



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Appeal of Design Review Board's approval of DRB Case No. PDR 2210249 located at 3967 San Augustine Drive

1. Motion to sustain the Design Review Board's decision to approve the Design Review Application with conditions;
2. Motion to continue the matter, directing the City Attorney to draft findings reversing the Design Review Board's decision and denying the Project.

COUNCIL ACTION

Item Type: Public Hearing

Approved for July 25, 2023 **calendar**

EXECUTIVE SUMMARY

This hearing is an appeal of a decision made by the Design Review Board on December 8, 2022, to approve with conditions Design Review Board Case No. PDR 2210249 for the demolition of an existing 2,123 SF single-story, single-family house with an attached two-car garage built in 1982, and the construction of a new, two-story, 4,872 SF single-family residence with an attached three-car garage on a 17,438 SF lot located in the R1R, FAR District III Zone.

The appellant is requesting that the City Council overturn the Design Review Board's decision to approve Design Review Board Case No. PDR 2210249.

The appellant's arguments focus on the belief that the DRB violated specific provisions of law and failed to hear or consider certain facts regarding the case before rendering their decision and that evidence before the Board was insufficient or inadequate to support the Board's approval decision for the project.

COUNCIL PRIORITIES

Not applicable.

RECOMMENDATION

Staff recommends that the City Council sustain the Design Review Board's approval of Case No. PDR 2210249, based on the rationale used in the December 8, 2022, Design Review Board staff report and the project's overall conformance with the Comprehensive Design Guidelines.

If the Council is inclined to reverse the Design Review Board's decision and deny the application, staff recommend that City Council continue the matter for two weeks to allow the City Attorney to draft findings to support a motion for denial or remand the case to the Design Review Board for further consideration.

BACKGROUND

This hearing is an appeal of a decision made by the Design Review Board on December 8, 2022, to approve Design Review Board Case No. PDR 2210249 for the demolition of an existing 2,123 SF single-story, single-family house with an attached two-car garage built in 1982, and the construction of a new, two-story, 4,872 SF single-family residence with an attached three-car garage on a 17,438 SF lot located in the R1R, FAR District III Zone.

General Information

<i>Appellant:</i>	Clint Feddersen
<i>Status of Appellant:</i>	Neighbor
<i>Applicant:</i>	Armen Tutundzhyan 1812 West Burbank Boulevard Burbank, CA 91506
<i>Owner:</i>	Avetis Tashyan 3967 San Augustine Drive Glendale, CA 91206

Requested Action:

The appellant is requesting that the City Council overturn the Design Review Board decision to approve Design Review Board Case No. PDR 2210249.

Legal Description: Lot 105, Tract No. 28337

APN: 5660-027-026

Zone: “R1R” Low Density Residential Zone, Floor Area District III

Land Use Element: Low Density Residential

Lot Size and Frontage: The project site is approximately 17,438 SF and has a frontage of approximately 75 feet along San Augustine Drive and approximately 93 feet along Wendover Road.

Existing Site Characteristics: The project site is located in the San Rafael Hills/Chevy Chase Canyon area of the City and has frontage on San Augustine Drive and Wendover Road. Properties immediately north and east of the site are located within the city of La Canada Flintridge. The existing, irregularly-shaped property currently contains a 2,123 SF single-family residence with an attached two-car garage, which is proposed to be demolished. The topography of the lot slopes upward from both San Augustine Drive and Wendover Road to a pad that was graded with the development of the house and surrounding area in the 1980’s. Driveway access to the project site is from San Augustine Drive. There are no protected trees on the site.

Circulation: San Augustine Drive is classified as a local street in the City’s Circulation Element of the General Plan. Wendover Road is located in La Canada Flintridge and is considered a “residential roadway” in that City’s Circulation Element, similar to the “local street” designation in Glendale. On-street parking is available on both sides of both streets adjacent to the subject property.

