



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Public Hearing on an Appeal of Planning Commission's Decision to Sustain the Planning Hearing Officer's Approval of Setback and Standards Variance Case No. PVAR 1722701 for the Project Site Located at 521 Nolan Avenue

1. Motion to sustain the Planning Commission's decision of April 3, 2019, to sustain the Planning Hearing Officer's decision to approve the variance with conditions.
2. Motion to continue the matter, directing the City Attorney to draft findings, reversing the Planning Commission's decision and deny the project.

COUNCIL ACTION

Item Type: Public Hearing

Approved for October 25, 2022 **calendar**

EXECUTIVE SUMMARY

The hearing is an appeal of the decision made by the Planning Commission on April 3, 2019 to sustain the Planning Hearing Officer's decision to approve Setback and Standards Variance Case No. PVAR 1722701 with conditions for the project site located at 521 Nolan Avenue in the R1R (FAR District II) Zone. The variance requests are to allow a five-foot street-front setback, a six-foot and 1 ¾ inch driveway length, and uncovered stairs greater than four feet high that project into the street-front setback. This is in conjunction with the development of a new 2,486 square-foot single-family dwelling and attached two-car garage on a vacant hillside lot.

The appellant is requesting that the City Council reverse the Planning Commission's decision and deny the requested variances. The appellant's arguments focus on the belief that the Planning Commission refused to hear or consider certain facts before rendering their decision and that the evidence before the commission was insufficient or inadequate to support their decision.

COUNCIL PRIORITIES

Housing: One of the City's major goals is to maintain, preserve, and development of balanced housing opportunities. The development of the existing vacant lot with the proposed single-family residence will create housing opportunity.

RECOMMENDATION

Uphold the Planning Commission's decision to sustain the Planning Hearing Officer's approval of Setback and Standards Variance Case No. PVAR 1722701 with conditions, based on the rationale used by the Planning Commission and the Planning Hearing Officer.

If the Council is inclined to reverse the Planning Commission's decision and deny the application, staff recommends that City Council continue the matter for two weeks to allow the City Attorney to draft findings to support a motion for denial.

BACKGROUND

This hearing is an appeal of a decision made by the Planning Commission on April 3, 2019 to sustain the Planning Hearing Officer's approval of Setback and Standards Variance Case No. PVAR 1722701 with conditions to allow the construction of a new 2,486 square-foot, three-story single-family residence and attached garage with a five-foot street front setback, six-foot and 1 ¾ inch driveway length, and uncovered stairs greater than four feet high projecting into the street front setback area for the project site located at 521 Nolan Avenue in the R1R (FAR District II) Zone.

General Information

Appellant: Dr. Karina Chan
531 Nolan Avenue
Glendale, CA 91202

Applicant: Rodney V. Khan, Khan Consulting, Inc.
P.O. Box 816
Montrose, CA 91021

Property Owner: Matilda Hartounian
2706 North Kenneth Road
Burbank, CA 91504

Requested Action:

The appellant is requesting that the City Council overturn the Planning Commission's decision of April 3, 2019 to sustain the Planning Hearing Officer's approval of Setback and Standards Variance Case No. PVAR 1722701 with conditions.

Location/APN: 521 Nolan Avenue / APN: 5630-011-035

Legal Description: Portion of Lot 70, Tract No. 4881

Zone: R1R-II: Restricted Residential Zone, FAR District II

Land Use Element: Low Density Residential

Existing Site Characteristics:

The property at 521 Nolan Avenue is currently vacant. The lot is irregular in shape and is 8,790 square-feet with frontage on Nolan Avenue and Valentine Drive. Access to the site taken from Nolan Avenue which is classified as a local street in the Circulation Element. The lot slopes down from Nolan Avenue in a westerly direction, with an average current slope (ACS) of 84.5 percent. The surrounding uses consist of single-family residential dwellings.

