



**CITY OF GLENDALE, CALIFORNIA
REPORT TO THE PLANNING HEARING OFFICER**

AGENDA ITEM

Report: Variances for multiple development standards for a new single family dwelling on a substandard R1R lot

Location: 3132 Charing Cross Road

Case Number: PVAR 1802906

Applicant: Garo Nazarian c/o Domus Design

Owner: Sam Nazaryan

Approved for	December 8, 2021
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ADMINISTRATIVE ACTION

Prepared by:
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Reviewed by:
Kristen Asp, Principal Planner

PROJECT DESCRIPTION

The applicant is requesting the approval of standards variances to construct a new approximately 2,764 square-foot (SF), three-story single-family residence with an attached 453 SF two-car garage on a vacant lot uphill hillside lot. The project site is 6,069 SF in area with frontage on Charing Cross Road located in the R1R-II (Restricted Residential Zone, Floor Area Ratio District II). The applicant is requesting multiple variances in conjunction with the new residential house as follows: construct a new single-family residence on a vacant 6,069 SF lot, which is less than the code-required 7,500 SF minimum lot size, reduction in the required interior setback (for the building and retaining walls greater than three feet high) and ungraded open space on a lot with an average current slope greater than 30%, and increase the maximum allowed floor area ratio (FAR). The lot features an average current slope of 50%, and an average current slope of 45% for the building footprint area.

APPLICANT PROPOSES:

1. Construct a 2,764 SF single-family residence on at 6,069 SF vacant hillside lot.
2. Reduction of the required minimum 10-foot interior setback (for the building and retaining walls), and to allow a reduced interior setback of zero for the building along the north-easterly (left side) property line and propose the construction of two, five-foot high retaining walls within five feet of the interior property line.
3. Reduction of the required minimum 40% ungraded open space on a lot with an average current slope greater than 30%; the project proposes 31.8% ungraded open space.
4. Increase the maximum allowed floor area ratio (FAR) to 0.42 on a lot with an average current slope greater than 40%, where 0.3 is the maximum.

CODE REQUIRES:

Standards Variances

1. The minimum lot size for purposes of constructing a new dwelling unit on lots divided prior to June 26, 1986 is seven thousand five hundred (7,500) square feet (GMC 30.11.030 and GMC 30.11.060).
2. Building and structures permitted after May 2, 1991, shall be setback a minimum of 10 feet from the interior property line (GMC 30.11.030 Table 30.11-B), and retaining walls within five feet of the interior property line must be under three feet high.
3. A minimum of forty (40) percent of the site area in the R1R zones shall be ungraded open space for any lot exceeding an average current slope of thirty (30) percent (GMC 30.11.040 F).
4. The maximum floor area ratio shall be 0.30 for the first 10,000 sq. ft. of lot area on a lot with an average current slope of forty (40) percent or greater (GMC 30.11.030 Table 30.11-B).

ENVIRONMENTAL DETERMINATION

The Community Development, after having conducted an Initial Study, has prepared a Mitigated Negative Declaration (MND) for the project. The proposed MND was circulated for a 20-day public review period from November 1, 2021 to November 22, 2021. With the implementation of the Mitigation Monitoring and Reporting Program included in the Initial Study prepared for this project pursuant to the California Environmental Quality Act, the project will not result in any significant environmental impacts. Summary of Mitigation Monitoring and Reporting Program is attached to the MND in Exhibit 5.

The environmental impacts identified in the MND are associated with Biological Resources, Cultural Resources, and Geology and Soils. The proposed Project had either no impacts or less than significant in all other environmental review categories. In order to reduce the project related environmental impacts on Biological Resources, Cultural Resources, and on Geology and soils to less than a significant level refer to Mitigation and Monitoring and Reporting Program (Exhibit 5).

RECOMMENDATION

Staff believes the required findings of fact for Variances to construct a new 2,764 SF, three-story house has not been demonstrated, and therefore, recommends the Planning Hearing Officer deny the following variances requesting to:

1. Reduce the required interior setback to zero along the north side of the property where a minimum 10-foot interior setback is required (for the building and retaining walls greater than three feet high); and
2. Reduce ungraded open space to 31.8 percent where a minimum 40 percent ungraded open space is required on a lot with an average current slope greater than 30 percent; and
3. Increase the total floor area ratio (FAR) to 0.42 where the maximum allowed is 0.30 on a lot with an average current slope greater than 40 percent.

