



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: October 3, 2018

TO: Hearing Officer

SUBJECT: Variance #11890

LOCATION: 180 South San Rafael Avenue

APPLICANT: Taalman Architecture / Beaver Dam LLC

ZONING DESIGNATION: RS-1-HD (Single-Family Residential, 0-1 units per acre, Hillside Overlay District)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Kristen Johnston

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Variance #11890 and the Minor Variance with the conditions in Attachment B.

PROJECT PROPOSAL: Variance: To allow construction of a 500 square-foot accessory structure (pool house) within the front yard, where an accessory structure is required to be located behind the rear wall plane of the primary structure; and

Minor Variance: To allow replacement of an existing six-foot chain link fence with a new six-foot solid wood fence, along portions of the north and south side property lines within the front yard of a flag lot, where the maximum allowed height is four feet.

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, §15303, Class 3, (New Construction or Conversion of Small Structures) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 exempts

construction of small structures from environmental review, including accessory structures and fences.

BACKGROUND:

Site characteristics: The site is an 80,590 square-foot flag lot adjacent to the Arroyo Seco, and is developed with a 3,440 square-foot single-family residence with an attached 1,205 square-foot carport, and a 285 square-foot pool house and swimming pool within the front yard. The site has a gradual upward slope from South San Rafael Avenue to the building pad, with a developable area of 49,962 square feet with an average slope of 25.9 percent. The remaining 30,628 square feet of the lot has a slope greater than 50 percent. This lot is identified on the Arroyo Seco Slope Bank Map, dated May 11, 2004.

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

Adjacent Zoning: North – RS-1-HD (Single-Family Residential, 0-1 units per acre, Hillside Overlay District)
South – RS-1 HD (Single-Family Residential, 0-1 units per acre, Hillside Overlay District)
East – OS (Open Space, Arroyo Seco)
West – RS-4 (Single-Family Residential, 0-4 units per acre)

Previous zoning cases on this property: Exception #10068: To allow the construction of a swimming pool and structure within the front yard. (Approved March 17, 1982)

PROJECT DESCRIPTION:

The applicant, Taalman Architecture on behalf of Beaver Dam LLC, has submitted the following applications to facilitate construction of a 500 square-foot accessory structure (pool house), and new six-foot solid wood fence, within the front yard: A Variance application to allow construction of a 500 square-foot accessory structure (pool house) within the front yard, where an accessory structure is required to be located behind the rear wall plane of the primary structure, and a Minor Variance application to allow replacement of an existing six-foot chain link fence with a new six-foot wood fence, along portions of the north and south side property lines within the front yard of a flag lot, where the maximum height is four feet. The subject site is a flag lot developed with a single-family residence in the RS-1-HD (Single-Family Residential, 0-1 dwelling units per acre, Hillside Overlay) zoning district.

The proposed project includes the demolition of an existing 285 square-foot accessory structure and construction of a new 500 square-foot pool house within the front yard of the existing single-family residence. The proposed pool house would be constructed in front of the existing residence and situated approximately 55 feet from the north side property line, 60 feet from the south side property line, 130 feet from the front (west) property line, and 71 feet from the residence. The

pool house would be adjacent to the pool and would consist of a recreation room, changing room, bathroom and a covered barbeque area.

In addition to constructing a new pool house, the project includes replacement of an existing six-foot chain link fence with a new solid wood fence, six feet in height along the north side property line from the street property line to the occupancy frontage approximately 440 linear feet, and along the south property line from the front property line to the occupancy frontage approximately 220 linear feet.

ANALYSIS:

As established above, the subject site is a flag lot. Section 17.40.050 – Flag Lot Development Standards, Figure 4-1 illustrates flag lot components, identifying components such as the pole portion of a lot, flag portion of a lot, front lot line, side and rear lot line, etc. As such, the front lot line is the lot boundary that most nearly parallels the public or private street providing access to the lot, and which abuts the end of the pole, but does not include the pole. The side property line is any lot boundary that does not abut a public or private right-of-way, and is not a front or rear property line, exclusive of the pole portion of the lot. The rear property line is the lot boundary opposite the front property line.

