



September 27, 2017

Yacoub Farsakh
2804 Glenoaks Canyon Drive
Glendale, CA 91206

&

Armen Hogtanian
2930 ½ Via Acosta
Montebello, CA 90640

**RE: 2804 GLENOAKS CANYON DRIVE
VARIANCE CASE NO. PVAR 1710987**

Dear Applicants:

On September 27, 2017, 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 convert approximately 470 square feet of an existing basement into habitable floor area for the purposes of adding one bedroom and bathroom within an existing two-story, single-family house with an attached two-car garage. As proposed, the basement conversion will create a third story where the maximum allowed is two stories on a 27,450 square-foot lot with less than 40% average current slope within the building footprint area of the house located at **2804 Glenoaks Canyon Road**, in the "R1R" - Restricted Residential Zone, Floor Area District II, described as Lot B, P.M. 161, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) On a portion of a lot with less than 40 percent average current slope, a single-family house is limited to two stories (GMC 30.11.040 E). Currently the house is two-stories.

APPLICANT'S PROPOSAL

(1) To convert a portion of the existing basement into habitable floor area, thereby creating a third story to the existing two-story house.

ENVIRONMENTAL DETERMINATION

This project is exempt from environmental review as a Class 1 "Existing Facility" exemption pursuant to Section 15301 of the State CEQA Guidelines because the proposed addition/conversion of the existing basement to floor area will not result in an increase of more than 50% of the existing floor area.

REQUIRED/MANDATED FINDINGS

After consideration of the staff report, public testimony and review of the proposal, the Planning Hearing Officer determined that findings for the requested variance can be made. Therefore, the variance is **APPROVED SUBJECT TO FOLLOWING FINDINGS AND CONDITIONS:**

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

The variance is justified on the basis that the strict application of the ordinance would result in an unnecessary hardship because the combination of physical constraints of this site, including its steep topography, location of existing development in combination with established setbacks, and location of existing oak trees at the rear of the property create physical constraints for which the requested 470 square-foot conversion of the existing basement to floor area creates a third story is appropriate. The basement is located within the existing building envelope and will not alter the existing building footprint and height. While the proposal will increase the existing number of stories, from two to three stories, it will not create additional building mass or alter the existing home's aesthetics. To deny the requested variance is unreasonable because it would unduly restrict the owner from improving and occupying the remaining underutilized 470 square-foot portion of the existing basement that can reasonably accommodate a modestly sized fourth bedroom and bathroom and meet the needs of the residents while not disrupting the existing building's exterior, physical site features or topography.

- 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.**

There are exceptional circumstances or conditions applicable to the property that do not apply generally to other property in the same zone or neighborhood because the property consists of a steep up-hill slope with multiple mature protected indigenous oak trees behind the house, which restricts further expansion of the house at the rear – that would not typically

be found on most properties in the area. The tree closest to the house, next to rear retaining wall, is a mature oak tree, where a portion of its canopy extends over the roof of the house. The proposed conversion of the existing basement to floor area, which would ultimately create a third story for the existing house, would not compromise the existing roots or canopy of the oak tree because the addition does not involve an expansion to the existing building footprint and does not increase the existing overall 35-foot building height. Conversely, to propose a 470 square-foot addition, which complies with Code at the rear of the house would disturb the existing physical site conditions, potentially compromise the existing mature protected oak trees and disrupt the existing hillside condition.

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 proposal will not be detrimental to the public welfare since the addition to the existing house is and will remain similar to existing residential uses in the community. The 470 square-foot conversion of the existing basement into habitable floor area will recognize the existing basement as a story, thereby creating a third story to the existing two-story house. As previously stated, the existing basement, including the 470 square-foot area proposed to be converted into habitable floor area, does not involve altering the existing building footprint or its height envelope. For this reason, the proposal will not be detrimental to the public welfare because a single family home is a permitted land use and because the requested third story that results from converting the existing basement into floor area does not significantly deviate from the maximum two stories allowed by Code.

