

October 14, 2014

Sipan Nazaryan
1230 East Broadway
Glendale, CA 91205

**RE: 326 KEMPTON ROAD
STANDARDS VARIANCE CASE NO. PVAR 1413376**

Dear Mr. Nazaryan:

On October 1, 2014, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, on your application for a variance to allow a floor area expansion to an existing two-story single family house while not providing the required street front setback and exceeding the maximum allowed 0.40 floor area ratio, located at 326 Kempton Road, in the "R1R" - Restricted Residential Zone, Floor Area District II, described as Lot A, P. M. 1185-A, Tract No. 9152, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

Standards Variance

- (1) The maximum allowed floor area ratio in the "R1R" zone, Floor Area Ratio District II is 0.40 for the first 10,000 square feet of lot area and 0.10 for each square footage of lot area thereafter.

Setback Variance

- (1) A minimum 15-foot front setback is required in the "R1R" zone.

APPLICANT'S PROPOSAL

Standards Variance

- (1) To allow a floor area expansion by enclosing the front covered porch and existing breezeway, which will result in 0.41 floor area ratio.
- (2) To enclose the front entry covered porch and existing breezeway at the front of the lot setback six feet from the street front property line.

ENVIRONMENTAL RECOMMENDATION: This project is exempt from environmental review as a Class 1 "Existing Facility" exemption (Section 15301 (e) (1) of the State CEQA Guidelines).

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **DENIED** your application based on the following:

- A. The strict application of the provisions of the ordinance would not result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.**

The strict application of the provisions of any such ordinance would not result in practical difficulties or unnecessary hardship related to the property inconsistent with the general purposes and intent of the ordinance. Maintenance of the existing size of the house at 2,586 square feet does not constitute a hardship or a practical difficulty. It is the intent of the Zoning Code to eliminate the nonconforming aspects of older residential buildings. There is an existing setback variance that was granted in 1974 to allow the house to be set back three feet from the front property line and a one foot setback for the garage. Furthermore, the open front entry and breezeway is a design feature in existence since the home was built in the mid-1970s and does not pose a practical difficulty, as evidenced by over 30 years of residential use. To allow the proposed enclosure of the front porch and breezeway with a six-foot setback from the property line would create an additional nonconforming situation, which is inconsistent with the intent of the ordinance and the General Plan. In addition, if allowed, the enclosure would increase the existing floor area and floor area ratio to 0.41, exceeding the maximum allowed floor area ratio of 0.40. Therefore, both variances requests are self-imposed hardships.

- B. 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.**

There are no exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property related to the specific variance requests that do not apply generally to other property in the same zone or neighborhood. The variance requests exacerbate the existing conditions on the site in terms of size and its open space at the front of the property. The subject site is similar in shape and has a similar front setback and floor area compared to other lots in the neighborhood. The applicant stated that the entire addition in the front setback would be located under the existing roof

area and would enclose the breezeway to provide connectivity between the lower bedroom, the garage and the remainder of the house, so that is an exceptional circumstance that would not apply to other properties. However, the exceptional circumstance finding relates to property limitations, not design modifications, and therefore, that is not an exceptional circumstance or condition for purposes of findings.

C. The 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 which the property is located.

The granting of the variance would 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 in that the adjacent properties would not be protected by the high standards of the Code with regard to hillside residential development. The proposed 0.41 floor area ratio would not be in character with the majority of development in the area and contrary to the Hillside Ordinance which established maximum allowable FAR for this neighborhood. In addition, to grant a second setback variance on the property and exceeding the maximum allowed floor area ratio could potentially lead to further variance requests of a similar nature.

D. The granting of the variance will be contrary to the objectives of the ordinance.

The granting of the variance would be contrary to the objectives of the ordinance in that the house would be allowed to become more nonconforming in terms of its front setback. As stated by the applicant during the hearing, this finding cannot be made. The objective of the 15-foot front setback requirement is to provide and maintain a reasonable separation between the house and the street for adequate open space in the "R1R" Zone. Therefore, proposing new floor area at the front while maintaining the existing nonconforming setback would intensify the existing non-conformity. In addition, the new floor area would result in a 0.41 floor area ratio, thus creating more mass to the front of the house in relationship to the lot size. The objective of the floor area ratio 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.

Hillside Development Review Policy

Every discretionary decision made by Planning Hearing Officers related to development in the ROS and R1R zones shall take the following into consideration:

- a. **Development shall be in keeping with the 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.**

This proposed addition attempts to minimize its visual impacts from the street by using glass to enclose building separations in the front setback area. However, the enclosures create floor area within the front setback and also exceeds allowable FAR for the dwelling.

- b. **Development shall be compatible with the surrounding neighborhood in terms of size, scale, bulk/mass, roofline orientation, setbacks and site layout.**

Although this request to develop within the front setback and to add floor area will add floor area within an area already covered by the roof, this development is incompatible with the surrounding neighborhood because it exceeds the floor area ratio for new development in this neighborhood and makes the property more non-conforming by increasing development in the front setback, which is already reduced.

- 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.**

The site plan does show preservation of prominent features and native vegetation in a manner compatible with the surrounding neighborhood, minimizing alteration of terrain necessary for development. However, the project design would reduce open space within the front setback area, contrary to the purpose of a front setback which is to provide open space and separation from the street.

- d. **Site plans for development of property on steep slopes shall take into account the visual impact on surrounding properties.**

The site plans for development of the property take into account the visual impact on surrounding properties. This is an existing single-family residence and the applicant is attempting to minimize the impact of additional floor area by using glass walls in the front setback area.

- e. **The architectural style and architectural elements of in-fill development shall be compatible with the surrounding neighborhood.**

The architectural style and architectural elements of the proposed addition were designed to be compatible with the architectural style and architectural

elements in the surrounding neighborhood. However, while the design may be compatible, the additional FAR and location of the addition is not consistent with zoning standards, which also serve to regulate design and neighborhood compatibility.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was unable to make all four required findings in favor of the application subject to Section 30.43.030, Glendale Municipal Code because this hillside lot is similar to those in the surrounding neighborhood. The requested variances would make the property more nonconforming in its front setback and would exceed the allowable floor area ratio for the property, creating a precedent for future remodels with floor area ratios that exceed standards established by the Hillside Ordinance.

APPEAL PERIOD

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented.

It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **OCTOBER 29, 2014**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line:

<http://glendaleca.gov/government/departments/community-development/planning-division/services/how-to-submit-a-planning-application>

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

NOTICE – Subsequent Contacts With This Office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner who acted on this case. This would include

clarification and verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **by appointment only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Sincerely,



Laura Stotler
Planning Hearing Officer

LS:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); Dir. of Public Works (R. Golanian); Traffic Engineering Section (W.Ko/S.Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin/G.Tom/M.Munguia); Glendale Water & Power--Electric Section (V.Avedian/B.Ortiz/E.Olsen); Dir. Parks, Recreation and Community Services Dept. (J.Duran); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); and case planner-Milca Toledo.