Surrounding Uses/Zoning:

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

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

Project History

April 18, 2018 – The Planning Hearing Officer conducted a public hearing for Setback and Standards Variance Case No. PVAR 1722701 and Administrative Exception Case No. PAE 1722704 for the following requests:

- Setback and Standards Variance Case No. PVAR 1722701 to allow:
 1. A five-foot street front setback, where a minimum 15-foot street-front setback is required (GMC Section 30.11.030, Table 30.11-A).
 2. A six-foot and 1 ¾ inch driveway length, where any driveway servicing a parking area shall be a minimum of 18 feet in length in the R1R zones, from the back of the sidewalk or the property line where no sidewalk exists (GMC Section 30.32.130.G.4).
 3. Uncovered stairs greater than four feet high projecting into the street-front setback area for a length of 11 feet, where uncovered steps, ramps, or

landings not over four feet high as measured parallel to the natural or finish ground level at the location of the construction may project into the required setback for a length of three feet in the ROS, R1R and R1 zones (GMC Section 30.11.070.A.1.g).

- Administrative Exception Case No. PAE 1722704
 1. To allow the construction of a new 2,486 square-foot house and attached two-car garage with a height of 36 feet, where no primary building in the R1R and ROS zones shall exceed two stories in height or exceed a height of 32 feet pursuant to the definition of height set forth in Title 30 (GMC Section 30.11.040.E).

Following review of the staff report and attachments, including any submitted correspondence, and having heard all testimony at the public hearing, the Planning Hearing Officer took the item under submission for a decision to be made at a later date.

July 26, 2018 – The Planning Hearing Officer approved the variance as requested to allow a five-foot street front setback, six-foot and 1 ¾ inch driveway length, and uncovered stairs greater than four feet high projecting into the street-front setback area with conditions and the administrative exception to allow a building height of 36 feet, where the maximum height permitted is 32 feet. The decision letters for these cases are included as attachments to this report (Exhibit 6).

August 10, 2018 – Alexander Jackson, the property owner of the adjacent property at 515 Nolan Avenue, submitted an appeal of the Planning Hearing Officer's decision to approve Setback and Standards Variance Case No. PVAR 1722701 with conditions.

Note: Only the variance application was appealed and the administrative exception approval is still applicable.

April 3, 2019 – The Planning Commission conducted a public hearing for the appeal of Setback and Standards Variance Case No. PVAR 1722701, pertaining to the request for variances to decrease the street-front setback, shorten the required driveway length and to permit uncovered stairs in the street-front setback area. Following review of the staff report and attachments, including any submitted correspondence, and having heard all testimony at the public hearing, the Planning Commission voted (3 -1) to sustain the Planning Hearing Officer's decision and approve the variance request in accord with the findings and conditions set forth in the decision letter of July 26, 2018 (Exhibit 6).

During the public comment portion of the appeal hearing, Alexander Jackson (the appellant) indicated that a four-foot strip of land had been added to his property (515 Nolan Avenue) from the subject property (521 Nolan Avenue). The appellant submitted documentation which included images from the approved Tract Map establishing the lots; the legal description for his property from a preliminary title report; and images from the LA County Assessor's map (Exhibit 12). The appellant expressed concern that the proposed house was not properly set back taking into consideration the four feet that he stated was now part of his Lot 69. At the hearing, the owner of 521 Nolan Avenue

provided a property survey (Exhibit 9) to the Planning Commission which showed that the four-foot strip of land on the northerly side of Lot 70 belonged to Lot 69 and that this had therefore been taken in consideration as it relates to the required interior setbacks.

Following review of the staff report and attachments, including any submitted correspondence, and having heard all testimony at the public hearing, the Planning Commission voted (3 -1) to sustain the Planning Hearing Officer's decision and approve the variance request in accord with the findings and conditions set forth in the decision letter of July 26, 2018 (Exhibit 6).

April 16, 2019 – Dr. Karina Chan, the property owner of the adjacent property at 531 Nolan Avenue submitted an appeal of the Planning Commission's decision to sustain the Planning Hearing Officer's decision to approve Setback and Standards Variance Case No. PVAR 1722701 with conditions (Exhibit 11)

Based on the information presented at the Planning Commission meeting, the City's Planning Department conducted an investigation and learned that the property line between these properties had been changed through a grant deed conveyance in 1965 without a City approved Lot Split map. The submitted appeal was placed on hold pending resolution of this matter.

After gathering information and conducting research, Planning and City Attorney staff met with both property owners, or their representatives, on various occasions over several months to encourage resolution of the violation through various means. However eventually, in 2020-2021, following the City's mailing of a Notice of Intent to Record a Notice of Violation, the violation was remedied through the filing and recording of Certificates of Compliance by both property owners (515 and 521 Nolan).

