



March 31, 2015

OEI Investments, LLC  
2805 Washington Blvd.  
Ogden, Utah 84401

**RE: 701 CONCORD STREET  
VARIANCE CASE NO. PVAR 1426618**

To Whom It May Concern:

On March 11, 2015, 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 Setback Variance to allow the construction of a 383 square-foot addition to an existing 1,477 square-foot single-family in the "R1" Zone with a 14.5-foot street front setback, where a minimum of 25 feet is required, located at **701 Concord Street**, in the R1-I (Low Density Residential Zone, Floor Area Ratio District I) Zone, described as Lot 189, Tract No. 6243, in the City of Glendale, County of Los Angeles.

**APPLICANT'S PROPOSAL**

Setback Variance

- 1) Construction of an addition to an existing single-family residence with a minimum 14.5 foot setback from the street front property line in the R1 zone.

**CODE REQUIRES**

Setback Variance

- 1) In the R1 zone, the minimum required street front setback is 25 feet (G.M.C. Chapter 30.11.030, Table 30.11 – B).

**ENVIRONMENTAL RECOMMENDATION:** The project is exempt from environmental review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Section 15301..

**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 intent of the minimum 25-foot street-front setback is to maintain open landscaped areas for pedestrians and drivers to enjoy a pleasant, uncrowded streetscape. The front yard of the subject lot is located facing Omar Street, which essentially narrows to approximately 10 feet in front of 701 Concord Street, and 707 and 713 Omar Street due to development of the Verdugo Wash. No drivers and few pedestrians currently benefit from an open landscaped streetscape at this location due to the unique development characteristics. Further, because of the shape of the lot, only the southeast corner of the addition is proposed with the 14.5-foot setback; the majority of the addition will have a street-front setback of between 18 and 20 feet.

The more "public" presence of the subject site is from Concord Street. By definition, however, this area is the street side yard. The existing house is set back 20 feet from the street side property line, significantly more than the 6-foot minimum required. The proposed addition will be in line with the existing residence along Concord Street, though with the slight curvature of Concord Street, the street side setback at the narrowest portion will be approximately 16 feet for a small portion of the addition.

**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 property is located in the Pelanconi Neighborhood and is zoned R1-II. For the most part, this neighborhood contains standard, rectangular-shaped lots with flat topography and most have a street front width of 50 feet. The subject property is unique in that it is irregularly shaped, is at the terminus of an unusually narrow street, sits below grade of the side street, and fronts the Arroyo Verdugo Wash. The construction of the Verdugo Wash by the Army Corps of Engineer following the 1934 flood changed the once rectangular lot into an irregular-shaped lot. Furthermore, the Verdugo Wash also reduced the once 50-foot wide street to a substandard, approximately 10-foot wide street. The narrowness of the street at this location prohibits street parking. Additionally, the site contains two mature sycamore trees located at the front and side of the property. The presence of these trees further restricts the site planning of the building and reduces the buildable area of the lot. The area on the subject site proposed for the addition does not function, nor provide the benefit that typical single-family front yards provide due to this development condition. Given the shape of the lot, the orientation of the existing residence, and location of mature sycamore trees, there are exceptional circumstances and conditions that apply to the property that do not apply to other properties in the same neighborhood and the variance approval takes into account these unusual site conditions.

**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.**

Granting of the setback variance will not be detrimental or injurious to the surrounding neighborhood or properties. Given the unique circumstances of the lot and the surrounding properties, the proposed addition with its reduced setback from Omar Street will not create any negative visual or physical impacts on neighboring residences. The Omar Street street-front setback area does not operate in the manner nor offer the benefit that residential front yards typically provide. The proposed front setback will be consistent with its neighbors at 713 Omar Street and 707 Concord Street. The property at 713 Omar Street was granted an exception for a 15-foot front setback on March 10, 1947, while the adjacent property at 707 Omar Street was granted a variance for a 14-foot street front setback on November 7, 2012 (yet to be constructed). Meanwhile, the Concord Street frontage of the subject site is the more publicly visible area and the addition will be in line with the existing house. This street-side setback is 16 feet minimum and will continue to contribute positively to the pedestrian and driver experience along Concord Street, although the house sits below the street grade. The design, mass and scale of the project appear appropriate and will require separate review and approval by the Design Review Board. Therefore, the granting of the variance for an addition in this area will not be materially detrimental to the public welfare or injurious to the property or improvements.

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

The granting of the variance will not be contrary to the objectives of the ordinance in that the subject property will still maintain street setbacks and landscaped yard areas. The majority of the addition will be setback 18 feet to 20 feet. Further, an objective of the 25-foot minimum street-front setback is to create and maintain spacious, pleasant and landscaped streetscapes for pedestrians and drivers to enjoy throughout residential areas of Glendale. Given the manner in which the immediate area has developed, the Omar Street front yard does not function or provide the benefits of typical residential front yards. The Concord Street frontage of the subject site functions like a front yard. The addition will be in line with the existing house along this frontage and will provide a generous setback maintaining the Concord Street streetscape in this neighborhood. Further, approval of the request provides a level of reasonableness and flexibility for this unique lot to be developed. The existing residence, after the proposed addition will be approximately 1,860 square feet, which is a modest size house. Additionally, only a small portion of the addition will have the 14.5-foot setback. The majority of the addition will be setback 18 feet to 20 feet. Additionally, the requested setback will be consistent with the adjoining neighbors located at 713 Omar Street.

**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 necessary licenses (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
3. A grading/drainage plan shall be submitted for the Engineering Division's review and approval and shall be made a part of the building plans submitted with the building permit application.
4. Separate permits are required for all work within the public right-of-way. The applicant shall bear all fees for the necessary permits and construction inspection for work within the public right-of-way.
5. The project shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements, including filing a Notice of Intent with the Los Angeles Regional Water Quality Control Board, if required.
6. That Design Review approval shall be obtained prior to the issuance of a building permit.
7. That if any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Planning Hearing Officer for private property and the Director of Public Works for public property.
8. That the existing garage door shall be replaced with a new garage door, which is a minimum of 16 feet in width.
9. That the applicant shall comply with the measures suggested by the City Arborist to ensure the continued health of the two existing on-site sycamore trees.

**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 Building and Safety Section upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **April 15, 2015**, in the Permit Services Center, 633 East Broadway, Room 101.



## **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.

**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 (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 such variance

**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 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 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.

## **REVOCAION, CONTINUING JURISDICTION**

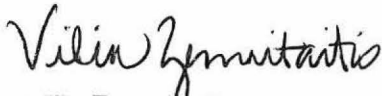
Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

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 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.

**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 (*Roger Kiesel at 818-937-8152*) 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,



Vilia Zemaikaitis  
Planning Hearing Officer

CC: City Clerk (K.Cruz); Police Dept. (Lt.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 & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); 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 – Roger Kiesel.

Also: Joshua Tree, 701 Concord Street, Glendale, CA 91202