Surrounding Land Use/Zoning: The properties nearby the subject site in Glendale are zoned R1R (Restricted Residential), FAR District III. Properties within La Canada Flintridge are zoned R-1-20,000, a single-family zoning designation. Surrounding properties within 300 linear feet, have an average lot size of 18,010 square feet, similar in size to the subject site. Nearby properties in Glendale tend to be smaller in size than those in La Canada Flintridge. The surrounding homes are predominantly one-story, although a number of two-story homes are located in the neighborhood. Home sizes range from 1,790 SF to 7,706 SF with an average size of 2,974 SF. While significantly larger than the average home in the neighborhood, the proposed 4,872 SF residence is within the range of home sizes in the area. Similar to lot sizes, homes in La Canada Flintridge tend to be larger than those in Glendale. The average floor area ratio in the neighborhood is 0.16, with the range being between 0.09 and 0.32 – the floor area ratio of the subject site will be 0.28. Nearby homes in Glendale were developed as a tract in the 1980’s and have a similar architectural vernacular, while homes in La Canada Flintridge are more custom in nature.

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

DRB Case (PDR 2210249):

July 12, 2022 – Applicant submitted design review application proposing to demolish the existing 2,123 SF single-family house with an attached two-car garage, built in 1982 and construct a new, two-story, 4,872 square-foot single-family residence and an attached 699 square-foot three-car garage on a 17,438 square-foot lot in the R1R, District III zone.

December 8, 2022 - Design Review Board Case No. PDR 2210249 was presented to the Design Review Board with a staff recommendation to approve the project with conditions and a consideration. The DRB voted unanimously (3-0, Kaskanian and Tchaghayan absent) to approve the project with five conditions and one consideration:

Conditions:

1. The driveway areas shall be reduced in area to clearly delineate a walkway to the front door and increase the amount of landscaping, while maintaining the existing fountain.
2. The location of the stone cladding material shall be restudied to highlight this material, and ensure that its placement is logical and terminates appropriately.
3. Incorporate permeable paving into the design of the driveway.
4. Use darker finish color for the lintel elements.
5. Restudy proportions of the master bathroom windows at the front elevation.

Consideration:

1. Distinguish the porch openings from the garage openings.

December 21, 2022 – Neighbor (the appellant) appealed the case.

ANALYSIS

SUMMARY OF DESIGN REVIEW BOARD'S DISCUSSION FROM DECEMBER 8, 2022:

- Three of the five current Design Review Board members attended the December 8, 2022, meeting at which the subject project was discussed. Board Members Kaskanian and Tchaghayan were absent.
- Board Member Welch noted in response to concerns from the neighborhood that construction was always hard to live with but that the Board's purview was how the proposed residence would blend in with the surrounding neighborhood and comply with the Hillside Design Guidelines. He stated that the subject

neighborhood is unique. The area within the city of Glendale contained homes modest in size (roughly 2,000 SF) and most, if not all, were single-story, whereas homes in La Canada were large, on big lots and with big presence. Mr. Welsh pondered how to deal with the blending of these characteristics. He concluded that if the Board looked exclusively at the Glendale neighborhood, the proposed residence would be excessively large but if the Board incorporated the neighborhood in its entirety, it would blend well. Mr. Welch noted that he did not hear objections regarding the design, two-story nature or scale of the house.

Mr. Welch concluded that the proposed residence was in keeping with the Hillside Design Guidelines, that the design and composition were well-executed and nice and the site planning was fine. He spoke about several items (which resulted in conditions of approval) including making the proposed lintels darker in color and restudying the proportions of the triple windows in the second floor primary bathroom. The flat roof over the kitchen, highlighted as a concern in the staff report, did not particularly bother him. Mr. Welch also acknowledged the excessive paving of the driveway (noted in the staff report) and stated that it should be reduced to provide more landscaping.

- Board Member Lockareff believed that the design of the proposed residence suited the neighborhood and that the scale was appropriate. She empathized with the neighbors' concerns about the nuisance of construction but noted that the work would be about 50 feet away. In response to privacy issues brought up by the public, Ms. Lockareff noted that the proposed second floor deck was modest in size, particularly when compared to decks proposed in other projects that had been recently evaluated. She agreed with Mr. Welch's lack of concern regarding the flat roof over the kitchen and his suggestion that the proposed lintils should be painted darker. Ms. Lockareff felt that the similarity of the porch openings and garage openings made it appear that the garage was larger than it actually was and suggested some differentiation of these opening (resulting in a consideration contained in the Record of Decision). She concluded that permeable pavers and a clear path to the house would be desirable and generally concurred with staff's conditions of approval.
- Board Member Simonian stated that the project was well designed and thought out. He appreciated the discussion on neighborhood context, where homes to the east were larger than the homes found in the Glendale portion of the neighborhood. Mr. Simonian noted that the site was unique in that it got narrower to the rear and complemented the applicant's effort in the site planning to address this. He concluded by stating that he supports the project and agrees with the other Board members comments on its design.