The existing 3,440 square-foot single-family residence and attached 1,205 square-foot carport are situated at the center of the flag lot. The existing residence is 480 feet from the street and is set back approximately 218 feet from the front property line, 285 feet from the rear property line, and approximately 20 feet from the top edge of the Arroyo slope bank. The site is also developed with a 285 square-foot pool house and swimming pool within the front yard, approximately 71 feet in front of the existing residence, and 88 feet behind the front setback.

The proposed project would include the demolition of the existing 285 square-foot accessory structure (pool house) and construction of a new 500 square-foot pool house, within the front yard of the existing single-family residence. In addition to the proposed pool house, the project includes replacement of the existing six-foot chain link fence with a new solid wood fence, six feet in height along the north and south side property lines.

The subject site is an 80,590 square-foot (1.85 acres) flag lot and is adjacent to the Arroyo Seco with vehicular access from South San Rafael Avenue. The site has a gradual upward slope from South San Rafael Avenue to the building pad, with a developable area of 49,962 square feet with an average slope of 25.9 percent. The remaining 30,628 square feet of the lot has a slope greater than 50 percent.

RS-1-HD Development Standards

The subject site is located in the RS-1-HD (Single-Family Residential, 0-1 lots per acre, Hillside Overlay District) zoning district. Properties located within the RS-1 zoning district are required to comply with all of the development standards of the RS-1 zoning district provided in Section 17.22.040, RS and RM-12 Residential District Development Standards. Additionally, properties located within the Hillside Overlay are required to comply with additional standards beyond those applicable to the base single-family residential zoning district (RS). These additional standards are intended in part, to preserve and protect views to and from hillside areas, maintain an environmental equilibrium by preserving and protecting existing natural resources, prohibit features that would create or increase fire, flood, landslide or other safety hazards to public health and safety, and preserve significant natural topographic features.

In addition to the development sections provided above, the proposed 500 square-foot pool house, within the front yard of the existing single-family residence is subject to development standards provided in Section 17.50.250 – Residential Uses – Accessory Uses and Structures, and Section 17.29.060 – Building Design Standards of the Zoning Code.

Accessory Structure (Pool House)

Accessory structures are subject to the development standards pursuant to Section 17.50.250 of the Zoning Code, which states that accessory structures shall be limited to uses which are accessory to the main use, including but not limited to, cabana, garage or carport, gazebo, greenhouse, pergola, pool, or hot tub and related equipment, or workshop. An accessory structure shall not be used for sleeping quarters.

An accessory structure may contain air conditioning, heating, shower, toilet, washtub, and/or washer and dryer facilities. However, when an accessory structure contains any of the above listed facilities or a combination of such facilities, a covenant shall be required that restricts the use of the accessory structure.

The proposed 500 square-foot accessory structure (pool house) would be located adjacent to the swimming pool and would consist of a recreation room, changing room, bathroom (toilet, sink, and shower) and a covered barbeque area. As a result, a covenant will be required to be recorded for the accessory structure (pool house) prior to the issuance of building permits. A condition of approval has been included in Attachment B of this report to ensure compliance with this requirement, prior to the issuance of building permits.

Height Limits

As prescribed in Section 17.50.250(E) of the Zoning Code for accessory structures, the top plate height for an accessory structure shall not exceed nine feet. Additionally, the overall height of an accessory structure (excluding the top plate height) may rise above the nine-foot height limit as it steps or slopes away from the two-foot initial setback, but shall not intercept an encroachment plane sloping inward from a point nine feet in height and rising a maximum of one and one-half feet of distance starting at the two-foot setback. Furthermore, an accessory structure may rise to, but shall not exceed, an overall height of 15 feet, so long as the structure does not intercept the encroachment plane.

The proposed top plate height of the accessory structure (pool house) is 8'6", with an overall height of 9'4", measured from existing grade and does not intercept the encroachment plane at any point. Therefore, the proposed accessory structure (pool house) complies with the maximum allowable top plate and overall height requirement.

