

**CITY OF GLENDALE COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING HEARING OFFICER STAFF REPORT  
VARIANCE CASE NO. PVAR1722701  
ADMINISTRATIVE EXCEPTION CASE NO. PAE1722704**

**MEETING DATE:** April 4, 2018  
**TO:** Planning Hearing Officer  
**PREPARED BY:** Kathy Duarte, Planner  
**ADDRESS:** 521 Nolan Avenue  
**APPLICANT:** Rodney Khan, Khan Consulting Inc.  
**OWNER:** Matilda Hartounian

**PROJECT PROPOSAL:** The applicant is requesting the approval of a variance and administrative exception to allow the construction of a new 2,486 square-foot single family house and attached two-car garage on an 8,790 square-foot vacant hillside lot without providing the required minimum street front setback and driveway length and with uncovered stairs projecting into the front setback greater than what is permitted and exceeding the maximum 32-foot building height allowed.

**A. Applicant Proposes:**

The applicant is requesting approval of ***standards variances*** for the following:

1. A 5-foot street front setback
2. A 6-foot, 1 ¾ - 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)

**B. Applicant Proposes:**

The applicant is requesting approval of an ***administrative exception*** for the following:

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)
- B. CEQA Status:** The project is exempt from environmental review as a Class 3 “New Construction or Conversion of Small Structures” exemption pursuant to State CEQA Section 15303 because it is a proposed single-family residence in a residential zone.
- C. Previous Permits for the Site:** None
- D. Related Concurrent Permit Applications:** The applicant will need design review approval for the new house and attached garage.
- E. Recommendation:** Staff recommends approval of the variance and administrative exception applications with conditions.

**SITE CONTEXT**

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**GENERAL PLAN:** Low Density Residential.

**ZONE:** R1R (Restricted Residential), Floor Area Ratio District II zone.

**DESCRIPTION OF EXISTING PROPERTY AND USES:**

The subject lot currently contains an existing single-family residence with an attached garage and a swimming pool.

**NEIGHBORING ZONES AND USES:**

	Zoning	Existing Uses
North	R1R	Single-family residential
South	R1R	Single-family residential
East	R1R	Single-family residential
West	R1R	Single-family residential
Project Site	R1R	Vacant land

**COMMENTS FROM OTHER CITY DEPARTMENTS:** An indigenous tree permit will be required from Public Works. The developer will be responsible for providing water service or fire line installation.

**VARIANCE REQUIRED FINDINGS**

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

- A. That 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.
- D. The granting of the variance will not be contrary to the objective of the ordinance.

### **ANALYSIS OF VARIANCE REQUEST**

The 8,790 square-foot, irregularly-shaped through lot, has frontages on Nolan Avenue and Valentine Drive and gains access from Nolan. The subject site is a very steep downhill vacant lot with an average current slope of 84.5% that drops off almost immediately from Nolan Avenue. Strictly applying the street front setback and driveway standards in the present case would result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the ordinance. Providing a 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 intent of the Zoning Ordinance and Hillside Design Guidelines is to prevent massive buildings on hillside lots. Granting of the variance would allow the applicant to reduce the visible mass of the building by pulling the house closer to the front property line. As a result, this reduces the length of the driveway and creates a condition where the steps leading down to the ground level will project into the required setback area. The applicant is requesting to build a 2,486 square-foot house where a 2,637 square-foot house is allowed. As such, the applicant is not maximizing the massing and the house is a compatible size with the nearby homes on similar sloping lots. The average size home in the area is 2,994 square feet.

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 sites' width, length, slope and topography are different than other lots in the neighborhood, which determined the site planning and design of the project. The lots' steepness, 84.5% average current slope is unique to the subject property. The lot is narrower at the bottom of the hillside (79 feet along Valentine Drive) and curves into the slope, 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. Given these circumstances, it would be impossible to lengthen the driveway and increase the depth of the street front setback to comply with current development standards without exacerbating the massing of the house as the house would be pushed further away from the hillside.

