



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: June 6, 2018

TO: Hearing Officer

SUBJECT: Minor Variance #11885

LOCATION: 580 Westover Place

APPLICANT: Michael Blatt

ZONING DESIGNATION: RS-4 (Single-Family Residential, 0-4 units per acre)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Jamie Peltier

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11878 with conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To allow the construction of a 17 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of eight feet from the property line; where the minimum requirement is 25 feet. A Minor Variance is required to encroach into a required setback.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301, Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore there are no unusual circumstances. This section specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The project would add 17 square feet to an existing residence and the use would remain as single-family.

BACKGROUND:

Site Characteristics: The site is an 11,848 square-foot, irregularly shaped lot located at the end of a cul-de-sac. The site is currently developed with a 1,921 square-foot one-story, single-family residence, a 500 square-foot detached, two-car carport, and associated site improvements in the front area of the property. The subject site is relatively flat with an ascending slope at the rear.

Adjacent Uses: North – Single-Family Residential
South – Single-Family Residential
East – Single-Family Residential
West – Single-Family Residential

Adjacent Zoning: North – RS-4 (Single-Family Residential, 0-4 units per acre)
South – RS-4 (Single-Family Residential, 0-4 units per acre)
East – RS-4-HD (Single-Family Residential, 0-4 units per acre, Hillside Development Overlay District)
West – RS-4 (Single-Family Residential, 0-4 units per acre)

Previous Zoning Cases on This Property: Variance #3087 – To construct a one-story single-family residence and attached garage. The project proposed the attached garage to be 19 feet from the front property line and was approved on February 8, 1951.

PROJECT DESCRIPTION:

The applicant, Michael Blatt on behalf of property owners Sara and Chris Jennings, has submitted a Minor Variance application to allow the construction of a 17 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of eight feet from the property line; where the minimum requirement is 25 feet. The site is located within the RS-4 (Single-Family Residential, 0-4 dwelling units per acre) zoning district. No protected trees are proposed to be removed as part of the project. A Minor Variance is required to encroach into a required setback.

The addition to the existing single-family residence is proposed at the rear of the property and would not be visible from the street. The proposed 17 square-foot addition would be under the existing roof overhang, at the rear of the residence, and would extend the existing master bathroom. The existing single-family residence was constructed in 1951 with a Variance for a reduced 19-foot front yard setback.

The subject site is an irregular-shaped, flat, lot located at the end of the cul-de-sac on Westover Place. This cul-de-sac street configuration results in an irregular lot shape that creates a narrow curved front property line between the north and west property lines. Because of the property shape on the cul-de-sac street, the rear lot line is the east property line. The north, south, and west property lines are considered side lot lines. The property configuration results in atypical required setbacks, where the required rear and front yard setbacks cover a majority of the site. In

contrast, the other properties in the vicinity on Westover Place are generally rectangular and have equal sides and front and rear property lines, with standard setbacks.

The subject property would maintain all other existing setbacks from the property lines to the closest points of the residence. The existing single-family residence is approximately 120 feet long and is predominantly located at the rear of the property, approximately 6'-4" from the rear property line at the closest point. The rear property line is 151 feet long and the residence spans approximately 120 feet along the rear, encroaching into the required rear yard setback for its entire length.

As a result of the existing lot shape, required setbacks, and location of existing improvements, the applicant is proposing to construct the addition within the area to the east of the single-family residence, within the required rear yard setback.

ANALYSIS:

The minimum required rear yard setback for a property within the RS-4 zoning district is 25 feet. The Zoning Code defines the rear property line as a lot line that is parallel or approximately parallel to the front lot line. The rear yard setback extends across the full width of the site. Setbacks are to be measured at right angles from the nearest point on the rear property line to the nearest portion of the structure. The Zoning Code does not allow the addition to the existing structure to be located within a required rear setback. The addition is proposed eight feet from the rear property line. A Minor Variance is needed to deviate from the 25-foot rear yard setback requirement.

A Minor Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. It may only be granted when five specific findings are made in the affirmative. These findings relate to special circumstances related to the property; not granting of special privilege; meeting the intent and purpose of the subject property is zoning district and the Zoning code; and that the request would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.

The subject site is an irregular shaped, flat, lot located at the end of the cul-de-sac on Westover Place. This cul-de-sac street configuration results in an irregular lot that creates a curved front property line between the north and west property lines. The rear lot line is defined as a lot line that is parallel or approximately parallel to the front lot line. For this site, the rear property lot line is the east property line. The north, south, and west lot lines are considered interior side lot lines. The rear property line has a length of approximately 151 feet, the front is approximately 46 feet, and the sides of the lot are 63 feet on the north side, 80 feet on the south side, and 100 feet on the west side property lines. The lot line configuration results in a lot with a shallow depth and irregular shape. Due to the reduced lot depth, the minimum 25-foot front and rear yard setback requirements create constraints on the property and proposed development is limited in area.

The one-story residence is approximately 120'-5" long by 21' wide and 6'-4" from the rear property line at the closest point, which results in the majority of existing single-family residence constructed within the rear yard setback. The residence contains an unenclosed area with a two-foot roof eave along the back side and the proposed addition would be under the existing roofed area. The addition would not project further towards the property lines than the existing development and there are no other proposed alterations with this entitlement.

