



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### AGENDA ITEM

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Report: Appeal of Design Review Board's denial of DRB Case No. PDR 1709694-C

1. Motion to reverse the Design Review Board's decision and approve the project.
2. Motion to sustain the Design Review Board's decision to deny the project.

### COUNCIL ACTION

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**Item Type:** Public Hearing

**Approved for** October 20, 2020 **calendar**

### ADMINISTRATIVE ACTION

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**Submitted by:**

Philip S. Lanzafame, Director of Community Development

**Prepared by:**

Roger Kiesel, Senior Planner

**Reviewed by:**

Michele Flynn, Director of Finance

Michael J. Garcia, City Attorney

Erik Krause, Deputy Director of Community Development

Jay Platt, Principal Urban Designer

**Approved by:**

Roubik R. Golanian, Interim City Manager

## RECOMMENDATION

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City Council reverse the Design Review Board's denial of Case No PDR 1709694-C, based on the rationale used in the staff report.

## BACKGROUND/ANALYSIS

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This hearing is an appeal of a decision made by the Design Review Board on January 10, 2019, to deny Design Review Board Case No. PDR 1709694-C for the construction of a new, three-story, 3,275 square-foot single-family residence with an attached two-car garage on a vacant 81,296 square-foot lot located in the R1R (FAR District II) Zone. The lot has an average current slope of 54 percent and the project involves a total of 1,450 cubic yards of grading (including previous unpermitted grading).

### General Information

***Appellant:*** Raymond Munro  
***Status of Appellant:*** Property Owner  
***Applicant:*** Elizabeth Herron  
935 W. Avenue 37  
Los Angeles, CA 90065  
***Owner:*** Raymond Munro  
3169 Kirkham Drive  
Glendale, CA 91206

### ***Requested Action:***

The appellant is requesting that the City Council overturn the Design Review Board decision to deny Design Review Board Case No. PDR1709694-C (Exhibit 12).

***Legal Description:*** Portion of Lot C, Sicomoro Canon Tract

***APN:*** 5662-019-011

***Zone:*** "R1R" Low Density Residential Zone, Floor Area District II.

***Land Use Element:*** Low Density Residential.

***Lot Size and Frontage:*** The project site is approximately 81,296 square feet in area and has a frontage of 26 linear feet along Laird Drive and approximately 104 linear feet along East Chevy Chase Drive.

***Existing Site Characteristics:*** The project site is located in Chevy Chase Canyon and has frontage on East Chevy Chase Drive and at the terminus of Laird Drive. The

existing property is a vacant, irregularly-shaped hillside lot with an average current slope of 54 percent. The topography of the lot slopes upward from the Chevy Chase and Laird streets. There is an existing graded driveway with access from Laird Drive. The 1.87-acre lot does not contain a blue line stream or primary nor secondary ridgelines. The property contains an oak-sycamore woodland with 25 protected indigenous trees on the property. Reviews of the project previously identified 24 protected indigenous trees; however, Tree #2 has grown and is now considered a protected tree. Chevy Chase Drive is an improved street with all public utilities in place. Laird Drive is improved up to the property line of the subject site.

***Circulation Element:*** Laird Drive is classified as a local street and Chevy Chase Drive (Glenoaks Boulevard to the northeasterly city boundary) is classified as a community collector in the Circulation Element of the General Plan. There is limited on-street parking on both sides of either street adjacent to the subject property.

***Surrounding Land Use/Zoning:*** The surrounding properties along East Chevy Chase are zoned R1R (Restricted Residential), FAR District II, with the area behind these properties zoned SR (Special Recreation). The neighborhood is characterized by irregularly-shaped hillside lots. Surrounding properties, within 300 linear feet, have an average lot size of 8,523 square feet, significantly smaller than the subject site at approximately 81,296 square feet. The surrounding homes, within 300 linear feet, are a mix of 1, 2, and 3 stories, range in size from 1,072 to 3,729 square feet, vary in architectural style and street-front setbacks, and have attached garages at the front of the house. The proposed 3,275 square-foot house is larger than the average house size of 2,035 square feet. However, the average floor area ratio in the neighborhood is 0.26, while the subject site will have an FAR of 0.04.

