Planning Commission Report

Planning Commission Meeting: **October 21, 2020**	Agenda Item: **9-C**

To:	Planning Commission
From:	Jing Yeo, AICP, City Planning Division Manager
Permit:	20ENT-0050 (Appeal);19ENT-0298 (Major Modifications), 19ENT-0299 (Minor Modifications)
Address:	1012 ½ Euclid Street
Appellant:	Eric Maurin/Nela Fry
Applicant:	Corinna Knight Incorporated
Subject	Appeal of the Zoning Administrator's approval of both Major and Minor Modifications. The Major Modifications are to allow for a 20 percent (4') reduction of the required front setback from 20' to 16' and a 20 percent (3') reduction of the required rear setback from 15' to 12'. The Minor Modifications are to allow for an increase in the maximum parcel coverage limitation of 45% for a proposed ground floor parcel coverage of 46.3% and the north interior side yard setback requirement to allow for a 10 percent (6") reduction of the required north interior side setback located in the rear half of the parcel from 4'-6" to 4'-0". The subject property is located in the Multi-Unit Residential (R2) zoning district.

Zoning District	Low Density Residential (R2)
Land Use Element Designation	Low Density Housing
Parcel Area (SF)/Dimensions	1,316 SF / 28' x 47'
Existing On-Site Improvements	Single-Unit Residential (1928)
Rent Control Status	N/A - Single Family Exempt
Adjacent Zoning Districts & Land Uses	North: R2 – Multi Unit Dwelling East: R2 – Multi Unit Dwelling South: R2 – Multi Unit Dwelling West: R2 – Multi Unit Dwelling
Historic Resources Inventory	Subject property is not listed on the HRI

Site Location Map:

Recommended Action	1.	Deny Appeal (20ENT-0050) and Approve Major Modifications 19ENT-0298; and Minor Modifications 19ENT-0299
	2.	Adopt the Statement of Official Action

Executive Summary

On February 5, 2020 The Zoning Administrator approved Major Modification (19ENT-00298) and Minor Modification (19ENT-0299) to allow for the following modifications:

<u>Major Modification requests:</u>

- 20 percent (4'-0") reduction of the required front setback from 20' to 16'
- 20 percent (3'-0") reduction of the required rear yard setback from 15' to 12'

<u>Minor Modification requests:</u>

- 10 percent (6") reduction of the required north interior side yard setback from 4'-6" to 4'-0"
- 1.3 percent increase in the overall ground floor parcel coverage from 45 percent to 46.3 percent

The Zoning Administrator Statement of Official Action (STOA), and additional attachments to this report are hereby incorporated herein. On February 18, 2020, the appellants, Eric Maurin and Nela Fry, filed a timely appeal (20ENT-0050) of the Zoning Administrator's decision to approve both Major and Minor Modifications. The appeal statement raises concerns regarding (1) the significant impact on privacy and quality of life to the adjacent site (appellant) to the north at 1008 Euclid, (2) the Major Modification of the rear yard setback does not comply with the objectives of SMMC 9.01.020(B) and (C), (3) the Major Modification would allow for a second floor and mezzanine massing that would significantly and adversely affect the appellants' property at the rear of the site, (4) compliance with Major Modification finding SMMC 9.43.100(F),and (5) discussion with the applicant on alternative plans that would allow for future consideration of a Variance application.

This is a de novo hearing and the Planning Commission may consider all aspects of the application as well as matters raised in the appeal. This report describes the proposed project scope and provides relevant background information, including a description of the Zoning Administrator's action, and analyzes the issues of appeal raised by the appellant. The staff report concludes by recommending the Planning Commission deny the appeal based upon the findings set forth in the Draft Statement of Official Action (Draft STOA).

Background

Existing Conditions

The subject parcel is currently developed with a 453 SF, one-story, single-unit dwelling with no on-site parking, developed in 1928 and is a substandard lot situated along the alley (12th Court) and consist of approximately 1,316 SF in total lot area. A majority of the existing neighborhood context is two or more visible stories in height and consist of multi-unit structures surrounded by R2 properties.

Existing site photo of Singe Unit Dwelling.

The existing front and side yard setbacks are substandard with the dwelling currently less than 5 feet from the front property line and the side yards less than 4 feet at the north interior and approximately 2 feet at the south interior property line.

,

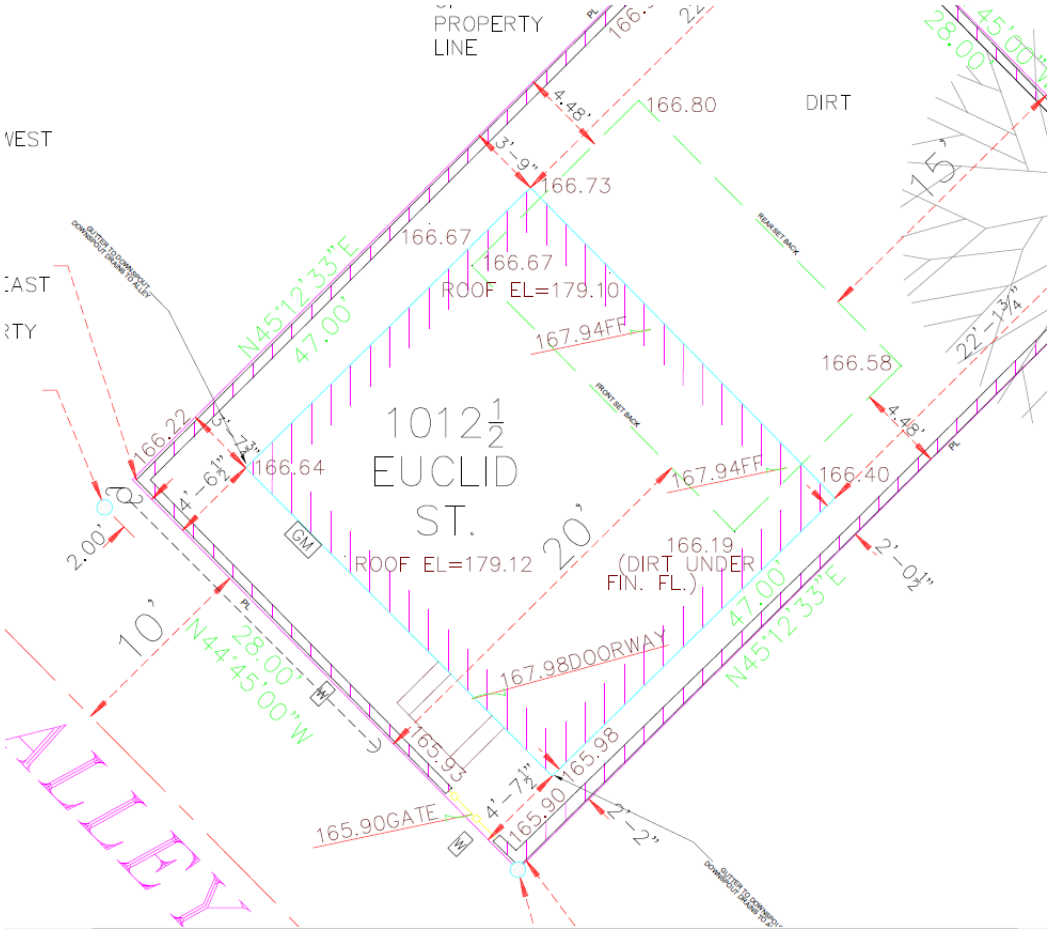

Figure 1: Existing site conditions

<u>Zoning Administrator Action</u>

At the Zoning Administrator hearing on October 8, 2019 the applicant requested Major Modifications to allow for a 20 percent (4') reduction of the required front setback from 20' to 16' and a 20 percent (3') reduction of the required rear setback from 15' to 12'. The applicant also requested Minor Modifications to allow for an increase in the maximum parcel coverage limitation of 45% for a proposed ground floor parcel coverage of 46.3% and the north interior side yard setback requirement to allow for a 10 percent (6") reduction of the required north interior side setback located in the rear half of the parcel from 4'-6" to 4'-0".