The Board voted to approve the project (3 - yes, 0 – no, 2 - absent) with five conditions and one consideration, as noted above.

SUMMARY OF APPELLANT'S CONTENTIONS:

In the appeal application, the appellant states that the DRB violated specific provisions of law and failed to hear or consider certain facts regarding the case before rendering their decision and that evidence before the Board was insufficient or inadequate to support the Board's approval decision for the project. Below is a summary of the statements made by the appellant in his appeal application, as required by GMC 2.88.030:

- A. The appellant claims that due process requirements under the Ralph M. Brown Act were violated because the Board was aware that the appellant had to leave the meeting for the airport but did not call the appellant until last and did not acknowledge or address points made in writing in a December 5, 2022 letter. Because of this, the appellant was deprived of the opportunity to be heard verbally and their public comments considered, as required by this Act.
- B. The appellant claims that a study of the adjoining hillside should have been required as a condition of approval to ensure that the design did not pose a threat to the hillside, which consists of a crumbling, sheer cliff in close proximity to the project.
- C. The appellant claims that privacy of adjoining neighbors to the west with regard to the massiveness (of the proposed residence) from the perspective of the appellant's property should have been protected. The appellant submitted photos showing the profile of the project from their property.
- D. The appellant claims that the proposed residence is inconsistent with the Glendale neighborhood and that the Board should have addressed this lack-of-fit by evaluating it against the Glendale and not La Canada as-built development.

STAFF'S ANALYSIS OF APPEAL:

Following are summaries of the appellant's main arguments against the proposed project and staff's analysis of those arguments. Content of the appellant's arguments are contained in the appeal application. For clarity, staff has labeled arguments contained in the appellant's appeal application alphabetically A through D.

- A. The appellant contends that due process requirements under the Ralph M. Brown Act were violated because the Board was aware that the appellant had to leave the meeting for the airport but did not call the appellant until last and did not acknowledge or address points made in writing in a December 5, 2022 letter. Because of this, the appellant claims they were deprived of the opportunity to be heard verbally and their public comments considered, as required by this Act.

Staff's Response:

The project at 3967 San Augustine Drive was scheduled and heard at the December 8, 2022, Design Review Board meeting. It was the final case on the Board's agenda that evening. Timely public notices were sent to property owners and occupants within a 500-foot radius of the subject site and a notice was posted outside the rear door of City Hall, as required. Also, the site was posted with a sign describing the scope of the proposed project. During the December meeting, the standard protocol for discussing the case was followed, whereby staff makes a presentation, the Board asks questions of staff, the applicant makes a presentation, the Board asks questions of the applicant, after which members of the public can speak for or against the project. The Board then discusses the project and renders a decision.

The appellant authored a letter dated December 5, 2022, which was forwarded to Board members. While the appellant did not speak at the Board meeting, the three main concerns regarding the project contained in this letter were considered by the Board, as documented in their discussion. The first concern related to the hillside between the appellant's and applicant's properties and that the proposed construction would damage the appellant's property. During Board discussion, Mr. Welch stated that construction was hard to endure but that the Board's purview was how the proposed residence would blend in with the surrounding neighborhood and comply with the Hillside Design Guidelines. Slope stability is outside of the Board's purview. Should the proposed project be approved on appeal, a soils report will be required as part of plan check to ensure that the proposed residence will be constructed safely and not undermine slope stability in the neighborhood.

The appellant's second concern was the loss of privacy. As noted in the appellant's letter that while the existing house was mostly concealed by foliage, the proposed residence would loom over and dominate the appellant's backyard and pool area. Additionally, the proposed balcony was directed toward their property. Ms. Lockareff empathized with neighbor concerns but noted that the work would occur approximately 50-ft. away and the proposed second floor deck was modest in size, particularly when compared to those proposed on other projects the Board had evaluated. In the initial staff report on the project, staff concluded that given the topography of the surrounding neighborhood (the adjacent neighbor to the west is at a significantly lower elevation) it was not likely that the proposed balcony would result in privacy concerns.

The final concern cited by the appellant was the visibility and incompatibility with the neighborhood. During discussion regarding the project, the Board acknowledged that the subject neighborhood was unique in that the homes in Glendale were modest in scale and on smaller lots than homes in the adjacent La Canada Flintridge neighborhood. Ultimately, the Board concluded that the proposed residence was

consistent with the Hillside Design Guidelines, well-designed and thought out and suited the neighborhood and appropriate in scale. Accordingly, it is clear the appellant's three main concerns were not only communicated to the Board, but also, were considered and discussed by the Board.

B. The appellant claims that a study of the adjoining hillside should have been required as a condition of approval to ensure that the design did not pose a threat to the hillside, which consists of a crumbling, sheer cliff in close proximity to the project.

Staff's Response:

The purposes of design review include:

- Protecting the community from the adverse effects of poor design and encourage good professional design practices;
- Enhancing the beauty, livability and prosperity of the community;
- Encouraging high quality development;
- Encouraging originality, creativity and diversity in design and avoiding monotony; and
- Ensuring single family design which is compatible with the character inherent within the surrounding neighborhood.

The Design Review Board's scope is limited to reviewing and evaluating the site planning, mass and scale, and design and detailing of new single-family homes to ensure that the project complies with the appropriate design guidelines as well as achieve the above-mentioned purposes. The Board does not have preview over nor the expertise to determine whether the project will pose a threat to the hillside. Chapter 18 of the California Building Code requires that a geotechnical report be provided for all new structures, which will include the proposed new house. Should the proposed residence be approved, a geotechnical report will be required as part of the plan check process to ensure that the residence can be constructed safely.

C. The appellant claims that privacy of adjoining neighbors to the west with regard to the massiveness (of the proposed residence) from the perspective of the appellant's property should have been protected. The appellant submitted photos showing the profile of the project from their property.

Staff Response:

The Board is charged with ensuring that new development or remodeling of single-family homes that are more than one story in height will not unreasonably impact the privacy of nearby residences and their outdoor spaces but its discretion is limited. Privacy is defined in the Glendale Municipal Code as the protection from an unreasonable level of visual intrusion into a residential building or property. Privacy is judged by the view from the living room, den, study, family room, great room, library, dining room or balconies (greater than 25 SF) of the new development into the buildings

and backyard outdoor space of existing buildings. For new development and remodeling, consideration is given to the placement of windows in the new development vis-à-vis the placement of windows in adjacent residential buildings. Regarding the proposed project, evaluation of privacy concerns is restricted to the loft, proposed on the second level of the residence, and its adjacent balcony, which is approximately 108 SF. These features are more in line with the property located at 3945 Karen Lynn Drive, rather than the appellant's property located at 3953 Karen Lynn Drive. The proposed balcony is oriented in a northwesterly direction, whereas the appellant's property is located southwest of the project site. While windows in the proposed loft have views toward the southeast, these windows are a minimum of 12-ft. from the western interior property line and are not in line with any of the properties located on Karen Lynn Drive. The staff report for the project discussed privacy related to the balcony/loft and concluded that given the topography of the surrounding neighborhood, where neighbors to the west are at a significantly lower elevation, privacy issues would not likely result.

One of the characteristics that the Design Review Board is charged with evaluating is the mass and scale of proposed projects. The design and placement of the proposed residence assists in reducing its perceived mass and scale. The house is set back significantly from San Augustine Drive. The garage is approximately 27 feet from the street front property line and the main house is approximately 70 feet from this property line. The minimum street side setback is 12 feet and the minimum interior setback is 10 feet. Because of the site planning of the residence and the irregular shape of the lot, the aforementioned setbacks are typically much wider than those cited above. Significant portions of the proposed residence are one-story in height, including the three-car garage and kitchen/family room area. These features of the house, along with the topography of the site and surrounding neighborhood mitigate the impact of the overall size of the proposed residence from nearby development.

D. The appellant contends that the proposed residence is inconsistent with the Glendale neighborhood and that the Board should have addressed this lack-of-fit by evaluating it against the Glendale and not La Canada as-built development.