***Environmental Determination:*** An addendum was prepared for the Final Mitigated Negative Declaration that was adopted March 11, 2014 for Case No. PCUP1322910. Mitigation measures were added to the project to address potential impacts to protected trees during construction of the project.

## **PROJECT HISTORY:**

### **Planning Hearing Officer Case No. PCUP1322910:**

January 22, 2014 – The Planning Hearing Officer granted with conditions an application for conditional use permit Case No. PCUP1322910 to allow the construction of a new 4,143 square-foot, 2-story single-family residence with an attached three-car garage and detached 500 square-foot guest house. At the time, approval of a conditional use permit was required for new dwelling unit construction on lots having an average current slope exceeding 50% and grading of more than 1,500 cubic yards. The house was located toward the north side of the property toward the top of the hill.

August 20, 2014 – On appeal, the Planning Commission denied the Conditional Use Permit application, reversing the Planning Hearing Officer’s approval decision. Due to amendments to the Zoning Code approval of a conditional use permit for grading or slope is no longer required. Grading and slope are now reviewed as part of the overall design by the Design Review Board.

### **Design Review Board Case No. PDR1403541**

August 11, 2016 – The Design Review Board considered Case No. PDR1403541, which proposed a new 3,740 square-foot, two-story house with an attached 3-car garage. While the house was redesigned from the previous Conditional Use Permit proposal, it was roughly in the same location. The new house design was reduced in size by 403 square feet. Additionally, the 500 square-foot guest house was eliminated. Staff’s recommendation was to approve this project with conditions. (The applicant had previously hired a different architect and submitted plans with the house located on the south side of the property under the tree drip lines; however, city staff did not support this location because of the impact to the Oak Sycamore Woodland area.

The DRB voted (4-0) to return for redesign with the following four conditions:

1. Revise site plan and design to allow house to be placed at the location closest to Laird.
2. Revise landscape design at the former driveway location off of Chevy Chase to eliminate its potential for vehicular access, providing appropriate plantings, and any other required, code-compliant means, to control erosion.
3. Thoroughly review the 2014 environmental documents to ensure their ongoing validity. Include the amount of grading that occurred to create the current driveway configuration in the addendum.
4. Revise landscape plan to provide appropriate under-canopy species that will screen the new project site from the adjacent neighbors on Chevy Chase.

### **Current Case - Design Review Board Case No. PDR1709694**

December 14, 2017 - Design Review Board Case No. PDR1709694-A proposed a new 3,515 square-foot, three-story house with an attached 3-car garage. Staff recommended approval of this project with conditions. The project involved 1,417 cubic yards of grading (including previous unpermitted grading). The applicant revised the location and design of the project to address the conditions from the August 11, 2016 DRB decision. These revisions included relocating the house closer to Laird and redesigning its shape to reflect the land forms. Further, the Chevy Chase driveway location was to be re-landscaped to eliminate its potential for vehicular access. The 2014 environmental documents were

evaluated and addendum revised to include past and present grading. Additional landscaping was provided to screen the adjacent neighbors.

The DRB voted (3-1) that the project be returned for redesign with the following three conditions:

1. Relocate the garage to a lower elevation on the slope (finish floor level of approximately 770-775') and with the garage door openings on axis with the driveway extending uphill from Laird Drive. If a three-car garage is proposed, the total square footage of the house shall be less than 3,500 square feet, including any garage area above 500 square feet.
2. Relocate the house to be lower on the slope in order to reduce its prominence and sense of mass on the hillside. Redesign the project accordingly to address the topography and specific conditions of the new location.
3. Provide increased "stepping" of the building volumes at each level to better address the topography and more closely conform to the Hillside Design Guidelines.

