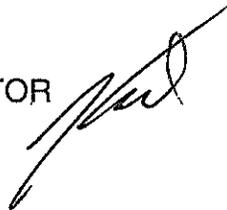


Staff Report City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF SEPTEMBER 7, 2011

TO: PLANNING COMMISSION
FROM: KONRAD BOLOWICH, DIRECTOR
SUBJECT: VARIANCE (VA) NO. 11-110



SUMMARY

A request for relief from Section 17.36.070 of the Loma Linda Municipal Code (LLMC), which requires a minimum of five feet of setback from the side property line. The current structure is legal non-conforming in that the south wall encroaches two feet onto the side yard setback. A proposed room conversion will align with the south wall of the existing structure. The project site is located at 11231 San Juan Street in a Two-Family Residence (R-2) Zone.

RECOMMENDATION

The recommendation is that the Planning Commission approve VA No. 11-110 based on the Findings.

PERTINENT DATA

Property Owner/Applicant:	Kris Falk
General Plan/Zoning:	Medium Density Residential/Two-Family Residence (R-2)
Site:	7,600 square-foot developed lot
Topography:	Lot sloping east to west
Vegetation:	Mature landscaping
Special Features:	Existing legal non-conforming structure

BACKGROUND AND EXISTING SETTING

Background

On July 28, 2011, the applicants submitted an application for the above referenced project. On August 11, 2011 the Administrative Review Committee (ARC) reviewed the project and deemed it complete for processing pursuant to the California Permit Streamlining Act.

Existing Setting

The 7,600square-foot lot is located north of Barton Road, west of Campus Street in a medium density residential land use area. The neighborhood is comprised of existing single-family and multi-family lots which are part of Tract 1808. The tract was developed in the 1920's and the architecture of the existing house is indicative of contemporary styling of that time.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STATUS

Pursuant to Section 15301(e)(1) of the CEQA Guidelines, the project is eligible for a Class 1 Categorical Exemption, which allows additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure prior to the addition, or 2,500 square feet, which ever is less.

Public Comments

Public notice for this project was posted and mailed to parcel owners and occupants within 300 feet of the project site on August 25, 2011. As of the writing of this report, there have been no written or oral comments received in opposition or in favor of the proposal.

ANALYSIS

Project Description

The project is a request to convert a 308 square-foot storage area into additional living space for the existing 1,300 square-foot single-family residence. The room conversion will also add a bathroom and closet within the proposed enclosure. The existing storage area is currently separated from the garage by a non-load bearing wall, which will remain at its current position. The scope of work for the room conversion will not go beyond the existing garage/storage area foot print. Presently, the layout of the garage/storage structure is sub-standard and is considered legal non-conforming. The related variance request is seeking relief from the residential code that requires a minimum of five feet of side yard set-back. Currently, there is only three feet of setback from the structure to the side property line.

Site Analysis

The existing building foot print accounts for approximately 17 percent of the overall parcel (lot coverage). As previously mentioned, the proposed request will only convert an existing space, which does not affect the overall lot coverage. According to Section 17.36.040 of the Loma Linda Municipal Code (LLMC) parcels located in R-2 Zones shall not exceed 50 percent of lot coverage. The proposed room conversion will remain within the lot coverage requirements.

The Two-Family Residence (R-2) Zone requires a minimum five foot side-yard setback. As previously stated, the existing residence and the surrounding neighborhood were constructed in the 1920's and was designed to meet the San Bernardino County's developmental requirements (which are different from the City's). The change in jurisdictions and the difference in regulations have resulted in a legal non-conforming lot. Specifically, the south side yard set back is currently at three feet where a minimum of five feet is required. The proposed room conversion will maintain the same distance to the south property line.

Access to the project site is via driveway off of San Juan Street. Interior access to the proposed room conversion is through the existing north facing door. There is an existing garage that is adjacent to the proposed room conversion. As previously stated, the two spaces are divided by a non-load bearing wall. The proposed conversion will enable the property to gain much needed living area.

Architecture Analysis

The proposed room conversion would not add new square footage to the existing building but will refresh the exterior of the garage/storage structure with new paint and trim as well as add new windows and doors to the north and east elevations. As proposed, the building exhibits a contemporary style consistent with post World War II residential construction.

Variance Findings

1. *That there are exceptional and extraordinary circumstances of conditions applicable to the property involved.*

The existing lot of record is located in an area of the City where older tracts were developed. Due to the time of development the existing structure was already non-conforming in that the side yard setback was substandard. The garage/storage structure is located on the lot which has a generous front and rear setbacks (approximately 34 and 30 feet respectively) but has a more restrictive south side yard setback (three feet). The proposed room conversion will occur within the existing foot print of the garage/storage structure.

2. *That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.*

The surrounding neighborhood was constructed prior to the City's incorporation (1970). The existing structures were likely built according to the San Bernardino County building development requirements, which are different from the adopted development criteria for the City of Loma Linda. Accordingly, some of the existing buildings (that were constructed prior to incorporation) are considered to be nonconforming and possibly substandard. The proposed variance would allow the subject property to enjoy the same property rights possessed by other properties in the neighborhood which include the right to convert storage space into living area.

3. *That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.*

The proposed relief from Section 17.36.070 of the LLMC will not be detrimental to the public welfare or injurious to property and improvements in that the existing site will maintain adequate space for at least two enclosed garage spaces. Approval of the variance will limit the amount of construction on an already constrained lot. The construction will be subject to the necessary building code requirements to ensure compatibility and safety.

4. *The granting of such variances will be consistent with the general plan for the city.*

The variance request to accommodate a set back relief from Section 17.36.070 of the LLMC for minimum side yard requirements facilitates Policy No. 1.2 of the General Plan Housing Element (Chapter 5.0), which identifies the necessity to ensure the supply of safe, decent, and sound housing for all residents. The granting of the variance will allow the applicant to convert a substandard structure into a permitted living area.

5. *That a public hearing was held wherein the applicant is heard and in which he substantiates all of the conditions cited in this subsection.*

The variance request is scheduled for review on the September 7, 2011 Planning Commission Meeting.

CONCLUSION

Staff recommends approval of the project because it is consistent with the General Plan and the findings can be made to support the approval of the variance request. The project will maintain the existing land use and is compatible with the future uses in the surrounding area.

Report prepared by:

Allan Penafiorida
Assistant Planner

ATTACHMENTS

- A. Vicinity Map
- B. Project Plans
- C. Photographs of Project Site

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