

Appeal

CITY OF GLENDALE
CDD PLANNING DIVISION
RECEIVED



Case No. PDR2002198

Date July 22, 2021

2021 AUG -5 P 2:48

Submit 3 copies of this application, along with the required fee, to:

Permit Services Center (PSC), 633 East Broadway, Rm. 101, Glendale, California, 91206 (Monday thru Friday, 7:00 am to 12:00 pm);

Or to:

Community Development Department (CDD), 633 East Broadway, Rm 103, Glendale, California, 91206 (Monday thru Friday, 12:00 pm to 5 p.m.).

For more information please call the PSC at 818.548.3200, or 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 3 copies filed, within 15 days of the date of the decision being appealed.
- 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 www.ci.glendale.ca.us/gmc/2.88.asp

PART 2 – APPELLANT INFORMATION

A. Wesley H. Avery wes@averytrustee.com

First Name

Last Name

Email Address

B. 3030 Edgewick Road, Glendale CA 91206 (661) 618-7376

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 Design Review Board
- 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 _____
If "No," give the following information concerning your receipt of notice of the action, ruling or determination.
Date 2 Aug 21 Time noon Location City website Manner Downloaded
- 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 Design Review Board Record of Decision PDR2002198
- D. State the specific permission or relief that was originally sought from the board, commission, or officer DRB Approval to construct a single family residence at 3035 Edgewick Road.
- 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 3035 Edgewick Road, Glendale CA 91206

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: Glendale Municipal Code Title 30 Zoning Code and Comprehensive Design Guidelines Chapter 3 Hillside Design Guidelines.
- 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: See attached.
- 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: See attached.
- 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: See attached.
- 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: See attached.
- 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:

Statement of additional facts related to the appeal: See attached.

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

Wesley H. Avery

Appellant's Name – Please Print

Appellant's Signature

Date Signed

FOR STAFF USE ONLY

Date Stamp

Date received in Permit Services Center _____ Received by _____

Fee paid _____ Receipt No. _____

Appellant Wesley H. Avery, Esq.
3030 Edgewick Road
Glendale CA 91206
(661) 618-7376 wes@averytrustee.com

August 5, 2021

Statement of Facts Related to the Appeal

DRB Case Number: PDR2002198
Property Address: 3035 Edgewick Road

The Design Review Board ("DRB") neglected to enforce the City of Glendale Zoning Code and the compatibility ordinance of the Hillside Design Policy and Guidelines.

DRB failed to consider that the proposed building height exceeds the maximum height limits of the Code and the compatibility ordinance was incorrectly applied. The proposed development conflicts with the adjacent structures in that it is significantly taller and not in character with neighborhood.

Maximum Height:

The maximum allowed height for a residential building with a flat roof in this neighborhood is 32 feet. Buildings with a 3:12 pitched roof maximum allowable height is 35 feet.

Title 30 Zoning Code is not being enforced. No primary building in the R1R zone shall exceed 2 stories in height or exceed a maximum of 32 feet. An additional 3 feet is permitted for any roofed area having a minimum roof pitch of 3 feet vertical to twelve horizontal. Height is diagrammed in figure D-4 of the Code, and clearly depicts the allowable height for a building structure from the lowest point visible to the top of the roof structure. The proposed building is significantly higher than all existing buildings in the neighborhood, even those built prior to the Hillside Design Ordinance.

Hillside Design Development Review Policy 30.11.040:

The architectural style and architectural elements of the proposed in-fill development fails to be compatible with the surrounding neighborhood.

The proposed spec home completely ignores the context of the surrounding neighborhood and adjacent homes. There are no glass houses of this architectural style in the neighborhood and the larger boxy homes in the neighborhood were built prior to the Hillside Ordinance and are in part the objective of the Ordinance. The proposed project sits directly across the street from 3030 Edgewick Road, better known as the Knudsen House, as it was once owned by the Knudsen Family of yogurt fame and was built in 1929. Appellant Wesley H. Avery and his wife Estée C.

