTION: Portion of Lot 70, Tract No. 4881

RECOMMENDATION: Sustain the Planning Hearing Officer's decision to grant Variance Case No. PVAR1722701.

General Information

Land Use Element: Low Density Residential

Zone: R1R II – Restricted Residential Zone, Floor Area Ratio District II

Existing Site Characteristics: The project site is a vacant 8,790 square-foot lot that is irregular in shape and slopes downward away from the street in the westerly direction with an approximate average current slope (ACS) of 84.5%. It has frontages on Nolan Avenue and Valentine Drive and gains access from Nolan. The surrounding uses consist of single-family residential dwellings.

Surrounding Uses/Zoning:

	Zoning	Existing Uses
North	R1R III – Restricted Residential Zone, Floor Area Ratio District III	Single-family residential
South	R1R II – Restricted Residential Zone, Floor Area Ratio District II	Single-family residential
East	R1R II – Restricted Residential Zone, Floor Area Ratio District II	Single-family residential
West	R1R II – Restricted Residential Zone, Floor Area Ratio District II	Single-family residential
Project Site	R1R II – Restricted Residential Zone, Floor Area Ratio District II	Vacant

Circulation Element: Nolan Avenue is classified as a local street in the Circulation Element of the General Plan.

Project History:

April 18, 2018 Public hearing was conducted for the Variance Case No. PVAR1722701 and Administrative Exception Case No. PAE1722704 for the following requests:

Variance Case No. PVAR1722701

Applicant Proposed:

1. A 5-foot street front setback
2. A 6-foot, 1 $\frac{3}{4}$ - inch driveway length.
3. Uncovered stairs in the street front setback area for a length of 11 feet.

Code Requires:

1. A minimum 15-foot street front setback (30.11.030)
2. Any driveway serving a parking area shall be a minimum of eighteen (18) feet in length in the R1R zones, from the back of the sidewalk or the property line where no sidewalk exists. (30.32.130)
3. Uncovered steps, ramps, or landings not over four (4) feet high as measured parallel to the natural or finish ground level at the location of the construction may project into the required setback area for a length of fourteen (14) feet measured parallel to the building. Such steps, ramps, and landings may project into the required setback area for a distance of three (3) feet in the ROS, R1R and R1 zones. (30.11.070)

Administrative Exception Case No. PAE1722704

Applicant Proposed:

1. To allow the construction of a new 2,486 square-foot house and attached two-car garage with a height of 36 feet.

Code Requires:

1. No primary building in the R1R and ROS zones shall exceed two (2) stories in height or exceed a height of thirty-two (32) feet pursuant to the definition of height set forth in this title. (30.11.040)

July 26, 2018 Planning Hearing Officer approved the variance as requested, with a five-foot street front setback, six-foot, 1¼ - inch driveway length, and uncovered stairs greater than four feet high projecting into the street front setback area and Administrative Exception Case No. PAE172204 to allow a building height of 36 feet, where the maximum allowed is 32 feet.

August 10, 2018 Appellant appealed the Planning Hearing Officer's decision for Variance Case No. PVAR1722701.

Applicable Regulations: Glendale Municipal Code (G.M.C.), Title 30, Chapter 30.43 provides rules and procedures for a variance application.

G.M.C., Title 30, Chapter 30.62, provides rules and procedures for appeals before the Planning Commission.

Ordinance No. 5582, adopted on November 27, 2007, provides the rules and procedure for appeals before the Planning Commission.

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

Environmental Determination: The project is categorically exempt from CEQA review as a Class 3 (New Construction or Conversion of Small Structures) exemption, pursuant to State CEQA Guidelines Section 15303.

ANALYSIS

Requested Action by the Appellant:

The appellant is requesting that the Planning Commission reverse the July 26, 2018, Planning Hearing Officer's approval of Variance Case No. PVAR1722701.

Variance Application Required Findings

Pursuant to Section 30.43.030 of the Glendale Municipal Code, a variance may be granted only if the review authority first finds that each of the following exists:

- A. 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;
- B. 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;
- C. 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; and
- D. The granting of the variance will not be contrary to the objectives of the ordinance.