The granting of the variance to allow the single-family house without providing the required street front setback, driveway length, and stairs in the setback area would not be materially detrimental to the public welfare due to the existing hillside topography. Granting of these variance requests will allow the house to fit with the natural topography of the site and minimize visual impacts to the neighborhood by reducing the massing. The house is sited to minimize the amount of grading needed and preserve the greatest amount of natural open space. Additionally, the proposed 2,486 square-foot house will be proportional in size and scale to the existing houses in the immediate neighborhood, which average 2,994 square feet in size. The neighborhood is developed with similar type homes that have not been detrimental to the neighborhood.

The granting of the variance will not be contrary to the objectives of the ordinance. One of the objectives of the Zoning Ordinance is to accommodate reasonable development. Granting the proposed variances does this by allowing the development of a single dwelling unit on the site, which is allowed in the R1R (Restricted Residential) Zone. The objective of the street front setback is to provide a consistent street edge, open space and landscaping. 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 on the downhill slope and interior setbacks. The objective of the driveway length standards is to ensure sufficient temporary off-street parking for various uses and lessening 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 street. Further, the proposed house is providing the Code-required parking.

### **ADMINISTRATIVE EXCEPTION REQUIRED FINDINGS**

Pursuant to Section 30.43.030 of the Glendale Municipal Code, an Administrative Exception shall be granted only if the review authority first finds that:

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

### **ANALYSIS OF ADMINISTRATIVE EXCEPTION REQUEST**

The 8,790 square-foot, irregularly-shaped through lot, has frontages on Nolan Avenue and Valentine Drive and gains access from Nolan. The subject site is a very steep downhill vacant lot with an average current slope of 84.5% that drops off almost immediately from Nolan Avenue. The intent of the ordinance and Hillside Design Guidelines is to prevent massive buildings on hillside lots. The granting of the exception will result in design improvements by allowing the applicant to reduce the visible mass of the building by pulling the house closer to the front property line, which increases the height of the building. To provide the Code-required height, the applicant would either need to remove a story from the house or build a number of additional retaining walls. Removing a story would degrade the functionality of the house and create an unnecessary hardship for the property owner. The exception to allow an additional 4 feet in building height will maintain the design integrity of the proposed modern-style house. Additional retaining walls would require substantial grading and negatively impact the hillside and visual quality of the neighborhood. The applicant is requesting to build a 2,486 square-foot house where a 2,637 square-foot house is allowed and, as such, the applicant is not maximizing the massing. The proposed house is compatible in size with the similar homes on sloping lots, which have an average size of 2,994 square feet.

The granting of the administrative exception to allow the single-family house to exceed the maximum allowed height by 4 feet would not be materially detrimental to the public welfare due to the existing hillside topography. Approval of the height exception allows the house to fit with the natural topography of the site and minimize visual impacts to the neighborhood by reducing

the massing. The house is sited to minimize the amount of grading and preserve the amount of natural open space. Additionally, the proposed 2,486 square-foot house will be proportional in size and scale to the existing houses in the immediate neighborhood, which average 2,994 square feet in size. The neighborhood is developed with similar type homes that have not been detrimental to the neighborhood.

The granting of the administrative exception will not be contrary to the objectives of the ordinance. One of the objectives of the Zoning Ordinance is to accommodate reasonable development. The proposed project does this by allowing the development of a single dwelling unit on the site, which is allowed in the R1R (Restricted Residential) Zone. The objective of height limits is to provide consistency and neighborhood compatibility, as well as light and air. The proposed project is designed similar to other homes in the neighborhood with the building pushed closer to the street in order to reduce massing and building to the hillside. Nearby properties, including 515 Nolan Avenue and 531 Nolan Avenue have buildings located on them that exceed the applicant's request. Therefore, the 4-foot height exception is consistent and compatible with the neighborhood.