Due to the irregular shape of the lot and the existing development configuration of the site, constructing an addition to the existing residence poses unusual circumstances that a typical property in the RS-4 zoning district does not encounter. The applicant wishes to preserve the existing trees and site improvements in the front yard area and maintain the historic nature of the structure, while developing without interfering on the adjacent neighbors.

If the Minor Variance were to be approved, there would be an eight-foot setback from the rear property line that would enclose a 17 square-foot addition under the existing roof eave. With the exception of the requested Minor Variance, the proposed addition complies with all other applicable development standards, as shown in Table 1.

Table 1 – Residential Development Standards

Development Standard		Requirement	Proposed Project	Compliance
Setbacks	Front	25 feet	19 feet (existing)	V #3087
	Sides	5 feet	>5 feet (north)	Complies
			>5 feet (west)	Complies
			>5 feet (south)	Complies
Rear	25 feet	8 feet	Minor Variance	
Encroachment Plane		30 degree angle measured 6 feet above existing grade	No projection into encroachment plane	Complies
Height	Maximum 28 feet		14 feet	Complies
	Top Plate 23 feet		7 feet, 4 inches	Complies
Lot Coverage		Maximum 4,147 sq. ft.	2,438 sq. ft.	Complies
Floor Area		Maximum 4,054 sq. ft.	2,438 sq. ft.	Complies

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained. The proposed addition would be consistent with the adopted General Plan policies, including Policy 21.3 (Residential Neighborhoods – Neighborhood Character), which encourages development to maintain elements of residential street that unify and enhance the character of the neighborhood. The proposed addition would not alter the existing character of the neighborhood as seen from the street, since it would be in the rear of the property, thus maintaining the character of the streetscape and same visual appearance as the existing homes along Westover Place.

COMMENTS FROM OTHER DEPARTMENTS:

The proposed project was reviewed by the Department of Public Works, Department of Transportation, Fire Department, Building and Safety Division, and Design and Historic Preservation Section. The departments had no comments at this time and would review the project during the building permit plan check process to ensure compliance with applicable code requirements.

CONCLUSION:

Staff concludes that the findings necessary for approving the Minor Variance to allow the construction of a new 17 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of eight feet from the rear property line can be made. The proposed project meets all other applicable development standards required by the Zoning Code. The approval of the Minor Variance request would allow the property owner enjoyment of the existing residence without impacting the surrounding residential neighborhood. Conditions of approval would ensure that the project is compatible with the surrounding area. Therefore, staff recommends approval of the Minor Variance, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Attachments:

Attachment A: Minor Variance Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11885

Minor Variance: To allow the construction of a 17 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of eight feet from the rear property line; where the minimum requirement is 25 feet.

1. *There are exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district.* The subject site is an irregular shaped, flat, lot located at the end of the cul-de-sac on Westover Place. This cul-de-sac street configuration results in an irregular lot that creates a curved front property line between the north and west property lines. The rear lot line is defined as a lot line that is parallel or approximately parallel to the front lot line. For this site, the rear property lot line is the east property line. The north, south, and west lot lines are considered interior side lot lines. The rear property line has a length of 151 feet, the front is approximately 46 feet, and the sides of the lot are 63 feet on the north side, 80 feet on the south side, and 100 feet on the west side property lines. The lot line configuration results in a lot with a shallow depth and irregular shape. Due to the reduced lot depth, the minimum 25-foot front and rear yard setback requirements create constrains on the property and proposed development is limited in area.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* The usable area of the lot is limited due to the existing development on the property located and the irregular shape of the lot with a shorter front lot line and longer rear lot line, which results atypical required setbacks. Additionally, the existing single-family residence is located within the required rear yard setback and the 17 square-foot addition will be eight feet from the rear property line located under the existing roof eave and not visible from the street. Granting of the Minor Variance would allow the property owner to maintain the existing residence with historic significance and use the front yard area of property for activities typical of a single-family residence, while not significantly impacting neighboring residences.
3. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The project will be required to obtain building permits ensuring that the construction will be safe. Conditions of approval will ensure that the project remains compatible with the surrounding area in that it would be a single-story addition to the rear of the property.
4. *Granting the application is consistent with the General Plan and the purposes of Title 17 of the Municipal Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood will be maintained. The single-story addition under the existing roof eave, with a reduced rear yard setback of eight feet, would be consistent with the adopted General Plan policies, including Policy 21.3 (Residential Neighborhoods – Neighborhood Character), which encourages development to maintain elements of residential street that unify and enhance the character of the neighborhood. The addition will not alter the existing character of the neighborhood, as it will be in the rear of the property, thus maintaining the character of the streetscape and same visual appearance as the existing homes along Westover Place. The

project will comply with all the applicable development standards of the Zoning Code except for the Minor Variance requested to encroach into the required rear yard setback.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance.* The cost to the applicant of complying with the City's development standards has not been considered as the main factor throughout the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11885

The applicant or successor in interest shall meet the following conditions:

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, June 6, 2018," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. This approval allows for the construction of a 17 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of eight feet from the rear property line.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **PLN2018-00155** is subject to the Inspection Program by the City as well as the Mitigation Monitoring and Reporting program. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Jamie Peltier, Current Planning Section, at (626) 744-7096 to schedule an inspection appointment time.

Planning Division

7. The addition to the single-family residence shall not be located closer than eight feet from the rear property line.
8. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code.
9. All lighting shall be directed downward to minimize glare from the property.