Additionally, a discretionary application, such as the requested standards variance and exception to Title 16, must also take into consideration the hillside development review consistent with Chapter 30.11.040 (A), which is as follows:

Development shall be in keeping with design objectives in the Glendale Municipal Code, the hillside design guidelines and the landscape guidelines for hillside development as now adopted and as may be amended from time to time by city council. Development shall be compatible with the surrounding neighborhood in terms of size, scale, bulk/mass, roofline orientation, setbacks, and site layout. Site plans shall show preservation of prominent natural features, native vegetation and open space in a manner compatible with the surrounding neighborhood, minimizing alteration of terrain necessary for development. Site plans for development of property on steep slopes shall take into account the visual impact on surrounding properties. The architectural style and architectural elements of in-fill development shall be compatible with the surrounding neighborhood

Basis of the Planning Hearing Officer's Decision

The Planning Hearing Officer made the following findings and approved the applicant's request for a variance with nine conditions to allow for the construction of a new 2,486 square-foot, single-family residence with a reduced street front setback and driveway length, and uncovered stairs projecting into the street front setback.

1. That the strict application of the provisions of the code would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance. If the building were to comply with required street front setback and driveway length, the massing of the dwelling and attached garage would project far from the slope and would loom over adjacent properties downslope of the subject site, thereby increasing the visible mass of the building. Such a building would not comply with the hillside design guidelines that specifically recommend that new houses reflect the topography and slope, and that encourage building into the hillside to diminish visual impact of mass and scale. The design guidelines also state that prevailing setbacks of buildings on the street be considered as well as Code requirements. The majority of houses along Nolan within 300 feet of the subject property feature front setbacks ranging from 3 to 6 feet, all of which were approved by variance. Approval of a reduced street front setback and driveway length would allow for reasonable development of the site in such a manner that is compatible with the surrounding neighborhood and the intent of the ordinance.

Further, granting approval of the reduced setbacks for the house and garage creates a condition where stairs greater than four feet in height from the street level entrance to the topography below are required and which encroach into the street front setback area. These stairs lead down to the grade below and provide access around the residence and side yard, and to the rear deck atop the lower floor (as required access by the Building Code). Strict application of the required height limit for the stairs within the street front setback is not possible and elimination of these stairs would create a practical difficulty inconsistent with the Building & Safety standards.

2. There are conditions that exist on the subject site that typically do not exist on comparable lots with the same zoning designation in that the subject property has a steeper average current slope (84.5%) and different shape than other lots in the neighborhood. The lot itself is narrower at the bottom of the hillside (79 feet along Valentine Drive) and is wider at the top of the hillside (97 feet along Nolan Avenue), while most other lots are narrower at the top and wider at the bottom. This exceptional circumstance places the subject property at

an unfair disadvantage because compliance with the zoning code minimum setback and driveway length requirements on this steeply sloped lot would cause unintentional conflicts with the City's Hillside Design Guidelines, because the building form would project away from the topography. Additionally, given that the minimum driveway slope for R1R properties is twenty percent (20%) and the average current slope of the property is almost 85%, compliance with the driveway slope requirement with a minimum 18-foot driveway would necessitate a driveway bridge design, thus disrupting the street front development pattern along Nolan Avenue.

The subject lot drops off significantly from the street level and there is no physical way of providing access from the street entrance level to the ground below within the four foot height limit. Therefore, the subject site is unique in relation to the surrounding properties that do not generally apply to R1R properties.