Avery are the owners of this historic home and have contracted with the City of Glendale through the Mills Act to invest hundreds of thousands of dollars on the restoration of the Tudor House to specifications set and recorded by the City and the Glendale Historical Society by December 31, 2022. To this end, Appellant and his wife have contracted with Brett Waterman of the Television Series "Restored" on the Discovery Channel to work with the City and the Glendale Historical Society to restore the Knudsen Home over the next two years. The proposed glass home across the street would be obtrusive, fails to transition into the existing context of adjacent homes, and undercuts everything the Historical Society at the City of Glendale are trying to achieve with the restoration of the Knudsen House.

Although the Tudor architectural style of historic Knudsen home does not dictate the style of the neighborhood, the proposed home must be designed to visually fit in with this home, the adjacent homes and the surrounding homes in the neighborhood. The proposed design fails to relate to the predominant neighborhood pattern and massing configuration, and relates to a nearby edifice identified by the architect at the hearing that is out of scale with the neighborhood and was built prior to the Hillside Design Ordinance.

Compatibility Site Planning:

The proposed building does not follow the topography in a sensitive manner.

The building profile does not reflect the topography of the hillside slope. In particular, the mass of the elevator shaft element juts vertically from the sloping hillside, and even though perceived by the DRB as an appropriate architectural statement/concept, this monumental and vertical mass does not meet the guidelines of the Hillside Ordinance. Located at the front elevation of this house and visible from the street, this 37'-4" tall mass is topped with a cantilevered 6 foot deep canopy, which looms over the street, approximately 15 horizontal feet from the front property line at its nearest point. Rather than stepping back and terracing into the hillside, as the ordinance dictates, the canopies project out to the narrow street elevation, creating views of the structure's underside, 37'-4" up in the air from the toe of the building and 40 feet from street level.

- The renderings submitted to the Design Review Board do not properly reflect a 6-foot cantilevered canopy at the top of the elevator shaft. They illustrate a shorter overhang when comparing to the canopy for the floor below. The plans, section elevations and colored elevations illustrate that the lower floor canopy and upper floor canopies align, but they do not align in the renderings.
- The relationship with the 6' canopies and the property line is best illustrated with the dark shaded area shown on Sheet A-1.1. Note that Site Plan A-1.0 dashed line is not consistent with the section elevations and other plans. In addition, Note 19 "Canopy Above" on the Site Plan A-1.0 is not depicted on the illustrated site plan and therefore one must assume the canopy above is not shown.

- South Exterior elevation A-4.1 illustrates that the 6-foot upper canopy is 16'-10" from the property line, but since the property line is not parallel with the canopy, this dimension is not taken from the closest point of the property line. Sheet A-1.1 depicts that the canopy nears the 15' front yard setback line.
- There are several discrepancies in the drawings as to the canopy location and relationship to the building structure. In addition, the north elevation is incorrect, it shows a window at the upper floor elevation at the elevator. This was brought to the attention of the DRB in Roland & Joy Feuer's letter to the DRB prior to the meeting. This drawing error makes it appear as the top canopy is less than 6 feet deep.

If this proposed development is nonetheless approved despite its Code violations, inappropriate design and traffic safety issues discussed *infra*, opportunities exist to lower the height of the elevator shaft at the front of the proposed development. The elevator could be placed within the mass of the structure. In addition, the elevator travel could be limited to that of the main living level vs. going to the third-floor bedroom level of the house.

In addition, the depth of the property site would allow the mass of the building to be stepped back up into the hillside (as per the Hillside Guidelines), as well as potentially proposing a detached garage, which would reduce the height and breakup the building mass. Regrettably, the designer chose instead to allow site space for a future ADU unit, rather than use this available space to step the house back further into the hillside and away from the street. A solution that stepped up the hillside and adhered to the Hillside Design and Zoning Code would also reduce the amount of earth necessary to be exported from the site.