April 12, 2018 (continued from March 22, 2018) – The next iteration of the project (PDR 1709694-B) proposed a new 3,496 square-foot, three-story house with an attached 2-car garage. Staff recommended approval of the project with conditions. The project involved a total of 1,417 cubic yards of grading (including previous unpermitted grading). The residence was redesigned and relocated from the previous proposal to address the conditions from the December 14, 2017, DRB meeting. The garage was relocated to a lower elevation (773.00'), closer to Laird Drive and outside the dripline of a 30" Sycamore tree. Adjustments to the overall mass and scale of the residence were made to better address the Hillside Design Guidelines, following the contours of the upsloped lot through the use of split levels and a linear floor plan that wraps with the hillside. The building volumes were broken with the front entry providing a focal point and the second story volume setback from the first story.

The DRB voted (3-1) to return the project for redesign with the following four conditions:

1. Revise landscape plan to include a number of sizable oak trees and other native vegetation at the graded but unpaved portion of the driveway to help restore this illegally graded area and prevent its future vehicular use.
2. Reduce the square footage or mass of the house to be more in keeping with other properties in the area.
3. Revise the site plan to accomplish the goals of Conditions 1 and 2, including the possible repositioning of the house and/or garage.
4. If still required after implementing Conditions 2 and 3, clarify or correct the drawings of the roofs at the first and second levels above the porch to the right side of the entry and revise the design to improve the appearance of this area.

January 10, 2019 (continued from December 13, 2018) - Design Review Board Case No. PDR1709694-C, proposed a new 3,275 square-foot, three-story house with an attached 2-car garage. Staff recommended approval of the project with conditions. The project involved a total of 1,377 cubic yards of grading (including previous unpermitted grading). The residence was redesigned and relocated from the previous proposal to comply with the conditions from the April 12, 2018, DRB decision. The garage was relocated to the existing unpaved driveway (elevation 778'), preventing future vehicular use along the remainder of the driveway and addressing a Board concern. The size of the house was reduced from 3,496 square feet to 3,275 square feet. The overall mass and scale of the residence were adjusted to better address the Hillside Design Guidelines. The majority of the house is two-stories, with only a small portion over the garage being three-stories. Grading for the current project involves 1,240 CY of cut and 137 CY of fill (including previously unpermitted grading) allowing construction of the house into the hillside, reducing the mass of the residence and addressing the topography of the lot. Approximately 91 percent of the lot will be left ungraded. In addition, the previous unpermitted graded driveway at Chevy Chase will be partially filled and landscaped with native vegetation.

**SUMMARY OF DESIGN REVIEW BOARD'S DISCUSSION FROM JANUARY 10, 2019:**

- Three Board members heard the case. One seat was vacant at the time. Board member Simonian recused himself from the meeting.
- Board Member Malekian stated he missed the previous meeting and had concerns with the site planning, massing, and design. He did not have a good sense of how the applicant was mitigating the previously graded (unpermitted) driveway and there was no intent to restore the grading other than plant trees. He was not convinced that planting trees in the driveway was the right approach and suggested larger-sized trees be planted. He stated that the placement of the garage was the right move, but was concerned how the project could expand in the future. He would like a set of plans with proper grading, how the grading will be fixed, and how it will be assured. He had concerns with the massing and design, in particular the roof lines, plate heights, window placement, inconsistent window types and shutter size.
- Staff member Jay Platt reminded Board Members that the planting of trees on the driveway was suggested at the previous meeting and staff worked with the architect to meet this condition. The graded driveway cannot be restored completely and the Board has been moving in that direction. Regarding the larger-sized trees, Urban Forestry staff, Kathleen Williams recommended 15-gallon trees as they would establish themselves better and would be more appropriate for the Oak-Sycamore Woodland area.
- Board Member Malekian stated he would honor the tree planting since it was discussed at the previous meeting; however, he still has concerns about the design.

- Board Member Arzoumanian stated that the applicant did what they were asked from the last meeting, but she was not sure if that meets everything.
- Board Member Benlian agreed with Board Member Malekian's comments. He stated he voted "no" at the last meeting and thought the illegally-graded driveway needed to be restored to prevent vehicle access.
- Discussion ensued regarding continuing the project for more grading information, however, Board Member Malekian thought there were too many other massing and design issues that needed resolution.