Since both owners resolved the illegal lot split issue through the COC process, the matter was concluded. Subsequently, staff moved forward with the appeal application.

Basis of the Variance Approval

Pursuant to Section 30.43.030 of the GMC, the Planning Hearing Officer made the following findings and approved the applicant's request for a variance with nine conditions to allow for the construction of a new 2,486 square-foot, single-family residence with a reduced street front setback and driveway length, and uncovered stairs projecting into the street front setback.

- A. That the strict application of the provisions of the code would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance. The subject site is an 8,790 square-foot, irregularly-shaped through lot with frontages on Nolan Avenue and Valentine Drive. The subject site features an average current slope of 84.5% that drops off almost immediately from Nolan Avenue towards Valentine Drive below. The proposed 2,486 square-foot, two-story single-family residence with an attached two-car garage is to be located close to the front property line with a street front setback

of five feet, driveway length of six feet, 1¾-inches, and uncovered stairs greater than four feet high projecting into the street front setback area for a length of eleven (11) feet.

Strict application of the code would result in practical difficulties and unnecessary hardship inconsistent with R1R street front setback and driveway length standards. Providing the minimum 15-foot street front setback and 18-foot driveway would require that the house be located farther from the street, thereby increasing the visible mass of the building; the massing of the dwelling and attached garage would project farther away from the slope and would loom over adjacent properties downslope of the subject site. Such a building would not comply with the hillside design guidelines that specifically recommend that new houses reflect the topography and slope, and that encourage building into the hillside to diminish visual impact of mass and scale. The design guidelines also state that prevailing setbacks of buildings on the street be considered as well as Code requirements. The majority of houses along Nolan Avenue within 300 feet of the subject property feature reduced front setbacks ranging from 3 to 6 feet, all of which approved by variance, including 531 Nolan Avenue (Case No. 6482-S, 1978) and 535 Nolan Avenue (Case No. 3134-S, 1964) – both houses on each side of the subject property, as well as 510 Nolan Avenue (Case No. 4453-S, 1967) and 524 Nolan Avenue (Case No 5504-S, 1972) – both properties directly across the street. Approval of a reduced street front setback and driveway length would allow for reasonable development of the site in such a manner that is not incompatible with the surrounding neighborhood.

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

- 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. The subject site is one of a few remaining vacant, dual-frontage lots between Nolan Avenue and Valentine Drive. Its width, length, slope and topography, which essentially determine the site planning and design of the project, are different than other lots in the neighborhood. The lot's steep topography, featuring an 84.5% average current slope, is unique to the subject property. The lot itself is narrower at the bottom of the hillside (79 feet along Valentine Drive) and curves into the slope, and is wider at the top of the hillside (97 feet along Nolan Avenue), while most other lots are narrower at the top and wider at the bottom. Such circumstances

place the subject property at an unfair disadvantage because compliance with the zoning code minimum setback and driveway length requirements on this steeply sloped lot would cause unintentional conflicts between the City's Zoning Code Standards and Hillside Design Guidelines, resulting in a building form that is forced to project away from the topography. It would be impossible to lengthen the driveway and increase the depth of the street front setback to comply with current development standards without exacerbating the massing of the house, as the house would be pushed further away from the hillside. Additionally, given that the average current slope of the property is almost 85%, compliance with the driveway slope requirement with a minimum 18-foot driveway would necessitate a driveway bridge design, thus disrupting the street front development pattern along Nolan Avenue. Furthermore, the overall height limit for stairs projecting into the street front setback is meant for hillside properties with not as steep slopes; the subject lot drops off significantly from the street level and there is no physical way of providing access from the street entrance level to the ground below within the four-foot height limit. Therefore, the subject site is unique in relation to the surrounding properties that do not generally apply to R1R properties.

