

Utilities: Existing
Exterior Building Materials: Stucco and lap siding
Roof Material: Metal

BACKGROUND INFORMATION: In November 1989, the applicant reviewed the proposal with Planning staff. In response to the discussion, the applicant agreed to modify the original site plan by (1) shifting the garage northward in order to lengthen the driveway and decrease the dominance of the garage doors on the south elevation, (2) maintaining a five foot setback for the second floor above the garage, and (3) screening the rear unit entrance and window from the adjacent neighbor to the west. The site plan and elevations that are submitted with this application reflect the changes that were requested during the preliminary review.

On January 9, 1986, the Planning Commission approved a Tentative Map, Subdivision Modification, and Variance request by the same applicant three blocks from the subject site on a parcel of the same size at 2550 18th Street. (P85-476) Photographs of the halfplexes and an aerial view of the neighborhood are included to illustrate a project of similar design and mass in the Land Park Neighborhood (see Exhibits E and F-2).

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site is a corner lot consisting of 0.09± developed acres in the Standard Single Family Residential, (R-1) zone. The General Plan designates the subject site as Low Density Residential (4-15 du/na). The surrounding land use and zoning for the subject site is single family residential, zoned R-1 to the north, south, and west and a duplex, zoned R-1 to the east.

B. Applicant's Proposal

The applicant is proposing to demolish a garage and storage building and remodel the existing single family residence into a duplex (see Exhibit A). Duplexes are allowed by right on corner lots in the R-1 zone. In the first of two phases, the applicant is proposing to demolish the two buildings and build a one bedroom, one bath residential unit with a loft over a two car garage. In the second phase, the applicant will remodel the existing house into a three bedroom, three bath residence attached to the building in Phase I.

The applicant is proposing a thirteen and a half foot front setback which is the average of the two nearest residences on the same block on the same side of the street. The applicant is proposing a street sideyard setback of six feet and an interior sideyard setback of three feet. A rear yard setback of four feet was originally proposed by the applicant but he has agreed to increase the rear yard setback to six feet. The increase in rear yard setback area decreases the lot coverage from the proposed forty-seven percent to forty-six percent.

The applicant is proposing to recess the garage under the second floor unit in order to provide a seventeen foot driveway length. The applicant is also proposing to locate both driveways on the same street. According to the Zoning Ordinance amendment relating to halfplex and duplex uses in the R-1 and R-1A zone adopted by the City Council on November 8, 1989, each unit in a duplex development shall have its entrance, including driveways, off different streets.

C. Staff Analysis

1. Site and Building Design:

The applicant is proposing to demolish a garage and storage building and remodel an existing single family home into a duplex. The duplex is allowed by right on the corner lot in R-1 zone. However, the applicant is requesting several variances in order to reduce setbacks below the required minimum setbacks, exceed the maximum lot coverage, decrease driveway length below the required minimum driveway length, and locate two

driveways on the same street. The remodeled house will be a 2,070 square foot, three bedroom, three bath residence with a large one car garage. The second unit will be a 724 square foot, one bedroom, one bath home with a loft and a one car garage. The second unit will be on the second floor over the two car garage.

The applicant has made several changes to the original site plan in response to staff concerns expressed through the preliminary review: The applicant agreed to: (1) screen the rear entrance of the second unit from the adjacent west neighbor, (2) shift the garage northward in order to decrease the dominance of the garage doors on the south elevation and to increase the driveway length, and (3) maintain a five foot interior side yard setback on the second story unit above the garage.

The applicant has also agreed to changes to the site plan in order to incorporate solutions to the concerns expressed by the neighbors during a neighborhood meeting held on March 21, 1990. First, the applicant has agreed to use composition shingles instead of a metal roof in order to be more similar to the nearby residences. Second, a landscaping plan shall be approved by the Planning Director prior to obtaining a building permit in order to ensure that existing landscaping be retained and additional landscaping be provided. Third, in order to diminish the overall size and mass of the structure and provide more light and air between the rear unit and the adjacent residence, the applicant has agreed to increase the rear yard setback from four feet to six feet. Fourth, the applicant has agreed to obtain one building permit for both phases in order to ensure that both phases are completed.

2. Setback Variances:

The applicant is requesting variances for the street side yard, the interior side yard, and the rear yard. The applicant is proposing a six foot street side yard setback and a three foot interior side yard setback instead of the required twelve and a half foot and five foot setbacks, respectively. The majority of residences in the neighborhood have reduced setbacks. The proposed street sideyard setback will line up with the adjacent residences. The subject site is a narrow forty foot wide lot creating a hardship to meet the required side yard setbacks. The applicant has added two courtyards in order to produce better light and air.

