Submitted by (Appellant):

Emmy Mnatsakanian
3411 East Chevy Chase Drive
Glendale, CA 91206

RE: Appeal of July 29, 2025 Variance Denial — 3411 East Chevy Chase Drive
VARIANCE CASE NO. PVAR-004061-2024
(APPEAL TO PLANNING COMMISSION)

Dear Honorable Members of the Glendale Planning Commission:

I, Emmy Mnatsakanian, owner of the property located at 3411 East Chevy Chase Drive in the City of Glendale, hereby submit this timely appeal of the decision dated July 29, 2025, denying Variance Case No. PVAR-004061-2024 (the "Decision"). The Decision states that "the Planning Hearing Officer was not able to make the necessary findings and has DENIED the variance request" to "maintain an existing unpermitted 12-foot-high wall and fence and nine-foot-high driveway gate within the required 15-foot street front setback on an approximate 16,480 square-foot lot." Under Glendale Municipal Code ("GMC") Section 30.62 (GMC §30.62), I am an affected person and have the right to appeal because I believe the Decision is in error, both procedurally and substantively under GMC §30.43. In addition, as further described below, I am willing to fund and provide reasonable expert analyses and mitigation measures (including, without limitation, traffic/safety, geotechnical, arborist, and visual/neighborhood compatibility studies) as part of a conditioned or contingent approval of a modified variance. As explained in this appeal, the Planning Hearing Officer exceeded their authority and failed to perform mandatory duties under Chapter GMC §30.43 in acting on the variance application, and the Decision is not supported by substantial evidence in the administrative record due, in part, to the lack of adequate scrutiny of certain public testimony that misstated or mischaracterized key facts. These errors are underscored by, and should be evaluated in light of, the detailed site-specific information and photographs submitted with my "Findings of Fact" narrative for 3411 East Chevy Chase Drive (including the sections addressing exceptional site conditions and circumstances) and the accompanying Variance Presentation shared during the public hearing for Case No. PVAR-004061-2024, which together document the property's unique safety, grading, and neighborhood conditions.

I. INTRODUCTION AND REQUESTED RELIEF

The subject property is located in the R1R-III (Restricted Residential, Floor Area Ratio District III) Zone on a steep, curved hillside segment of East Chevy Chase Drive with indigenous protected trees and an immediately adjacent guardrail. As shown in the "3411 E Chevy Chase (Neighborhood Map)" submitted with my Findings of Fact and in the parcel map exhibits in the Variance Presentation, the house sits at the outside of an almost "U"-shaped curve of East Chevy Chase Drive, where the roadway both descends and bends sharply and where there is no sidewalk, limited on-street parking, and no intervening buffer in the front of the property. Under GMC Chapter 30.43, including GMC §30.43.030, the Hearing Officer and, on appeal, the Planning Commission are required to apply specific variance findings and exercise their authority within the scope of that chapter. Through this appeal, I respectfully request that the Planning Commission (a) overturn the denial of Variance Case No. PVAR-004061-2024; (b) approve a variance to allow a modified front wall, fence, and driveway gate within the front setback, subject to reasonable conditions and mitigation measures addressing safety, tree protection, visual impacts, and neighborhood compatibility (informed, as needed, by expert analyses that I am willing to fund and provide); and (c) remand, if necessary, for further consideration consistent with the Commission's direction and with the requirements and limitations set forth in GMC §30.43.030.

II. BACKGROUND AND PROJECT DESCRIPTION

As noted in the Decision, the original application sought "approval to maintain an existing unpermitted 12-foot-high wall and fence and a nine-foot-high driveway gate within the required 15-foot street front setback area." As documented in the City's historical records and referenced in my Findings of Fact (Research Materials section), the location of this wall/fence within the 15-foot street-front setback has been in place for at least twenty (20) years, dating back to at least 2004, and possibly earlier, under prior ownership. The existing wall addresses specific site safety concerns associated with the steep, sharply curved roadway, driveway configuration, and proximity of the house and outdoor use areas to East Chevy Chase Drive — concerns that are illustrated in the photographs and diagrams included in my Variance Presentation (showing the "almost 'U' shaped curvature," lack of sidewalks, and constrained driveway depth). Through this appeal, I am willing to accept conditions and modifications to the height, design, materials, and landscaping of the front wall/fence to better address neighborhood compatibility and objective design policies, while preserving essential safety, privacy, and security functions that are necessitated by the site and traffic conditions documented in those submittals.

