

**DATE ISSUED:** September 12, 2005

**REPORT NO. PC-05-285**

**ATTENTION:** **Planning Commission, Agenda of September 29, 2005**

**SUBJECT:** MADISON RESIDENCE VARIANCE  
PROJECT No. 51096. PROCESS 3 Appeal

**OWNER/APPLICANT:** Mary-Carol Madison

### **SUMMARY**

**Issue:** Should the Planning Commission approve an appeal of the Hearing Officer's decision which denied a portion of Variance No. 240007?

**Staff Recommendation:** **Approve** the appeal of the Hearing Officer's decision, thereby accepting all portions of Variance No. 240007 (Attachment 6,7).

**Community Planning Group Recommendation:** The Peninsula Community Planning Group voted 12 in favor, 0 opposed, with 1 abstention to approve the project and all Variances with no conditions (Attachment 9).

**Environmental Review:** The project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with the State CEQA Guidelines, Article 19, Section 15332, Infill Development.

**Fiscal Impact:** The cost of processing this application is paid for by the applicant.

**Code Enforcement Impact:** None with this action. There are no open cases in the Neighborhood Code Compliance Department for this property.

**Housing Impact Statement:** The project proposes to only construct additions to an existing single family residence. There is no net decrease or increase in the number or type of housing units within the Peninsula Community Plan area, and in the housing supply for the City of San Diego.

### **BACKGROUND**

The 0.09-acre site is located at 2007 Guizot Street, on the northeast corner of Saratoga Avenue & Guizot Street within the RS-1-7 Zone, Coastal Overlay Zone (non-appealable area), Coastal Height Limit Overlay Zone, Coastal Parking Impact Overlay Zone within Ocean Beach highlands

neighborhood of the Peninsula Community Plan and Local Coastal Program Land Use Plan (LCP) (Attachment 1, 2). The subject property is currently improved with a one -story 861 square foot single dwelling unit, constructed in the 1920's. Although the RSI- 7 Zone requires a minimum lot size of 5,000 square feet, this legal lot is only 3,800 square-feet (Attachment 5)

On July 20, 2005, the Hearing Officer heard a proposal to remodel the building, which included the following variances: 1) allow a 549 square-foot addition with reduced front yard, providing 10 feet from the front property line where 15 feet is required, 2) allow for the architectural encroachment of a bay window at 6 feet from the property line where 11 feet is required (11 feet is required as bay windows shall not project into the required yard more than 4 feet or 50 percent of the width of the required yard, whichever is less), 3) allow for the encroachment of an entry porch and roof at 7feet , 7 ½ inches from the front property line where 9 feet is required (9 feet is required as entry roofs and porches shall not encroach more than 6 feet or 50 percent of the width of the required yard, whichever is less), 4) reduce driveway width, providing 9 feet where 12 feet is required; and 5) allow for an off-street parking space within the required front yard where a parking space would normally not be allowed.

The Hearing Officer approved all variances with the exception of number two, allowance of a bay window, 6 feet from the front property line. As such, the property owner (applicant) submitted an appeal of that decision.

## **DISCUSSION**

### **Project Description:**

The lot is 50 feet by 76 feet and is a portion of a larger lot that was sold as two separate parcels. The lot, which totals 3,800 square-feet, is substantially smaller than the majority of the lots in the vicinity, which average approximately 5,000 square feet.

The proposed project is a 549 square-foot addition to an existing house, which will observe reduced setbacks and a new substandard driveway leading to a parking space within the required front yard. The addition would result in a Floor Area Ratio of 0.42 where 0.65 is allowed. The subject site presently has one off-street parking space within a detached garage, where the RS-1-7 Zone would require two off-street parking spaces for new development.

As noted previously, the proposed improvements would require variances from the underlying RS-1-7 Zone for reduced front yard setback and off street parking requirements. Staff has reviewed the request and has determined that the proposed variance could be supported based on the required findings. The development would improve previously conforming conditions by providing two parking spaces (where only 1 is currently provided); facilitating access to the house, where the current owner has a disability (bad knee), such that the existing parking on slope is difficult and painful.

Previous variances have been granted for encroachments into the required yards to properties immediately to the east (4484 Saratoga), and south (4491 Saratoga), as well as other sites along Saratoga Street.

### **Community Plan Analysis:**

The variance request has been reviewed by City staff in accordance with applicable regulations, and has determined the project to be in conformance with the applicable sections of the San Diego Municipal Code regarding the RS-1-7 Zone, as allowed through the Variance process. The proposed project would be consistent with the existing development within the area. The neighborhood has a mixture of older and newer development. The request is considered minimal, and would not adversely affect the General Plan, or the Peninsula Community Plan.

Moreover, the Peninsula Community Plan and Local Coastal Program Land Use Plan identifies the lack of on-street parking as an issue facing the Peninsula community and recommends measures to increase parking availability. Due to the existing constraints of the site, including the limitations associated with the existing residence, special circumstances can be found that are unique and unusual to this site that would create a hardship in constructing additional off-street parking in an area that could benefit from additional off-street parking.