The applicant originally proposed to reduce the rearyard setback from fifteen to four feet. The applicant has agreed to increase the proposed rear yard setback from four feet to six feet in order to reduce the negative impact on the adjacent residence to the west. The negative impact of the reduced rearyard setback has been further mitigated by screening the window and entrance of the second dwelling unit from the adjacent parcel.

3. Lot Size and Coverage:

The subject site is a forty foot by one hundred foot lot. The maximum allowable lot coverage for the lot is forty percent. The applicant originally proposed to increase the lot coverage from the current forty-three percent to forty-seven percent. According to the 1987 aerial map of the Land Park neighborhood, the majority of lots have exceeded the forty percent lot coverage allowed in the R-1 zone (see Exhibit E). When the rear yard setback is increased to six feet, the proposed lot coverage decreases to forty-six percent.

4. Driveway:

The applicant is requesting a variance to reduce the minimum driveway length from twenty feet to seventeen feet. A two foot wide strip exists between the south property line and the sidewalk which makes the length of the driveway from the garage to the sidewalk nineteen feet. Also, the majority of residences in the neighborhood have driveways shorter than the required twenty feet. The existing driveway is only fourteen feet in length.

The applicant is requesting the first ever variance to allow two driveways on the same street in the R-1 zone. The newly approved halfplex/duplex section of the Zoning Ordinance requires that each residential unit of a duplex on a corner lot must have one entrance and driveway on each street. As proposed, the two driveway entrances are located on the long south side of the lot. Staff finds that not having a garage door on the front

allows a more pleasant design for the front of the house. The two garages have been recessed into the structure on the street side so they do not dominate the design of that elevation. A single family home is allowed to have a two car garage and driveway without a variance. This proposal is similar to a two car garage driveway.

5. Fences:

The applicant is proposing a courtyard on the north elevation and another on the south elevation. The north courtyard will be fenced with a six foot high masonry wall along the north property line. From the front line of the house to the front property line, the masonry wall will be no taller than three feet high.

The applicant is proposing to enclose the south courtyard with a six foot high masonry and wrought iron wall. Staff notes that although a six foot high wrought iron fence is allowed along the street side yard, only a three foot high fence is allowed in the clear visibility zone for the driveway (see Exhibit A). Staff recommends decreasing the height of the fence around the south courtyard to three feet, at least for the portion that is inside the clear visibility zone.

Staff supports the approval of the project, as proposed and conditioned, in that the majority of residences in the neighborhood have reduced setbacks, excessive lot coverage and reduced driveway lengths; the lot is narrow in width; and the negative impacts on the adjacent west property owner will be mitigated with screening. Also, the project adds additional housing to the city's core area.

D. Comments from Neighborhood Meeting:

On March 21, 1990, a group of concerned neighbors, the applicant, representatives of the Association to Preserve Land Park, and a planner from the City Planning Department met to discuss the proposal. Fourteen people attended the meeting.

The neighbors expressed their concerns about the following issues: (1) (and foremost) compatibility of the proposed structure with the existing neighborhood; (2) size of the structure (including building mass, setbacks, and lot coverage); (3) concern that both phases of the project would not be completed; (4) landscaping (Will the sycamore tree on the corner be retained? Is it safe to have the chimney flue up in the tree branches? Can the mass of the structure be screened with additional landscaping since many of the nearby homes are well landscaped?); and (5) safety of the two driveways on busy Caramay Way. Other issues raised were the neighbors prefer composition shingle roof over the proposed metal roof, the neighbors would like the opportunity to meet with the owner to directly express their concerns, and are the existing sewer and water lines going to be adequate to serve the additional unit?

The applicant has agreed to the following conditions in response to the concerns raised at the meeting: (1) provide a composition shingle roof instead of a metal roof; (2) increase the rear yard setback from four feet to six feet in order to decrease the size of the structure and mitigate the negative impact on the adjacent residence to the west; (3) apply for one building permit for both phases of the project in order to ensure the completion of both phases of the project; (4) require Design Review staff to review the proposal for compatibility with other neighborhood buildings; and (5) require the submittal of a Landscape Plan to be reviewed and approved by the Planning Director in order to retain existing landscaping and provide additional landscaping.

E. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering, Building Inspections, Water and Sewer, and the Association to Preserve Land Park. The Engineering Division indicated that an existing easement for water and sewer is located on the westerly three feet of the parcel and that the proposed stairway is close to encroaching on this easement. The Traffic Engineering Division indicated that they would prefer a driveway length of twenty feet. Representatives of the Association to Preserve Land Park attended the neighborhood meeting held on March 21, 1990 and may submit additional comments at the Planning Commission meeting.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project as proposed will not have a significant impact on the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070 (B)(1) of the California Environmental Quality Act Guidelines, the applicant has incorporated the following mandatory mitigation measures into the project plans to avoid identified effects or to mitigate such effects to a point where clearly no significant effects would occur:

- A. All joints in exterior walls shall be grouted and caulked airtight.
- B. Window or through-the-wall ventilation and air conditioning units shall not be permitted.
- C. All penetrations of exterior walls shall include a 1/2 inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
- D. Windows must have a minimum STC rating of 29 or better. Windows facing the noise source should comprise less than 25 percent of the wall area. Windows shall have an air infiltration rate of less than or equal to 0.20 CFM/lin.ft. when tested with a 25 mile an hour wind per ASTM standards.
- E. Sliding glass doors must carry an STC rating of 31 or better. They should be double glazed and they must meet or exceed the window air infiltration rating given above.
- F. Exterior entrance doors should have a minimum STC rating of 30. They must include complete perimeter door seals.
- G. The application shall comply with the following State regulation when demolishing the existing structure:
 - 1. Section 65-019 of the California Labor Code requires developers to identify all asbestos containing materials in existing building prior to demolition or renovation.

If asbestos containing materials are identified on the project site, the applicant will determine the quantity of material to be removed and comply with the following applicable State and Federal regulations:

- 2. California Occupational Safety and Health Administration (CAL-OSHA) work safety standards must be applied to any demolition or renovation of structures that contain more than 100 square feet of asbestos containing materials. Specific standards are provided by CAL-OSHA (San Francisco Office: (415) 974-7633).
- 3. Environmental Protection Agency (EPA) National Air Emission Standards must be applied to any demolition or renovation of structures that contain more than 160 square feet or 260 linear feet of asbestos containing materials. Specific information is provided by EPA (San Francisco Office: (415) 974-7633).

In order to document compliance with these measures, the applicant will provide a copy of the awarded demolition bid to the City Environmental Coordinator prior to issuance of a building permit for demolition.

Non-compliance with, or deletion of any of the above mitigation measures by any party will require the project to be reprocessed for additional environmental review. If this review determines that there is the possibility for significant adverse environmental impact due to the development of the project, additional mitigation measures may be required or the applicant may be requested to prepare an Environmental Impact Report if identified impacts cannot be reduced to less than a significant level through mitigation.

RECOMMENDATION: Staff recommends the following actions:

- A. Ratify the Negative Declaration.

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- B. Approve the Variance to reduce the rearyard setback from 15 feet to 6 feet subject to the conditions and based upon the findings of fact which follow.
- C. Approve the Variance to reduce the street sideyard setback from 12-1/2' feet to 6' feet subject to the conditions and based upon the findings of fact which follow.
- D. Approve the Variance to reduce the interior sideyard setback from 5 feet to 3 feet subject to the conditions and based upon the findings of fact which follow.
- E. Approve the Variance to exceed the maximum 40 percent lot coverage to allow 46 percent lot coverage subject to the conditions and based upon the findings of fact which follow.
- F. Approve the Variance to reduce the minimum driveway length from 20 feet to 17 feet subject to the conditions and based upon the findings of fact which follow.
- G. Approve the Variance to allow two driveway entrances off the same street subject to the conditions and based upon the findings of fact which follow.

Conditions:

- 1. The revised site plans shall be reviewed and approved by the Planning Director subject to the issuance of a building permit and shall include:
 - a. a six foot rear yard setback,
 - b. composition shingle roof material, and
 - c. incorporate the fireplace into the building so that the flue is further away from the tree.
- 2. The proposed project shall be reviewed by the Design Review staff for design changes that increase the building's compatibility with the neighborhood.
- 3. The project shall obtain only one building permit for both phases of the project. A certificate of occupancy may be issued for the dwelling unit above the garage when it is safe to do so. The second phase must be complete before the final inspection for the building permit.
- 4. A Landscaping Plan shall be reviewed and approved by the Planning Director prior to issuance of a building permit. The Landscaping Plan shall include the existing landscaping to be retained, specifically the sycamore tree on the southeast corner of the lot, and the additional landscaping to be provided, specifically shrubs and vines next to the structure.
- 5. The fence enclosing the south courtyard shall be no taller than three feet within the driveway clear visibility zone. (The clear visibility zone is a triangular shaped area of land formed by the joining of the following three points: (1) the point where the east side of the driveway crosses the curb line, (2) the point twelve and a half feet along the east driveway from the first point toward the garage, and (3) the point twenty feet along the curb line eastward from the first point.)
- 6. The applicant shall comply with the mitigation measures of the Negative Declaration which include:
 - a. all joints in exterior walls shall be grouted and caulked airtight.
 - b. window or through-the-wall ventilation and air conditioning units shall not be permitted.