- C. The granting of the variance to allow the single-family house without providing the required street front setback and driveway length, and stairs greater than four feet in height projecting in the setback area would not be materially detrimental to the public welfare or injurious to the surrounding properties and houses within the existing hillside neighborhood. The Zoning Code requires a 15-foot street front setback and a minimum driveway length of 18 feet for single-family residences located in the R1R zone. The applicant is requesting a reduced street front setback of five feet and a driveway length of six feet, 1¾ -inch. The intent of the front setback requirement is to maintain an attractive neighborhood with consistent streetscape and rhythm, in addition to relief from the street. This requirement is critical in a more typical arrangement where homes are aligned next to each other and address the street the same way in a repeating pattern. The reduced street front setback in this case would not create a visual impact and would be consistent with the development pattern in the immediate hillside neighborhood along this stretch of Nolan Avenue. This street is a remote cul-de-sac that already features a number of residences and garages with reduced front setbacks and driveways (see Finding A). Given that the requested street front setback and driveway length would be in line with other existing, neighboring, hillside, single family residential developments, approval of this proposal would not be materially detrimental to the public welfare, or injurious to property or adjacent neighbors. Approval of the stairs greater than four feet in overall height projecting into the street front setback will not be detrimental to the adjacent residences and neighborhood; the majority of the stairs will be hidden from the public right-of-way based on the down sloped condition from the street, and will provide the code-required access around the residence to the side and rear sloped areas. Furthermore, Public Works' Engineering Division did not cite any significant concern for the proposed setback and driveway width.

Granting of these variance requests will allow the house to fit with the natural topography of the site and minimize visual impacts to the neighborhood by reducing the massing. The house is sited to minimize the amount of grading needed and preserve the greatest amount of natural open space. New drought-tolerant landscaping is proposed around the perimeter of the new house and garage. Additionally, the proposed 2,486 square-foot house will be proportional in size and scale to the existing houses in the immediate neighborhood, which average 2,994 square feet in size. The neighborhood is developed with similar type homes on hillside lots that have not been detrimental to the neighborhood.

- D. The granting of the variance will not be contrary to the objectives of the ordinance. The objective of the street front setback requirement is to ensure that the setbacks of buildings from a street respect the existing or preferred neighborhood character, maintain an attractive rhythm and streetscape, and provide landscaped open space along the street. The proposed street front setback is similar to other homes on the street and is in keeping with the neighborhood character. Sufficient open space and landscaping is provided on the downhill slope and interior setbacks. The objective of the driveway length standards is to ensure sufficient temporary off-street parking and to lessen traffic congestion on public streets. Nolan Avenue is a local street in the City's Circulation Element of the General Plan. The lack of required driveway length at the subject site will not negatively impact traffic congestion on this remote, cul-de-sac street. Moreover, the proposed house is providing the Code-required parking. The height and length limitations for stairs within the street front setback are intended to minimize the projection and appearance of stairs with railings along the streetscape and to ensure that stairs follow the natural grade. As proposed, stairs will be screened from view given that they lead from the street level entrance to the lower level below grade, and are buffered between the downslope of the lot from the street and the front elevation. In conclusion, the requested exceptions in this case are sensible and afford the property owner a fair opportunity in developing a vacant property similar to other residences in the immediate vicinity.

Additionally, a discretionary application, such as the requested variance must also take into consideration the hillside development review policy specified in GMC Section 30.11.040.A, which is as follows:

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

account the visual impact on surrounding properties. The architectural style and elements of in-fill development shall be compatible with the surrounding neighborhood.

ANALYSIS

On April 3, 2019, the Planning Commission considered the materials and exhibits relative to the subject Setback and Standards Variance for the project site located at 521 Nolan Avenue. After conducting a hearing, the Planning Commission voted (3-1) to sustain the Planning Hearing Officer's decision to approve the variance with conditions because all the required findings for the variance request could be made. On April 16, 2019, within the required 15-day appeal period an appeal was filed by Dr. Karina Chan (the appellant).

The appellant's arguments focus on the belief that the Planning Commission refused to hear or consider certain facts before rendering their decision and that the evidence before the commission was insufficient or inadequate to support their decision.

Summary of the Appellant Discussion and Staff Responses

The appellant contends that the Planning Commission refused to hear or consider certain facts before rendering their decision. The facts the appellant contends were not considered are neighborhood uniformity, property uniqueness, inaccurate measurement data, and public welfare concerns. The appellant contends that some of the commission members seemed unresponsive when the public comment that there was inaccurate or misleading information provided with the variance application.