GMC §30.43.030 sets forth four mandatory findings that must be made before a variance may be granted. The burden of proof is on the applicant to demonstrate that each finding can be made (See GMC §30.43.020). However, as further discussed below, where the Hearing Officer has declined to make the findings based on an incomplete factual record or has applied an overly restrictive interpretation of the variance standards, the Planning Commission has independent authority on de novo review to develop the record, properly

interpret and apply GMC §30.43.030, and make its own findings. See GMC 30.62.050 (appeal to Planning Commission is de novo review).

III. GROUNDS FOR APPEAL: PROCEDURAL & SUBSTANTIVE ERRORS UNDER GMC §30.43

The Decision concludes that "the Planning Hearing Officer was not able to make the necessary findings and has DENIED the variance request, based on the following findings." I respectfully contend that:

(1) the Hearing Officer's application of the variance findings misinterpreted and misapplied the "practical difficulties or unnecessary hardship" and "exceptional circumstances" standards;

(2) the Decision contains factual errors or omissions regarding neighborhood conditions and the feasibility of alternatives;

(3) the Decision fails to adequately consider the ability to mitigate visual and neighborhood compatibility concerns through conditions of approval rather than outright denial; and

(4) certain public testimony and neighbor statements were accepted and relied upon without sufficient scrutiny, despite misstatements or incomplete characterizations of key facts (including traffic conditions, the history of grading, and the condition of indigenous trees), such that the Decision is not supported by substantial evidence in the administrative record.

As set forth below, when the full evidence and applicable standards are properly considered (including the detailed narrative, maps, and photos in the submitted Findings of Fact for 3411 East Chevy Chase Drive and the supporting Variance Presentation slides incorporated into the record during the public hearing) each required finding can be made in favor of granting a variance with appropriate conditions, or, at minimum, further proceedings are required to allow correction and rebuttal of inaccurate or incomplete evidence.

THE HEARING OFFICER EXCEEDED AUTHORITY UNDER GMC §30.43

Chapter GMC §30.43 governs the authority to grant or deny variances and the findings that must be made. Under that section, the decision-maker is authorized to grant a variance "when practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this title may result from the strict and literal interpretation and enforcement hereof," but that authority is expressly conditioned on: (1) making specific written findings on each required criterion set forth in GMC §30.43.030(A) through (D); (2) basing those

findings on substantial evidence in the administrative record; and (3) ensuring that the variance will not be detrimental to public welfare, injurious to the neighborhood, or contrary to the objectives of the ordinance. Under GMC §30.43.030, a variance shall be granted only if the decision-maker finds that: (A) strict application would result in practical difficulties or unnecessary hardships (related to the property) inconsistent with the general purpose and intent of the ordinance; (B) exceptional circumstances or conditions apply to the property that do not apply generally to other properties in the same zone or neighborhood; (C) the granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the zone or neighborhood; and (D) the granting of the variance will not be contrary to the objectives of the ordinance. By construing the Hearing Officer's role as an all-or-nothing gatekeeper and refusing to consider a narrower, conditioned approval that would have addressed legitimate concerns including, but not necessarily limited to, safety, tree protection, mitigation of undue hardship, and design concerns, the Hearing Officer exceeded the scope of authority contemplated by GMC §30.43.030, which is remedial and flexible rather than punitive.

First, GMC §30.43.030 establishes that a variance may be granted only upon satisfaction of four mandatory findings, including that exceptional circumstances apply to the property (GMC §30.43.030(B)), that the variance will not be detrimental to public welfare (GMC §30.43.030(C)), and that the variance will not be contrary to the objectives of the ordinance (GMC §30.43.030(D)). The purpose of the variance provisions is "to assure that no property, because of the special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same zone and vicinity" (GMC §30.43.010). Here, instead of analyzing whether a reduced-height wall, partial relocation, enhanced landscaping, or other design modifications could satisfy these criteria, the Hearing Officer treated the nonpermitted existing condition as the only possible project configuration and summarily denied the variance. In doing so, the Hearing Officer effectively converted the variance hearing into an enforcement proceeding, focusing on past noncompliance and a 2004 denial (Variance Case No. 10639-S) rather than exercising the flexible remedy contemplated by GMC §30.43.030 to regularize and condition the property's current circumstances. This punitive, enforcement-driven approach is outside the scope of authority granted by GMC §30.43, which is directed to land use entitlements, not code enforcement sanctions. It also disregards the applicant's express willingness, reflected in the originally submitted Findings of Fact (see Section C pg. 4-5 and concluding paragraphs pg. 5 of Findings of Fact) and in the Variance Presentation slides titled "Examples of Landscaping," to accept additional trees, live landscaping, and design changes as conditions of approval to reduce visual bulk and enhance neighborhood compatibility.