Setbacks

An accessory structure shall not exceed a height of nine feet, but only if located two feet from a property line. Additionally, in order to prevent an excessive amount of structure located along a property line, the maximum horizontal length of an accessory structure than can be located less than five feet from the property line shall be limited to 22 feet. Any portion of the structure that exceeds 22 feet in length and is less than five feet from the property line, shall be required to be set back a minimum of five feet from the property line. Lastly, an accessory structure shall not occupy the required 25-foot front setback.

The proposed accessory structure (pool house) would be constructed approximately 55 feet from the north side property line, 60 feet from the south side property line, 130 feet from the front (west) property line, and more than 250 feet from the rear property line. Therefore, the proposed accessory structure (pool house) complies with the minimum setback requirements described above.

Accessory Structure Size and Placement

Pursuant to Section 17.50.250(G) of the Zoning Code, the maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater. Furthermore, Section 17.29.060(C), states that accessory structures located in the HD and HD-SR districts shall comply with the following size and location limits:

- a) Lots larger than 10,000 square feet. In addition to the aggregate size requirements of Section 17.50.250(G), for lots larger than 10,000 square feet in size, portions of a lot with a slope 50 percent or greater shall not be included in the lot size when determining maximum aggregate size.
- b) Size of Individual Accessory Structures. In addition to the aggregate size requirements of Section 17.50.250(G), individual accessory structures shall be limited to a maximum size of 600 square feet.
- c) Placement of Accessory Structures. Accessory structures, except for detached garages, must be located behind the rear wall plane(s) of the primary structure. An existing primary structure may not be converted into an accessory structure unless the new primary structure is in front of the accessory structure.

As concluded above, the maximum aggregate accessory structure size is six percent of the lot size. The subject site is 80,590 square feet in area, with 30,628 square feet of the site that has slopes of 50 percent or greater. Therefore, the remaining 49,932 square feet is used to determine the maximum allowable accessory structure floor area for the site. Based on the useable lot area of 49,932 square feet, six percent of the lot size is 2,996 square feet. As such, the proposed 500 square-foot accessory structure (pool house) is less than the maximum allowable accessory structure size and complies with the maximum individual accessory structure size of 600 square feet.

However, the proposed 500 square-foot accessory structure (pool house) would be located in front of the primary structure. Therefore, a Variance is required to allow deviation from the accessory structure placement requirement.

Floor Area

Calculating the maximum allowed floor area is generally a multi-step process. The intent of the process is to consider the steepness or topography of a property when determining the size of a development. A steeper property may provide less land area suitable for development. The Zoning Code considers this with respect to maximum allowed floor area. As such, the following calculations were undertaken:

Gross floor area generally includes all covered parking (garage and carport areas), habitable attic space, and accessory structures, among other enclosed space. For lots greater than 10,000 square feet in area, all portions of the lot with a 50 percent slope or greater shall be deducted from the lot area used for calculating maximum allowable gross floor area. Additionally, pursuant to Section 17.40.050.E.2 of the Zoning Code, when an addition to a residence and related

accessory structures occur on a flag lot, the maximum gross floor area ratio shall be based upon the area of the flag portion of the lot. As such, the pole portion of the lot (6,500 square feet) is deducted from the lot area. The maximum allowable gross floor area for properties located in the RS-1-HD zoning district is 20 percent of the reduced lot size plus 500 square feet.

Moreover, pursuant to Section 17.29.060.A.4 of the Zoning Code, the maximum floor area ratio for a lot with an average slope exceeding 15 percent shall be further reduced. To confirm applicability of this reduction, the applicant calculated the average slope across the lot using contour information taken from a topographic survey of the site. The average slope calculation utilizes the gross lot area (80,590 square feet), prior to removing areas with slopes 50 percent or greater. As a result, the average slope of the site is 25.9 percent.

