



December 4, 2013

Mr. Edward Barzegar
1551 Glenmont Drive
Glendale, CA 91207

**RE: 1551 GLENMONT DRIVE
VARIANCE CASE NO. PVAR1236710**

Dear Mr. Barzegar:

The Planning Commission of the City of Glendale, at its meeting held on December 4, 2013, conducted a public hearing on your appeal regarding a Standards Variance application to allow a five-foot high retaining wall four feet, five inches from a portion of a down slope retaining wall on the same property where a five-foot separation between retaining walls is required in the "R1R" - Restricted Residential Zone, located at **1551 Glenmont Drive**, described as Lot 4, Tract No. 13155, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

(1) Four-foot, five-inch separation between retaining walls on the same property.

CODE REQUIRES

(1) Five-foot separation between retaining walls located on the same property.

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

After due consideration, the Planning Commission **SUSTAINED** the Planning Hearing Officer's decision and **approved** said Standards Variance Case No. PVAR 1236710, as noted in the decision letter dated June 12, 2013.

A copy of the motion adopted by the Planning Commission is attached.

APPEAL PERIOD (effective date), 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 Chapter 2.88 of the Glendale Municipal Code, any person affected by the decision of the Planning Commission has the right to appeal said determination to the City Council 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 at the hearing.

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, **DECEMBER 19, 2013**, on or before at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

APPEAL FORMS available on-line:

<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

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 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 one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation.

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

REVOCACTION, 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 conditional use permit at least ten (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.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by a Variance shall terminate two (2) 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.

EXTENSION

An extension of the Variance may be requested one time and extended for up to a maximum of one (1) 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 (2) 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 the conditional use permit.

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,
Hassan Haghani
Director of Community Development Department



Christopher E. Baxter
Planner

CEB:sm

Attachment

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle,F.Jenks); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (R.Golanian/G.Tom); Director of Public Works and 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); Lawrence G. Permaul – appellant's rep; Lydia Shabestari; and case planner – Christopher E. Baxter.

MOTION

Moved by Commission Member Manoukian, and seconded by Commission Member Astorian, that upon review and consideration of all materials and exhibits of current record relative to Standards Variance Case No. PVAR 1236710, located at 1551 Glenmont Drive, and after having conducted a hearing on said matter, the Planning Commission hereby **SUSTAINS** the Planning Hearing Officer's decision to grant said Standards Variance Case No. PVAR 1236710, as conditioned, to allow an upslope retaining wall four feet, five inches from a portion of a down slope retaining wall on the same property where a five-foot separation is required, located at 1551 Glenmont Drive in the "R1R Restricted Residential Zone", described as Lot 4, Tract No. 13155 in the City of Glendale, County of Los Angeles, in accord with the findings set forth below.

REQUIRED/MANDATED FINDINGS

Pursuant to Section 30.43.030 of the Glendale Municipal Code, a Standards Variance may be granted only if the following findings of fact can be made:

A. The strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.

The Land Use Element identifies this property and neighborhood as low-density residential and the zoning code allows the development of single-family houses as a primary use. The zoning code, including the Hillside Development Review Policy standards, was designed to allow reasonable development of properties with similar characteristics, including the construction of retaining walls. The Hillside Development Review Policy standards require that a project's mass, scale and aesthetic impacts be compatible with the neighboring properties and that prominent natural features will be preserved with minimal alteration of terrain. These standards were applied to this project though portions of the wall deviated from them, including a portion of the wall originally inaccurately approved at 6-feet, 6-inches high. The project has been conditioned to correct the deviations to comply with all the retaining wall codes except for the separation requirement between two successive walls on the subject site. As noted above, the intent of the 5-foot separation between walls is to break up the appearance of single-wall massing and to allow an area for landscaping. Retaining walls are necessary for many hillside properties, including the subject site, to create areas for the construction of a house and for the reasonable use and enjoyment of one's property.

The city permits a 10 percent deviation from code requirements with the approval of an Administrative Exception (AE). In the case of the proposed project, a 10 percent deviation from the 5-foot separation requirement would equate to 6-inches. The applicant is seeking a variance to allow a deviation from the code requirement of 7-inches, just 1 inch more than could be permissible through the AE process. In this case, a 4-foot, 5-inch space allows sufficient planting area. Requiring the demolition of the retaining wall to set it back seven additional inches from the shared property line retaining wall would be an unnecessary hardship given that the objectives of the Code can be met. Additionally, because the existing wall is located on both the applicant's and the neighboring property, an unusually circumstance exists.

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 properties in the same zone or neighborhood.