SITE CONTEXT

General Plan: Low Density Residential

Zone: R1R (Restricted Residential) Zone, Floor Area Ratio District II

Description of Existing Property and Uses:

The project site is a vacant, trapezoidal-shaped, hillside lot in Chevy Chase Canyon. The property is located on the up-hill side of Charing Cross Road between Linda Vista Road and East Chevy Chase Drive. The average current slope of the site is 50%. The 6,069 SF lot does not contain any blue line stream or primary/secondary ridgelines, but it does have a few protected trees on and within 20 feet of the site. According to the submitted Indigenous Tree Report (Exhibit 5), there are five Coast Live Oak trees on or within 20 feet of the subject site; out of the five, three are located on the subject site, and two are located on the adjacent parcels.

The site is surrounded by residentially-developed lots to the north, south, and west. The adjacent parcel to the east, however, is vacant and located in the SR (Special Recreation) zone. Residences in this neighborhood were constructed during a wide range of time periods.

Neighboring Zones and Uses:

	Zoning	Existing Uses
North	R1R - FAR District II	Single-family residences
South	R1R - FAR District II	Single-family residences
East	SR	Vacant
West	R1R - FAR District II	Single-family residences
Project Site	R1R - FAR District II	Vacant

Previous Permits for the Site: The site is vacant and has never been developed.

Related Concurrent Permit Applications: A Design Review Board application will be required related to the construction of the new single-family house, and will be processed if the variances requested are approved.

COMMENTS FROM OTHER CITY DEPARTMENTS

No major concerns were received from the various city divisions/departments - standard conditions were provided. No other city departments had comments regarding this application.

REQUIRED FINDINGS OF FACT

STANDARDS 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. 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.

Decisions related to development in the ROS and R1R zones shall consider the hillside development review policy contained in GMC 30.11.040.A. Additionally, a discretionary application, such as the variance application, must also take into consideration the hillside development review consistent with the code section, which is as follows:

- a. 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.
- b. Development shall be compatible with the surrounding neighborhood in terms of size, scale, bulk/mass, roofline orientation, setbacks and site layout.
- c. 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.
- d. Site plans for development of property on steep slopes shall take into account the visual impacts on surrounding properties.
- e. The architectural style and architectural elements of in-fill development shall be compatible with the surrounding neighborhood.

BACKGROUND/ANALYSIS OF VARIANCE

The applicant is requesting the approval of a standards variance to construct a new 2,764 SF, three-story single-family residence with an attached 453 SF, two-car garage on a vacant 6,069 SF lot with an average current slope of 50%. Per the Zoning Code, the minimum lot size in the R1R (FAR District II) zone is 7,500 SF for new dwelling units on lots created prior to June 26, 1986.

Variance for Substandard Lot Size

The strict application of the provisions of the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance. The subject site was subdivided in 1926 (Lot 1, Tract 9327). Adherence to the minimum lot size standard of the ordinance would result in practical difficulties and unnecessary hardship and denies the applicant reasonable use of the land, and no opportunity exists to develop or combine the subject site with the adjacent parcel to the east. While the property owner also acquired the adjacent parcel to the east, the lot cannot be developed with a residential use because it has a different land use designation – SR (Special Recreation) zone. The SR zone is intended for public and private open space and recreational uses and is intended to provide and protect open space, natural physical features and scenic resources in accordance with the General Plan of the city. Further, because the subject and the adjacent lot are zoned differently, a parcel map or a lot line adjustment for purposes of combining the two parcels into one are not viable options, and would not be consistent with the Subdivision Code. The adjacent lot to the rear and west side of the subject site already contain single-family homes: the property on the left/east is also less than 7,500 SF (7,382 SF, according to the applicant's survey), and the lot on the right/west is much larger (15,680 SF) and developed with a single-family residence. The lot to the south on Buckingham Rd. is (9,220 SF) and also developed with a single family residence; any lot line adjustment to achieve the minimum 7,500 SF for the subject lot may result in zoning violations for the adjacent lot and a skewed lot line that would not be consistent with the surrounding development pattern as required by Title 16 of the GMC.

To deny the variance request to allow developing the property with a single-family house is unreasonable because it would unduly restrict the property owners from reasonable use of the land and restricts the property owner from developing the lot with a single-family house – a common privilege shared by other property owners in the neighborhood. To comply with Code, the applicant would need to increase the current lot size of 6,069 square feet by 1,431 square feet. However, as previously mentioned, no opportunity exists to develop or combine the subject site with the adjacent vacant parcel to the east (zoned SR) or purchase adjacent parcels because adjacent parcels are already developed. Granting of the variance will allow the applicant to develop the lot with a single-family house, which is consistent with the purposes and intent of the ordinance.