Consequently, based on the floor area calculation requirements, the maximum allowable gross floor area for the site is 8,691 square feet. The project proposes a floor area of 4,996 square feet; therefore, it complies with the maximum allowable gross floor area for the subject site.

Lot Coverage

For properties located within the Hillside Overlay District, the maximum allowable lot coverage is equal to 35 percent of the lot area. Lot coverage is the percentage of the site covered by roofs, soffits or overhangs extending more than three feet from a wall, and decks more than four feet in height. This standard generally evaluates the percentage of land area covered by development. In this case, 35 percent of the 80,590 square-foot (1.85 acres) lot is 28,207 square feet. The project proposes a lot coverage of 7,583 square feet or nine percent, which is less than the maximum allowable lot coverage. As proposed, the project complies with the lot coverage requirement.

Variance: To allow construction of a 500 square-foot accessory structure (pool house) within the front yard of an existing single-family residence, where an accessory structure is required to be located behind the rear wall plane of the primary structure

A Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. A Variance may only be granted after making five findings pursuant to Zoning Code Section 17.61.080.G (Findings and Decision). The general purpose of review is to identify compliance with the Zoning Code and General Plan, whether exceptional or extraordinary circumstances exist, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties.

The existing single-family residence is situated at the center of the flag lot and is 480 feet from the street and set back 218 feet from the front property line, 285 feet from the rear property line, and is approximately 20 feet from the top edge of the Arroyo Seco slope bank.

The existing 285 square-foot pool house is currently located within the front yard adjacent to the existing swimming pool. The swimming pool and accessory structure received an approval in 1982 for its existing location within the front yard (Attachment C). However, due to the applicant's proposal to demolish and rebuild a larger accessory structure (pool house), the applicant must obtain the approval of a Variance in order to deviate from the accessory structure placement requirement.

As previously noted, the subject site is identified on the Arroyo Seco Slope Bank Map, dated May 11, 2004. Pursuant to Section 17.29.050(D) of the Zoning Code no structure shall extend over or

below the top edge of the Arroyo Seco slope bank, on a lot identified on the Arroyo Seco Slope Bank Map. The “top edge” of the Arroyo is the highest existing grade elevation at the point where the natural gradient inclines downward at a slope greater than 50 percent in the mapped area. Additionally, a Hillside Development Permit is required for the development of any structure within 20 feet of the top edge. The existing residence is located 20 feet of the top edge of the Arroyo leaving the site without a useable back yard. Therefore, constructing an accessory structure that complies with the development standards, specifically structure placement, poses unusual circumstances that a typical single-family residential property does not encounter. As such, staff’s analysis concludes that the proposed pool house location, within the front yard, would allow the applicant to replace the existing accessory structure (pool house) in order to enjoy accessory uses and structures that single-family residential properties are typically afforded. Additionally, the analysis shows that the proposed location of the accessory structure (pool house) would not be inconsistent with development in the immediate area for properties that are adjacent to the Arroyo Seco slope bank that are required to construct accessory structures within the front yard.

If the Variance were to be approved, it would allow the applicant to construct a 500 square-foot accessory structure (pool house) within the front yard of a flag lot. With the exception of the requested Variance, the proposed accessory structure (pool house) complies with all other applicable development standards.

Minor Variance: To allow a new six-foot solid wood fence, within the front yard, where the maximum allowed height is four feet

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 special circumstances are applicable to the subject property, the strict application of the Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards. Additionally, a Minor Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts.

Section 17.40.180 of the Zoning Code states that a wall or fence within the RS or RM-12 zoning district located within front yard (between the front property line and the occupancy frontage) shall have a maximum height of four feet and be at least 50 percent open. More specifically, Section 17.40.180(f) identifies wall and fence height for flag lots, allowing a maximum front yard wall or fence height of six feet, provided the front yard of the flag lot is abutting interior side or rear yards on all sides. However, the maximum height of walls and fences shall remain four feet in the portion of the pole that abuts a front yard, from the street property line to the occupancy frontage of the adjacent properties or 25 feet, whichever is greater.