Second, by disregarding categories of evidence that GMC §30.43.030 requires be considered, the Hearing Officer acted beyond the authority granted under that section. GMC §30.43.030(A) requires that the decision-maker evaluate whether strict application of the ordinance would result in "practical difficulties or unnecessary hardships (related to the property) inconsistent with the general purpose and intent of the ordinance," and GMC §30.43.030(B) requires a determination of whether 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." These determinations, by their nature, require evaluation of current facts regarding safety, topography, and similar site constraints. Yet the Decision, as issued, is expressly premised on an "initial inquiry with the City Arborist" and on inferences drawn from the absence of a traffic engineer report, and it assumes that there is "no evidence" that restoration of original site conditions would cause hardship or tree damage. While GMC §30.43.030 and the City's variance procedures do not require that an applicant submit expert reports as a prerequisite to variance approval, it is understandable that substantial evidence supporting the required findings may reasonably include expert analyses where technical issues are in dispute. In a setting where GMC §30.43.030 conditions authority on a fact-based determination, it was inappropriate to conclusively resolve these technical issues based solely on a preliminary arborist comment and the lack of traffic data, and then to discount the possibility that additional, reasonably obtainable analysis could inform a more tailored, conditioned approval.

Third, GMC §30.43.030 does not authorize the decision-maker to deny any and all relief solely because a prior variance on the property was denied. The section requires an independent judgment in light of the current record and present-day conditions. By relying heavily on the 2004 denial and stating that “the wall and fence should have been removed” and that “the height was later increased,” the Hearing Officer effectively treated GMC §30.43.030 as an instrument to enforce a prior decision rather than as a present grant of limited authority to evaluate current hardship and exceptional circumstances. This exceeded the authority conferred by GMC §30.43.030, which neither authorizes retroactive punishment for past non-removal nor allows the decision-maker to abdicate the obligation to make independent findings tailored to the current application. For these reasons, the Planning Commission should find that the Hearing Officer exceeded their authority under GMC §30.43.030 and should exercise its own de novo authority to consider a modified, conditioned variance that complies with that section.

THE HEARING OFFICER FAILED TO FULFILL MANDATORY DUTIES UNDER GMC §30.43

GMC §30.43 imposes several mandatory duties on the decision-maker, requiring specific findings on each of four criteria before a variance may be granted: (1) under GMC §30.43.030(A), whether strict application of the zoning provisions would result in practical difficulties or unnecessary hardships (related to the property) inconsistent with the general purpose and intent of the ordinance; (2) under GMC §30.43.030(B), whether 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; (3) under GMC §30.43.030(C), whether the granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in such zone or neighborhood in which the property is located; and (4) under GMC §30.43.030(D), whether the granting of the variance will not be contrary to the objectives of the ordinance. These determinations must be supported by specific, evidence-based findings. To the extent the Decision simply recites conclusions without engaging the site-specific evidence and mitigation options necessary to perform this analysis, the Hearing Officer failed to carry out mandatory duties under GMC §30.43.030.

In particular, the variance provisions require the decision-maker to evaluate whether each of the four findings set forth in GMC §30.43.030(A) through (D) can be made through a variance that is appropriately limited and conditioned, rather than by rigid adherence to literal setback standards in all circumstances. The Decision, however, does not analyze whether a reduced-height wall, greater transparency, enhanced landscaping, alternative alignment, or other conditions could avoid alleged detriment while addressing the documented practical difficulties on this steep, curved hillside lot. Instead, it treats the full removal of the wall and restoration of grade as the only acceptable outcome, notwithstanding evidence of concerns including, but not necessarily limited to safety, privacy, and tree-protection concerns. By failing to analyze, on the record, whether reasonable conditions of approval could satisfy the purposes of the ordinance, the Hearing Officer did not perform the mandatory duty, under GMC §30.43.030, to evaluate the feasibility of less restrictive means before denying variance relief.

Similarly, the mandatory duties to make the findings required by GMC §30.43.030(A) (that strict application would result in practical difficulties or unnecessary hardships related to the property) and GMC §30.43.030(B) (that exceptional circumstances or conditions apply to the property that do not apply generally to other properties in the same zone or neighborhood) require an evaluation of current factual conditions, including traffic safety, topography, driveway configuration, and the presence of indigenous protected trees.