One letter of support from the neighbor to the immediate north at 1012 Euclid was received prior to the hearing. No other correspondence or public testimony was presented at the hearing.

Based on the written and oral testimony presented at the hearing, on October 8, 2019, the Zoning Administrator ("ZA") approved both Major and Minor Modification Permits 19ENT-0298 and 19ENT-0299. The ZA found that the applicant adequately demonstrated support for the findings listed in SMMC 9.43.090 (Minor Modifications) and SMMC 942.100 (Major Modifications) and are further detailed in the Zoning Administrator Statement of Official Action provided as Attachment D of this report.

Project Analysis

<u>Project Description</u>
The proposed project consists of remodel and addition to an existing 453 square foot singe family dwelling. The subject parcel is irregularly located adjacent to an alley and without any street frontage. Therefore, the front of the subject parcel is oriented towards the alley as opposed to the other parcels in the area where the rear of the parcels are oriented towards the alley.

The proposed scope of work includes the following:

- 156 SF first floor addition to the existing 453 SF one story dwelling for a total of 609 SF at the first floor
- 274 SF addition of a new second floor
- 52 SF addition of a new mezzanine level above the second floor

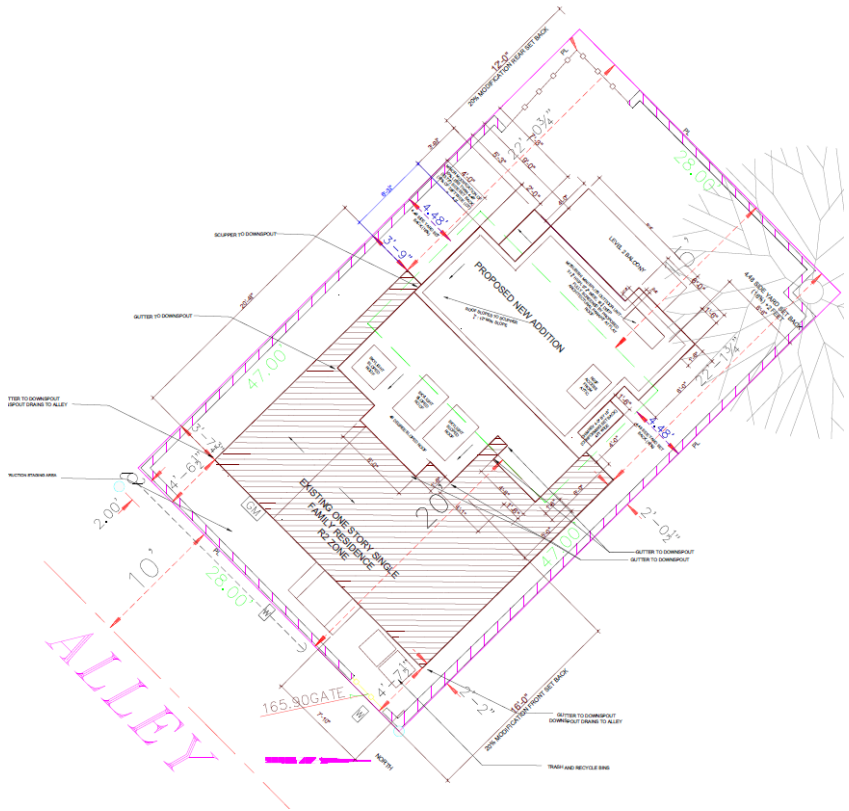

Figure 2: Site plan

If approved, these additions would increase the existing 453 SF dwelling unit to 935 SF. The applicant has proposed to retain most of the existing structure in order to limit the amount of demolition required and preserve the single-family residence. The most significant visible change to the structure would be the addition of the new second story and mezzanine; however, the applicant has elected to minimize the appearance of the second story and mezzanine and have it setback at 16’-0” from front property line while also complying with the Additional Stepback at Upper Stories daylight plane requirement in SMMC section 9.08.030(B)(1) as shown in figure 3 below. The overall height of the proposed dwelling would be 30 feet at its highest point located towards the rear of the site meeting the maximum allowable height permitted in the R2 district.

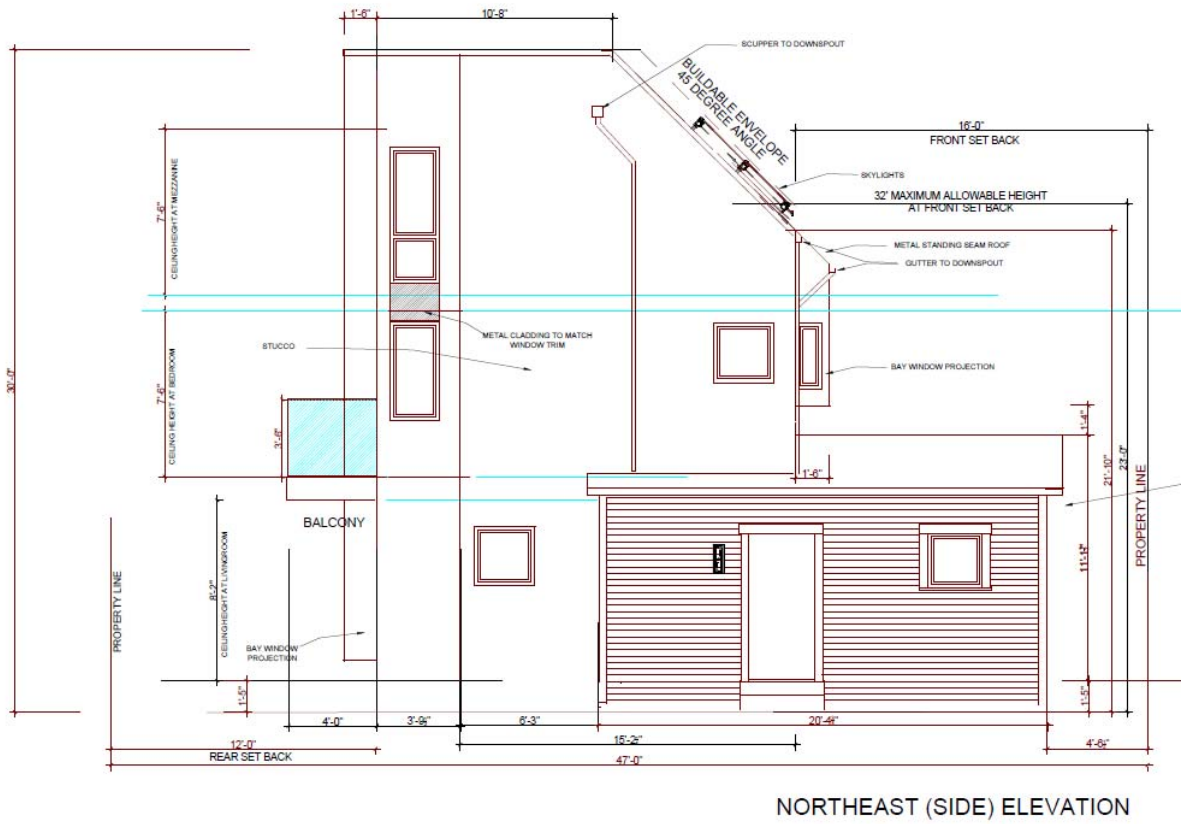

Figure 3: Proposed North (Side) Elevation

In order to achieve the proposed scope of work described above, the applicant is requesting the following Major and Minor Modifications:

1. Major Modification to allow a 20 percent (4’-0”) reduction of the required front setback from 20’-0” to 16’-0”.
2. Major Modification to allow a 20 percent (3’-0”) reduction of the required rear setback from 15’-0” to 12’-0”.
3. Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4’-6” to 4’-0”
4. Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent.