Staff's Response:

The Planning Commission conducted the hearing in accordance with established rules and procedures. All parties were granted time to speak as per established speaking time, with the commission having discretion to modify times as deemed necessary. In rendering the decision to uphold the approval of the variance, the Planning Commission took into consideration all the evidence provided for this case. This includes the staff report, the attachments, written public comments, and all public testimony received at the hearing.

Neighborhood Uniformity

The appellant identifies neighborhood uniformity as the first issue the commission refused to consider, but does not specify what this means or provide any other information. This comment appears to be related to the variance requests required for the development of the site and compatibility with the surrounding neighborhood.

The primary reason why the applicant is requesting the variances is so that the design of the new house will be compatible with the Hillside Design Guidelines and the City's Hillside Development Review Policy (GMC Section 30.11.040.A). If the building were to comply with the required street-front setback and driveway length, the massing of the dwelling and attached garage would project far from the slope and would loom over

adjacent properties that are downslope of the subject site, thereby increasing the visible mass of the building. The reduced setback and driveway length are creating a condition where the stairs are greater than four feet in height from the street-level entrance to the topography below and are required and encroach in the street-front setback area. These stairs lead down to the grade below and provide access around the residence, side yard, and rear deck. This access is required by the Building Code for life safety and strict application of the requirements for stairs in the front setback would create a practical difficulty that is inconsistent with Building and Safety requirements. A discretionary application like the subject variance must also take into consideration the Hillside Development Review Policy in the Zoning Code which also discusses neighborhood compatibility. The Planning Hearing Officer's original approval took this policy into consideration prior to rendering a decision, as discussed in the findings noted above. The project site is located on the south side of Nolan Avenue which features steep lots, many of which have an additional frontage along Valentine Drive and the design is for a three-story house. This is consistent with the existing houses along the south side of Nolan Avenue that range from two to three stories in overall height.

The project will also be required to obtain approval from the Design Review Board (DRB) prior to the issuance of building permits. The DRB will review this project for compatibility with the City's Comprehensive Design Guidelines, specifically the Hillside Design Guidelines. In addition to reviewing the site planning, mass and scale, and overall design of new single-family construction, compatibility with the surrounding neighborhood is also taken into consideration with their decision.

Prior to rendering the original decision, the Planning Hearing Officer reviewed previously approved setback variance requests for properties within 300-feet of the subject property, and this information was presented to the Planning Commission in the staff report. During the Planning Commission hearing there were comments made by members of the public regarding inconsistencies in the data being provided. Staff has since reviewed the available City records and verified the information previously provided to the Planning Commission, see revised table below. Additionally, it is important to note that staff's analysis was related to the history of variances approved, and while in some instances those variance approvals were not acted on, that does not negate the fact that the required findings for a variance were made and they were approved.

Address	Case Number	Setback	Built Condition
521 Nolan Avenue	PVAR 1722701	5'-0"	N/A – Subject Property
531 Nolan Avenue	6482-S**	3'-0"	Building permit identifies a minimum 10'-0" setback.
	6717-S	8'-0"	
535 Nolan Avenue*	3134-S	12'-6"	Building permit records indicate this was never constructed.
537 Nolan Avenue	5878-S	6'-0"	Building permit identifies a minimum 6'-0" setback.
510 Nolan Avenue	4453-S	6'-0"	Building permit identifies a minimum 6'-0" setback.

524 Nolan Avenue	5504-S	6'-0"	Building permit identifies a minimum 6'-0" setback.
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** City records have multiple addresses associated with this property that were also reviewed for applicability (535 Nolan Avenue, 1768-1774 Rohr Drive).*

*** A decision was never rendered on this case and it was superseded by a subsequent variance.*

Property Uniqueness

The appellant identifies property uniqueness as the second issue the commission refused to consider, but does not specify what this means or provide any other information.