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- c. all penetrations of exterior walls shall include a 1/2 inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
- d. windows must have a minimum STC rating of 29 or better. Windows facing the noise source should comprise less than 25 percent of the wall area. Windows shall have an air infiltration rate of less than or equal to 0.20 CFM/linear foot when tested with a 25 mile an hour wind per ASTM standards.
- e. sliding glass doors must carry an STC rating of 31 or better. They should be double glazed and they must meet or exceed the window air infiltration rating given above.
- f. exterior entrance doors should have a minimum STC rating of 30. They must include complete perimeter door seals.
- g. the application shall comply with the following State regulation when demolishing the existing structure:
 - 1) Section 65-019 of the California Labor Code requires developers to identify all asbestos containing materials in existing building prior to demolition or renovation.

If asbestos containing materials are identified on the project site, the applicant will determine the quantity of material to be removed and comply with the following applicable State and Federal regulations:

- 2) California Occupational Safety and Health Administration (CAL-OSHA) work safety standards must be applied to any demolition or renovation of structures that contain more than 100 square feet of asbestos containing materials. Specific standards are provided by CAL-OSHA (San Francisco Office: (415) 974-7633).
- 3) Environmental Protection Agency (EPA) National Air Emission Standards must be applied to any demolition or renovation of structures that contain more than 160 square feet or 260 linear feet of asbestos containing materials. Specific information is provided by EPA (San Francisco Office: (415) 974-7633).

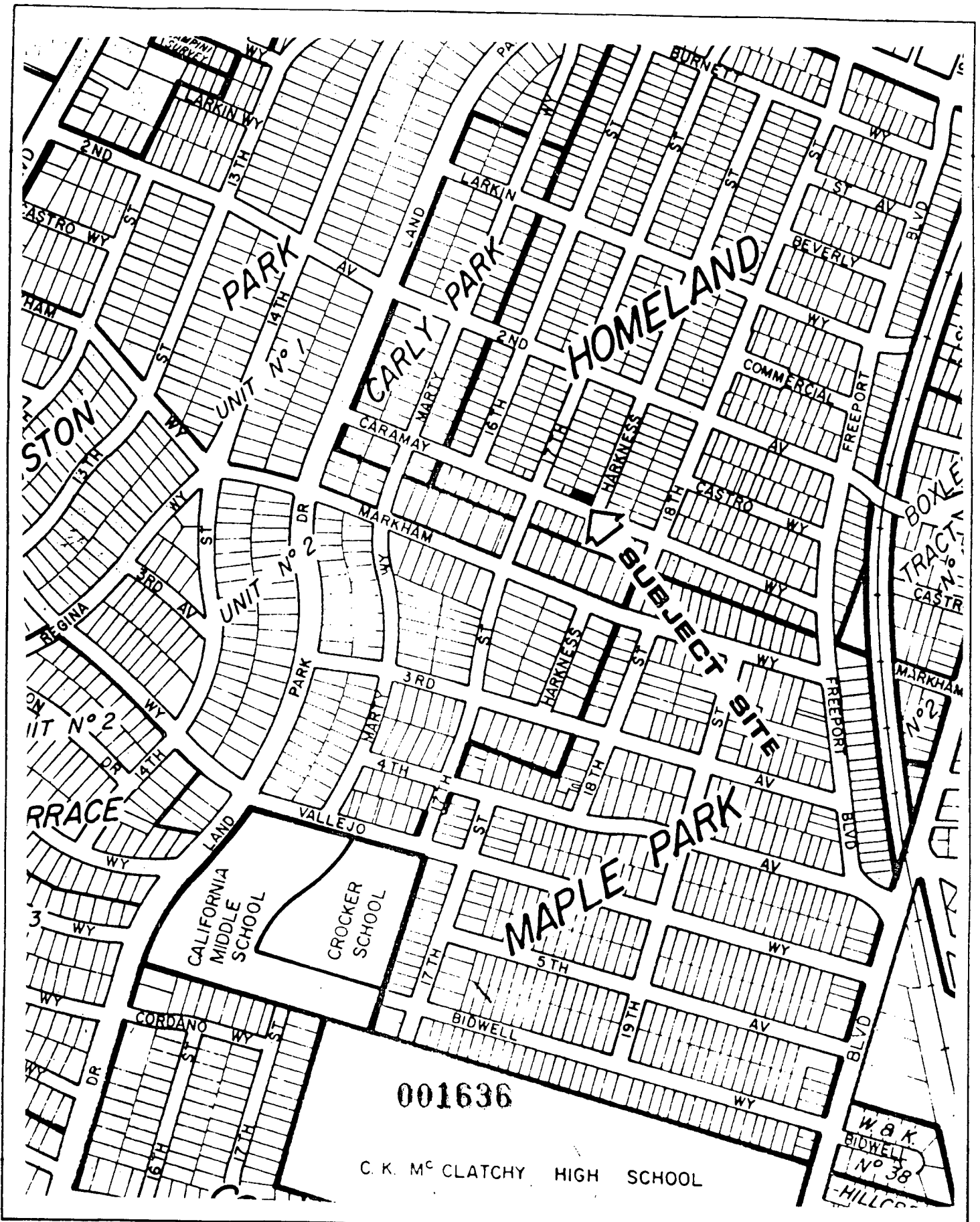
In order to document compliance with these measures, the applicant will provide a copy of the awarded demolition bid to the City Environmental Coordinator prior to issuance of a building permit for demolition.