Major and Minor Modification Required Findings

The proposed project is subject to approval of both a Major and Minor Modification Permit because it does not comply with all applicable provisions of the Zoning Code. Specifically, pursuant to SMMC Section 9.43.110(A) any person may appeal a decision on a minor modification; major modification; waiver; or discretionary fence, wall and height modification pursuant to Section 9.37.130.

Approval of the proposed Modifications requires that the Planning Commission make all of the required Major and Minor Modification findings pursuant to SMMC Section 9.43.090 and SMMC 9.43.100 as listed below:

Major Modification Findings

A. The requested modification is consistent with the General Plan and any applicable area or specific plan;
B. The project as modified meets the intent and purpose of the applicable zone districts;
C. The approval or conditional approval of the requested modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or result in a change in land use or density that would be inconsistent with the requirements of this Ordinance;
D. The approval of the requested modification is justified by environmental features, site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees;
E. The proposed design meets the Design Objectives of the Santa Monica Design Guidelines;
F. The proposed project will not significantly affect the properties in the immediate neighborhood as a result of approval or conditional approval of the major modification or be incompatible with the neighborhood character;

Minor Modification Findings

A. The approval of the minor modification is justified by site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees;
B. The requested modification is consistent with the General Plan and any applicable area or specific plan;
C. The project as modified meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations;
D. The parcels sharing common parcel lines with the subject parcel will not be adversely affected as a result of approval or conditional approval of the minor modification, including but not limited to, impacts on privacy, sunlight, or air; and
E. The approval or conditional approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site.

As detailed below and in the draft Statement of Official Action (Attachment B), based on the evidence provided by the appellant, staff believes that all of the above findings can be made, and therefore recommends that the Zoning Administrator decision be upheld and the appeal be denied. The required findings for both Major and Minor Modifications are generally the same and the following highlights key findings for Commission consideration for the modification requests:

Consistency with the General Plan

Finding 9.43.090(A) and Finding 9.43.100(B) states the following:

"The requested modification is consistent with the General Plan and any applicable area or specific plan"

1. Major Modification to allow a 20 percent (4'-0") reduction of the required front setback from 20'-0" to 16'-0"

   Specifically, Santa Monica Municipal Code (SMMC) Section 9.43.030(B)(1) allows for a modification to the front setback of up to 20 percent or five feet, whichever is less. SMMC Section 9.08.030 serves to implement the goals and policies of the General Plan related to the building form and location. The proposed project involves a single-unit dwelling that, except as established by the requested modifications, will comply with applicable development standards in the Low Density Residential (R2) zone district. The requested reduction of the front setback is consistent with LUCE Policy N9.5 (Protection of existing single-family properties) which encourages modifying development standards to protect and retain the existing single and multi-unit properties in the Wilshire-Montana neighborhood.

2. Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0".

   SMMC Section 9.43.030(B)(1) allows for a modification to the rear setback of up to 20 percent or five feet, whichever is less. SMMC Section 9.08.030 serves to implement the goals and policies of the General Plan related to the building form and location. The proposed project involves a single-unit dwelling that, except as established by the requested modifications, will comply with applicable development standards in the Low Density Residential (R2) zone district. The requested reduction of the rear setback is consistent with LUCE Policy N9.5 (Protection of existing single-family properties) which encourages modifying development standards to protect and retain the existing single and multi-unit properties in the Wilshire-Montana neighborhood.

3. Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4’-6” to 4’-0”

   Specifically, SMMC Section 9.43.020(B)(1) allows for a modification to setbacks up to 10 percent. SMMC Section 9.08.020 serves to implement the goals and policies of the General Plan related to the building form and location. The proposed project involves a single-unit dwelling that, except as established by the requested modifications, will comply with applicable development standards in the R2 zone district. The requested modification to the north interior side yard setback dimensional standard is justified by the substandard parcel size area in comparison to other properties in the neighborhood. The requested minor modification is consistent with the Land Use and Circulation Element (LUCE) Policy LU1.5 (Design Compatibility) which requires that new infill development be compatible with the existing scale, mass, and character of the residential neighborhood. The proposed two-story residence will be two stories and 30’-0” feet in overall height which complies with the development standards in the R2 zone district and is reflective of the neighborhood with existing homes of similar size and style. Of the 26 properties within the subject block along Euclid and 12th Streets between Washington Avenue and California Avenue, 20 parcels directly face the alley (12th Court) at the rear ,16 of which contain structures with two or more visible stories, with the remaining four parcels containing structures showing one visible story with the two or more visible stories having an average building height of approximately 28’-6” feet. Respectively, the neighboring property to the north at 1008 Euclid has a two story structure that is approximately 23’-0” feet high at the rear of the site adjacent to 12th Court (alley), and the neighboring property to the south at 1018 Euclid is approximately 31’-0” feet high, while immediately west of the subject site at both 1013 and 1021 12th Street both have structures are approximately 24’-0” feet and 32’-0” feet high. Through appropriate siting, design, mass, and scale, the proposed project is also consistent with LUCE Policy LU13.2 for Neighborhoods in that the remodeled single-unit dwelling helps maintain and enhance the existing neighborhood by helping retain its distinctive character while adding diverse housing and quality design.

4. Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent.

   Specifically, SMMC Section 9.43.020(B)(3) allows for an increase in parcel coverage up to 5 percent of the maximum amount. SMMC Section 9.08.020 serves to implement the goals and policies of the General Plan related to the building form and location. The proposed project involves a single-unit dwelling that, except as established by the requested modifications, will comply with applicable development standards in the R2 zone district. The requested modification to an increase in parcel coverage is justified by the substandard parcel size area in comparison to other properties in the neighborhood. The requested minor modifications are consistent with the Land Use and Circulation Element (LUCE) Policy LU1.5 (Design Compatibility) which requires that new infill

development be compatible with the existing scale, mass, and character of the residential neighborhood. The proposed two-story residence will be two stories and 30'-0" feet in overall height which complies with the development standards in the R2 zone district and is reflective of the neighborhood with existing homes of similar size and style. Of the 26 properties within the subject block along Euclid and 12th Streets between Washington Avenue and California Avenue, 20 parcels directly face the alley (12th Court) at the rear, 16 of which contain structures with two or more visible stories, with the remaining four parcels containing structures showing one visible story with the two or more visible stories having an average building height of approximately 28'-6" feet as seen in Figure 4 below. Respectively, the neighboring property to the north at 1008 Euclid has a two story structure that is approximately 23'-0" feet high at the rear of the site adjacent to 12th Court (alley), and the neighboring property to the south at 1018 Euclid is approximately 31'-0" feet high, while immediately west of the subject site at both 1013 and 1021 12th Street both have structures are approximately 24'-0" feet and 32'-0" feet high. Through appropriate siting, design, mass, and scale, the proposed project is also consistent with LUCE Policy LU13.2 for Neighborhoods in that the remodeled single-unit dwelling helps maintain and enhance the existing neighborhood by helping retain its distinctive character while adding diverse housing and quality design