Compatibility of mass and scale:

The 37'-4' proposed 3 story home is not compatible with the adjacent properties and with the surrounding neighborhood.

The two-story + garage story dwelling is built into an upsloping hillside, incorporating a single mass flat roof line design, two levels of unbroken flat large horizontal canopy elements, a large vertical elevator mass and large flat commercial glass storefront windows, producing the appearance of a monumental edifice that is significantly taller (there are no 37'-4" tall homes in the neighborhood) and less articulated than the adjacent homes and surrounding neighborhood.

The design of the proposed dwelling is not well articulated with its large commercial storefront glass walls and mullion spacing that enhances the verticality of the glass. Neighborhood properties are designed with multiple breaks and separate volumes that break up the mass of buildings. Adjacent structures do not incorporate large glass storefront glass walls. In fact, the contemporary modernist style homes in the surrounding neighborhood also do not incorporate large commercial storefront glass walls.

The single mass flat roof design of the proposed structure, with its large canopies and overhangs is not appropriate and compatible with the character of the adjacent structures. In fact, the scale

and mass of the design is not in character with the contemporary properties in the neighborhood. The roof line and canopy line visible from the street does not fit into the character of adjacent properties which incorporate varying and articulated masses and roof pitches. The code directs City reviewer to ensure the design is compatible, specifically considering such design elements as massing scale, and height.

Compatibility of Design and Detailing:

The proposed building is not compatible with the character inherent within the adjacent structures and surrounding neighborhood.

The zoning ordinance provides standards to govern design review by city authorities; among other things, the standards require the reviewing authority to avoid conflicting relationships between new development and adjacent buildings. It is apparent to any novice designer that the proposed glass house is not compatible with the character of the surrounding neighborhood and most definitely conflicts with the adjacent structures, particularly the historic Knudsen Estate which sits directly across the street from the proposed development.

The proposed new dwelling's visible finish material is overwhelmingly commercial glass walls of storefront windows. The proposed design fails to incorporate a variety of textures and colors to enhance the design and make it compatible with the adjacent structures and neighborhood. Not a single home in the neighborhood incorporates two-stories with floor to ceiling glass storefront walls on their front elevation. Furthermore, cable railings, although appropriate for some modern architectural homes, is not compatible with the adjacent structures, nor to the immediate surrounding neighborhood.

The retaining wall split block material of the proposed building is not in character with the neighboring adjacent structures on either side and across the street of the proposed spec home (it should be emphasized that this spec home is being built solely for profit by the developer LLC and is not the dream of a neighborhood resident who always wanted to modify his existing home). All existing structures adjacent to the proposed development use a varied style of brick. The CMU split block face is not compatible in size, scale and color to the adjacent street facing walls. Adjacent retaining walls are also smaller in physical size and the mass configuration of the walls are broken and articulated. The approximately 20'+ long visible wall adjacent to the driveway and the approximately 40' long visible retaining wall at the top of slope on the north property line, are straight lines with no articulation and do not blend into the hillside.

Retaining Walls along North Property Line and Driveway:

A dominating visual feature not represented in the drawings.

Reference the Partial Site Plan and Section 3 of Sheet RW-1.0 Retaining Wall Plan and Sections. The stepped retaining wall along the driveway is a dominant visual feature and is not represented on any of the section elevations and colored elevations of the drawing set. In addition, the successive retaining wall along the property line is also missing from any

section elevations, colored elevations and renderings which are therefore defective. The failure to illustrate these retaining walls in the drawing set, other than in these two small partial plans and elevations on drawing RW-1, has a significant effect on the visual impact these walls create. The cut slope above the wall will not create a naturally appearing landform, but a manufactured slope within the public view. None of the drawings in the supplied set, illustrate successive retaining walls in elevation.