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

properties in the same zone or neighborhood in that the lot is legally nonconforming and smaller than today's minimum lot size regulation. The Chevy Chase Canyon neighborhood features a number of smaller lots developed with single family residences. Specifically, 18 of the 42 lots within 300 feet of the subject property are less than 7,500 SF (Exhibit 6), and range from 3,235 SF to 7,342 SF. Of those 18 lots, 11 lots have been developed with single family residences over the years, and the average lot size of those 11 substandard lots is 6,703 SF. The subject site is adjacent to a 7,382 SF vacant lot owned by the same owner, and cannot be developed with a residential use because it has a different land use designation – SR (Special Recreation) zone. The SR zone is intended for public and private open space and recreational uses and is intended to provide and protect open space, natural physical features and scenic resources in accordance with the General Plan of the city. Further, because the subject lot and the adjacent lot are zoned differently, a parcel map or a lot line adjustment for purposes of combing the two parcels into one are not viable options, and would not be consistent with the Subdivision Code.

The variance request would accommodate and allow for the development of a new single-family residence with a maximum floor area ratio of 0.3 (approximately 1,820 SF). Development of the site with a modestly sized home will have less than minimal impact to the property, the neighbors and the environment. Subject to final review of the Design Review Board, proposed development of the house would ensure compatibility in scale and design with the other existing development in the neighborhood and consistent with the Hillside Design Guidelines; additional analysis of the site planning, massing/scale, and architectural style and detailing is provided as part of the required findings. The combination of the site topography, lot size, and R1R zoning standards dictate the location and general design of the house, garage, and driveway. With the exception of the lot size, which as an existing condition, a new, code compliant single-family residence can be constructed on the site. The proposed project is able to meet all other applicable code requirements with the exception of the lot size which is an existing condition.

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. With the lot size of 6,069 SF, a new approximately 1,820 SF (maximum 0.3 FAR) single-family residence could be developed on the subject site. The subject site is located in a single-family residential neighborhood containing single-family residential uses to the north, south, east and west. The new residence is proposed towards the center of the 6,069 SF, approximately 83-foot wide, up-sloped lot. While the site is steep and smaller in area than required by Code, a number of homes in the neighborhood are located on lots with similar characteristics. Grading for the house will be built into the existing topography of the site with a maximum lot coverage of 40%. The proposed two-car garage and code-compliant driveway will provide the necessary and required parking on the site for the residents and guests. The proposed house location and configuration is well situated on the site. Similar conditions exist within the area and the community and have not proven to be detrimental to the neighborhood. The subject site has a land use designation of low density residential, which is designed for development of single-

family residences. The project includes the construction of a new single-family house, which is consistent with the intended use.

The granting of the variance will not be contrary to the objective of the ordinance. The objectives of the Code are intended to promote the public's health, safety and welfare, and to allow reasonable development and use of property. The objective of minimum lot size standards in the R1R zone is to preserve and protect low density residential neighborhoods and to provide some consistency in newly subdivided areas. The existing 6,069 SF lot was created in 1926, and located in the Chevy Chase Canyon neighborhood featuring a variety of hillside lots and developments. As previously noted, over half of the existing houses in the immediate area (within the 300-foot radius) are on lots smaller than today's 7,500 SF minimum lot size. Approval of the variance for lot size would allow reasonable flexibility in land use for the site, which was originally subdivided for a single-family residence.

Variance Requests to Increase FAR and Reduce Interior Setback and Ungraded Open Space

The variance requests to reduce the required interior setback to zero on the northeast side where a minimum of 10 feet is required for the building and retaining walls located within five feet of the interior property line must be under three feet in height in the interior setback, and to reduce the required 40% ungraded open space to 31.8%, and exceed the maximum allowed floor area ratio of 0.3 and propose 0.46 on a lot with an average current slope of 50%, are not justified on the basis that the strict application of the provisions of the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance. There are other options that can be explored that would not warrant the need for the above variances. For example, one option would be to propose a new house with a reduced square footage which complies with the maximum 0.3 FAR standard in the Zoning Code. Further, by reducing the total floor area of the house, it will create additional space between the house and the property line, and allow for placing the house a minimum of 10 feet from the interior property and possibly eliminating or reducing the height of retaining walls within the interior setback in compliance with the Zoning Code. Additionally, reducing the size of the house would result in less grading, thereby, increasing and complying with the minimum required 40% ungraded open space.