Address	Building Height (Approx. ft.)
1008 Euclid (Appellant Site)	23.0'
1018 Euclid	31.0'
1022 Euclid	22.92'
1028 Euclid	20.94'
1034 Euclid	22.44'
1040 Euclid	33.6'
1044 Euclid	31.73'
1050 Euclid	46.56'
1047 12th Street	26.75'
1043 12th Street	25.04'
1037 12th Street	25.02'
1033 12th Street	38.32'
1027 12th Street	27.25'
1021 12th Street	32.0'
1013 12th Street	23.76'
1001 12th Street	24.5
Average Building Height	28.5'

Figure 4: Average Building Heights

Project meets intent and purpose of Zone District

Finding 9.43.090(B) states the following:

"The project as modified meets the intent and purpose of the applicable zone districts"

1. Major Modification to allow a 20 percent (4’-0”) reduction of the required front setback from 20’-0” to 16’-0”

   The project meets the intent and purpose of the front setback requirements. In the R2 District, the minimum required front yard setback is 20’-0”. The applicant proposes a front yard setback of 16’-0”. The subject parcel is irregularly located adjacent to an alley and without any street frontage. Therefore, the front of the subject parcel is oriented towards the alley as opposed to the other parcels in the area where the rear of the parcels are oriented towards the alley. The 20 percent reduction to the required setback is justified by the substandard 47’-0” lot depth where the majority of parcels in the area have depths of approximately 150’-0”. Since the subject parcel does not have rear alley access, the buildable area is further reduced in comparison to standard-sized properties elsewhere in the City where the rear setback is measured from the centerline of an alley. Specifically, on a typical 150’-0” long property with rear alley access, the length of the buildable area (lot length minus 20’-0” front setback and rear 15’-0” setback measured from the alley centerline) would be 115’-0”. In this case, the subject property is 47’-0” in length and does not have rear alley access. Therefore, the length of the buildable area is limited to 12’-0” and results in a significantly smaller, uninhabitable buildable area. The proposed 20 percent reduction from 20’-0” to 16’-0” of the front setback respectively for the second floor and mezzanine level of the single-unit dwelling provides for a deeper buildable area and meets the intent and purpose of the Zoning Ordinance and will still provide sufficient light, air, and ventilation onto the subject and adjacent properties.

2. Major Modification to allow a 20 percent (3’-0”) reduction of the required rear setback from 15’-0” to 12’-0”.

   The project meets the intent and purpose of the rear setback requirement. In the R2 District, the minimum required rear yard setback is 15’-0”. The applicant proposes a rear yard setback of 12’-0”. The subject parcel is irregularly located adjacent to an alley and without any street frontage. Therefore, the rear of the subject parcel is adjacent to another residential parcel as opposed to the other parcels in the area where the rear of the parcels are adjacent to an alley. The 20 percent reduction to the required setback is justified by the substandard 47’-0” lot depth where the majority of parcels in the area have depths of approximately 150’-0”. Since the subject parcel does not have rear alley access, the buildable area is further reduced in comparison to standard-sized properties elsewhere in the City where the rear setback is measured from the centerline of an alley. Specifically, on a typical 150’-0” long property with rear alley access, the length of the buildable area (lot length minus 20’-0” front setback and rear 15’-0” setback measured from the alley centerline) would be 115’-0”. In this case, the subject property is 47’-0” in length and does not have rear alley access. Therefore, the length of the buildable area is limited to 12’-0” and results in a significantly smaller, uninhabitable buildable area. The proposed 20 percent reduction from 15’-0” to 12’-0” of the rear

setback respectively for the second floor and mezzanine level of the single-unit dwelling provides for a deeper buildable area and meets the intent and purpose of the Zoning Ordinance and will still provide sufficient light, air, and ventilation onto the subject and adjacent properties.

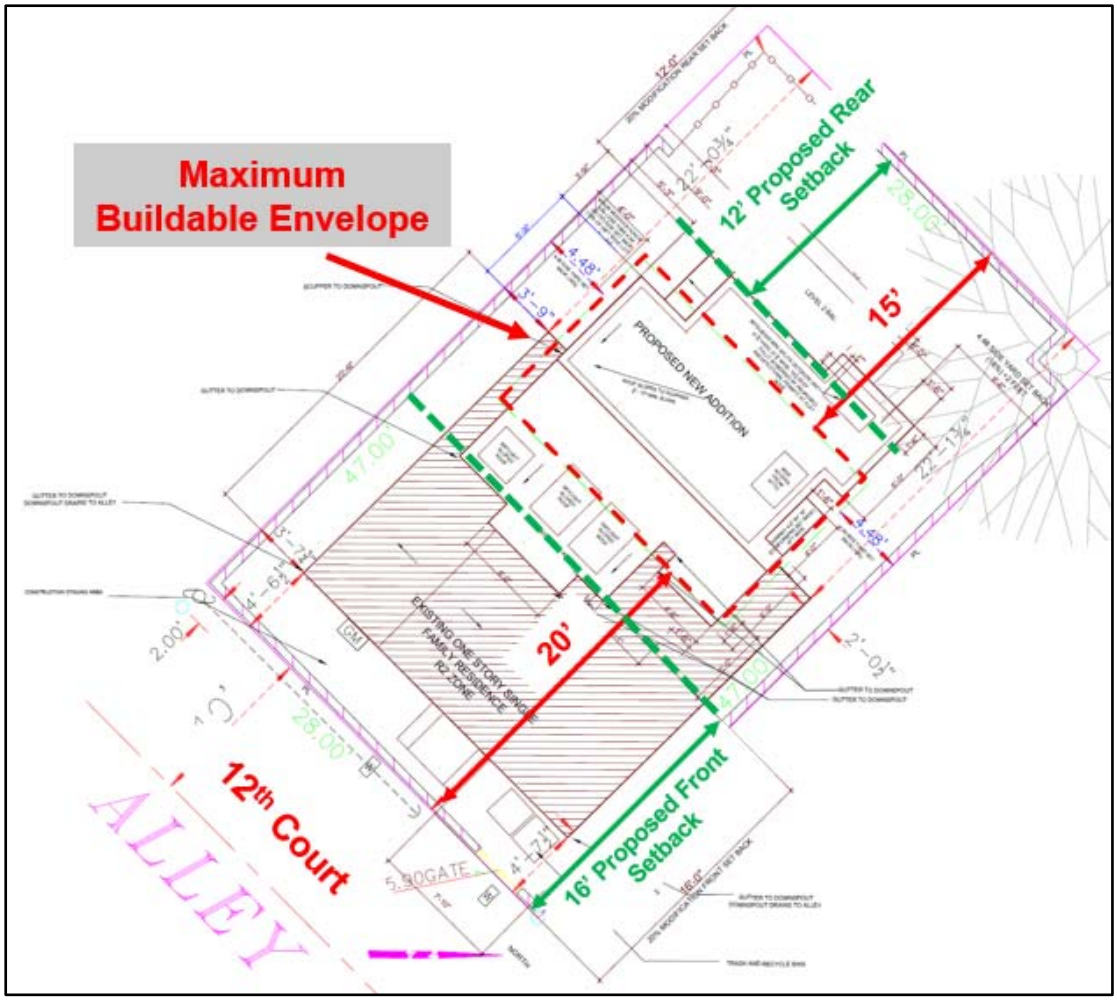

Figure 5: Site Plan with Buildable Envelope

Finding 9.43.100(C) states the following:

"The project as modified meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations"

3. Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4'-6" to 4'-0"

   The R2 District is intended to provide areas for a variety of low-density housing types, which includes single-unit housing. Standard depth properties on Euclid Street are 150 feet in length and 50 feet in width (lot size: 7,500 square feet) with a maximum allowable 45 percent parcel coverage on the ground floor and 90

percent of the allowable first floor parcel coverage on the second floor. The subject property is 1,316 square feet in area with a substandard depth of 47' and width of 28'. The requested 10 percent reduction on the north interior side yard setback from 4'-6" to 4'-0" allows for the single unit dwelling to comply with the R2 Special Design and Development Standards, SMMC Section 9.08.030(E)(5), which requires an additional 2-foot average side yard setback from the minimum requirement to be provided at each story. Respectively, the proposed second story and mezzanine levels will still provide a 5'-3" setback at the north interior side yard and a 5'-0" setback at the south interior side yard which are greater than the minimum required 4'-6" side yard setback.

4. Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent.

   The proposed parcel coverage is 46.3 percent (609 square feet) on the first floor and 45 percent (274 square feet) of the allowable first floor parcel coverage on the second floor and mezzanine level which is well under the allowable 90 percent second floor allowable parcel coverage. This allows for a modest addition of floor area on both the first and second floors which provides the applicant additional living space on a substandard size parcel.

Existing Site Conditions

Finding 9.43.090(D) states the following:

"The approval of the requested modification is justified by environmental features, site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees."

1. Major Modification to allow a 20 percent (4'-0") reduction of the required front setback from 20'-0" to 16'-0"

   The subject parcel is required to provide a minimum 20'-0" front yard setback and a 15'-0" rear yard setback. As the parcel is only 47'-0" feet in depth, this would result in a buildable depth between the front and rear yard of only 12'-0". In comparison, other properties on the street have depths of approximately 150'-0" and have buildable depths of 115'-0" between the front and rear setbacks. The maximum allowable parcel coverage for a property in the R2 District is 45 percent on the ground floor and 90 percent of the allowable ground floor parcel coverage on the second floor. The reduced front yard setback will allow for additional parcel coverage and more livable floor area in the subject building. Moreover, the existing one-story single unit dwelling is set back 4'-7" at the front yard. The proposed second floor and mezzanine level will have a greater front yard setback of 16'-0" at the front, respectively.

2. Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0".

   The subject parcel is required to provide a minimum a 15'-0" rear yard setback. As the parcel is only 47'-0" feet in depth, this would result in a buildable depth between the front and rear yard of only 12'-0". In comparison, other properties on the street have depths of approximately 150'-0" and have buildable depths of 115'-0" between the front and rear setbacks. The maximum allowable parcel coverage for a property in the R2 District is 45 percent on the ground floor and 90 percent of the allowable ground floor parcel coverage on the second floor. The reduced rear yard setback will allow for additional parcel coverage and more livable floor area in the subject building. The proposed second floor and mezzanine level will have a rear yard setback of 12'-0" at the rear and with the existing mature trees along the rear parcel line, this will provide an adequate buffer from the adjacent parcel to the east and immediate surrounding properties, respectively.

Finding 9.43.100(A) states the following:

"The approval of the minor modification is justified by site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees"

3. Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4'-6" to 4'-0"

   Specifically, in the R2 District, the minimum required side setback is 16 percent of the 28'-0" wide property, which is 4'-6". Although the subject property is required to provide a minimum 4'-6" side yard setback, the parcel is a substandard parcel in overall size and is only 1,316 square feet in area compared to the average 7,500 square-foot lot area of standard sized parcels in the area. The requested 10 percent reduction of the north interior side yard setback from 4'-6" to 4'-0" allows for the single unit dwelling to comply with the R2 Special Design and Development Standards, SMMC Section 9.08.030(E)(5), which requires an additional 2-foot average side yard setback from the minimum requirement to be provided at each story. Respectively, the proposed second story and mezzanine levels will still provide at the north interior side yard a 5'-3" setback and at the south interior side yard a 5'-0" setback which are greater than the minimum required 4'-6" side yard setback. The proposed 10 percent reduction for the single unit dwelling is justified by the site conditions and allows for the project to meet the additional 2-foot average side yard setback requirement.

4. Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent.

   The parcel is 28'-0" in width and 47'-0" in depth in comparison to other properties on the street that are typically 50'-0" feet in width and 150' in depth resulting in a

buildable area of 228 square feet for the subject parcel compared to an average buildable area of 3,910 square feet on standard sized parcels in the area. The buildable area of the subject property only allows for a parcel coverage of 17 percent due to the substandard-sized parcel. The maximum allowable parcel coverage for a property in the R2 District is 45 percent on the ground floor and 90 percent of the allowable ground floor parcel coverage on the second floor. The applicant proposes an increase in the overall ground floor parcel coverage from 45 percent to 46.3 percent to allow for a modest addition of floor area on both the first and second floors which provides the applicant additional living space on a substandard size lot and also flexibility in design concept. The proposed parcel coverage is 46.3 percent (609 square feet) on the first floor and 45 percent (274 square feet) of the allowed first floor parcel coverage on the second floor and mezzanine level which is well under the allowable 90 percent second floor allowable parcel coverage.

Neighborhood Compatibility and Impact to adjacent properties

Finding 9.43.090(F) states the following:

"The proposed project will not significantly affect the properties in the immediate neighborhood as a result of approval or conditional approval of the major modification or be incompatible with the neighborhood character."

1. Major Modification to allow a 20 percent (4'-0") reduction of the required front setback from 20'-0" to 16'-0"

   The required front setback is intended to provide light, air, and ventilation between dwelling units on adjacent properties. The subject parcel is uniquely oriented where the front of parcel is located adjacent to the alley and not a street, and the modified front setback will be greater than the prevailing rear setbacks of buildings and garages along the alley. With the Major Modification, the subject residence will be set back 16'-0" at the front property line on the second floor and mezzanine level which is greater than the nonconforming 4'-6" front yard setback of the existing single-story single unit dwelling. Additionally, the proposed additions on both the first, second, and mezzanine levels are located in the center of the buildable envelope and provide greater setbacks on both interior side yards between 5'-0" and 5'-6" than the minimum required 4'-6". The requested modification will allow first and second-story additions to an existing one-story structure in a neighborhood comprised mostly of multi-story structures. Of the 26 properties within the subject block along Euclid and 12th Streets between Washington Avenue and California Avenue, 20 parcels directly face the alley (12th Court) at the rear ,16 of which contain structures with two or more visible stories, with the remaining four parcels containing structures showing one visible story (as see in Figure 6 below). Further, the 20 properties that have structures along the alley provide an average setback of 4'-5' from the rear property line. Due to the unique condition of the subject parcel only having alley access, the prevailing rear

parcel line along the alley is considered the front parcel line for the subject site in this case. The existing first floor setback from the alley will be maintained and will be consistent with prevailing setbacks along the alley while the proposed second story and mezzanine level will be set back 16' from the front property line.

Without the addition of the second-story and mezzanine levels, the existing structure is not able to expand closer to the average building size of 6,500 SF, which is the maximum allowable on the 7,500 SF standard parcel size along the subject block of both Euclid and 12th Streets. Without approval of the subject modification, the subject property is also not able to provide two complete, functional stories above grade with full access to light and air similar to 16 of the 26 properties along both Euclid and 12th Streets. With the subject modification, the proposed project will total 935 SF, which is proportionally less floor area relative to its 1,316 SF parcel size as compared to the what could be achieved on standard parcels. The total floor area is also well under the average 6,500 SF size of existing buildings on the subject block and will not significantly affect the properties in the immediate neighborhood or be incompatible with the neighborhood character.

2. Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0".