The Decision acknowledges that the property is on a "sharply curved street" with protected indigenous trees and that an "initial inquiry" was made to the City Arborist, but it fails to undertake or require the type of focused factual development necessary to discharge the fact-finding obligations imposed by GMC §30.43.030. Neither GMC §30.43.030 nor the City's variance procedures require an applicant to submit formal expert studies as a prerequisite to variance approval; substantial evidence may consist of staff reports, plans, site observations, and non-expert testimony, provided that such evidence is reasonably reliable and probative. However, where, as here, lay testimony and preliminary comments leave significant technical questions unresolved, it is reasonable and appropriate to consider whether supplemental analysis (including, if warranted, expert traffic, arborist, geotechnical, or visual studies funded by the applicant) should be obtained before making conclusive findings. A bare assertion that "there appears to be no evidence" of hardship or tree impact, when neither detailed studies nor other focused factual inquiries were required, does not satisfy the mandatory duty to base findings on substantial evidence rather than on speculative assumptions. On appeal, the Commission can and should cure this deficiency by considering supplemental testimony and analytical materials and making its own findings under GMC §30.43.030.

Finally, GMC §30.43 requires that the review authority "make findings of fact and determinations in writing" (see GMC §30.43.050), and where a variance is denied, those findings must address each of the four criteria set forth in GMC §30.43.030(A) through (D) in terms that are specific to the property and proposal at issue. Here, the Decision relies heavily on generalized statements about the neighborhood and on the existence of the 2004 variance denial, without squarely addressing the current combination of safety, topographic, and other substantial constraints at 3411 East Chevy Chase Drive. This lack of individualized analysis is inconsistent with the mandatory duty to make property-specific findings under GMC §30.43.030. For these reasons, I respectfully request that the Planning Commission either (1) exercise its de novo authority to make new findings and approve a tailored variance with conditions that satisfy GMC §30.43.030, or (2) at minimum, remand the matter with directions that the Hearing Officer develop a complete evidentiary record and make all findings required by GMC §30.43.030 based on substantial evidence.

INSUFFICIENCY OF EVIDENCE AND LACK OF NECESSARY SCRUTINY OF PUBLIC TESTIMONY

An additional, independent ground for this appeal is that the Decision to deny the variance is not supported by substantial evidence in the administrative record because it relies, in material part, on public testimony and neighbor statements that were not subjected to adequate scrutiny, clarification, or rebuttal. Under the substantial evidence standard

applicable to quasi-judicial land use decisions, the Planning Commission's de novo review must be based on "relevant evidence that a reasonable mind might accept as adequate to support a conclusion," not on speculation, uncorroborated opinion, or demonstrably inaccurate factual assertions. See *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514-515 (administrative findings must be supported by substantial evidence and articulate the connection between the evidence and the findings); *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 426-427 (substantial evidence is relevant evidence that a reasonable mind might accept as adequate to support a conclusion).

At the hearing, certain public testimony misstated or oversimplified key facts concerning (among other things) traffic speeds and volumes on East Chevy Chase Drive, the history and extent of grading on the property, the condition and sensitivity of indigenous protected trees, and the comparative configuration of nearby homes and walls. Those statements are inconsistent with the narrative and exhibits in my originally filed Findings of Fact (which describe East Chevy Chase Drive as “one of the main channels of traffic between different hillside neighborhoods,” with “no sidewalks, few stop signs, and limited parking restrictions,” and document that the existing wall/fence location dates back at least to 2004) and with the Variance Presentation slides that distinguish this segment of East Chevy Chase from lower-volume local-only streets (Buckingham Road, Linda Vista Road, and Dunsmere Road) and from other, less sharply curved parcels. Because the Hearing Officer did not probe these statements, request supporting data, or meaningfully consider contrary information, the resulting findings rest on an evidentiary foundation that is incomplete and, in some respects, affirmatively inaccurate.

For example, neighbors expressed views suggesting that traffic on East Chevy Chase Drive is negligible or benign at this location, that a guardrail is unnecessary or purely aesthetic, and that the front yard can be restored to original grade without risk to trees or slopes.