Additionally, the undisturbed graded area is depicted in A-1.0 Site Plan. The drawing misrepresents the side yard area along the north property line, between the successive retaining walls, as being ungraded. In fact, approximately 40' long by 10' wide, an area of approximately 400 sq. ft. will be a graded with a manufactured cut of 1:1 (45 degrees) slope, sandwiched by successive retaining walls. The 400 sq. ft. should not have been included in the undisturbed graded area. This is a significant amount of grading, since to create a 7-foot high retaining wall at the corner of the house a minimum of 12 feet of soil must be cut from the hillside. Deducting 400 sq. ft. of the undisturbed graded area, puts it under the required 40% of 3,430 sq. ft. as stated in A-0.0 Cover Sheet. Instead the area is 3,030 or 35.3% vs. the required 40%, but according to C-1 Title Sheet of the Grading Plan the total graded area is stated as 7,020 which is 82% of the site. Therefore only 18% of the site is ungraded without considering the manufactured cut discussed above.

Site Plan A-1.0 specifies a maximum 6-foot tall retaining wall along the driveway. The Grading Plan C-2 specifies a maximum 15-foot tall retaining wall along the driveway, with no retaining wall along the property line; therefore one must deduce that the engineer is not calculating this manufactured cut. The RW-1.0 Retaining Wall Plan and Sections specify a maximum height of 7 feet. The drawings incorporate numerous discrepancies regarding the successive retaining walls and even fail to depict them in the drawings. Since the walls have a visible impact on the proposed development, DRB and staff need to consider their effect on the design. The retaining wall is on the property line and therefore would require the neighboring property grade to be cut so that the retaining wall can be constructed. If the neighbor does not allow for grading on her property, the wall would need to be pushed further into the proposed development property, further increasing the manufactured slope and/or increasing the size of the retaining walls. Adding additional planting to the front of the wall, as staff has conditioned, will accomplish little, when the cut of soil is a minimum of 19 feet tall at the house corner.

Additionally, regarding this area, the Landscape Plan L-1 does not show a retaining wall along the north property line and illustrates that the existing mature Cypress trees located on the property line are to remain, which is not possible if a retaining wall is put in their place. The landscape drawings also specify palms and plants that could not possibly be planted on this 1:1+ slope. The tall plantings of palms along the street above the driveway retaining wall also likely further impedes the view of on-coming cars and is a safety hazard on top of an already

precarious hidden driveway discussed *infra*. The Landscape Design of the Hillside design guidelines states the following:

F. Landscape Design (Including Hardscape)

- 3. Landscaping should provide a natural look, minimizing visual impact and size of the intervention (buildings, decks, etc.) into the natural hill.*
- 4. Provide landscape design complementary to site design and building design in all required setback areas. Pay attention to design and proper plant types on sloped areas.*
- 5. Maintain existing trees, particularly mature trees, as much as possible.*

Incomplete and incorrect drawings significantly affect the visual impact of the proposed development. If not denied outright, at a minimum the project should be resubmitted to the Design Review Board and properly vetted by the planning engineers.

Garage Location and Driveways:

Per the Hillside Design Guidelines the design shall ensure new driveways have safe site lines and distances.

There is a reason this site has remained vacant for 100 Years -- it is a challenging site to develop and locate a safe driveway into a very steep slope on a road at one of its narrowest points. The proposed site sits between two upsloping dangerous blind curves on a bottleneck of a well-travelled thoroughfare that is poorly lit at night and is subject to standing deer. Backing out of a 21'-6" blind driveway flanked on either side with retaining walls will be dangerous to vehicular traffic, pedestrians and most of all to the prospective owners if this glass house is built. The fact that the LLC developer of this property proposes to add an Accessory Dwelling Unit in the future would only make the safety issues even worse. If this spec home is approved it will be a source of danger and congestion in perpetuity for all our neighbors uphill on Edgewick Road, Paddington Road and Arundel Place. For this reason we hope this appeal is granted. Thank you.