



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: February 16, 2005 REPORT NO. HO 05-016

ATTENTION: Hearing Officer

SUBJECT: BLUMENTHAL RESIDENCE  
PTS PROJECT NUMBER: 44741

LOCATION: 4289 Ingleside Avenue

APPLICANT: Randal Jay Ehm, Ehm Architecture Inc.

### SUMMARY

Requested Action - Should the Hearing Officer approve Variance No. 126143 to allow deviations to the interior side yards and rear yard setback requirements of the RS-1-7 zone for the construction of a 669-square-foot 2-car garage on a single-family premise in the Uptown Community Plan area?

#### Staff Recommendation -

1. ACKNOWLEDGE that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and
2. APPROVE Variance No. 126143.

Community Planning Group Recommendation – The Uptown Planners considered the project on November 2, 2004 and voted 14-0-1 to recommend approval of the variance request with the exception that the alternative design, with the garage located off the alley, be implemented.

Environmental Review – The project has been determined to be exempt from CEQA pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).

### BACKGROUND

The 0.138-acre site is located at 4289 Ingleside Avenue in the RS-1-7 Zone within the Uptown Community Plan Area. The site is designated for low density residential development with a density of 5-10 dwelling units per acre in the Uptown Community Plan (Attachment 2). The project site is a pie shaped lot with a wide frontage along Ingleside Avenue / Witherby Street that gradually slopes upward and narrows to 10.33 feet wide along the rear property line abutting the alley. Existing on-site improvements consist of a 2-story 1,988-square-foot residence and a detached single-car garage. The structure was originally built in 1924 with a second story addition permitted and constructed in 2001. The house is separated with hardscape and landscape improvements from a 253-square-foot single-car garage located in the rear of the property, which was constructed some time prior to 1957.

Surrounding land use consists of predominantly single family residential development. The project proposes to demolish and replace the existing single-car garage with a two-car garage in the rear of the property observing 0-foot interior side yard setbacks along the west and east property lines where a minimum of 4 feet is required, and a 12'-6" rear yard setback where a minimum of 13 feet is required.

## DISCUSSION

Project Description: The project proposes to demolish and replace an existing 253-square-foot single-car garage with a 669-square-foot two-car garage in the rear of the property. Due to the narrow configuration of the property in the rear, the garage is designed with a vehicle lift in the auto bay to accommodate two vehicle spaces. In response to concerns expressed by staff and the Uptown Planners, the project has been revised significantly since its original submittal. The project originally requested a variance to allow a 0-foot front yard setback where 15 feet is required for the construction of a 1-story two car garage, with a roof deck above, built into an existing embankment in the front yard. As recommended by staff and the planning group, the project has been revised to locate the garage in the rear of the property with access off the alley. The roof deck is no longer part of the project scope.

Proposed Deviations: The variance request is to allow the construction of a 669-square-foot garage observing a 0-foot interior side-yard setback where a minimum of 4 feet is required and a 12'-6" rear yard setback where a minimum of 13 feet is required. The proposed garage will replace an existing single-car garage which observes a 0-foot side yard setback along the west property line. Due to the sloping nature of the property, the height of the garage ranges from 22'-6" high to 17'-6" high towards the alley frontage and is designed to accommodate the pie-shaped configuration of the lot. The garage will include stucco finish, trims, windows and paint consistent with the existing residence on site.

Pursuant to Municipal Code Section 131.0448, an accessory building is permitted to encroach into required yards provided that, among other conditions, the structure is located in the rear 30 percent of the lot, does not exceed 525 square feet in floor area and 10 feet in height for a flat roof structure. The structure is proposed in the rear 30 percent of the lot. However, due to the narrow configuration of the lot in the rear, the floor area and height exceed the maximum allowed to accommodate the vehicle lift and two vehicle spaces. Staff believes that the proposed

garage and the variance request represents the minimum deviation that will permit the reasonable use of land while improving the off-street parking situation on the subject site. Additionally, the proposed yard encroachment is consistent with other encroachments in the neighborhood and the location of the garage in the rear of the lot with access from the alley is consistent with the Uptown Community Plan recommendation to screen parking areas and provide access from the alley.

Community Plan Consistency: The Uptown Community Plan designates the subject property for Low Density Residential at 5-10 dwelling units per acre. The site is currently improved with one single-family dwelling unit and therefore implements the Land Use Element of the Plan.

Recommendations of the Uptown Community Plan applicable to the site promote the preservation of architectural character within existing single-family neighborhoods through appropriate site planning, landscaping and architectural design. New construction and improvements to existing structures should be compatible with the existing architectural detail and overall appearance of the quality development in the surrounding neighborhood. Further, access to parking areas should be taken from alleys wherever possible and should be screened from the public right-of-way and adjacent residences.

Based on the aforementioned plan recommendations, staff has determined that the proposal to construct a new two-car garage adjacent to the alley that is architecturally compatible with the neighborhood will not adversely affect the policies embodied in the Uptown Community Plan.

Uptown Planners Recommendation: The original project was presented to the Uptown Planners Subcommittee who expressed concerns with the proposed location of the garage in the front yard and advised the applicant to relocate the garage to the rear of the property. The Subcommittee recommended denying the variance request, but commented that the group could support a variance if the garage was oriented to the rear. In response to staff comments as well as the concerns expressed by the Subcommittee, the applicant revised the plans to relocate the garage in the rear of the property. On November 2, 2004, the Uptown Planners considered the revised project, with garage orientation to the rear alley, and voted 14-0-1 to recommend approval of the variance request with the exception that the alternative design, with the garage located off the alley, be implemented.

## CONCLUSION

Staff has reviewed the application materials and has determined that the proposed project is consistent with the purpose and intent of the Uptown Community Plan and the applicable development regulations of the Municipal Code with the exception to the interior side yard and rear yard setback regulations of the RS-1-7 Zone. Draft conditions of approval have been prepared for the project, and Findings required to approve the project is included in the attached resolution. The proposed garage does not significantly alter the existing setback situation on the site and is consistent with other yard encroachments in the neighborhood and staff finds the variance request to represent the minimum deviation that will permit the reasonable use of land and improvement of the off-street parking situation on site.

ALTERNATIVE

1. Approve Variance No. 126143, with modifications.
2. Deny Variance No. 126143, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Firouzeh Tirandazi, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology

Rev 6-15-04 dej