3. Granting a reduced street setback and driveway length and stairs greater than four feet in height projecting in the setback area will not be materially detrimental to the public or injurious to the property or improvements in the R1R neighborhood. The intent of the front setback requirement is to maintain an attractive neighborhood with a consistent streetscape and rhythm, in addition to relief from the street. This requirement is critical in a more typical neighborhood where homes are aligned next to each other and address the street the same way in a repeating pattern. The reduced street front setback in this case would not create a visual impact and would be consistent with the development pattern in the immediate hillside neighborhood along this stretch of Nolan Avenue. This street is a remote cul-de-sac that already features a number of residences and garages with reduced front setbacks and driveways (see Finding A). Given that the requested street front setback and driveway length would be in line with other existing, neighboring, hillside, single family residential developments, approval of this proposal would not be materially detrimental to the public welfare, or injurious to property or adjacent neighbors. Approval of the stairs greater than four feet in overall height projecting into the street front setback will not be detrimental to the adjacent residences and neighborhood; the majority of the stairs will be hidden from the public right-of-way because of the downslope condition from the street, and will provide the code-required access around the residence to the side and rear sloped areas. Furthermore, Public Works' Engineering Division did not cite any significant concern for the proposed setback and driveway width.
4. The objective of the Zoning Code is to protect the character of the neighborhood and ensure sensible development. The objective of the street front setback requirement is to ensure that the setbacks of buildings from a street respect the existing or preferred neighborhood character, maintain an attractive rhythm and streetscape, and provide landscaped open space along the street. The proposed street front setback is similar to other homes on the street and is in keeping with the neighborhood character. Sufficient open space and landscaping is provided below the proposed house on the downhill slope and in the interior setbacks. The objective of driveway length standards is to ensure sufficient temporary off-street parking and to lessen traffic congestion on public streets. Nolan Avenue is a local street in the City's Circulation Element of the General Plan. The lack of required driveway length at the subject site will not negatively impact traffic congestion on this remote, cul-de-sac street. Moreover, the proposed house is providing the Code-required parking. The height and length limitations for stairs within the street front setback are intended to minimize the projection and appearance of stairs with railings along the streetscape and to ensure that stairs follow the natural grade. As proposed, stairs will be screened from view given that they lead from the street level entrance to the lower level below grade, and are buffered between the downslope of the lot from the street and the

front elevation. In conclusion, the requested variances in this case are sensible and afford the property owner a fair opportunity in developing a vacant property similar to other residences in the immediate vicinity.

Because all required findings could be met, the Planning Hearing Officer approved the variance requests for reduced setback, driveway length and stairs within the street front setback.

Planning Hearing Officers Meeting: The hearing is available for viewing online at: http://glendale.granicus.com/MediaPlayer.php?view_id=47&clip_id=7555

Summary of the Appellant Discussion and Staff Responses

Appellant's Argument

The appellant contends that the evidence before the Hearing Officer was inadequate to support the determination. In summary of the appellant's appeal letter, the key arguments are the following:

1. The appellant states that the "the majority of houses near the property in question, including the properties on both sides of 521, in fact have a much farther setback from the street than stated by applicant." He notes that the immediate surrounding houses of 515, 510, and 531 Nolan, as well as the houses within 300 feet show that the 5-foot setback requested is not average or normal to the neighborhood and this will create incongruity within the neighborhood and create an unfortunate precedent for the area.
2. The appellant states that "the applicant provided no substantial evidence that providing these variances and exceptions will actually diminish the overall mass of the house. For instance, no alternate plans exist to show how providing these variances for the applicant will in anyway result in a design that has less of a visual impact of mass and scale."
3. The appellant notes general concerns about how this design and these variances will impact the already limited parking on the street as that particular area of Nolan Avenue is the narrowest and is already difficult to navigate.

Staff Response 1.

The appellant contends that the majority of houses in the neighborhood have a much greater setback than stated by the applicant:

- 515 Nolan (immediately next door) has a seven-foot street front setback and a reduced driveway length
- Other immediate properties along Nolan Avenue have reduced street front setbacks and driveway lengths which vary from 4 feet to 14 feet.

Prior to the rendered decision, the Planning Hearing Officer reviewed approved variance requests of properties within 300-feet of the subject property. As noted in the decision letter, "The majority of houses along Nolan Avenue within 300 feet of the subject property feature reduced front setbacks ranging from 3 to 6 feet, all of which approved by variance, including 531 Nolan Avenue (Case No. 6482-S, 1978) and 535 Nolan Avenue (Case No. 3134-S, 1964) – both houses on each side of the subject property, as well as 510 Nolan Avenue (Case No. 4453-S, 1967) and 524 Nolan Avenue (Case No 5504-S, 1972) – both properties directly across the street."