The Board voted to deny the project (3 - yes, 0 - no, 1-absent (Simonian)) with five findings:

1. The overall site conditions and grading have not been appropriately addressed in the drawings.
2. The house is in the correct location, but is placed too high on the site. The massing would be improved if it were at a lower elevation.
3. The size of the house is inappropriate for the neighborhood and should be further reduced in square footage.
4. The design and detailing, particularly of the windows, are inconsistent.
5. The drawings do not contain enough information about the grading and landscape treatments of the previously-graded area to the northeast of the proposed garage.

January 23, 2019 – Property Owner Appealed the Case.

### **SUMMARY OF APPELLANTS' DISCUSSION:**

In the appeal application, the appellant contends that there was a violation of a specific provision of the law, the DRB exceeded its authority, failed to fulfil a mandatory duty by provision of law, and did not consider certain facts before rendering their decision. Additionally, the applicant believed that the evidence before the DRB was sufficient to make a determination, and that they have new evidence of material facts not previously presented, which, if considered, should change the determination. Below is a summary of the statements made by the appellant in the appeal application (Exhibit 13) in Part 4 "Statement of Error" (grounds for the appeal), as required by GMC 2.88.030:

- A. That the Comprehensive Design Guidelines were developed to provide predictability for property owners, developers, as well as residents and other stakeholders in the Glendale community. The Comprehensive Design Guidelines, which includes the Hillside Design Guidelines were followed and adjusted over the five years that the project has been considered. Despite staff recommended approval and initial approval by the Planning Hearing Officer for the conditional use permit, as well as four Design Review Board hearings (two different applications and architects) the project was denied. As such, the

homeowner's right to a "predictable" process as intended by the Design Guidelines was violated.

- B. That the Board exceeded its authority by not appropriately respecting the intent of the Comprehensive Design Guidelines and by not considering the specific design modifications responding to the Conditions of Approval in a reasonable, objective way. There were five different redesign efforts undertaken to satisfy the main concerns of the DRB Board.
  - 1. Restoration of the driveway cut graded without permit prior to applicant's purchase of the property in 2012. Each presentation to the Board shows restoration of this driveway cut with landscaping and possible restorative grading.
  - 2. Reduce size and mass of the proposed house. The applicant provided a chart showing how the house size was reduced during the process from 4,643 to 3,275 square feet, as well as information about larger homes in the area. He also provided comparative elevations to show the reduction of mass.
- C. That the Board failed to determine how the conditions of approval were met and how the proposed development satisfied the Design Guidelines for the City of Glendale.
- D. That the Board refused to hear or consider certain facts before rendering its decision. At the January 10, 2019, April 12, 2018 and December 14, 2017 DRB meetings, grading and landscaping plans specifically addressing the restoration of the previous driveway cut were presented. The December 14, 2017 presentation included grading plans documenting the amount of grading previously removed without permit and how this grading would be restored. There were landscape plans that exhibited how these areas would be replanted and restored. Conditions for Redesign did not include any discussion of the driveway cut restoration, because the plans presented satisfied the Board. Since there were no conditions for redesign, the previously presented grading plans were not significantly revised and some of the more detailed bench fill-slope sections were not represented. However, the landscape plans were enhanced and additional oak trees were proposed to create a barrier (as requested) on the existing driveway cut. The Board failed to review the record, particularly at the January 10, 2019 hearing when a new, previously satisfied condition was added to the denial "findings."
- E. That the exhibits and presentation were sufficient to make the determination that the proposed project met the Design Guidelines. Finding #4 (in the denial decision) states that the design and window detailing are inconsistent. The design was complemented in previous DRB hearings and design consistency concerns were never previously mentioned at any other hearing for the project. A



denial based on a previously unmentioned concern is a violation of a fair and consistent design review process.

- F. That there is new evidence of material facts not previously presented which if considered should change the determination regarding Findings #1 and #5. Although grading plans were presented at each of the four DRB hearings and site restoration grading, along with forensic grading plans (estimating the amounts that were graded without a permit, previous to the current owner purchasing the property) were presented to the DRB at the December 14, 2017 hearing, it is assumed that added sections could clarify and satisfy the denial Finding #1. Additionally, landscape and benched fill sections for restoration of the previously graded area that were presented to the DRB should be re-reviewed to clarify to City Council that this condition was satisfied at the December 14, 2017 DRB meeting.

#### **STAFF'S ANALYSIS OF APPEAL:**

The appellant's main argument focuses on the intent of the Comprehensive Design Guidelines and the Board's refusal to hear or consider certain facts before rendering its decision.

- A. The appellant contends that the DRB failed to follow the intent of the Comprehensive Design Guidelines to provide predictability for property owners, developers, as well as residents and other stakeholders in the Glendale community and, as such, violated the homeowner's right to a "predictable" process;

#### ***Staff's Response:***

The Comprehensive Design Guidelines, adopted November 29, 2011, state that "The intent of the Design Guidelines (Guidelines) is to provide predictability for property owners and developers, as well as residents and other stakeholders in the Glendale community. The Guidelines will be used by all those applying for permits in the City of Glendale, by City staff, the Design Review Board (DRB), City Council and the Redevelopment Agency. In order to approve a project under Design Review, decision-makers must find that the project is consistent with the intent of the Design Guidelines." The applicant worked in good faith to meet all conditions imposed by the DRB. Typically, if the applicant meets the conditions, the project is moved forward in the process. In this situation, the applicant believed that after the second meeting questions regarding the illegal driveway grading were resolved. The applicant presented grading plans and information showing the amount of illegal cut and fill and the proposed amount of cut and fill. Staff presented information from the City's Public

Works Department that the City was satisfied with the restoration work that was completed. Additionally, the applicant met the DRB conditions by placing the requested trees on the driveway to block further access and exceeded the conditions by placing the garage on the graded driveway to address any concerns of access to the remainder of the driveway. Also, throughout the process, the DRB never mentioned any concerns about the design details until the last meeting. This change in direction is not in keeping with the intent of the Design Guidelines to provide predictability for the property owner.

B. That the Board exceeded its authority by not appropriately respecting the intent of the Comprehensive Design Guidelines and by not considering the specific design modifications responding to the conditions in a reasonable, objective way. There were a number of redesign efforts undertaken to satisfy the main concerns of the DRB Board:

1. Restoration of the driveway cut graded without permit prior to applicant purchase of the property in 2012. Each presentation to the Board shows restoration of this driveway cut with landscaping and restoration grading.
2. Reduce size and mass of the proposed house. The applicant provided a chart showing how the house size was reduced during the process from 4,643 to 3,275 square feet, as well as delineating larger homes in the area. Also, comparative elevations were provided to show the reduction of mass.

#### Staff's Response:

Following a Planning Hearing Officer Hearing and Planning Commission Hearing (on appeal) on the initial proposal, the DRB considered four different proposals for the subject property. Case No. PRD1403541 was considered by the DRB on August 11, 2016 and was returned for redesign. The main concerns were the location of the house, closing off the Chevy Chase driveway, the illegal grading and landscape screening for the adjacent neighbor. The site plan was to be revised to allow the house to be placed at the location closest to Laird Drive.

Case No. PDR1709694 (the revised plans for PDR 1403541) was considered by the DRB three times. The first submittal (PDR 1709694-A) relocated and redesigned the house in response to comments from the previous design review board meeting. The house was moved to the south side of the property with access from Laird Drive and outside the dripline of a 30" Sycamore tree. The grading involved 1,290 CY of cut and 127 CY of fill (including previously unpermitted grading). The house size was reduced from 3,740 square feet to 3,515 square feet. A three-car garage was proposed. In response, the DRB conditions of this return for redesign required that the house be located lower on the slope to reduce its prominence and sense of mass on the hill.

Additionally, the garage was to be relocated to a lower elevation on the slope (finish floor level of approximately 770-775') with the garage door openings on axis with the driveway extending uphill from Laird Drive.

In response to conditions in the first submittal, in the second submittal (PDR 1403541B), the applicant relocated the garage to a lower elevation (773'), closer to the Laird access. The grading involved 1,240 CY of cut and 137 CY of fill (including previously unpermitted grading). The house size was reduced from 3,515 square feet to 3,496 square feet and the garage was reduced in size from a 3-car garage to a 2-car garage. The conditions of this return for redesign required that the square footage or mass of the house be more in keeping with other properties in the area.