The required rear setback is intended to provide light, air, and ventilation between dwelling units on adjacent properties. With the Major Modification, the subject residence will be set back 12'-0" at the rear property line on the second-story and mezzanine levels and, with the existing mature trees along the rear parcel line, will still provide an adequate buffer from the adjacent parcel to the east. Further, the proposed additions on both the first, second, and mezzanine levels are located in the center of the buildable envelope and provide greater setbacks on both interior side yards, between 5'-0" and 5'-6", than the minimum required 4'-6. The requested modification will allow first and second-story additions to an existing one-story structure in a neighborhood comprised mostly of multi-story structures. Of the 26 properties within the subject block along both Euclid and 12th Streets between Washington Avenue and California Avenue, 20 parcels directly face the alley (12th Court) at the rear ,16 of which contain structures with two or more visible stories, with the remaining four parcels containing structures showing one visible story. The proposed 12'-0" setback at the rear of the site will not significantly affect the properties in the immediate neighborhood. Specifically, for the properties immediately adjacent to the subject parcel located at 1012 Euclid (east), 1008 Euclid (north) and 1018 Euclid (south), the proposed addition will provide the following approximate setbacks to existing structures:

- 1012 Euclid - 42'-0"
- 1008 Euclid - 52'-0" from building located at front of parcel and 9'-6" from building located at the rear
- 1018 Euclid - 28'-0"

These setbacks appear to provide ample distance between the neighboring structures. Without the addition of a second-story and mezzanine levels, the existing structure is not able to expand closer to the average building size of 6,500 SF along the subject block of both Euclid and 12th Streets. Without approval of the subject modification, the subject property is also not able to provide two complete, functional stories above grade with full access to light and air similar to 16 of the 26 properties along both Euclid and 12th Streets. With the subject modification, the proposed project will total 935 SF which is well under the average 6,500 SF size of existing buildings on the subject block and will not significantly affect the properties in the immediate neighborhood or be incompatible with the neighborhood character.

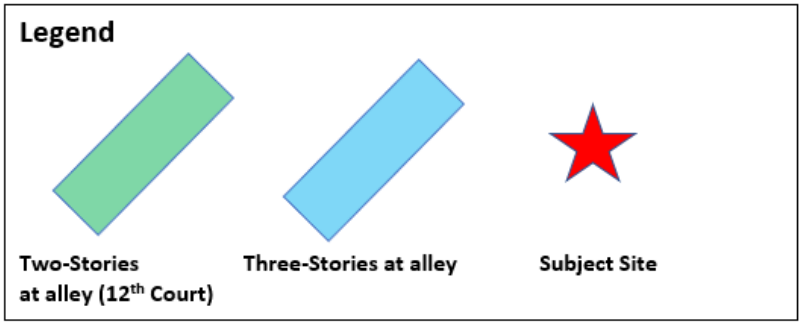

Figure 6: Existing two and three story structures at alley

Finding 9.43.100(D) states the following:

"The parcels sharing common parcel lines with the subject parcel will not be adversely affected as a result of approval or conditional approval of the minor modification, including but not limited to, impacts on privacy, sunlight, or air"

3. Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4'-6" to 4'-0"

   The overall project involves a remodel and addition to an existing single-story, single-unit dwelling. Per SMMC Section 9.08.030 the allowable by-right building height for an R2 property is 30'-0" and two stories. In order to comply with the R2 Special Design and Development Standards, SMMC Section 9.08.030(E)(5), which requires an additional 2-foot average side yard setback from the minimum requirement to be provided at each story, a 10 percent reduction in the northern interior side yard setback is required in order to allow for the addition of the second floor and mezzanine level. This reduced dimension will still ensure that adequate light, air, and privacy will be provided between the dwelling units on the subject and adjacent properties. The proposed second story and mezzanine levels will still provide a 5'-3" setback at the north interior side yard which is greater than the minimum required 4'-6" side yard setback and also greater than the existing 3'-7" setback for the existing building. Further, for the properties immediately adjacent to the subject parcel along both interior side yards located at 1008 Euclid Street (north) and 1018 Euclid Street (south), the proposed addition will provide the following approximate setbacks to existing structures:

   - 1008 Euclid - 52'-0" from building located at front of parcel and 9'-6" from building located at the rear
   - 1018 Euclid - 28'-0"

   An existing one-story garage is located adjacent to the south of the subject parcel. Additionally, existing mature trees and open space at the rear of the site will buffer the project from the adjacent parcel to the east at 1012 Euclid Street.

4. Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent.

   The modest increase in parcel coverage on the ground floor will allow additional floor area on both the first and second stories which provides the applicant additional living space on a substandard size lot and also flexibility in design concept to ensure that adequate light, air, and privacy will be provided between the dwelling units on the subject and adjacent properties. Without the requested modifications the subject parcel would not be able to build a functional addition since the allowed buildable area of the subject substandard size parcel is restricted

to 228 square feet compared to an average buildable area of 3,910 square feet on standard sized parcels in the area. The buildable area of the subject property only allows for a parcel coverage of 17 percent due to its substandard size. The additional ground floor parcel coverage will not result in a reduced side yard setback between the subject building and the existing building adjacent to the north. The proposed second story and mezzanine levels will still provide a 5'-3" setback at the north interior side yard which is greater than the minimum required 4'-6" side yard setback and also greater than the existing 3'-7" setback for the existing building. An existing one-story garage is located adjacent to the south of the subject parcel. Additionally, the mature trees and open space at the rear of the site will buffer the project from the adjacent parcel to the east.

Appeal Summary

The appellant filed a timely appeal on February 18, 2020. The appellants' appeal statement (Attachment F) raises many specific points as to why the appeal should be approved and 19ENT-00298 and 19ENT-0299 denied by the Planning Commission. In summary the appeal statement raises concerns regarding the following: (1) the significant impact on privacy and quality of life to the adjacent site (appellant) to the north at 1008 Euclid, (2) the Major Modification of the rear yard setback does not comply with the objectives of SMMC 9.01.020(B) and (C), (3) the Major Modification would allow for a second floor and mezzanine massing that would significantly and adversely affect the appellants' property at the rear of the site, (4) compliance with Major Modification finding SMMC 9.43.100(F),and (5) discussion with the applicant on alternative plans that would allow for future consideration of a Variance application.

Appeal Analysis

Staff has reviewed the issues raised by the appellants' Statement of Appeal and provides the following analysis and responses:

1. *The proposed projects significant impact on privacy and quality of life to the adjacent site (appellant) to the north at 1008 Euclid.*

   As the appellant noted in their appeal statement, due to the unique condition of the subject parcel only having alley access, the prevailing rear parcel line along the alley is considered the front parcel line for the subject site in this case. The existing first floor setback from the alley will be maintained and will be consistent with prevailing setbacks along the alley while the proposed second story and mezzanine level will be set back 16' from the front property line. The proposed 12'-0" setback at the rear of the site will not significantly affect the appellants property located to the immediate north at 1008 Euclid Street. Specifically, the proposed addition will provide the following approximate setbacks to existing structures:

   - 52'-0" from building located at front of parcel
   - 9'-6" from building located at the rear

These setbacks provide ample distance between the neighboring property. The side yard setback at the north complies with the base development standard within the R2 zone for interior side yard setbacks for parcels less than 50' in width (4.5' minimum) and will not significantly impact the privacy and quality of life to the appellants' property. Additionally, staff has no evidence or clear statement provided by the appellant regarding how the proposed project's second floor and mezzanine would create impacts to privacy and quality of life. Along the north side elevation adjacent to the appellants site there will be three clerestory windows at the stairwell and one small bathroom window which are placed thoughtfully as to not impact the building at the rear (see sheet 6 of attached plan set). Lastly, as noted in the findings, there is a one large mature tree located along the rear parcel line and will buffer the project from the adjacent parcel to the east at 1012 Euclid Street.

2. *The Major Modification of the rear yard setback does not comply with the objectives of SMMC 9.01.020(B) which states to protect and enhance the quality of the natural and built environment.*

   SMMC Section 9.43.030(B)(1) allows for a modification to the rear setback of up to 20 percent or five feet, whichever is less. SMMC Section 9.08.030 serves to implement the goals and policies of the General Plan related to the building form and location. The proposed project involves a single-unit dwelling that, except as established by the requested modifications, will comply with applicable development standards in the Low Density Residential (R2) zone district. Additionally, the requested reduction of the rear setback is consistent with LUCE Policy N9.5 (Protection of existing single-family properties) which encourages modifying development standards to protect and retain the existing single and multi-unit properties in the Wilshire-Montana neighborhood. The proposed project complies with the objectives of SMMC 9.01.020(B) by protecting and preserving the existing single-unit dwelling within the natural and existing built environment.

3. *The Major Modification would allow for a second floor and mezzanine massing that would significantly and adversely affect the appellants' property at the rear of the site.*

   The subject residence will be set back 12'-0" at the rear property line on the second-story and mezzanine levels. Further, the proposed additions on both the first, second, and mezzanine levels are located in the center of the buildable envelope and provide greater setbacks on both interior side yards, between 5'-0" and 5'-6", than the minimum required 4'-6. The proposed 12'-0" setback at the rear of the site will not significantly affect the properties in the immediate neighborhood. Specifically, for the properties immediately adjacent to the subject parcel located at 1012 Euclid (east), 1008 Euclid (north-appellants' site) and 1018 Euclid (south), the proposed addition will provide the following approximate setbacks to existing structures:

- 1012 Euclid - 42’-0”
- 1008 Euclid - 52’-0” from building located at front of parcel and 9’-6” from building located at the rear
- 1018 Euclid - 28’-0”

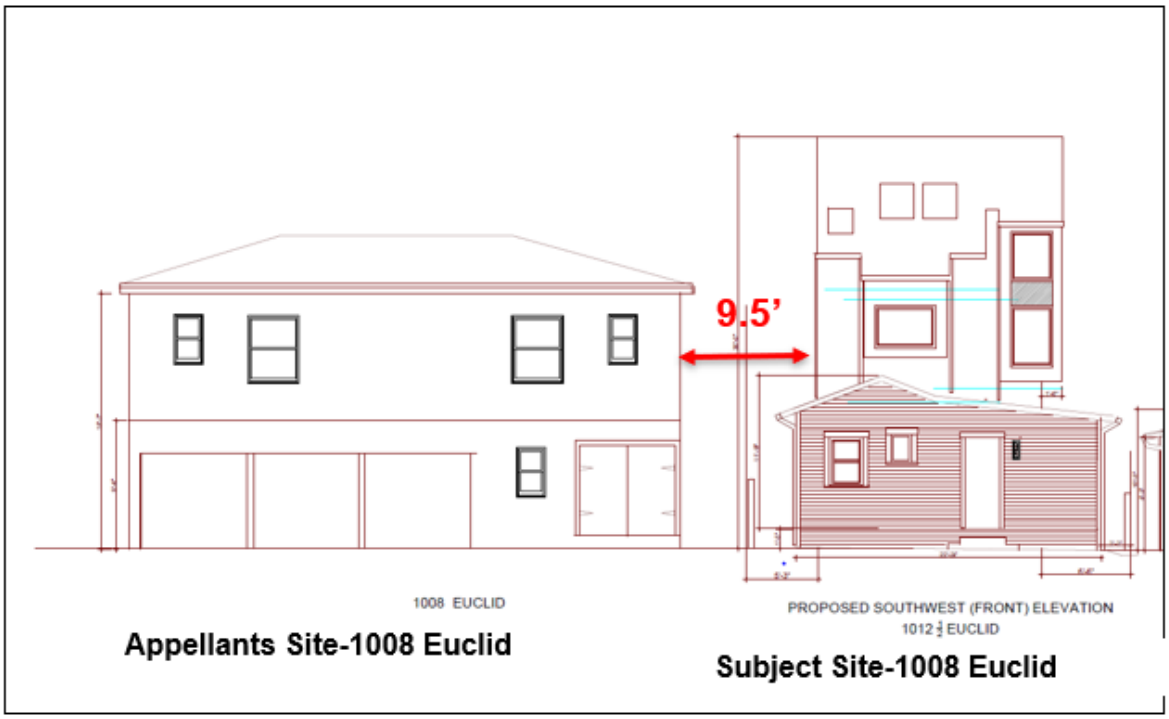

Figure 7: Setback Diagram from Appellant’s site (Elevation at Alley-Rear Building)

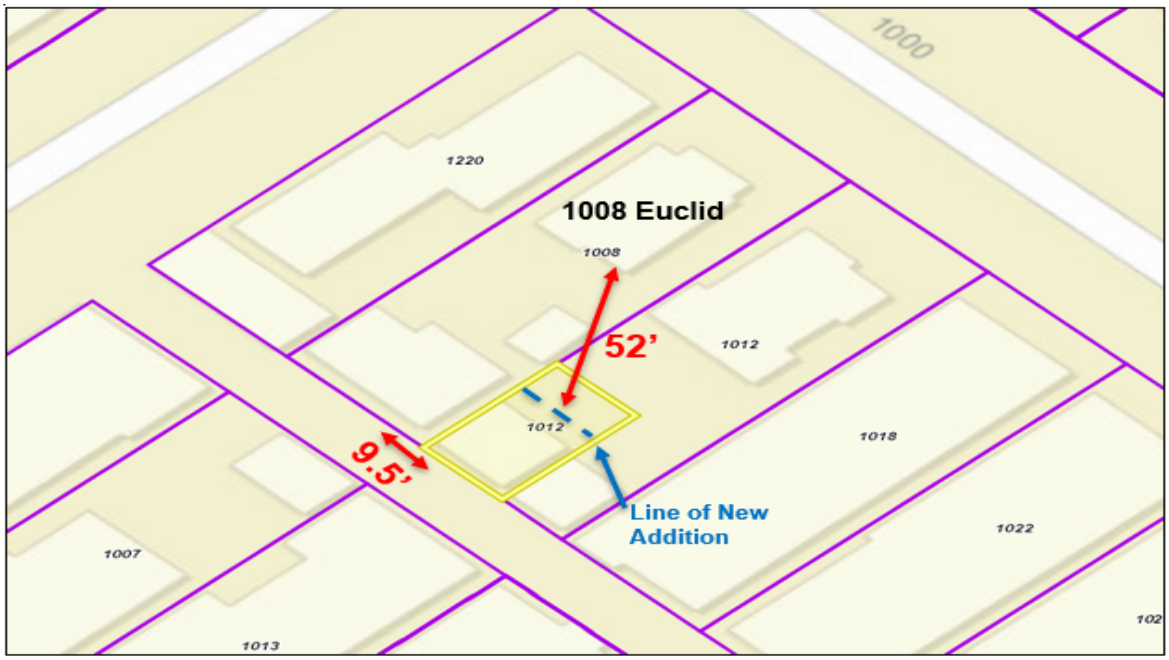

Figure 8: Setback Diagram from Appellants Site (Plan View)

Based on the approximate setbacks listed above the second floor/mezzanine massing would not have any significant adverse effects to the building located at the rear of the 1008 Euclid site.

4. *Compliance with Major Modification finding SMMC 9.43.100(F).*

As highlighted and conveyed in the attached Draft STOA, compliance with Major Modification finding 9.43.100(F) can be met. The required front and rear setback is intended to provide light, air, and ventilation between dwelling units on adjacent properties. The subject parcel is uniquely oriented where the front of parcel is located adjacent to the alley and not a street, and the modified front setback will be greater than the prevailing rear setbacks of buildings and garages along the alley. With the Major Modification, the subject residence will be set back 16'-0" at the front property line on the second floor and mezzanine level which is greater than the nonconforming 4'-6" front yard setback of the existing single-story single unit dwelling. Further, the subject residence will be set back 12'-0" at the rear property line on the second-story and mezzanine levels and, with the existing mature trees along the rear parcel line, will still provide an adequate buffer from the adjacent parcel to the east. Additionally, the proposed additions on both the first, second, and mezzanine levels are located in the center of the buildable envelope and provide greater setbacks on both interior side yards between 5'-0" and 5'-6" than the minimum required 4'-6".