As previously noted, the subject site is a flag lot located within the RS-1-HD (Single-Family Residential, Hillside Overlay District) zoning district. As concluded in the analysis above, the maximum allowable wall and fence height, located within the pole portion of a lot that abuts a front yard is 4 feet and at least 50 percent open. Plans provided by the applicant show replacement an existing 6’0” chain link fence along the north and south side property lines, both of which abut adjacent front yards, with a 6’0” solid wood fence. Therefore, a Minor Variance is required to allow the 6’0” solid wood fence to exceed the maximum allowable height of four feet, within a front yard.

The proposed solid wood fence along the north property line would be set back 24’11” from the street and 10’0” from the property line for 440 linear feet to the occupancy frontage, and is within

the pole portion of the flag lot and front yard of the site. As described above, four feet is the maximum height of walls and fences within the pole portion of a flag lot when abutting a front yard of an adjacent property. The front yard of the adjacent property to the north is 500 feet from the front property line to the occupancy frontage, which extends beyond the occupancy front of the subject site by 50 feet.

Additionally, the plans show the replacement of the existing 6'0" chain link fence along the south side property line with a 6'0" solid wood fence. The proposed solid wood fence would begin at the front property line of the flag portion of the lot, along the south side property line for 220 linear feet to the occupancy frontage. The property to the south of the subject site is also a flag lot, with the front yard extending 450 feet from the front property line to the occupancy frontage.

Therefore, staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district. The subject site is a flag lot, with an adjacent flag lot parcel to the south and a large rectangular parcel to the north that maintain front setbacks between 450 and 500 feet. As a result of the large front yard setbacks of both adjacent properties, and the location of the swimming pool within the front yard, the site would not be permitted to replace the six-foot fencing to secure the site and comply with the pool enclosure requirement, creating special circumstances that are unique to the subject site. The construction of a fence that complies with the maximum four-foot height within a front yard would create an unnecessary hardship for the property. The accessory uses and structures are located within the front yard because the existing residence is located 20 feet from the top edge of the Arroyo Seco slope bank, and results in the site having a rear yard that is not useable.

If the Minor Variance were to be approved, there would be a six-foot tall, solid wood fence along the north and south side property lines.

Tree Protection Ordinance and Preliminary Landscape Plan

The tree inventory report and plan submitted by the applicant identify 36 trees located on the subject site that have a diameter-at-breast-height of eight inches or more. Fourteen of the 36 trees are protected trees which include: Four Japanese Maple (*Acer Palmatum*), three Chinese Elm (*Ulmus Parvifolia*), three native Coast Live Oak (*Quercus agrifolia*), three Lemon Scented Gum (*Eucalyptus Citriodora*), and one Jacaranda (*Jacaranda Mimosifolia*). All of the protected trees will remain, have a diameter-at-breast-height between 12" and 60", and are the only trees out of the 36 trees identified on the property as protected by the City based on the species, size, and location on the property. The inventory report and plan indicate that the remaining 22 trees, are not protected trees, and will remain.

As a condition of approval, the Planning Department will require the submittal of a Tree Protection Plan for the protected trees on public and private property prior to the issuance of a building permit. This will ensure the health of the trees during and after construction.

ENVIRONMENTAL REVIEW:

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, §15303, Class 3, (New Construction or Conversion of Small Structures) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 exempts construction of small structures from environmental review, including accessory structures and fences.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site will remain a single-family residence; therefore, the character of the single-family neighborhood will be maintained. The 500 square-foot accessory structure (pool house), within the front yard of a single-family residence will 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 the proposed accessory structure (pool house) will not be visible from the street and it will maintain the required setbacks and utilize the existing driveway off South San Rafael Avenue, thus maintaining the character of the streetscape and same visual appearance as the existing homes along South San Rafael. The project will comply with all the applicable development standards of the Zoning Code except for the Variance requested to allow the accessory structure within the front yard of the existing single-family residence.