Findings of Fact:

- 1. Granting the variances does not constitute a special privilege extended to an individual applicant in that
 - a. the area in which the subject site is located is a subdivision of lots which are substandard in width and area,
 - b. the majority of existing residences in the neighborhood appear to exceed the maximum lot coverage,
 - c. the duplex to the east has substandard side, street side, and rear yard setbacks and appears to exceed the maximum lot coverage,
 - d. the majority of residences in the neighborhood have shorter than required driveway lengths, and
 - e. the garage has been recessed into the structure in order to lengthen the driveway and reduce the dominance of the two driveways and garages on the south elevation.
- 2. Granting the request does not constitute a use variance in that duplexes are allowed in the R-1 zone.

3. Granting the request will not be injurious to public welfare nor to property in the vicinity in that:
 - a. adequate parking and landscaping will be provided,
 - b. the negative impact on the adjacent west property owner has been mitigated by screening the entrance and window of the second floor residential unit and adding two feet to the proposed rear yard setback,
 - c. driveway length is being increased from the existing fourteen feet to seventeen feet, and
 - d. fencing around the street side courtyard will be sufficiently low to allow clear visibility of the street and sidewalk from the driveways.
4. The proposed project is consistent with the General Plan which designates the site as residential.

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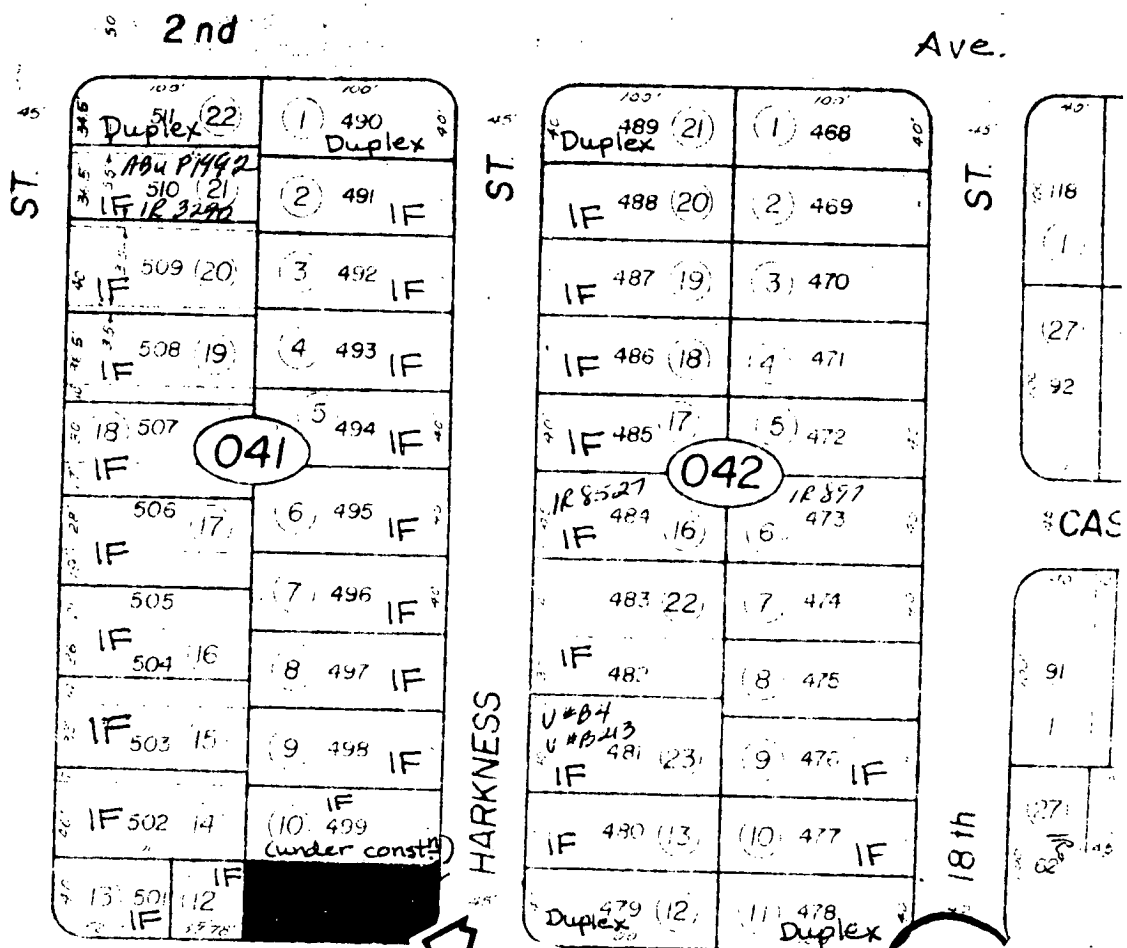
C. K. Mc CLATCHY HIGH SCHOOL