The requested modification will allow first and second-story additions to an existing one-story structure in a neighborhood comprised mostly of multi-story structures. Of the 26 properties within the subject block along Euclid and 12th Streets between Washington Avenue and California Avenue, 20 parcels directly face the alley (12th Court) at the rear ,16 of which contain structures with two or more visible stories, with the remaining four parcels containing structures showing one visible story. Further, the 20 properties that have structures along the alley provide an average setback of 4'-5' from the rear property line. Due to the unique condition of the subject parcel only having alley access, the prevailing rear parcel line along the alley is considered the front parcel line for the subject site in this case. The existing first floor setback from the alley will be maintained and will be consistent with prevailing setbacks along the alley while the proposed second story and mezzanine level will be set back 16' from the front property line.

Without the addition of the second story and mezzanine levels, the existing structure is not able to expand closer to the average building size of 6,500 SF along the subject block of both Euclid and 12th Streets. Without approval of the subject modification, the subject property is also not able to provide two complete, functional stories above grade with full access to light and air similar to 16 of the 26 properties along both Euclid and 12th Streets. With the subject modification, the proposed project will total 935 SF which is well under the average 6,500 SF size of existing buildings on the subject block and will not significantly affect the

properties in the immediate neighborhood or be incompatible with the neighborhood character.

5. *Discussion with the applicant on alternative plans that would allow for future consideration of a Variance application*.

   As the appellant noted in their appeal statement an alternative plan exists that would satisfy the needs of the applicant for additional living space, retention of a usable rear yard, and preserve the privacy of the appellants' property. As of the writing of this report however no plan has been submitted for staff to review in order to determine if an alternative plan would require a Variance. As stated in SMMC Section 9.42.020, A Variance is not a vested right and is granted upon the discretion of the Planning Commission. The burden of proof for satisfying the requirements for granting of a Variance, as stated in this Ordinance, rests with the applicant.

   As noted in the appeal, there is also no record that any City Planning Staff stated, "Variances are never approved". The applicant was informed of the Modification process which is available as an alternative to a Variance and allows for minor adjustments to the dimensional requirements, design standards and other requirements of this Ordinance when so doing is consistent with the purposes of the General Plan and the District and would, because of practical difficulties, integrity of design, topography, and similar site conditions, result in better design, environmental protection, and land use planning.

<u>Neighborhood Compatibility</u>
The project site is located within the R2 zoning district with a Low-Density Housing land use designation. Both designations allow the maintenance and development of a SUD.

The neighborhood study area referenced earlier in this report is exclusively residential in its development, primarily with two and three-story multi-unit buildings. The proposed project will total 935 SF which is well under the average 6,500SF size of existing buildings on the subject block and will be compatible with the neighborhood character.

The overall 30-foot height of the proposed dwelling would not exceed the maximum allowable 30-foot height of the district. The request for additional parcel coverage is largely to accommodate the first-floor addition at the rear of the site. Additionally, the request for reduced front and rear yard setbacks for the two story and mezzanine level would also not be unusual within the context of the neighborhood, since the floors would be setback 16' at the front and 12' at the rear respectively and is consistent with structures along the alley providing an average setback of 4'-5' from the rear property line.

<u>Zoning Ordinance Compliance</u>
The project is located in the R2 zone district which establishes property development standards that govern the height, parcel coverage, and setbacks of the proposed building.

Furthermore, the R2 zone district was intended to faciliate areas for a variety of low-density housing types. These include SUDs, duplexes and triplexes, low-scale multi-unit housing, townhouses, and courtyard housing.

The Zoning Ordinance contains development standards that apply to the R2 zoning district as identified in SMMC Section 9.08.030. As proposed, except for the two Major and Minor modification requests, the project complies with all development standards applicable to the site. Attachment A to this staff report contains a detailed comparison of these development standards and the proposed project.

Land Use and Circulation Element (LUCE) Consistency

The subject property is designated as Low Density Residential in the LUCE. The designation is designed to preserve and protect the existing character of the residential neighborhood through conservation, maintenance, and rehabilitation of existing housing structures. In conformance with LUCE Goal LU1, Neighborhood Conservation, the granting of these two Variances would be consistent with the implementation of LUCE Policy LU1.4, Retention of Existing Structures, by allowing the SUD to be modified while preserving the potential historic structure that adds to the character of the residential district. Additionally, the proposed addition would be consistent with other structures within the neighborhood and therefore complies with LUCE Policy LU1.5, Design Compatibility, as it is in keeping with the existing scale, mass, and character of the area. In conformance with LUCE Goal LU13, Preserve Community Identity, the granting of the four modifications would still maintain the existing structure and character defining features which would help preserve and enhance the unique character and identity of the neighborhood. The addition would also comply with LUCE Policy LU13.2 by maintaining, instead of the demolishing, the existing neighborhood's distinctive character, design, and pattern of development of the high–quality environment. Lastly, the project is consistent with LUCE Policy N9.5 (Protection of existing single-family properties) which encourages modifying development standards to protect and retain the existing single and multi-unit properties in the Wilshire-Montana neighborhood.

Environmental Status

The request is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (Class 3), New Construction, of the State Implementation Guidelines in that the project involves one-single family residence built in an urbanized area consistent with permissible development within the General Plan and the area in which the project is located.

Alternative Actions

In addition to the recommended action, the Planning Commission could consider the following with respect to the project if supported by the evidentiary record and consistent with applicable legal requirements:

A1. Continue the project for specific reasons, consistent with applicable deadlines and with agreement from the applicant

A2. Articulate revised findings and/or conditions to Approve OR Deny, with or without prejudice, the subject applications

Conclusion

The appellant requests denial of both Major and Minor Modifications to allow for the following:

1. Major Modification to allow a 20 percent (4'-0") reduction of the required front setback from 20'-0" to 16'-0".
2. Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0".
3. Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4'-6" to 4'-0"
4. Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent.

In summary the appeal statement raises concerns regarding the following: (1) the significant impact on privacy and quality of life to the adjacent site (appellant) to the north at 1008 Euclid, (2) the Major Modification of the rear yard setback does not comply with the objectives of SMMC 9.01.020(B) and (C), (3) the Major Modification would allow for a second floor and mezzanine massing that would significantly and adversely affect the appellants' property at the rear of the site, (4) compliance with Major Modification finding SMMC 9.43.100(F),and (5) discussion with the applicant on alternative plans that would allow for future consideration of a Variance application.

As analyzed in this report, the required findings as set forth in SMMC Section 9.43.090 and 943.100 can be made in the affirmative to approve the requested Modifications based on criteria such as the existing site and structure's unique design characteristics as detailed in the draft Statement of Official Action (Attachment B). As conditioned, approval of the requests affords the property owner the ability to preserve the single unit dwelling while adding a modest addition which is comparable to similar dwellings in the area and maintaining the integrity of the neighborhood. Staff recommends the Planning Commission deny the appeal (20ENT-0050) and approve Major Modification 19ENT-0298 and Minor Modification 19ENT-0299 based on the findings attached to the report.

Prepared by: Michael Rocque, Associate Planner

Attachments

A. General Plan and Municipal Code Compliance Worksheet
B. Draft Statement of Official Action
C. Public Notification & Comment Material
D. Zoning Administrator's Statement of Official Action
E. Project Plans

F. Appeal Form