Additionally, the proposed 6'0" solid wood fence within the front yard would not change the existing use of the property. The property will maintain consistency with the General Plan Land Use Policy 21.7 (Safety) which encourages residential developments to facilitate and enhance neighborhood safety with elements such as front porches, large front windows, and property improvements such as fences. The proposed 6'0" solid wood fence, within the front yard of the subject site would comply with pool enclosure requirements applicable to the subject site in order to maintain safety for the occupants of the subject site and adjacent properties. Therefore, the applicant's request is consistent with the goals, policies, and objectives of the General Plan.

REVIEW BY 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 Fire Department and Department of Public Works provided comments that are included as recommended conditions of approval in Attachment B.

CONCLUSION:

Staff concludes that the findings necessary for approving the Variance and Minor Variance to allow the construction of a 500 square-foot accessory structure (pool house) and six-foot tall solid wood fence, within the front yard can be made. With the exception of the required accessory structure placement, the proposed accessory structure (pool house) meets all other applicable development standards required by the Zoning Code. The approval of the Variance and Minor Variance request would allow the property owner enjoyment of typical residential activities, while protecting impacts such as health and safety to the surrounding residential neighborhood. Conditions of approval would ensure that the project is compatible with the surrounding area. Therefore, staff recommends approval of both the Variance and Minor Variance, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Attachments:

- Attachment A: Variance and Minor Variance Findings
- Attachment B: Recommended Conditions of Approval
- Attachment C: Exception #10068 Decision Letter

ATTACHMENT A
SPECIFIC FINDINGS FOR VARIANCE #11890

Variance: To allow construction of a 500 square-foot accessory structure (pool house) within the front yard of an existing single-family residence, where an accessory structure is required to be located behind the rear wall plane of the primary structure

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 existing single-family residence is situated at the center of the flag lot and is 480 feet from the street and set back 218 feet from the front property line, 285 feet from the rear property line, and is approximately 20 feet from the top edge of the Arroyo Seco slope bank. As such, the location of the existing residence precludes accessory structures from being constructed behind the rear wall plane of the primary structure, where the Section 17.29.050(D) of the Zoning Code states that no structure shall extend over or below the top edge of the Arroyo Seco slope bank. Therefore, constructing an accessory structure that complies with the development standards, specifically structure placement, poses unusual circumstances that a typical single-family residential property does not encounter. As such, staff's analysis concludes that the proposed pool house location, within the front yard, will allow the applicant to replace the existing accessory structure (pool house) in order to enjoy accessory uses and structures that single-family residential properties are typically afforded. Additionally, the analysis shows that the proposed location of the accessory structure (pool house) will not be inconsistent with development in the immediate area for properties that are adjacent to the Arroyo slope bank that are required to construct accessory structures within the front yard.
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 subject site does not maintain a useable rear yard due to the location of the existing single-family residence, situated at the center of the flag lot, set back 20 feet from the top edge of the Arroyo Seco slope bank. Constructing an accessory structure that complies with the development standards, specifically structure placement, poses unusual circumstances that a typical single-family residential property does not encounter. The proposed accessory structure (pool house) location, within the front yard, will allow the applicant to replace the existing accessory structure (pool house) in order to enjoy accessory uses and structures that single-family residential properties are typically afforded. As such, staff finds that granting of the Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
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 maintain the required setbacks and will comply with all other development standards applicable to an accessory structure.
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 will remain a single-family residence; therefore, the character of the single-family neighborhood will be maintained. The 500 square-foot accessory structure (pool house),

within the front yard of a single-family residence will 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 the proposed accessory structure (pool house) will not be visible from the street and it will maintain the required setbacks and utilize the existing driveway off South San Rafael Avenue, thus maintaining the character of the streetscape and same visual appearance as the existing homes along South San Rafael. The project will comply with all the applicable development standards of the Zoning Code except for the Variance requested to allow the accessory structure (pool house) within the front yard of the existing single-family residence.

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.