Upon further review, the approved project at 535 Nolan Avenue was never constructed. As noted in the chart below, variances were approved to allow street front setbacks ranging from 3 to 6 feet, with the average of 5.2 feet, the locations of which are illustrated in Exhibit 7. The adjacent neighbor located to the north of the subject property is 515 Nolan, which according to plans submitted for a seismic retrofit in 2015, has a 5'-6" setback. A 1927 building permit shows a substandard setback.

ADDRESS	CASE NUMBER	SETBACK
SUBJECT PROPERTY	PVAR1722701	5'
531 Nolan Ave.	6482-S	3'
535 Nolan Ave.	3134-S	5'
537 Nolan Ave.	5878-S	6'
510 Nolan Ave.	4453-S	6'
524 Nolan Ave.	5504-S	6'
AVERAGE		5.2'

Despite the appellant's claim that there are a number of houses in the neighborhood with greater street front setbacks than proposed, and that five feet is not the average or normal street front setback, staff believes the analysis above demonstrates that the requested setback is not unusual for the immediate context, and as noted in the approval findings, there are exceptional circumstances and practical difficulties present on the subject property that justify a five-foot street front setback. Given the existing conditions, the requested reduction in setback would not create incongruity within the neighborhood or create an usual precedent for the area. Furthermore, the design guidelines state that prevailing setbacks of buildings on the street be considered as well as Code requirements.

Staff Response 2.

The appellant states that "the applicant provided no substantial evidence that providing these variances and exceptions will actually diminish the overall mass of the house."

Providing the minimum 15-foot street front setback and 18-foot driveway would require that the house be located farther from the street, thereby increasing the visible mass of the building; the massing of the dwelling and attached garage would project farther away from the slope and would loom over adjacent properties downslope of the subject site. Such a building would not comply with the hillside design guidelines which recommends that new houses reflect the topography and slope, and that encourage building into the hillside to diminish visual impact of mass and scale. Furthermore, the project is required to obtain approval from the Design Review Board. The Board will consider massing and scale in its review.

Staff Response 3.

The appellant has general concerns about how this design and these variances will impact the already limited on-street parking, and that particular area of Nolan Avenue is the narrowest portion of the street and is already difficult to navigate.

Except for the cul-de-sac at the end of the street, the width of Nolan Avenue ranges from 30 to 35 feet, similar to the other streets in the hillside neighborhood. Nolan Avenue is a remote cul-de-sac that has only four other houses/properties beyond the subject property to the end of the street, and already features a number of residences and garages with reduced front setbacks and driveways. Furthermore, Code requires all new single family residences to provide on-site parking based on their size and this project is providing the two-car garage required by Code.

RECOMMENDATION

Based on the above analysis, staff recommends that the Planning Commission sustain the Planning Hearing Officer's decision to grant the Variances, as conditioned. A motion for the Commission's consideration is attached.

EXHIBITS

1. Location Map
2. Reduced Plans
3. Copies of Photographs
4. Variance Application
5. Planning Hearing Officer's Staff Report for Variance Case No. PVAR1722701
6. Planning Hearing Officer's Decision Letter, dated July 26, 2018
7. Surrounding Setbacks Map
8. Appeal Application

MOTION TO SUSTAIN THE PLANNING HEARING OFFICER'S DECISION

Moved by Commission Member _____, seconded by Commission Member _____, that upon review and consideration of all materials and exhibits of current record relative to Variance Case No. PVAR1722701, located at 521 Nolan Avenue, and after having conducted an appeal hearing on said matter, that the Planning Commission hereby sustains the Planning Hearing Officer's decision **APPROVING** said Variance Case No. PVAR1722701 in accord with the findings and conditions set forth in the decision letter of July 26, 2018.

Vote as follows:

Ayes:

Noes:

Abstain:

Absent: