



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: November 18, 2020

TO: Hearing Officer

SUBJECT: Minor Variance #11924

LOCATION: 395 San Palo Place

APPLICANT: David Lai

ZONING DESIGNATION: RS-6 (Single-Family Residential, 0-6 units per acre)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11924 with conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To allow the construction of a 212 square-foot single-story addition to a single-family residence with a 14'-2" rear yard setback, 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 212 square feet to an existing residence and the use would remain as single-family.

BACKGROUND:

Site Characteristics: The site is a 7,949 square-foot, irregularly-shaped lot located at the end of a cul-de-sac. The site is currently developed with a 2,528 square-foot one-story, single-family residence and attached garage. The existing single-family residence was constructed in 1962.

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

Adjacent Zoning: North – RS-6 (Single-Family Residential, 0-6 units per acre)
South – RS-6 (Single-Family Residential, 0-6 units per acre)
East – RS-6 (Single-Family Residential, 0-6 units per acre)
West – RS-6 (Single-Family Residential, 0-6 units per acre)

Previous Zoning Cases on This Property: None.

PROJECT DESCRIPTION:

The applicant, David Lai, has submitted an application for a Minor Variance to allow the construction of a 212 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of 14'-2" feet from the property line; where the minimum requirement is 25 feet. The site is located within the RS-6 (Single-Family Residential, 0-6 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.

ANALYSIS:

The subject property is located within the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district and is subject to the development standards provided in Section 17.22.040 (RS and RM-12 Residential Districts Development Standards). 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	18 feet, 10 inches (existing)	Nonconforming
	Sides	10 feet	5 feet, 1 inch (south)	Complies
			11 feet, 6 inches (northwest)	Complies
	Rear	25 feet	14 feet, 2 inches	<i>Minor Variance</i>
Height		Maximum 28 feet	14 feet, 1 inch	Complies
Height		Top Plate 23 feet	8 feet, 6 inches	Complies
Lot Coverage		Maximum 3,197 sq. ft.	3,054 sq. ft.	Complies
Floor Area		Maximum 2,884 sq. ft.	2,453 sq. ft.	Complies

Minor Variance to Allow a Reduced Rear Yard Setback

Pursuant to Table 6-4 of Zoning Code Section 17.61.080 (Variances), deviations from required setbacks are allowed subject to approval of a Minor Variance. The Hearing Officer may approve a Minor Variance to encroach within a required setback only after making five findings in the affirmative 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. In addition, 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. Lastly, cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Minor Variance.

The subject site is an irregularly-shaped, flat, lot located on the western side of San Palo Place near the end of a cul-de-sac. The lot’s orientation along the curvature of the street’s cul-de-sac creates an extensively curved front property line between the northwest (side), west (rear), and south (side), property lines. This unusual lot line 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 San Palo Place are generally rectangular and have equal side, front, and rear property lines, resulting in standard setback requirements.

As a result of the unconventional lot shape, existing dwelling’s orientation, and setback requirements, the applicant is proposing to construct the addition at the western facade of the single-family residence within the required rear yard setback. The minimum required rear yard setback for a property within the RS-6 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 majority of the site’s width. The Zoning Code does not allow the addition to the existing structure to be located within a required rear setback. The addition is proposed to be setback 14’-2” 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 project site's long, curved front property line and general lot line configuration result in a lot with a shallow depth and irregular shape. As a result of the shallow lot depth, the minimum 25-foot front and rear yard setback requirements create constraints on the property limiting additional development opportunities. Portions of the existing residence are currently located within the required 25-foot rear yard setback. The irregular shape of the lot in conjunction with the existing development configuration of the site poses unusual circumstances that a typical property in the RS-6 zoning district does not encounter. The proposed 212 square-foot addition is a minor extension of the existing master bedroom at the rear of the property and would not be visible from the street. The Minor Variance request would facilitate a reasonable enjoyment of real property.

Tree Protection Ordinance

The property does not contain any protected trees under the City's Tree Protection Ordinance.

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. General Plan Land Use Element, Goal 21, Desirable Neighborhoods, Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontage; architectural design, and landscaped setbacks. The project would allow the construction of an addition to a single-family residence within the required rear yard setback. 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 San Palo 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 Department of Transportation, Fire Department, and Building and Safety Division 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. The Design and Historic Preservation Section and Department of Public Works provided conditions of approval which are incorporated in Attachment B of this staff report.

CONCLUSION:

Staff concludes that the findings necessary for approving the Minor Variance to allow the construction of a new 212 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of 14'-2" 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 #11924

Minor Variance: To allow the construction of a 212 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of 14'-2" 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 irregularly-shaped, flat, lot located on the western side of San Palo Place near the end of a cul-de-sac. The lot's orientation along the curvature of the street's cul-de-sac creates an extensively curved front property line between the northwest (side), west (rear), and south (side), property lines. The lot line configuration results in a lot with a shallow depth, and atypical required setbacks with the required rear and front yard setbacks covering a majority of the site. 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. In contrast, the other properties in the vicinity on San Palo Place are generally rectangular and have equal side, front, and rear property lines, resulting in standard setback requirements.
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.* As a result of the shallow lot depth, the minimum 25-foot front and rear yard setback requirements create constraints on the property limiting additional development opportunities. Portions of the existing residence are currently located within the required 25-foot rear yard setback. The irregular shape of the lot in conjunction with the existing development configuration of the site poses unusual circumstances that a typical property in the RS-6 zoning district does not encounter. The proposed 212 square-foot addition is a modest extension of the existing master bedroom at the rear of the property and would not be visible from the street. The Minor Variance request would facilitate a reasonable enjoyment of real property.
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 would be maintained. General Plan Land Use Element, Goal 21, Desirable Neighborhoods, Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontage; architectural design, and landscaped setbacks. The project would allow the construction of an addition to a single-family residence within the required rear yard setback. 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 San Palo Place.

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 #11924

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, November 18, 2020," 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 212 square-foot addition to encroach into the required 25-foot rear yard setback with a reduced rear yard setback of 14'-2".

Planning Division

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 **PLN2020-00095** 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 Katherine Moran, Current Planning Section, at (626) 744-6740 to schedule an inspection appointment time.

Design and Historic Preservation Section

7. Any alterations to the façade shall require the approval of a Certificate of Appropriateness.

Public Works Division

8. The applicant shall protect all existing public facilities and maintain the right-of-way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.