The request to exceed FAR, reduce interior setback and reduce ungraded open space for purposes of developing a 2,764 SF, three-story residence with a 547 SF outdoor paved backyard on a hillside lot characterized by a steep up-hill slope is not justified. Given the subject lot is vacant, to propose a new code compliant development is feasible. In this case, the variances requested are self-imposed – there is no justifiable hardship associated with the variance requests, and the project is inconsistent with the intent of the ordinance.

There are no exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property related to specific variances request that do not apply generally to other property in the same zone or

neighborhood because there are substandard, irregularly-shaped hillside parcels in the neighborhood developed with a single-family home. Also, there are at least seven properties in the immediate neighborhood which share a similar situation associated with transitional zones – R1R adjacent to SR zone. With the exception of the lot size, the site is suitable for developing a single-family home, which complies with the Zoning Code. Therefore, there are no 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.

Granting of the variance will be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood. The proposal to develop a three-story home on a substandard, 6,069 SF lot where the minimum required is 7,500 SF, reduce the required interior setback to zero where 10 feet is required, reduce the amount of required ungraded open space, and exceed the maximum allowed 0.3 FAR and propose 0.46 would not be in character with the majority of development in the area. Granting of the variance will be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in that adjacent properties would not be protected by the high regard of the Code with regard to residential development. Approximately 63 percent of nearby homes (located within a 300 - foot radius), have a floor area ratio of less than 0.3. For this reason, to grant the variance request to exceed the maximum allowed 0.3 floor area ratio would not be in-keeping with the size of majority of homes in the neighborhood. To grant these types of variance requests could potentially lead to further variance requests of a similar nature.

The community relies on the Hillside Ordinance as adopted by the Council to ensure compatible development within existing hillside neighborhoods. As proposed, the project will exacerbate development on a substandard hillside lot by proposing a 2,764 three-story house, which exceeds the maximum allowed 0.3 FAR on a lot with an average current slope greater than 40%; the project will not provide the minimum 10-foot interior setback on the east side; and the project proposes to reduce ungraded open space by 496 SF by proposing 1,932 SF (31.8%) of ungraded open space on a property with an average current slope of 50%. The project proposes 2,091 cubic yards of grading, which is considerably high considering the size of the lot. With the exception of the substandard lot size, the developer could accommodate a smaller size home which complies with all zoning standards while providing reasonable living space to meet the needs of the residents.

Granting the requested variances would be contrary to the objectives of the ordinance. The objectives of the Code are intended to promote the public's health, safety and welfare, and to allow reasonable development and use of property. As proposed, the project exceeds the maximum allowed 0.3 FAR and proposes 0.46 FAR on a lot with an average current slope greater than 40%, proposes to significantly reduce the minimum required interior setback to zero on the northeast side where a minimum ten feet is required, and the project proposes to reduce the minimum required 40 percent ungraded open space to 31.8 percent. Furthermore, the project proposes excessive grading on a hillside property, which is contrary to the objectives of the hillside ordinance.

The objective of the 10-foot interior setback requirement as well as limiting the height of retaining walls in the interior setback is to provide and maintain a reasonable separation between structures for adequate open space in the R1R Zone. While the adjacent lot to the east is zoned SR (Special Recreation), notwithstanding, the Code does not exempt projects from complying with the interior setback requirements simply because the SR zone parcel may not be developed in the future. The project must comply with the required setback. The total floor area for the new house would result in a 0.46 FAR, thus creating more mass/bulk on the property in relationship to the lot size, which is contrary to the objectives of the FAR regulation. The objective of the FAR standard is to limit the overall bulk of the house, keep it in proportion to a given lot size, and not allow a house to be out of character with other homes in the immediate area. As proposed, the project does not comply with objectives of the ordinance as described above.

The following discussion addresses the requirements of Chapter 30.11.040 (A), which requires discretionary applications to take into consideration, its consistency with the Glendale Municipal Code, the hillside design/landscape guidelines, compatibility with the surrounding neighborhood, preservation of natural features and overall architectural style:

Development shall be in keeping with design objectives in the Glendale Municipal Code and the Hillside Design Guidelines (Residential), as adopted in the City's Comprehensive Design Guidelines. These guidelines suggest preferred methods to develop single-family homes in hillside areas of the City and recommends minimizing grading to preserve the natural hillside appearance, open space and groves of native trees. The project does not comply with the design objectives of the Code and the Hillside Design Guidelines because the project proposes to reduce the minimum 40 percent ungraded open space for the site to 31.8 percent on a property with an average current slope greater than 40 percent. There are retaining walls proposed at the front and the rear of the property. Grading consists of 2,091 cubic yards of cut. There are five oak trees identified on or within 20 feet of the subject site. Out of the five, three are located on the subject site, and two are located on the adjacent parcels. Two out of the five trees are six or less inches in diameter. Per Urban Forestry comments included in their memo dated June 22, 2021, three new coast live oak trees are proposed and shown on the project's landscape plan, all landscaping adjacent to the new and existing oak trees should be compatible per the Urban Forestry Guidelines, the project will comply with the tree protection measures proposed in the updated Indigenous Tree Report, and the applicant shall contact Urban Forestry to obtain an Indigenous Tree Permit during the plan check process. The landscape plan and tree protection plan will be reviewed for compliance with these conditions at that time.

The Guidelines state that new homes should follow and be built into the topography of the site. The residence's building forms terrace uphill, with complete visibility of the front and side facades. The rear of the house includes a 547 SF paved flat background, which is contrary to the objectives of the Hillside Ordinance.

Development shall be compatible with the surrounding neighborhood in terms of size, scale, bulk/mass, roofline orientation, setbacks and site layout. The proposed single-2,764 SF single family residence has a minimum 15-foot setback from Charing Cross Road, and is located towards the front and center of the site. The three-story house is approximately 32 feet in height and features a relatively flat roof above three levels. The forms of the street front façade somewhat stagger up the sloped hillside. The proposed residence does not appear compatible in size with other homes in the neighborhood, which has an average house size of 1,5761 SF within a 300-foot radius. Neighboring homes are smaller than the proposed 2,764 SF residence.

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. The proposed project requires significant landform alteration since the site is proposed to be graded, and a variance is requested to reduce the proposed ungraded open space. The Code requires a minimum 40% ungraded open space, and the project proposes 31.8%. There are no protected scenic vistas, blue-line streams or primary or secondary ridgelines on the site. There are protected trees on and within 20 feet of the site. According to the submitted Indigenous Tree Report (Exhibit 5), there are five oak trees identified on or within 20 feet of the subject site. Out of the five, three are located on the subject site, and two are located on the adjacent parcels. Two out of the five trees are six or less inches in diameter. Per Urban Forestry comments included in their memo dated June 22, 2021, three new coast live oak trees are proposed and shown on the project's landscape plan, all landscaping adjacent to the new and existing oak trees should be compatible per the Urban Forestry Guidelines, the project will comply with the tree protection measures proposed in the updated Indigenous Tree Report, and the applicant shall contact Urban Forestry to obtain an Indigenous Tree Permit during the plan check process. The landscape plan and tree protection plan will be reviewed for compliance with these conditions at that time.

Site plans for development of property on steep slopes shall take into account the visual impacts on surrounding properties. The subject site has an average current slope of 50%, and is approximately 86.62 feet wide at the street and approximately 48.03 feet wide along the rear property line. The visual impacts of the proposed single-family house on surrounding property on Charing Cross Road will be significant since the three-story, 32-foot house with an attached garage, located on the up-hill lot, will be entirely visible from the street including the street front and side façades. Further, due to the lot's proximity to Chevy Chase Drive, a portion of the house may potentially be visible from Chevy Chase Drive.

The architectural style and architectural elements of in-fill development shall be compatible with the surrounding neighborhood. The proposed residence is in a contemporary design and uses materials such as a combination of stucco, cement board siding, decorative stone cladding for the walls, fiberglass windows, metal balcony railings, decorative retaining block walls at the front and rear. These materials are common and appropriate for contemporary-styled residence. However, contemporary architecture is not a common theme on the immediate street block; most homes in this

area were constructed between the 1950's and 1960's. Notwithstanding, existing homes in the Chevy Chase Canyon neighborhood are designed in various architectural styles, which were common at the times when these residences were constructed and some include contemporary-styled homes.

Staff believes the findings for the variance cannot be made and that the project has not been designed in accordance with the hillside standards identified in Chapter 30.11.040. Therefore, staff recommends that the variances requested for the, reduced interior setback and open space, and increased floor area ratio be denied.

EXHIBITS

1. Draft Findings
2. Proposed Development Plans
3. Photos of Existing Property
4. Location Map
5. Mitigated Negative Declaration (MND), Initial Study and attachments
6. List of properties within a 300-foot Radius list of identifying lot size and Floor Area in the area
7. Interdepartmental Departmental Comments