The third and final submittal (PDR 1403541C) to the DRB was denied. The proposal, considered on January 10, 2019, was for a 3,275 square-foot house with a 2-car garage. The garage was moved to the middle of the previously graded driveway to prevent future vehicular access and the landscape plan was revised to include additional oak trees, as conditioned by the DRB. Placing the 2-car garage on the driveway eliminated the appearance of 3-story massing on the westerly façade. The entry was also relocated to eliminate the dominant entrance, which reduced the massing and simplified the roofline. This design was denied by the DRB with five findings.

Over the course of these reviews, the house size has been reduced from 4,643 square feet (with a 3-car garage and guest house) to 3,275 square feet (with a 2-car garage), a reduction of 1,368 square feet or 29 percent from its initial design by the Planning Hearing Officer to the present design. The most recent proposal was reduced in size from 3,496 square feet to 3,275 square feet (221 square feet). The table below shows the current proposal (PDR1709694-C) against the zoning requirements and the other proposals for the project site, as it relates to the proposed sizes of the home.

#### Comparison of 910 Laird Proposals:

FEATURE	ZONING REQUIREMENTS	1/22/2014	8/11/2016	12/14/2017	4/12/2018	1/23/2019
	R1R ZONE, FAR DISTRICT II	PHO PCUP1322910	DRB PDR1403541	DRB PDR1709694	DRB PDR1709694	DRB PDR1709694-C
Lot Size	Min. 7,500 sq. ft.	81,296 SF	81,296 SF	81,296 SF	81,296 SF	81,296 SF
Floor Area	0.30 for the first 10,000 sq. ft. of lot area and 0.10 for the portion of lot	0.057	0.046	0.043	0.043	0.040

<b>Ratio</b>	area thereafter (lots with 40% or greater slope)					
<b>House</b>	Maximum allowed					
<b>Size</b>	10,129 SF	4,643 SF	3,740 SF	3,515 SF	3,496 SF	3,275 SF

The table below analyzes the current proposal (PDR1709694-C) for neighborhood compatibility in relation to the surrounding neighborhood.

### Comparison of Neighborhood Survey:

	Average of Properties within 300 linear feet of subject property	Range of Properties within 300 linear feet of subject property	Subject Property Proposal
Lot size	8,523 sq. ft.	4,160 sq. ft. to 15,500 sq. ft.	81,296 sq. ft.
Street-Front Setback	18'-0"	4'-0" to 30'-4"	70'-0"
House size	2,035 sq. ft.	1,072 sq. ft. to 3,729 sq. ft.	3,275 sq. ft.
Floor Area Ratio	0.26	0.14 to 0.44	0.040
Number of stories	N/A	5 one-story, 10 two-story, 4 three-story	3 stories (portion over garage)

The proposed 3,275 square-foot house is above the neighborhood average of 2,035 square feet, but it is not the largest home in the neighborhood. Also, the site is the largest property, and the proposed FAR of 0.040 is below the neighborhood range.

Staff supports the appellant's argument that the Board did not consider the specific design modifications responding to the conditions in a reasonable, objective way. The applicant worked in good faith to meet all conditions imposed by the DRB, by changing the house and garage locations, reducing the size and massing of the house, and restoring and replanting the existing graded driveway.

*C. The appellant contends that the DRB failed to consider how the conditions of approval were met and how the proposed development satisfied the Design Guidelines for the City of Glendale.*

Staff's Response:

As noted above, the applicant redesigned, reduced the size and massing, and changed the location of the house several times to meet the DRB conditions. In addition, the driveway leading from Chevy Chase was closed off, restored and replanted, additional landscaping was added to screen the adjacent property, the landscape plan was revised to include five new Live Oak trees and other native vegetation, and the garage location was changed to the Laird driveway to address concerns regarding vehicular access to the northerly portion of the site.

Staff supports the appellant's argument that the Board failed to consider how the conditions were met and how the proposed development satisfied the Design Guidelines, given the regrading and landscaping additions to the Chevy Chase driveway, numerous reductions in proposed house size and relocation and lowering of elevation of the house.

*D. The appellant contends that the Board refused to hear or consider certain facts before rendering its decision. At the January 10, 2019, April 12, 2018 and December 14, 2017 DRB meetings, grading and landscaping plans specifically addressing the restoration of the previous driveway cut were presented. The December 14, 2017 (PDR 1403541 A) presentation included grading plans documenting the amount of grading previously removed without permit and how this grading would be restored. There were landscape plans that showed how these areas would be replanted and restored. Conditions did not include discussion of the driveway cut restoration, because the plans presented satisfied the Board. Since there were no conditions for redesign, the previously presented grading plans were not significantly revised and some of the more detailed bench fill-slope sections were not represented. However, the landscape plans were enhanced and additional oak trees were proposed to create a barrier (as requested) at the existing driveway cut. The Board failed to review the record, particularly at the January 10, 2019 hearing when a new, previously satisfied condition was added to the denial "findings."*

Staff's Response:

The August 11, 2016 (PDR 1403541) condition included the amount of grading that occurred to create the current driveway configuration, the applicant presented grading plans and information showing the amount of illegal cut and fill and the proposed amount of cut and fill at each meeting. The landscape plans showed how these areas would be replanted. Grading and landscaping plans were presented at all three (December 14, 2017, April 12, 2018, and January 10, 2019) DRB meetings for the current proposal. Because there were no conditions regarding the illegal driveway grading, it was understood that questions regarding the driveway were resolved. Staff

also presented information from the City's Public Works Department that they were satisfied with the completed restoration work.

Staff supports the appellant's contention that the Board did not consider the grading and landscaping information provided before rendering its decision.

- E. The appellant contends that the exhibits and presentation were sufficient to make the determination that the proposed project met the criteria for approval for conforming to the Design Guidelines for the City of Glendale. Finding #4 states that the design and window detailing are inconsistent. The design was complemented in previous DRB hearings and design consistency concerns were never previously mentioned at any other hearing for the project. A denial based on a previously unmentioned concern is a violation of a fair and consistent design review process.*

#### Staff's Response:

The proposed Spanish-style residence is appropriate for the neighborhood context and is compatible with the various designs of the surrounding houses. The project features high quality materials, including smooth stucco walls, two-piece roof tiles, aluminum-clad wood windows (in chocolate bronze), wood doors and garage door, wood corbels, metal railings, decorative driveway entry and split-face block retaining walls (Harvest color). The materials and colors are appropriate for the chosen style and are complementary to the neighborhood. The windows are recessed with wood trim and sills with an exterior divided light pattern. Such design is appropriate to the style. Although there may be some inconsistencies in the window design, typically design review applications, particularly new construction, are approved by the Board with conditions and/or considerations. A decision by the Board imposing conditions of approval on a project is then referred to staff and staff works with the applicant to comply with the Board's conditions. Project plans cannot be submitted for plan check until compliance with all conditions are made to the satisfaction of City staff.

Staff supports the appellant's contention that the exhibits regarding the design were sufficient to make a determination in support of the project with a condition to provide consistent windows for review and approval by staff.

- F. The appellant contends that there is new evidence of material facts not previously presented which, if considered, should change the determination regarding Findings #1. and #5. Although grading plans were presented at each of the four DRB hearings and site restoration grading, along with forensic grading plans (estimating the amounts that were graded without a permit, previous to the current owner purchasing the property) were presented to the DRB at the December 14, 2017 hearing, it is assumed that added sections would clarify and satisfy the denial Finding #1. Additionally, landscape and benched fill sections*

*for restoration of the previously graded area that were presented to the DRB should be re-reviewed to clarify to City Council that this condition was satisfied at the December 14, 2017 DRB meeting.*

**Staff's Response:**

Grading and landscaping plans were presented at all three (December 14, 2017, April 12, 2018, and January 10, 2019) DRB meetings for the current proposal. As a result of the August 11, 2016 condition to include the amount of grading that occurred to create the current driveway configuration, the applicant presented grading plans and information showing the amount of illegal cut and fill and the proposed amount of cut and fill at each meeting. The landscape plans showed how these areas would be replanted. Further information can be helpful in providing clarification. New information and additional sections could help to clarify and satisfy Finding #1.