The properties in this neighborhood share similar topographical features with neighboring houses constructed on pads that step up the street, which is a condition that does not apply generally to other property in the same zone. In addition, a portion of the neighbor's retaining wall, constructed in 1953, is located a few inches on the subject site. The project's new 5-foot high retaining wall is set back 5-feet, 1 inch from the neighbor's property line, which the code allows; however, the new retaining wall is 4-feet, 5-inches from the neighbor's retaining wall that is partially located on the subject property. The code requires that there be a 5-foot separation between retaining walls on the same property to break up the wall massing and provide a planter area for landscaping. In this case, the reduced separation is de minimis and accomplishes the code's intent with the condition that a landscaped screen is provided between the retaining walls as well as between the new retaining wall and new free standing fence.

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 new retaining wall was initially constructed with a building permit and inspected through the footing stage; however, during field inspections and reviewing the plans, it was determined that portions of the "as built" wall did not comply with the zoning code. The permit expired during this time and a new building permit was required. Revised plans were submitted showing that the wall will be corrected to comply with the zoning code except for the 5-foot separation between portions of the two successive walls on the subject property. The applicant is required to comply with other 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 added to the project requires that landscaping and irrigation be well designed, low-maintenance, drought-tolerant and fire resistant, and that free standing walls not be permitted on top of the retaining walls, rather they are conditioned to be setback and landscaped to further break up the wall massing and to screen the walls.

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

The objectives of the ordinances, including the Land Use Element and the Zoning code, including the Hillside Development Review Policy, allow the reasonable development and enjoyment of one's property while protecting neighboring properties. The construction of retaining walls is necessary for the development of many hillside properties. Allowing the new 5-foot high retaining wall to remain 4-feet, 5-inches from the down slope retaining wall meets the ordinance's intent because the wall separation articulates the massing and provides space for landscaping that will soften and screen the new wall. Free-standing safety walls on top of the retaining walls are conditioned to be set back 5-feet from the retaining walls and landscaped to be consistent with the ordinance's intent to avoid further height and massing of unscreened walls.

CONDITIONS OF APPROVAL

APPROVAL of this Standards 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 the two successive retaining walls with a less-than five-foot separation and with a maximum 2:1 slope 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 Hearing Officer. All other retaining walls, free-standing walls/fences and slopes, including retaining walls and slopes facing Glenmont Drive, shall be brought into compliance with City codes and regulations.

- 3) That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code, Fire Code and all other applicable regulations.
- 4) That the premises shall be made available to any authorized City personnel (Building Division, Fire Department, Police Department, Neighborhood Services Division, Community Development Department, etc.), for inspection to ascertain that all conditions of approval of this variance are being met.
- 5) That Design Review Board approval/exemption shall be obtained prior to the issuance of a building permit.
- 6) That landscape and irrigation plans prepared and wet-stamped by a landscape architect who is licensed in the State of California to prepare such 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 and free-standing walls and fences and shall be completed prior to the final inspection of the building permit(s). The landscaping and irrigation between retaining walls and free-standing walls and fences shall be maintained at all times.
- 7) That decorative free-standing walls and fences shall not be located directly on top of any retaining walls but shall be set back a minimum of 5-feet from the retaining wall to allow for an irrigated landscape planter area. The planting is required to soften and screen the appearance of the solid walls and fences so as to avoid the appearance of a single solid mass at the property line and shall be completed prior to the final inspection of the building permit(s).
- 8) That any portion of a retaining wall that becomes non-retaining shall be removed. Solid safety walls and fences shall be set back a minimum of five feet from the retaining wall to allow for an irrigated landscape planter area between them. The planting is required to soften and screen the appearance of the solid walls and fences so as to avoid the appearance of a single solid mass at the property line and shall be completed prior to the final inspection of the building permit(s).
- 9) That the street facing stone veneer shall be applied to the southerly wall surface to provide a consistent decorative wall material.

10) That the applicant shall correct all the code deviations identified below that were discovered during field inspections and confirmed during a review of the "as built" plans:

- a) The retaining wall in the 15-foot street setback area will be reduced to 18 inches in height above the natural grade;
- b) The retaining wall less than five feet from the southerly property line will be reduced to a maximum visible height of three feet; and
- c) The retaining wall five feet or greater from the southerly property line will be reduced to a maximum visible height of five-feet;
- d) The slope between walls shall not exceed a maximum slope of 2-to-1.

VOTE

Ayes: Astorian, Lee, Manoukian, Yesayan

Noes: None

Abstain: None

Absent: Landregan