These lay opinions, while understandable, were not accompanied by traffic counts, sight-distance measurements, arborist evaluations, or geotechnical analysis. Yet the Decision echoes portions of this testimony in concluding that the road “pulls traffic away from the subject property,” that there is “no evidence” of safety risk, and that full removal of the wall and fill can occur “without damaging the indigenous protected trees.” In contrast, my Findings of Fact explain that East Chevy Chase Drive “bears substantially most of the neighborhood’s traffic bound in both directions,” that drivers “severely lack visibility when traveling either uphill or downhill, maneuvering the steep curve without any yield or stop signs,” and that the subject property sits at “the most vulnerable middle-point” of this “almost ‘U’ shaped curvature.” During the Variance Presentation, it was noted the “unfortunate culture of aggressive driving and speeding complaints” on East Chevy Chase caused for the City to install a convex mirror directly in front of the subject property, at

exactly the middle point of the U-shaped curve street as a visual aid for traffic safety. Moreover, the Variance Presentation shows that even other curved parcels on East Chevy Chase (e.g., 2635, 2631, 2618, 2628) do not experience the same degree of curvature and exposure. In the absence of supporting studies or other reliable factual corroboration, generalized assertions that this location is low-risk cannot, by themselves, constitute substantial evidence, particularly where they are at odds with the photographic documentation and neighborhood-mapping exhibits already in the record.

Moreover, the hearing process did not provide a meaningful opportunity to test or correct these misstatements. I did not have the benefit, at that time, of traffic, arborist, or geotechnical reports with which to rebut lay testimony, and the Hearing Officer did not continue the matter or otherwise invite supplementation of the record once it became clear that key factual disputes existed. While such reports are not required as a matter of law to support a variance request, they are acknowledged as a component of substantial evidence where technical issues are disputed. As a result, the Decision effectively credits contested public statements over more objective forms of analysis without explanation, thereby undermining both the fairness of the proceeding and the substantial-evidence basis for the findings. On de novo review, I respectfully request that the Planning Commission: (1) view the prior public testimony in light of its evidentiary limits; (2) give appropriate weight to any qualified expert reports and documentary evidence submitted with this appeal; and (3) where necessary to ensure a complete and balanced administrative record, continue the hearing or hold the record open to allow the City, the appellant, and interested neighbors to submit additional data or clarifications so that factual disputes can be resolved on the basis of reliable information rather than untested assertions.

If, after considering the augmented record, the Commission determines that material factual questions remain regarding traffic safety, tree impacts, grading stability, or neighborhood compatibility, I further request that the Commission either (a) exercise its de novo authority to take additional testimony and make its own findings based on the full evidentiary record, or (b) remand the matter with directions that any renewed hearing provide an express opportunity for the appellant to rebut and cross-check public testimony and for staff to obtain and present neutral analysis, including expert input where appropriate. Such corrective relief is necessary to ensure that any final decision is grounded in substantial evidence, accords with the requirements of GMC §30.43 and §30.62, and comports with basic principles of fairness in quasi-judicial proceedings.

NO LEGAL REQUIREMENT FOR EXPERT REPORTS AS A PREREQUISITE TO VARIANCE APPROVAL

Some comments at or relating to the hearing have suggested that the variance application was defective or the record legally incomplete because it did not include traffic engineering, geotechnical, arborist, or visual-impact expert reports at the time of the Hearing Officer's decision. Respectfully, neither GMC § 30.43, GMC § 30.62, nor the City of Glendale's adopted variance procedures require the submission of such expert reports as a prerequisite to granting a variance. GMC §30.43 requires that specific findings be made and that they be supported by substantial evidence, but it does not prescribe that only expert testimony or technical studies can supply that evidence. Under California administrative law, substantial evidence typically includes relevant evidence that a reasonable mind might accept as adequate to support a conclusion, which may consist of staff reports, application materials and plans, site observations, photographs, and non-expert testimony, so long as the evidence is credible and sufficiently probative. See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, *supra*, 40 Cal.4th at 426-427; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 393 (substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts); *Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1109 (technical studies are not always required where substantial evidence otherwise exists in the record).

Accordingly, the absence of traffic, geotechnical, arborist, or visual-impact reports at the initial hearing does not, standing alone, render the application invalid or deprive the Hearing Officer or the Commission of authority to grant a variance under GMC §30.43.030. Rather, expert analyses are one type of evidence that may be helpful or appropriate where technical issues are disputed or where the decision-maker seeks additional information to support tailored, condition-based relief. In this case, to avoid any doubt and to assist the Commission in exercising its de novo authority, I have indicated a willingness to fund and provide reasonable expert analyses and mitigation measures (traffic/safety, geotechnical, arborist, and visual/neighborhood compatibility) in connection with a modified and conditioned variance approval. This is offered as a means of strengthening the substantial-evidence basis for the Commission's findings under GMC §30.43.030, not because such reports are legally mandated prerequisites to granting variance relief.

Thank you for your consideration of this appeal.

Emmy Mnatsakanian

Emmy Mnatsakanian, Owner/Appellant