Staff Response:

One of the purposes of design review is to ensure that single family design is compatible with the character inherent within the surrounding neighborhood. No distinction is made as to whether the neighborhood context outside City limits warrants the same level of review as that inside the City. In their discussion, the Board noted that development within Glendale was different than that in La Canada Flintridge but concluded that the proposed residence would blend in if incorporating the neighborhood in its entirety.

The staff report for the proposed residence concluded that given the large size of the lot and existing building pad, topography of the site and surrounding area, subdivision design and the generous setbacks of the residence, the proposed house would not have a significant relationship to the surrounding neighborhood. The report acknowledged that it would be one of the largest homes in the neighborhood. However,

due to the topography and location of development in the surrounding area and generous setbacks, the perceived mass and scale of the project would be mitigated. The proposed residence complies with the Hillside Design Guidelines as the previously graded pad is not being expanded, proposed landscaping is drought-tolerant and consistent with the design of the house, the second floor of the residence steps in from the first floor, the main entry to the home is modest in scale, and high quality materials are proposed for the residence, among other things. The Board generally concurred with staff's comments regarding the project and included conditions of approval on driveway size and material, the location of the stone cladding material, restudying window sizes in the master bathroom, and using a darker color lintel.

SUMMARY

Based on the analysis of the appeal and the reasoning contained in the December 8, 2022 staff report, staff recommends that the City Council sustain the Design Review Board's approval decision.

The basis of the staff's recommendation 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 subject site and the surrounding neighborhood were previously graded to accommodate building pads when the subdivision was developed in the early 1980's. No additional grading or building pad extension for the new single-family house is proposed.
- The proposed garage will be attached to the house by a covered breezeway. It is located closer to San Augustine Drive with the door set perpendicular to this street. While not common in the surrounding area, this arrangement is appropriate to the site and neighborhood.
- Proposed landscaping is both drought-tolerant and consistent with the style of the residence.
- As conditioned, the overall driveway area will be reduced to clearly delineate a walkway to the front door and increase landscaping, while maintaining the existing fountain.

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:

- Given the large size of the lot and existing building pad, topography of the site and surrounding area, subdivision design and the generous setbacks of the residence, the proposed house does not have a significant relationship to the surrounding neighborhood.

- While the proposed residence will be one of the largest homes in the neighborhood, the topography and location of development in the surrounding area and generous proposed setbacks will mitigate much of the perceived mass and scale of the project.

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:

- High quality materials are proposed for the residence, including smooth stucco, Casablanca stone cladding material, fiberglass windows.
- The entry of the residence is well-sited and prominent without being monumental.
- As conditioned, the location of the stone cladding material should be restudied to highlight this material, and ensure that its placement is logical and terminates appropriately.
- The area of paving is significant between the house/garage and the street. The applicant should consider incorporating permeable paving into the overall design of the driveway.

STAKEHOLDERS/OUTREACH

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

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

The Project is exempt from further review pursuant to the California Environmental Quality Act (CEQA) Class 3 "New Construction or Conversion of Small Structures" exemption (Section 15303 of the State CEQA Guidelines) because the Project is the construction of a new single-family house. The property was analyzed and determined to not appear eligible for historic designation at the federal, state or local levels and is, therefore, not considered a historic resource under CEQA. Moreover, there is no evidence that there is a reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances.

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 #, in accordance with the City Campaign Finance Ordinance No. 5744.

ALTERNATIVES

Alternative 1. Sustain the Design Review Board's decision to approve Case No. 2210249 with the conditions and considerations contained in the Record of Decision.

Alternative 2. Sustain the Design Review Board's decision to approve Case No. 2210249 but modify and/or add to the conditions and/or considerations contained in the Record of Decision.

Alternative 3. Continue the case, directing the City Attorney to draft findings supporting denial of the Design Review Board application.

Alternative 4. Any other alternatives not proposed by staff.

ADMINISTRATIVE ACTION

Prepared by:

Roger Kiesel, Senior Planner

Approved by:

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

EXHIBITS/ATTACHMENTS

- Exhibit 1: Location Map
- Exhibit 2: Project plans reviewed and approved by the Design Review Board on December 8, 2022
- Exhibit 3: Staff report and Record of Decision for December 8, 2022, Board meeting
- Exhibit 4: Site and Neighborhood Photos
- Exhibit 5: Appeal application of Board's decision to City Council filed on December 21, 2022
- Exhibit 6: Campaign Disclosure Form