**RECOMMENDATIONS:**

Staff believes that the findings for the variance and administrative exception can be made and recommends that the requests be granted.

**ATTACHMENTS:**

1. Location Map
2. Reduced Plans
3. Departmental Comments

**VARIANCE NO. PVAR 1722701**  
**DRAFT FINDINGS AND CONDITIONS OF APPROVAL**

**A. That 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 8,790 square-foot, irregularly-shaped through lot, has frontages on Nolan Avenue and Valentine Drive and gains access from Nolan. The subject site is a very steep downhill vacant lot with an average current slope of 84.5% that drops off almost immediately from Nolan Avenue. Strictly applying the street front setback and driveway standards in the present case would result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the ordinance. Providing a 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 intent of the Zoning Ordinance and Hillside Design Guidelines is to prevent massive buildings on hillside lots. Granting of the variance would allow the applicant to reduce the visible mass of the building by pulling the house closer to the front property line. As a result, this reduces the length of the driveway and creates a condition where the steps leading down to the ground level will project into the required setback area. The applicant is requesting to build a 2,486 square-foot house where a 2,637 square-foot house is allowed. As such, the applicant is not maximizing the massing and the house is a compatible size with the nearby homes on similar sloping lots. The average size home in the area is 2,994 square feet.

**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.**

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 sites' width, length, slope and topography are different than other lots in the neighborhood, which determined the site planning and design of the project. The lots' steepness, 84.5% average current slope is unique to the subject property. The lot is narrower at the bottom of the hillside (79 feet along Valentine Drive) and curves into the slope, 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. Given these circumstances, it would be impossible to lengthen the driveway and increase the depth of the street front setback to comply with current development standards without exacerbating the massing of the house as the house would be pushed further away from the hillside.

**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.**

The granting of the variance to allow the single-family house without providing the required street front setback, driveway length, and stairs in the setback area would not be materially detrimental to the public welfare due to the existing hillside topography. Granting of these variance requests will allow the house to fit with the natural topography of the site and minimize visual impacts to the neighborhood by reducing the massing. The house is sited to minimize the amount of grading needed and preserve the greatest amount of natural open space. Additionally, the proposed 2,486 square-foot house will be proportional in size and scale to the existing houses in the immediate neighborhood, which average 2,994 square feet in size. The

neighborhood is developed with similar type homes that have not been detrimental to the neighborhood.

**D. The granting of the variance will not be contrary to the objective of the ordinance.**

The granting of the variance will not be contrary to the objectives of the ordinance. One of the objectives of the Zoning Ordinance is to accommodate reasonable development. Granting the proposed variances does this by allowing the development of a single dwelling unit on the site, which is allowed in the R1R (Restricted Residential) Zone. The objective of the street front setback is to provide a consistent street edge, open space and landscaping. 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 on the downhill slope and interior setbacks. The objective of the driveway length standards is to ensure sufficient temporary off-street parking for various uses and lessening 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 street. Further, the proposed house is providing the Code-required parking.

**CONDITIONS OF APPROVAL:**

**APPROVAL** of this Variance shall be subject to the following:

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
2. That all necessary licenses (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
3. A grading/drainage plan shall be submitted for the Engineering Division's review and approval and shall be made a part of the building plans submitted with the building permit application.
4. The project shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements, including filing a Notice of Intent with the Los Angeles Regional Water Quality Control Board, and the submittal and certification of plans and details showing preconstruction, during construction and post-construction Best Management Practices (BMPs) that are integrated into the design of the project. In addition, the applicant shall submit an approved Standard Urban Stormwater Mitigation Plan (SUSMP) to be integrated into the design of the project.
5. That a building permit shall be obtained for all work enabled by this variance.
6. That Design Review approval shall be obtained prior to the issuance of a building permit.
7. That if any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site are damaged during the course of construction on public or private

property, the damage shall be repaired to the satisfaction of the Planning Hearing Officer for private property and the Director of Public Works for public property.