### **Project-Related Issues:**

Municipal Code Conformance - The 3,800 square-foot site is currently zoned RS-1-7, a single-family residential zone permitting one unit per 5,000 square feet of lot area. The zone was applied in January 2000. Previous zoning was R-1, which was established on the site in April 1930. The existing unit was built in the late 1920's.

Coastal Overlay Zone – The project location is within the Coastal Overlay Zone, however, it is exempt from a Coastal Development Permit (less than 50% of the walls will be removed). A condition is incorporated into the permit which reflects that more than 50% of the existing exterior walls are to remain. The project site contains no Environmentally Sensitive Lands, is a consistent land use as designated in the Peninsula Community Plan and Local Coastal Program and does not encroach on physical or visual access to the ocean.

Airport Environs Overlay Zone (AEOZ) - The project site is within the Airport Environs Overlay Zone (AEOZ) and within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) for Lindbergh Field operations. As conditioned, the applicant shall coordinate with the San Diego County Regional Airport Authority to determine whether an aviation easement is necessary.

Environmental Analysis - The Environmental Analysis Section (EAS) of the Development Services Department has reviewed the above referenced project and has determined that it is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the State CEQA Guidelines "In-Fill Development Projects."

Community Planning Group Recommendation - The Peninsula Community Planning Board considered the project at their meeting on January 24, 2005 where a motion to recommend approval of the project carried by a vote of 12 in favor, 0 opposed, and 1 abstention with no conditions.

Hearing Officer's Decision - On July 20, 2005, the Hearing Officer determined that granting a variance for the addition of a living room, dining area, and entry porch within the required front

yard, as well as a reduction of driveway width and parking within the front yard allowed the applicant reasonable use of the property, and allows the owner easy access to the unit from a parking space in close proximity to the front door. However, the request to construct a bay window within the required front yard was not approved, as it was not believed it represented a minimum deviation necessary to allow the owner reasonable use. The Hearing Officer was unable to make Variance Findings SDMC Section §126.0805 (2) for the bay window encroachment and denied this portion of the project.

**Appeal Issues:**

An appeal of Process 3 Hearing Officer's decision was filed on August 3, 2005 by the property owner, Mary-Carol Madison (Attachment 8) and is summarized below.

Appeal Issue No. 1: Appellant asserts that the Variance Findings have been met for all portions of the project, including the Bay Window encroachment.

Staff Response: Staff agrees the required findings can be supported as the bay window addition is minimal and the site is substandard, therefore, a variance to allow the bay window is considered reasonable.

Appeal Issue No. 2: Appellant asserts that the design as submitted is minimal.

Staff Response: Staff agrees that the bay window addition is minimal. The Land development Code allows a bay window to project 4 feet into the required front yard. This proposal will allow the bay window to encroach 9 feet into the required yard, as it will have a natural effect, since the main structure will maintain a reduced yard.

Appeal Issue No. 3: Appellant asserts that the architectural design provides reasonable use.

Staff Response: Staff agrees that articulation is desirable, thereby adding architectural interest will result in more spacious accommodations for the applicant and allow reasonable use as well as an asset for the neighborhood. Further, the Community Planning Group voted to recommend approval of this project. The project is located in the Ocean Beach highlands neighborhood of the Peninsula Community Plan and Local Coastal Program Land Use Plan. The plan notes the Ocean Beach highlands neighborhood consists of single- and multi-family structures, many of which predate World War II. Since this area slopes westward to Ocean Beach, there is a strong visual association between this neighborhood and the Ocean Beach community. The project utilizes fenestration, balconies, vertical and horizontal offsets, architectural detailing and articulation to break up the building facades and minimize bulk and scale. The proposed addition blocks no views, retains 59% of the existing exterior walls and preserves a favored architectural style found in the Southern California beach areas, and would compliment other similar styles in the vicinity and blend in with the eclectic character of the Ocean Beach highlands neighborhood.

In Summary, staff finds that the project is in conformance with the applicable sections of the San Diego Municipal Code regarding the RS-1-7 Zone, as allowed through the Variance process. Staff believes the required findings can be supported as substantiated in the Findings

(Attachment 7) and recommends to support appeal of the Hearing Officer decision to approve the project with all variances as proposed.

**ALTERNATIVES:**

1. **Deny** the Appeal and uphold the decision of the Hearing Officer.
2. **Approve** a modified project design, if the findings required to approve the project cannot be affirmed.

**Respectfully submitted,**

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**Jeff Strohminger**  
**Deputy Director, Project Management Division**  
**Development Services Department**

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**Laila Iskandar, Project Manager**  
**Development Project Manager**  
**Development Services Department**

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 Permit with Findings
8. Copy of Appeal
9. Community Planning Group(s) Recommendations
10. Ownership Disclosure Statement
11. Project Chronology