VICINITY MAP

P90-062

~~March 22, 1990~~
April 12, 1990

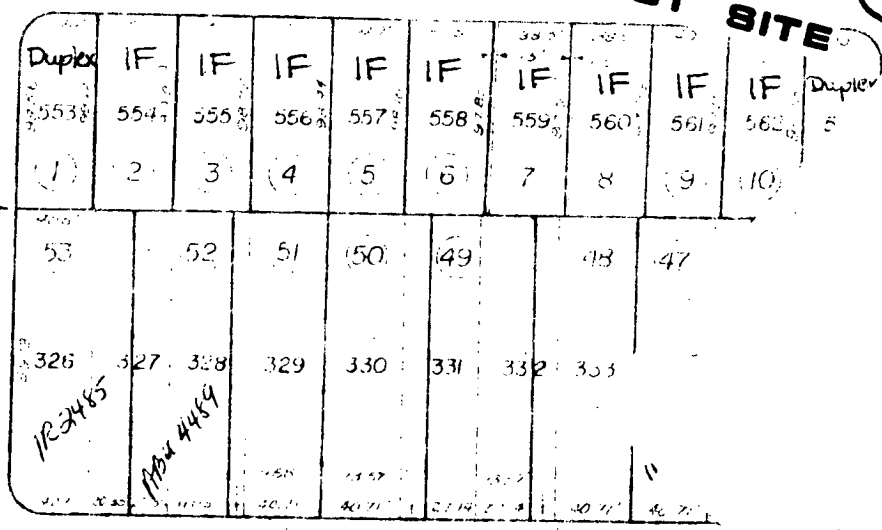
Item #12



CARAMAY

SUBJECT SITE

R-1



MARKHAM

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LAND USE & ZONING MAP

Broadway

EXHIBIT E

AERIAL MAP
OF LAND PARK
NEIGHBORHOOD

Burnett



18th Street

Harkness

Key to Exhibit E001643

- A- Subject Site-2740 Harkness
- B- Similar Project-2550 18th

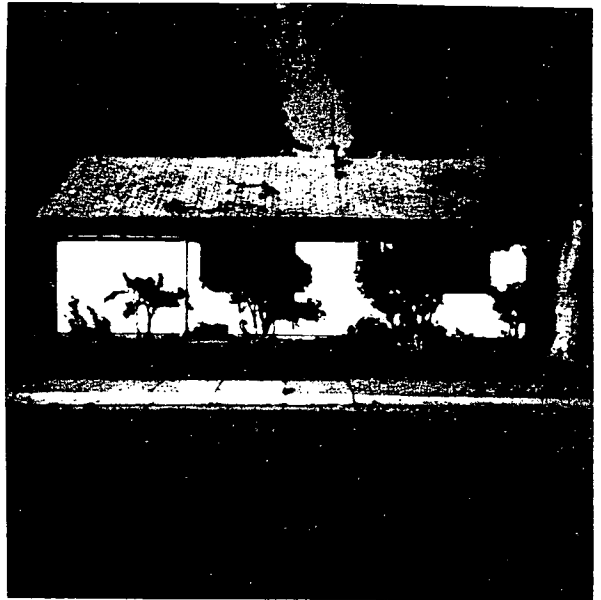


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Caramay

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Photographs of Existing
Residence