**ADMINISTRATIVE EXCEPTION NO. PAE17227041**  
**DRAFT FINDINGS AND CONDITIONS OF APPROVAL**

**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 8,790 square-foot, irregularly-shaped through lot, has frontages on Nolan Avenue and Valentine Drive and gains access from Nolan. The subject site is a very steep downhill vacant lot with an average current slope of 84.5% that drops off almost immediately from Nolan Avenue. The intent of the ordinance and Hillside Design Guidelines is to prevent massive buildings on hillside lots. The granting of the exception will result in design improvements by allowing the applicant to reduce the visible mass of the building by pulling the house closer to the front property line, which increases the height of the building. To provide the Code-required height, the applicant would either need to remove a story from the house or build a number of additional retaining walls. Removing a story would degrade the functionality of the house and create an unnecessary hardship for the property owner. The exception to allow an additional 4 feet in building height will maintain the design integrity of the proposed modern-style house. Additional retaining walls would require substantial grading and negatively impact the hillside and visual quality of the neighborhood. The applicant is requesting to build a 2,486 square-foot house where a 2,637 square-foot house is allowed and, as such, the applicant is not maximizing the massing. The proposed house is compatible in size with the similar homes on sloping lots, which have an average size of 2,994 square feet.

**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.**

The granting of the administrative exception to allow the single-family house to exceed the maximum allowed height by 4 feet would not be materially detrimental to the public welfare due to the existing hillside topography. Approval of the height exception allows the house to fit with the natural topography of the site and minimize visual impacts to the neighborhood by reducing the massing. The house is sited to minimize the amount of grading and preserve the amount of natural open space. Additionally, the proposed 2,486 square-foot house will be proportional in size and scale to the existing houses in the immediate neighborhood, which average 2,994 square feet in size. The neighborhood is developed with similar type homes that have not been detrimental to the neighborhood.

**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. One of the objectives of the Zoning Ordinance is to accommodate reasonable development. The proposed project does this by allowing the development of a single dwelling unit on the site, which is allowed in the R1R (Restricted Residential) Zone. The objective of height limits is to provide consistency and neighborhood compatibility, as well as light and air. The proposed project is designed similar to other homes in the neighborhood with the building pushed closer to the street in order to reduce massing and building to the hillside. Nearby properties, including 515 Nolan Avenue and 531 Nolan Avenue have buildings located on them that exceed the applicant's request. Therefore, the 4-foot height exception is consistent and compatible with the neighborhood.

**CONDITIONS OF APPROVAL:**

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

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
2. That all necessary licenses (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
3. That a grading/drainage plan shall be submitted for the Engineering Division's review and approval and shall be made a part of the building plans submitted with the building permit application.
4. That the project shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements, including filing a Notice of Intent with the Los Angeles Regional Water Quality Control Board, and the submittal and certification of plans and details showing preconstruction, during construction and post-construction Best Management Practices (BMPs) that are integrated into the design of the project. In addition, the applicant shall submit an approved Standard Urban Stormwater Mitigation Plan (SUSMP) to be integrated into the design of the project.
5. That the Scrub Oak shall be specifically identified as an Oak on the plans and an indigenous tree permit shall be obtained prior to issuance of a building permit and protective measures for the indigenous Oak tree shall be maintained throughout construction.
6. That Glendale Water and Power Customer Service Engineering shall be contacted to determine electric service requirements before starting the permitting process and final construction plans shall incorporate the electric service plan information.
7. That the developer shall be responsible for the current cost of a water service or fire service line installation in accordance with the current water fee schedule.
8. That a building permit shall be obtained for all work enabled by this administrative exception.
9. That Design Review approval shall be obtained prior to the issuance of a building permit.
10. That if any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Planning Hearing Officer for private property and the Director of Public Works for public property.