Furthermore, a three story house is permitted in the R1R, (Floor Area Ratio District II) zone. The house was constructed in 1987, subject to different zoning standards for height and number of stories at the time. Current zoning regulations in the R1R zone allows for a three story house if the building footprint is located on a portion of a lot where the average current slope is 40 percent or steeper. The applicant's proposal to convert 470 square feet of the basement into habitable floor area, thereby creating a third story within the existing building's envelope will not physically expand the existing building footprint and the existing overall 35-foot building height will remain. Moreover, the building's aesthetics, mass and scale will not change above and beyond its present condition. The proposal results in an increase to the number of stories, but will not be visibly different than the existing current exterior design of the house. Further, the proposed conversion of 470 square feet of the basement to habitable floor area for purposes of adding a fourth bedroom and a bathroom to the house will not change traffic impacts or

parking demands over what is required and provided per Code for a 3,240 square-foot single-family house. For these reasons, the proposed third story resulting from the conversion of the existing basement 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.

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

The objective of the number of stories is to mitigate design including mass and scale. The proposed 470 square-foot conversion of the basement will not trigger expansion of the existing building footprint or the height of the building. Further, the proposal will not disrupt the existing slope or topography, natural ungraded open space, hillside vegetation and landscaping at the front, oak trees, and the building's mass and design. While the number of stories (3 stories) requested through this variance application does not comply with the maximum two stories allowed per Code, the existing house and physical site conditions will remain unchanged. Presently, the basement exists on the lower garage level of the house. The applicant's request is to merely convert 470 square feet of the basement for the purpose of adding a fourth bedroom and a bathroom. The "new" added floor area will be included in the total floor area for the house, while not extending beyond the existing building's footprint. Granting of the variance will not be contrary to the objectives of the ordinance because, granting of the variance will allow the owner to add a modestly sized fourth bedroom and a bathroom to the house, while not compromising the building's exterior appearance and preserve the existing physical site features, topography and preservation of existing protected oak trees and, because all other Zoning Code regulations will be complied with, including but not limited to floor area ratio, lot coverage, height, open space, landscaping, parking, etc.

CONDITIONS OF APPROVAL

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

1. That the development shall be in substantial accordance 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 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 and all other applicable regulations.

3. That Design Review approval shall be obtained prior to the issuance of a building permit.
4. That the project shall comply with the Hillside Development Review Policy described in Chapter 30.11.040 A.
5. That the owner shall address the City's Arborist Technician comments in their memo dated, August 17, 2017, which requires obtaining an Indigenous Tree Permit for unpermitted tree work to the existing oak tree(s).
6. If any buildings, sidewalk, 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.
7. That any proposed exterior lighting shall be directed onto the driveways, walkways and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Planning Hearing Officer.
8. That all landscaped areas shall be maintained in good condition with live plants and free of weeds and trash.
9. That any expansion or modification of the facility or use shall require a new variance application. Expansion shall constitute additional floor area, or any physical change as determined by the Planning Hearing Officer with concurrence of the Community Development Director.
10. That the premises shall be made available to any authorized City personnel (Fire, Police, Neighborhood Services, etc.) for inspection to ascertain that all conditions of approval of this variance are complied with.

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 12, 2017**, 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://www.glendaleca.gov/appeals>

TRANSFERABILITY

This authorization runs with the land 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.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, Administrative Use Permits, 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.

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 Variance

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.

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. 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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Milca Toledo, at 818-937-8181 or mitoledo@glendaleca.gov

Sincerely,



Laura Stotler
Planning Hearing Officer

LS:MT:sm

CC: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section (J. Halpert); Dir. Of Public Works (R. Golanian); Traffic & Transportation Section (P. Casanova); 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 (S. Mirzaians); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (R. Villaluna); and case planner Milca Toledo.