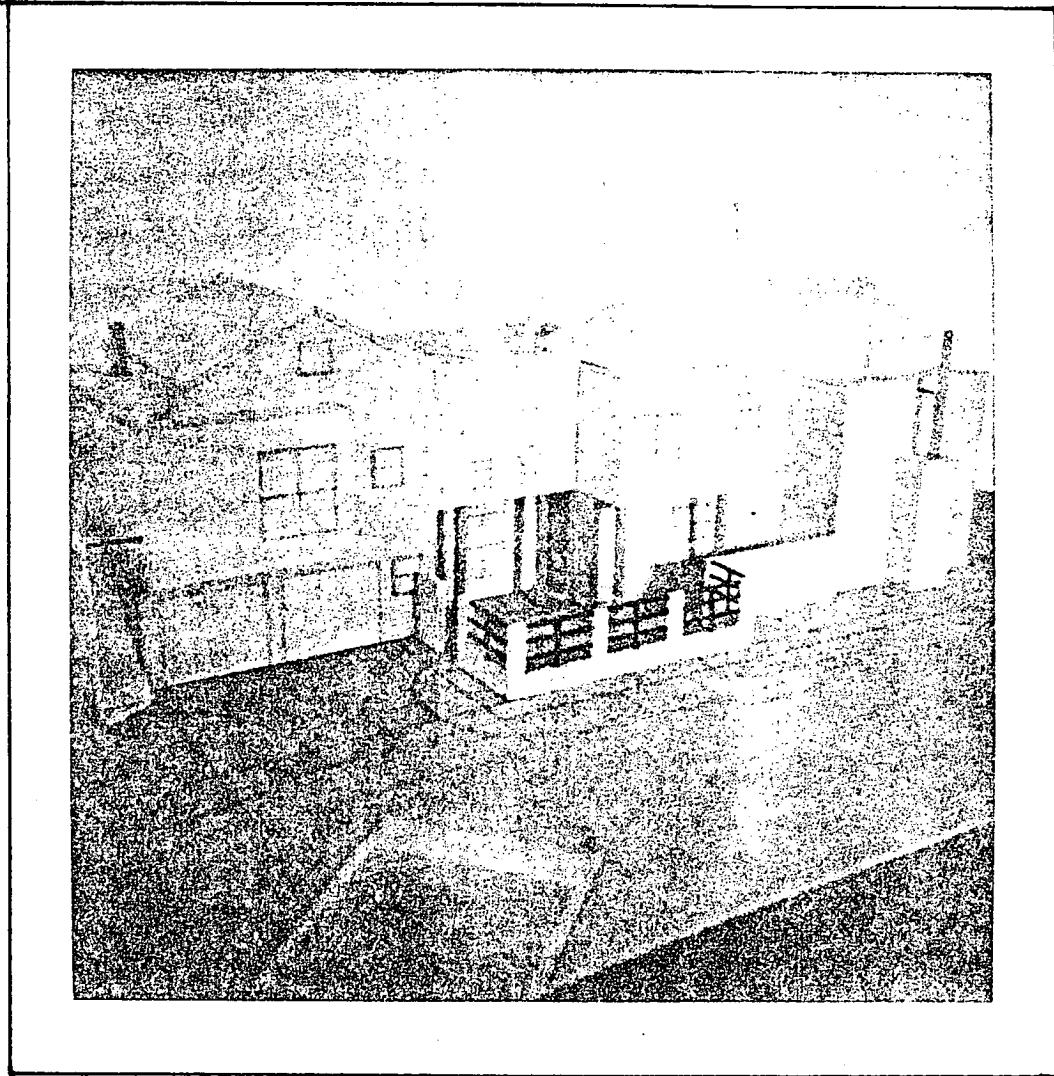
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Photographs of Similar
Project- 2550 18th Street



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Photograph of the Model
showing the south elevation
of the proposed duplex
at Harkness and Caramay