In accordance with GMC Section 30.43.010, the purpose of a variance is to assure that no property shall be deprived of privileges commonly enjoyed by other properties in the same zone and vicinity because of the special circumstances applicable to it. Since the variance process is established to afford properties with unique circumstances the same development rights as other properties, the Planning Hearing Officer is required to establish those unique circumstances in the required findings. This is detailed in Finding B above under "Basis of the Variance Approval", and the main points are summarized below:

- Steep topography – has an average current slope of 84.5%
- Lot configuration – double-frontage lot that is narrower along Valentine Drive and curves into the slope, and wider along Nolan Avenue, where other lots are narrower at the top and wider at the bottom.
- The steep topography and lot configuration gives the subject site an unfair disadvantage because compliance with the zoning code minimum setback and driveway length requirements causes unintentional conflicts between the Zoning Code and Hillside Design Guidelines where the massing of the house would be exacerbated because the house would be pushed farther away from the slope. Compliance would also require a driveway bridge design inconsistent with the development pattern along Nolan Avenue.
- As it relates to the stairs, the zoning development standards are for the more typical hillside lot where the slope is not as steep as the subject site. As such, it would not be possible to construct the required stairs in compliance with the four-foot height limit.

The Planning Hearing Officer did take the property uniqueness into consideration in rendering their final decision as discussed in Finding B. Additionally, the Planning Commission's decision was to sustain the Planning Hearing Officer's decision without any amendments, indicating that they concurred with all of the findings, including the unique circumstances associated with the subject site.

Inaccurate Measurement Data

The appellant identifies inaccurate measurement data as the third issue the commission refused to consider, but does not define the inaccuracies in this part of the application.

At the end of the application under the statement of additional facts section, the appellant identifies the driveway length, slope and setback as needing accurate data, but does not provide any other specifics or material evidence with the appeal application to support this statement.

During the Planning Commission hearing, the appellant, Mr. Alexander Jackson, owner and resident at 515 Nolan Avenue brought up that a portion of the subject site was deeded to his property in the 1970s and that the plans do not take this into account when showing the required 10'-0" interior setback. This matter was eventually resolved through the issuance of a Certificate of Compliance for each of the properties, as discussed above under Project History. The original tract map that established these lots, Tract Map No. 4881, was recorded in 1927 and therefore does not take into account the four feet. The Los Angeles County Assessor's Map, date unknown, does show the four feet. Both of these maps are included with this report as Exhibit 12. The project plans, as reviewed by the Planning Hearing Officer and the Planning Commission also take this four-feet in consideration with the required 10'-0" interior setback accurately shown and no changes are required to the site planning. Additionally, at the Planning Commission hearing, the applicant submitted a stamped topographic survey prepared by a licensed civil engineer, included with this report as Exhibit 9.

The street front property line dimensions are what is pertinent to the measurement of the required interior setback in this argument, and the below table compares the data on the tract map, assessor's map, and submitted survey.

Street Front	1927 Tract Map	Assessor's Map	Submitted Survey	Project Plans
Nolan Avenue	101.75 (12+81.5+8.25)	97.75 (12+81.5+8.25-4)	97.53 (12+81.5+4.03)	97.06
Valentine Drive	83.33	79.33 (83.33-4)	79.33	79.33

Public Welfare Concerns

The appellant identifies public welfare concerns as the final issue that the commission refused to consider, but does not specify what this means or provide any other information.

In accordance with GMC Section 30.43.030, the Planning Hearing Officer is required to make a finding that 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. This is detailed in Finding C above under "Basis of the Variance Approval", and the main points are summarized below:

- Street-front setback requirements are established to maintain an attractive neighborhood with a consistent streetscape and rhythm, as well as providing

relief from the street.

- The requested variance for the front setback would not create a visual impact and would be consistent with the development pattern in the neighborhood along this portion of Nolan Avenue.
- The requested variances for the front setback and the driveway length would be consistent with other existing, neighboring residences. Accordingly, this will not be detrimental to the public welfare.
- The stairs will not impact the public welfare as the majority of the stairs will be hidden from view based on the down sloped condition, and they are providing the code-required access around the residence to the side and rear sloped areas for life safety.
- Approval of the requested variances allows the house to fit with the natural topography of the site and minimize visual impacts to the neighborhood by reducing the massing. The design also minimizes the amount of grading needed and preserve a significant portion of the site as natural open space.
- The surrounding neighborhood has been developed with similar type homes on hillside lots that have not been detrimental to the neighborhood.

The Planning Hearing Officer did take the public welfare into consideration in rendering their final decision as discussed in Finding C. Additionally, the Planning Commission's decision was to sustain the Planning Hearing Officer's decision without any amendments, indicating that they concurred with all of the findings, including that the variance would not be detrimental to the public welfare.

