



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

March 29, 2019

Demery Matthews
3404 Buena Vista Avenue
Glendale, CA 91208

**RE: 2636 MANHATTAN AVENUE, &
2645 PIEDMONT AVENUE
ADMINISTRATIVE EXCEPTION NO. PAE 1831100**

Dear Ms. Matthews:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44.020 (E), for a maximum 20 percent deviation from one or more numeric standards in this Title, the Community Development Department has processed your application for an Administrative Exception to allow the construction of a new 1,733 square-foot, two-story, three bedroom, second unit (**2636 Manhattan Avenue**) and the construction of a third bedroom to the existing 1,766 square-foot, two-story, two-bedroom unit (**2645 Piedmont Avenue**) on the property without providing the required total number of parking spaces. As proposed, each dwelling unit will have three bedrooms and will have a private attached two-car garage for a total of four parking spaces, where a combined total of five spaces (2.5 spaces per unit) are required by code for both units (duplex). The subject property is located at **2636 Manhattan Avenue and 2645 Piedmont Avenue**, in the "R-3050" - (Moderate Density Residential) zone, and described as Lot 29, Tract No. 5157, in the City of Glendale, County of Los Angeles.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review as a Class 3 "New Construction or Conversion of Small Structures" exemption (Section 15303 (b) of the State CEQA Guidelines).

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the plans submitted therewith, the Community Development Department has been **APPROVED WITH CONDITIONS**, your application based on the following findings:

- A. The granting of the exception will result in design improvements, or there are space restrictions on the site that preclude full compliance with the Code requirements without hardship.**

The subject property is a 7,250 square-foot through lot with street frontages on Manhattan Avenue and Piedmont Avenue. The site is currently developed with an existing 1,766

square-foot, two-story, two bedroom dwelling unit with attached private two-car garage oriented towards Piedmont Avenue (2645 Piedmont Avenue).

On January 10, 2008, the Design Review Board approved Design Review Board Case No. PDR-2007-107-A for the construction of two new detached dwelling units (duplex) on the 7,250 square-foot through-lot located on 2645 Piedmont Avenue and 2636 Manhattan Avenue. Each unit was approved to be 1,786 square-feet in area and was to each contain two bedrooms with an attached two-car garage. The existing single-family dwelling on the property was demolished.

On June 14, 2012, revised plans were submitted under Design Review Board Case No. PDR1219568 to only propose one of the two dwelling units. Because the submitted plans were revisions to the previously approved Design Review Board case, it did not need additional review by the Design Review Board. On July 23, 2012, the Building & Safety Division issued a Certificate of Occupancy for the completed construction of one of the two dwelling units on 2645 Piedmont Avenue (Building Permit No. BB20091077). Because the second dwelling unit was not constructed within the two year period following the Design Review Board's approval (by Case No. PDR-2007-107-A), the second unit proposed by this Administrative Exception will require new Design Review.

The applicant proposes to construct a new 1,733 square-foot, two-story, three bedroom, second dwelling unit (2636 Manhattan Avenue) and to construct a third bedroom to the existing 1,766 square-foot, two-story, two-bedroom, dwelling unit (2645 Piedmont Avenue) on the property without providing the required total number of parking spaces for both dwelling units. Each dwelling unit will have a private attached 441 square-foot two-car covered and enclosed garage with a 25-foot driveway access from each dwelling unit's respective fronting streets. The existing dwelling unit oriented towards Piedmont Avenue is currently designed with two bedrooms and an attached two-car garage. The new dwelling unit oriented towards Manhattan Avenue will be designed with three bedrooms and an attached two-car garage. Together the two dwelling units will have a total of four covered and enclosed parking spaces. However, the Zoning Code requires 2.5 covered and enclosed parking spaces per each three bedroom dwelling unit in multi-family zones. Given the number of proposed bedrooms per unit, a total of five parking spaces are required for the duplex. Since the project lacks one parking space as proposed, the applicant is seeking 20 percent deviation from the required five covered and enclosed parking spaces.

Per the Indigenous Tree Report prepared by Arsen Margossian (dated December 18, 2018) and correspondence between the City's Arborist Technician and Margossian (dated January 24, 2019), there are two mature Coast Live Oak trees, located on and off the property from the Manhattan Avenue frontage. The on-site Coast Live Oak tree is located in the northwest corner of the lot, approximately 18 feet south of the Manhattan Avenue right-of-way, and has a Diameter at Breast Height (DBH) of approximately 25-inches. The off-site Coast Live Oak tree, which is a City of Glendale Street Tree, is located to the southeast of the property on Manhattan Avenue, adjacent to the project site's existing dirt driveway and has a DBH of 18-inches. Both trees have been evaluated to be in good health by the consulting arborist's report.

As proposed, the proposed second dwelling unit (2636 Manhattan Avenue) will partially encroach into the dripline of the existing 26-inch DBH mature oak tree on site. Most of the encroachment will be for the construction of the concrete slab for the second dwelling unit's front porch. The northwestern façade of the second dwelling unit has an average proposed

setback of 9.75-feet and 11.2-feet from the property line for the first and second floors, respectively. Both setback averages exceed the requirement for both floors and will preserve the existing mature oak with 26-inch DBH. In addition, the new driveway installation would be approximately eight feet away from the off-site 18-inch DBH oak tree. The applicant has made an effort to design a building that considers and avoids disturbing the existing oak tree roots and canopies. Per the consulting arborist's report, the project's disturbance to the 26-inch DBH tree's dripline will not jeopardize the structural integrity of the tree. To minimize impact to both trees, suggested guidelines were recommended by the arborist report and included as part of the conditions of approval.