Minor Variance: To allow a new six-foot solid wood fence, within the front yard, where the maximum allowed height is four 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 a flag lot located within the RS-1-HD (Single-Family Residential, Hillside Overlay District) zoning district. The applicant is requesting to replace an existing 6'0" chain link fence along the north and south side property lines with a 6'0" solid wood fence. Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district, given that the subject site is a flag lot, with an adjacent flag lot parcel to the south and a large rectangular parcel to the north. The large front yard setbacks of both adjacent properties, and the location of the swimming pool within the front yard, creates special circumstances unique to the subject site, in that the subject site would be unable to replace the existing 6'0" chain link fencing with a 6'0" solid wood fence within the front yard in order to comply with pool enclosure requirements applicable to the subject site.
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 applicant is requesting to replace an existing 6'0" chain link fence along the north and south side property lines with a 6'0" solid wood fence. The large front yard setbacks of both adjacent properties, and the location of the swimming pool within the front yard, creates special circumstances unique to the subject site. As such, the subject site would be unable to replace the existing 6'0" chain link fencing with a 6'0" solid wood fence within the front yard in order to comply with pool enclosure requirements for an existing swimming pool on the subject site, creating an unnecessary hardship. Granting of the Minor Variance would allow the property owner to replace the existing 6'0" chain link fencing with a 6'0" solid wood fence.
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 and zoning permits ensuring that the construction will comply with the approved fence height. Granting the applicant's request to allow a 6'0" fence within the front yard would not be detrimental or injurious to property or improvements in the vicinity

of the project site, given that the purpose of constructing the fence is to provide a pool enclosure compliant with the building code for the occupants of the site and the adjacent properties. Conditions of approval will ensure that the project remains compatible with the surrounding area.

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 property is designated Low Density Residential in the Land Use Element of the General Plan. The existing use of the site is a single-family residence. The proposed 6'0" solid wood fence within the front yard would not change the existing use of the property. The property will maintain consistency with the General Plan Land Use Policy 21.7 (Safety) which encourages residential developments to facilitate and enhance neighborhood safety with elements such as front porches, large front windows, and property improvements such as fences. The proposed 6'0" solid wood fence, within the front yard of the subject site would comply with pool enclosure requirements applicable to the subject site in order to maintain safety for the occupants of the subject site and adjacent properties. Therefore, the applicant's request is consistent with the goals, policies, and objectives of the General Plan.

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 VARIANCE #11890

The applicant or the successor in interest shall comply with 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, October 3, 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 Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of this application authorizes the construction of a 500 square-foot, accessory structure (pool house), and six-foot solid wood fencing along the north and south side property lines, within the front yard of a single-family residence.
4. The applicant or successor in interest shall meet the applicable code requirements of all other 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 **PLN2018-00293** is subject to the Inspection Program by the City. 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 Kristen Johnston, Current Planning Section, at (626) 744-6709 to schedule an inspection appointment time.

Planning Division

7. In compliance with Section 17.50.250(B)(2) of the Pasadena Zoning Code, the applicant shall provide a copy of the recorded accessory structure covenant to the Planning Department prior to the issuance of building permits.
8. The applicant shall comply with all requirements of Zoning Code Chapters 17.22 (Residential Zoning Districts), 17.29 (Hillside Overlay District), and 17.50 (Standards for Specific Land Uses) that relate to residential development, specifically accessory structures, in RS-1-HD (Single-Family Residential, Hillside Overlay District) zoning district.
9. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).
10. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any

proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.

11. 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. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site.
12. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

Fire Department

13. This project is located in an Extreme Fire Severity Zone and is required to comply with 2016 CFC; 2016 CRC Section R337, 2016 CBC Chapter 7A, Urban- International Wildland-Urban Interface Code (IWUIC) requirements.
14. Automatic Fire Sprinkler: A complete automatic fire sprinkler system designed and installed in compliance with NFPA 13D is required throughout the entire structures per the requirement CFC 2016 Section 503 and PMC Section 14.28.020.12. Plans shall be submitted to the Permit Center for Fire Department's review within 30 working days of the issuance of the Building Permit.

