

October 20, 2014

Atelier Architects
Attention: Farshad Azarnoush
13743 Ventura Boulevard, Suite 270
Sherman Oaks, CA 91423

**RE: 3030 EMERALD ISLE DRIVE
VARIANCE CASE NO. PVAR 1418455**

Dear Mr. Azarnoush:

On September 10, 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 standards variance to construct a new 11-foot high retaining wall that exceeds the maximum permitted height of five-feet to increase the pad area for a required third-car garage at the east side of the house, located at **3030 Emerald Isle Drive**, in the "R1R" Floor Area Ratio III – Restricted Residential Zone, described as Lot 78, Tract No. 31772, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) A maximum exposed height of five feet for retaining walls shall be permitted in the interior setback on properties in the "R1R" Restricted Residential Zone.

APPLICANT'S PROPOSAL

- (1) To allow the construction of a decorative retaining wall eleven feet high to create an area for a proposed third-car garage.

ENVIRONMENTAL RECOMMENDATION: Exempt per CEQA Guidelines, Section 15301, Class 1 Existing Facility.

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 **GRANTED WITH CONDITIONS** your application based on the following:

- A. That 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.**

The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the Zoning Code.

The Land Use Element identifies this property as a low density residential hillside property and the zoning code allows the development of single-family houses as a primary use. The zoning code, including the Hillside Development Review Policy (HDRP), was designed to allow reasonable development of properties with similar characteristics while protecting neighboring properties. The HDRP standards require that a project's mass, scale and aesthetic impacts shall be compatible with the neighboring properties and that there shall be a preservation of prominent natural features and minimal alteration of terrain. Retaining walls are necessary for many hillside properties, including the subject site, to build pad areas for single-family houses and for the reasonable use and enjoyment of a property. The subject retaining wall will increase the pad area to allow the construction of a house addition and the third-car garage, but it will not remove prominent natural features or substantially alter the terrain. Landscaping is proposed that will be low-maintenance, drought-tolerant and meet the Fire Department requirements for fire safety in hillside areas, which would be consistent with the Safety Element. The wall will meet all other code requirements except for the height but it will be partially screened from the street by the house and garage and smaller retaining walls and landscaping. The Code intends to promote reasonable development of use of property and to deny the request would unduly restrict the flexibility of such development which would be an unnecessary hardship given that the objectives of the Code can be met.

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 property is located in the R1R Zone which is a zone recognized for steep hillside slopes such as the uphill slopes on the subject property. In particular, the steep 14-foot to 16-foot high uphill slope adjacent to the two-car garage is an exceptional circumstance because it limits expansion of the pad area needed to add the required third-car garage and the reasonable house addition where there is sufficient side yard area for development. The use of retaining walls is solely to secure and stabilize the slope and provide erosion control to create a larger pad area for the required third-car garage.

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.

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 because retaining walls are a recognized development tool for single-family hillside properties in the R1R Zone. The subject retaining wall will be required to comply with all other applicable City codes and regulations, including building and fire codes and engineering and drainage requirements, so as not to be materially detrimental to the neighborhood's public welfare. A condition has been added to require landscaping and irrigation as a screening technique that will be low-maintenance, drought-tolerant and fire resistant.

D. The granting of the variance will not be contrary to the objectives of the ordinance.

The construction of retaining walls is necessary for the development of many single-family hillside properties and is recognized by the ordinance. This variance is necessary to afford an

efficient use of the property for a reasonable addition to the house and to provide the required third-car garage. The design of the 11-foot high retaining wall at the base of a slope will maintain the natural upslope hillside character and provide slope stability. It will be located adjacent to the new third-car garage and partially behind and screened by smaller retaining walls and landscaping. The objectives of the ordinances, including the Land Use Element and the Zoning code allow the reasonable development and enjoyment of one's property while protecting neighboring properties. The proposed retaining wall will be consistent with the Hillside Development Review Policy because expanding the pad for the house addition and new garage will be a minimal alteration of the terrain while maintaining the character of the uphill slope. The retaining wall's size and massing will not be visible to the neighbor located upslope and the retaining wall will be partially screened from street views by the house and the new garage. Terraced landscape planters located between the subject wall and the street will provide additional screening and further reduce the visual impact to the neighborhood. The proposed house addition and third-car garage will be compatible with the surrounding area because it will be constructed in the same manner as the majority of the houses and garages in this neighborhood.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to find the four required findings for approval of the Variance to allow the applicant's request to construct an 11-foot high retaining wall to increase the pad area for a house addition and required third car garage.

CONDITIONS OF APPROVAL

APPROVAL of this variance shall be subject to the following conditions:

- 1) That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
- 2) That all licenses and permits as required or approvals from Federal, State, County or City authorities, including the City Clerk, shall be obtained and kept current at all times.
- 3) That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division, Permit Services Center and all construction shall be in compliance with the Glendale Building Code, Fire Code and all other applicable regulations.
- 4) That Design Review Board approval shall be obtained prior to the issuance of a building permit.
- 5) That all retaining walls that are visible to surrounding properties or the public street shall be constructed or finished with decorative stone, textured poured concrete, or textured decorative colored masonry block to blend with the color of the natural hillside to the satisfaction of the Planning Hearing Officer.

- 6) That landscape and irrigation plans shall be submitted to the satisfaction of the Director of Community Development. The planting shall be selected from the bewaterwise.com plant list of drought-tolerant planting and the plants shall be low-maintenance and meet the Fire Department requirements for fire safety in hillside areas. The selected planting shall screen and soften the retaining walls. The landscaping and irrigation shall be maintained at all times.
- 7) That any expansion or modification of the retaining wall shall require a new variance application. Expansion shall constitute any physical changes that deviate from the approved plans presented at the hearing as determined by the Planning Hearing Officer.

APPEAL PERIOD, TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION:

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

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 **NOVEMBER 4, 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.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION: Every right or privilege authorized by a Variance shall terminate two years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

CESSATION: A Variance may be terminated by the review authority upon any interruption or cessation of the use permitted by the Variance for one year or more in the continuous exercise in good faith of such right and privilege.

EXTENSION: Variances granted by such right or privilege may be requested one time and extended for up to a maximum of one additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of such variance.

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.

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under Section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed \$1,000.00, or imprisonment for a term not to exceed six months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of \$500.00 for each violation.

Violations of conditions required by this determination may be grounds for a revocation.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

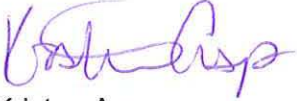
To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a Variance at least 10 days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner first and then, the Planning Hearing Officer who acted on this case. This would include clarification, 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,



Kristen Asp
Planning Hearing Officer

KA: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); Director of Public Works (R.Golanian); Traffic & Transportation Section /G.Tom); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.Tatevosian); 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); S.Ayazjoo-owner; and case planner-Christopher E. Baxter.