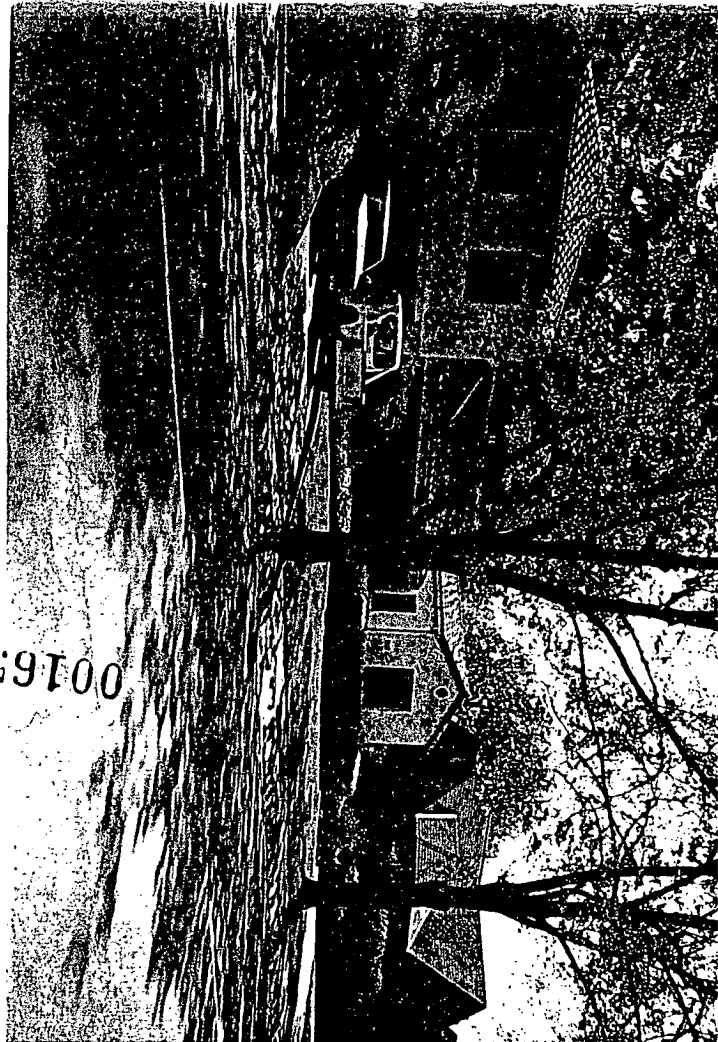
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April 12, 1990

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EXHIBIT C - SIMILAR STYLES & FEATURES

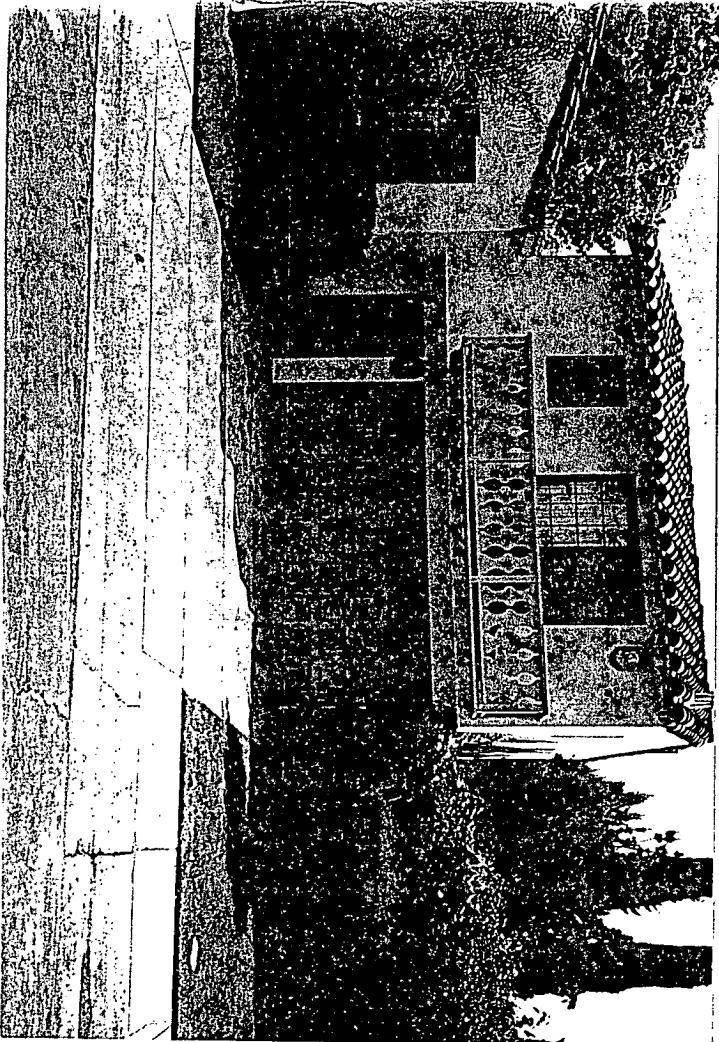


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