Public Works Department

15. The proposed 6-foot tall mechanized entry gate shall have a minimum of 20 feet setback from the property line along the San Rafael Avenue frontage.
16. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.
17. Past experience has indicated that projects such as this tend to damage the existing public and private street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$2,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing,

and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the existing public and private street improvements that are damaged, including striping, slurry seal/resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. The deposit may be used for any charges resulting from damage to street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.

18. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/>. A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.
19. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: http://cityofpasadena.net/PublicWorks/Engineering_Division/

20. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.

In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

- Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)
In accordance with Section 12.04.035, entitled “Abandoned Driveways” of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged curb, gutter and sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy in accordance with Section 12.04.031, entitled “Inspection required for Permit Clearance” of the PMC.
- City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC
The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the assessed value of the tree. Refer to <https://ww5.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/> for guidelines and requirements for tree protection.
- Stormwater Management and Discharge Control Ordinance – Chapter 8.70 of the PMC
This project is subject to the requirements of the City's Storm Water and Urban Runoff Control Regulation Ordinance which implements the requirements of the Regional Water Quality Control Board's Standard Urban Storm Water Mitigation Plan (SUSMP). Prior to the issuance of any demolition, grading or construction permits for this project, the developer shall submit a detailed plan indicating the method of SUSMP compliance. Information on the SUSMP requirements can be obtained from the Permit Center's webpage at: <https://ww5.cityofpasadena.net/planning/permit-center/apply-for-permit/> .

The resolution of the City Council of the City of Pasadena approving the amended stormwater and urban runoff pollution control regulations and repealing resolution No. 8151, can be found at the following link: http://ww2.cityofpasadena.net/councilagendas/2015%20Agendas/Aug_17_15/AR%2019%20RESOLUTION%20APPROVING%20AMENDED%20STORMWATER%20&%20URBAN%20RUNOFF%20POLLUTION.pdf

- Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at <http://cityofpasadena.net/PublicWorks/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:
 - a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
 - b. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable

Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

ATTACHMENT C
EXCEPTION #10068

City of Pasadena

ONE HUNDRED NORTH GARFIELD AVENUE
PASADENA, CALIFORNIA 91109



March 17, 1982

Beverly D. Jefferies
180 S. San Rafael
Pasadena, Ca 91105

Dear Ms. Jefferies:

Your application for exception to the accessory use requirements of the Zoning Ordinance at 180 S. San Rafael, Zone R-1, was considered by the Zoning Administrator on March 17, 1982. This was a petition for permission to construct a swimming pool and deck structure on the front half of the property. All existing structures would remain.

After careful consideration of this application, and with full knowledge of the property and vicinity, it was found:

1. That the exception requested is not in conflict with the general purpose and intent of the Zoning Ordinance and General Plan.
2. That the exception will not be detrimental to the public welfare or convenience.
3. That such exception is necessary for the preservation and enjoyment of a property right of the petitioner and to prevent unreasonable property loss or unnecessary hardship and will not be detrimental or injurious to the property or improvements of other owners of property.

Specific Findings:

1. Denial of this application would result in a unnecessary hardship for the applicant in that most of the usable outside area of this lot is in the front half of the lot.
2. Granting the application will not be detrimental to the public welfare because the pool is 1.9 acre flag lot, setback 360 ft. from the street and is a great distance from adjacent residences.

Based upon these findings, it was decided that this application be granted in accordance with submitted plans and with the following conditions:

1. That the project be completed in substantial accord with the plans presented with this application.

March 17, 1982
Beverly D. Jefferies
Page 2

The exercise of the right granted under this exception must be commenced within one year from the effective date shown below. Any permits which are necessary may be issued to you by the Building Division on or after the effective date. A copy of this letter must accompany all plans submitted for building permits.

This project has been determined to be exempt under the California Environmental Quality Act Class 5.



Zoning Administrator

BCB:lc

E-10068
Granted w/c 3/17/82
Appeal Deadline 3/25/82
Effective Date 3/26/82
* see attached

xc: City Clerk, Bldg Div.,
Public Works, County Assessor,
Power Div., Water Div.,
Zoning Enforcement