**SUMMARY**

Based on the analysis of the appeal and the reasoning above, staff recommends that the City Council reverse the Board's decision. The Board did not take into account the reduced size of the house and garage, the relocation of the house lower on the hill and closer to Laird, the location of the garage on the existing driveway cut, and the restoration and landscaping (including additional oak trees) of the existing driveway.

The basis of the staff's decision 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 garage was relocated to the existing unpaved driveway (elevation 775.5'), which will prevent future vehicular use along the remainder of the unpaved driveway, addressing the Board's concern.
- All indigenous trees will remain and all potential impacts will be mitigated to the satisfaction of the Urban Forester.
- The grading for the current project involves 1,240 CY of cut and 137 CY of fill (including previously unpermitted grading) to allow the house to be constructed into the hillside thereby reducing the massing of the building and appropriately addressing the topography of the lot.
- About 91 percent of the hillside lot will be left ungraded. In addition, the previous unpermitted graded Chevy Chase driveway will be partially filled and landscaped with native vegetation.

**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 size of the house was reduced from 3,496 square feet to 3,275 square feet.
- The overall mass and scale of the residence were adjusted from the previous design to better address the Hillside Design Guidelines; the majority of the house is two-stories, with only a small portion over the garage being three-stories. Additionally, the garage relocation reduces the three-story appearance.
- The building volumes are broken with the front entry providing a focal point (relocated further down the hill) and the second story volume setback from the first story.
- The front balconies and various hipped roof forms create an interesting roofline that breaks up the overall massing.
- As evident in the submitted cross-section drawings (Sheet A8.0), the height and massing of the proposed residence appropriately fits within its hillside context and the goals of the Hillside Design Guidelines.

**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 proposed Spanish-style residence is appropriate for the neighborhood context and is compatible with the various designs of the surrounding houses.
- The project features high quality materials, including smooth stucco (sand finish) walls, mission roof tiles, wood clad windows (in chocolate bronze), wood doors and garage door, wood corbels, metal railing, decorative driveway entry and split-face block retaining walls (Harvest color). The materials and colors are generally appropriate for the chosen style and are complementary to the neighborhood.
- The windows are recessed with wood trim and sills with an exterior divided light pattern at the top. Such design is appropriate to the style.

## **PUBLIC NOTICE**

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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**

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There will be no fiscal impact.



## **ALTERNATIVES**

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Alternative 1: The City Council may approve the attached motion to continue the matter, directing the City Attorney to draft findings overturning the Design Review Board's decision and approving the project.

Alternative 2: The City Council may approve the attached motion to sustain the Design Review Board's decision to deny Case No. PDR1709694-C with five findings for denial.

Alternative 3: The City Council may make a motion to remand the case to the Design Review Board for further consideration.

## **CAMPAIGN DISCLOSURE**

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In accordance with Council direction pursuant to the adopted City Campaign Finance Ordinance, the names and addresses of all owners and applicable parties involved in this project proposal in this Agenda Item Report is attached as Exhibit 14.

## **EXHIBITS**

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1. Location Map
2. Photos of Existing Property
3. Neighborhood Survey
4. Reduced Plans for current DRB case No. PDR1709694
5. Staff Report (without attachments), and Plans January 10, 2019 DRB meeting
6. Addendum to Final Mitigated Negative Declaration (MND) – December 2018
7. Adopted MND
8. Geological and Soils Engineering Exploration Update by Robles Engineering, Inc., dated Nov. 23, 2016
9. Indigenous Tree Report Dated October 26, 2017
10. November 4, 2018 Addendum to Tree Preservation Report Dated October 26, 2017
11. DRB's Record of Decision for Case No. PDR1709694-C from January 10, 2019
12. Appeal application of DRB's Decision to City Council dated January 23, 2019
13. Campaign Disclosure Form