The appellant contends that the evidence before the Planning Commission was insufficient or inadequate to support its decision. The evidence the appellant cites as lacking is that the subject properties and the wording used in the initial variance request were flawed and erroneously presented to the commission members and their decision was based on inaccurate information.

Staff's Response:

The appellant does not provide any specifics with this argument regarding the flawed wording and inaccurate information presented in error to the Planning Commission. The Planning Commission's decision to sustain the Planning Hearing Officer's approval of the variance was based on all of the evidence in the public record, including the staff report and attachments, any submitted correspondence, all application materials, and having heard all testimony at the public hearing. Having reviewed all of this information, including written and oral testimony from the public, the Planning Commission sustained the Planning Hearing Officer's decision without any amendments. Staff's response above addresses neighborhood uniformity as well as clarifying data from available city records regarding similar variance requests historically made in the neighborhood. The concern regarding inaccurate measurement data is discussed in detail above as well and shows that no misinformation was provided.

The appellant contends that they have new evidence of material facts that were not previously presented that would have changed the Planning Commission's determination.

Staff's Response:

While the appellant selected "Yes" as the response to the final question under Part 4, no other information has been provided. The appellant does not cite any new evidence, and no material evidence was included with the submitted appeal application. During the Planning Commission hearing, the appellant submitted documentation for the commission to consider in rendering their final decision. This is included with this report as Exhibit 8, and includes copies of all written testimony received. In rendering their final decision, the Planning Commission took all of the evidence in the public record into consideration, including all written and oral testimony from the public, including the appellant's documentation.

In her appeal under the "Statement of additional facts related to the appeal", the appellant appears to suggest that accurate information including the driveway length, slope, and setback were not provided by the applicant.

Staff's Response:

The appellant has made a general statement that accurate information related to the driveway length, slope, and setback were not provided by the applicant, but does not provide any material evidence with the appeal application to support this claim. Staff's responses above address these statements.

STAKEHOLDERS/OUTREACH

Not applicable.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small Structures" exemption pursuant to Section 15303 of the State CEQA Guidelines because the project involves the development of one single-family residence.

CAMPAIGN DISCLOSURE

The names and business addresses of the members of the board of directors, the chairperson, CEO, COO, CFO, Subcontractors and any person or entity with more than 10% interest in the company proposed for contract in this Agenda Item Report are attached in Exhibit 13, in accordance with the City Campaign Finance Ordinance No.

5744.

ALTERNATIVES

Alternative 1: The City Council may sustain the Planning Commission's decision of April 3, 2019, to sustain the Planning Hearing Officer's decision to approve the variance with conditions.

Alternative 2: The City Council may continue the matter, directing the City Attorney to draft findings, reversing the Planning Commission's decision and denying the project.

Alternative 3: Any other alternative not proposed by staff.

ADMINISTRATIVE ACTION

Submitted by:

Bradley Calvert, Director of Community Development

Prepared by:

Vista Ezzati, Planner

Reviewed by:

Michael J. Garcia, City Attorney

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

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Exhibit 1: Location Map

Exhibit 2: Reduced Plans

Exhibit 3: Project Site Photographs

Exhibit 4: Variance Application

Exhibit 5: Planning Hearing Officer's Staff Report, dated April 18, 2018

Note - Exhibits are available online:

http://www.ci.glendale.ca.us/government/packets/PHO_041818/521-Nolan-Ave.pdf

Exhibit 6: Planning Hearing Officer's Decision Letters, dated April 18, 2018

Exhibit 7: Planning Commission Staff Report, dated April 3, 2019

Note - Exhibits are available online:

https://www.ci.glendale.ca.us/government/packets/PC_040319/521-Nolan-Ave.pdf

Exhibit 8: Public Comments Submitted to the Planning Commission, April 3, 2019

Exhibit 9: Topographic Survey Submitted by the Applicant, April 3, 2019

Exhibit 10: Planning Commission Decision, dated April 3, 2019

Exhibit 11: Notice of Appeal of Planning Commission's Decision

Exhibit 12: Recorded Tract Map and LA County Assessor's Map

Exhibit 13: Campaign Disclosure