Due to the location of the existing oak trees on and off the property that are affected by this project, the site has space restrictions which preclude full compliance with Code requirements without hardship. To require a third parking space in one of the garages to in order to be fully compliant with the Zoning Code poses unnecessary hardship on the applicant. Also, a third parking space in one of the garages would negatively alter the proposed interior and exterior design of the building, site planning, and the oak trees. Per City of Glendale Department of Forestry and Maintenance Services, the proposed design is acceptable and reasonably accommodating to the protected oak trees on and off the property. Complying with the Zoning Code could potentially result in the removal of one or more of protected trees and would not accomplish reasonable development of the property.

In addition, the proposed third bedroom within the existing dwelling unit (2645 Piedmont Avenue) will not affect any existing Coast Live Oak trees on site, because the proposed bedroom will be within the dwelling's existing building footprint and will not require any additional exterior modifications or construction.

B. The granting of the exception 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 Administrative Exception to allow the construction of the second dwelling unit and the construction of a third bedroom to an existing two-bedroom dwelling unit on the lot without providing the required total number of parking spaces for both dwelling units will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood. The subject property and surrounding neighborhood is zoned R-3050 (Moderate Density Residential) and consists of both single and multi-family residential buildings. Hence, the proposed new dwelling unit for the duplex and proposed third bedroom to the existing dwelling unit on site is consistent with the neighborhood. The proposed development and its requested exception from the Zoning Code is reasonable.

Through the Administrative Exception process, the Zoning Code allows a maximum 20 percent deviation from numeric standards in the code. The applicant is requesting to apply the 20 percent deviation to the required five parking spaces by providing four spaces. The one space shortfall will not negatively impact surrounding uses or existing parking conditions in the area. Each unit is designed with a private 25-foot deep driveway leading from the street to the garage and could reasonably accommodate a temporary third parking space per unit, if necessary. Overall, the exception to deviate by one parking space for the entire project is minimal and allows reasonable development of the property while preserving the existing oak trees on the Manhattan Avenue side. By granting this Administrative Exception,

the property and the neighborhood will benefit in that a new development will improve the property, provide additional housing in the multi-family zone, and preserve the existing oak trees. The design, mass, and scale of the project will require separate design review and approval.

C. The granting of the exception will not be contrary to the objectives of the applicable regulations.

The proposed project meets all other Zoning Code requirements of the R-3050 zones, including density, lot coverage, floor area ratio, landscaping, common and private open space, height, and setbacks. The purpose of the Administrative Exception procedure is to provide a simplified means of considering applications for minor deviations from Zoning Code standards. These standards have been developed to allow reasonable use of properties in order to promote the public health, safety, and general welfare. Granting of this exception would allow reasonable development of the site along with the construction of the new, final unit of the previously approved duplex with a private two-car attached garage, while preserving the existing oak trees on the property. Denying the request would unduly restrict the development of a new residential duplex, which is a permitted use and density in this zone. Therefore, granting the exception to allow one space parking shortfall where five parking spaces are required will not be contrary to the objectives of the applicable regulations.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Exception shall be subject to the following conditions:

- 1) That the development shall be in substantial accord with the plans presented in conjunction with the application for the Administrative Exception, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Community Development Director.
- 2) That Design Review approval or exemption shall be obtained prior to the issuance of a building permit.
- 3) That the applicant shall contact GWP Customer Service Engineering (818-548-3921) to determine electric service requirements before starting the permitting process. Final construction plans must incorporate the electric service plan information for GWP Electric Engineering to sign off the building plan application.
- 4) That individual water meters are required for each residential unit per Glendale Municipal Code. The water meters are to be installed per GWP specifications. Meter locations must be approved by GWP.
- 5) The method of discharge of the onsite drainage shall be approved by the Director of Public Works. All roof and on-site drainage shall be conveyed to the street via sheet low through the driveway.

- 6) The project shall comply with National Pollutant Discharge Elimination System (NPDES) requirements to mitigate storm water pollution during the entire duration of the construction work.
- 7) Additional requirements from Public Works Engineering may apply after the initial submittal of the final engineering plans for Building & Safety Division plan checking.
- 8) That all necessary permits (i.e., building, fire, 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.
- 9) That the proposed front porch for 2636 Manhattan Avenue shall be constructed as a floating deck and be elevated from the ground to minimize the impact of the encroachment into the drip-line of the on-site protected oak tree.
- 10) That an Indigenous Tree Permit shall be obtained from the Forestry/Maintenance Services Division before construction and tree protection measures such as protective fencing and construction monitoring, shall be required throughout construction.
- 11) That the premises, including landscaping areas, be maintained in a clean orderly condition, free of weeds, trash, and graffiti.
- 12) That the setback adjacent to the protected oak tree (off-site) be landscaped to continue to allow water and air flow to the tree's root zone.

APPEAL PERIOD

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 April 15, 2019** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday from 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 5:00 p.m.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

Every right or privilege authorized by an Administrative Exception 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

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

Extension

Permits 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 the administrative exception.

APPEAL FORMS available on-line <http://www.glendaleca.gov/appeals>

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

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. To consider the revocation, the Director of Community Development 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.

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 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.

You may contact the case planner, Minjee Hahm, during normal business hours at (818) 937-8178 or via e-mail at mhahm@glendaleca.gov.

Sincerely,



Laura Stotler
Principal Planner

LS:MH: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 (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 (J. Jouharian); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner Minjee Hahm.