



PLANNING COMMISSION STAFF REPORT

APPLICATION: V2015-03

AGENDA ITEM: PH-2

PREPARED BY: Teresa Santilena
Assistant Planner

MEETING DATE: August 12, 2015

SUBJECT: Variance V2015-03
545 Cloverleaf Way

REQUEST: Approve a variance to construct a 1,008 square foot 2 level accessory structure (2 car garage at driveway elevation and storage area below) that encroaches into the side yard setback. A 1'-6" side yard setback is proposed (in lieu of 15' required by code) adjacent to the north property line. This property is located in the RF (Residential Foothill) zone.

APPLICANT: Chris Kidd
545 Cloverleaf Way
Monrovia, CA 91016

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 3)

BACKGROUND: The applicant is proposing the development of a two level 1,008 square foot accessory structure (garage and storage area). A variance is requested to allow the new construction to encroach into the side yard setback.

SUBJECT PROPERTY: The subject property is accessed from Cloverleaf Way to a private way that currently serves the subject property and 4 other residences. It is located north of Scenic Drive between Highland Place and Heather Heights Court. The irregular shaped parcel measures approximately 16,108 square feet and has no street frontage. The parcel is zoned RF (Residential Foothill).

There are 7 parcels that abut this irregular shaped property. Six of these parcels are improved with single-family residences and one is vacant. All surrounding properties are zoned RF. The property to the north (closest to the proposed accessory structure) is at a higher grade than the subject property and it is improved with a residence that is located on the north side of the lot. The other adjacent properties are at a significantly lower grade than the subject property.

DISCUSSION/ANALYSIS: The parcel is currently improved with a 1,790 square foot, two-story Spanish-style single family residence with an attached 297 square foot 1-car garage and a 147 square foot 1-car carport. The existing home was built in 1934. Section 17.24.030 of the Monrovia Municipal Code requires at least three enclosed garage parking spaces for each dwelling unit in the RF Zone when access is taken from a pre-existing private way. The on-site parking is currently nonconforming on the subject property.

Site Plan/Elevations

The proposed detached garage and storage area will be situated on the north east side of the property, facing the existing garage and carport. The proposed accessory structure takes advantage of the natural steep slope on the property by situating the storage area below the garage but maintaining an approximate height of 11' at grade. The proposal calls for the removal of an approximate 25' section of retaining wall and partial excavation of the westerly hillside to build the lower level of the two-story structure below the existing finished grade.

The exterior of the structure will match the stucco, windows and tile on the existing house. There will be no windows on the northerly facing wall in order to meet Fire code requirements due to its proximity to property line. An additional detail of a stucco cupola with vents will match one that is located atop the existing residence.

Variance

In order to approve a major variance, the Commission must find that there are special circumstances applicable to this property related to the size and/or configuration of the property, which makes strict application of the Zoning Ordinance a deprivation of privileges enjoyed by other property owners in the same zone. Additionally, the Commission must find that granting the variance shall not constitute a grant of special privileges.

In the RF Zone, the required side yard setback for one-story construction is 10% of the lot width and for two-story construction is 15'. In this case, a 15' side yard setback is required from the north property line. The proposed setback is 1'-6". However, the private way provides a physical separation between the proposed structure and any developable area of the neighboring northerly parcel. Additionally, there is approximately a 12' grade difference between the subject property and the parcel to the north that also provides a physical as well as a visual separation between the developed areas of the properties.

The proposed location of the accessory structure is the most logical choice because of the existing driveway pavement and the limited developable area on the lot. The property owner is also hoping that locating the structure close to the north property line will preserve a 24" pine tree. There is limited buildable level area on the site because the majority of the lot has a natural, fairly steep downhill slope. Additionally, the construction of a two-car garage will bring the site into conformity, as it does not currently meet the parking required by the Municipal Code. Thus, strict application of the Zoning Ordinance would deprive the owners of this property from meeting the parking requirements, while other owners in the area with similar lot sizes and topography are able to satisfy that requirement.

Conclusion

The proposed new construction will not change the character of the neighborhood or negatively impact neighboring properties. The proposal has given consideration to the style of the existing residence, surrounding landscape and location of adjacent properties. Additionally, conditions have been imposed upon the development to underground or screen new utilities and to match the materials of the existing single family residence.

RECOMMENDATION: Staff recommends approval of the project. If the Planning Commission concurs with this recommendation then, following the public hearing, the adoption of the following resolution is appropriate:

The Planning Commission of the City of Monrovia hereby finds, determines and resolves as follows:

1. Pursuant to the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines, the Planning Commission in the exercise of its independent judgment finds that V2015-03 is categorically exempt from CEQA under Class 3.
2. The Planning Commission finds that the custodian of records for all other materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California, 91016.
3. The Planning Commission in the exercise of its independent judgment hereby makes the findings listed on attached Data Sheet No. 3 for V2015-03, which is incorporated herein by this reference.
4. The Planning Commission approves V2015-03 subject to the attached Planning Conditions on Data Sheet No. 1, Public Works Conditions on Data Sheet 2 and recommendations in the Staff Report, all of which are incorporated herein by this reference.

MOTION:

Close the public hearing and adopt the Resolution approving V2015-03, as presented in the Staff Report.



DATA SHEET 1

Planning Conditions

Variance V2015-03

545 Cloverleaf Way

STANDARD CONDITIONS FOR HILLSIDE DEVELOPMENT PERMIT

Development of the subject property and operations on the site must remain in substantial conformance at all times with the request and application forms and plans submitted by the Applicant, as approved by the Planning Commission and placed on file in the office of the Planning Division, except as modified by the conditions imposed by the Planning Commission and by subsequent modifications determined by the Planning Division Manager to be in substantial compliance with the conditions of approval. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to this conditional use permit.

DEVELOPMENT STANDARDS

1. New utility lines to and from the property shall be placed underground (including, without limitation, electrical, cable, television, data transmission, and communication lines).
2. Final exterior color chips shall be subject to the review and approval of the Development Review Committee and shall be earth tone colors.
3. Upon the completion of the construction, all materials applied to development shall match existing building materials.
4. New utilities and structures such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall be noted on plan with provisions for appropriate screening.
5. All paved parking and driveway areas on the subject property shall be surfaced with portland cement concrete (5" minimum).

CONSTRUCTION SITE REQUIREMENTS

6. Applicant shall not unreasonably interfere with the ingress and egress rights of others during construction.

GENERAL REQUIREMENTS

7. Any violation of these conditions of approval or the Monrovia Municipal Code may be subject to the Administrative Fine Ordinance, other available remedies and/or revocation or modification of this permit at the discretion of the City Attorney and City Prosecutor.

8. In addition to Planning (Data Sheet No. 1) and Public Works (Data Sheet No. 2) conditions of approval, the Applicant shall also comply with all requirements of the Building Division and Fire Department that are directly applicable to the project.
9. Insurance. Prior to the issuance of any permits, the Applicant must obtain a policy of general commercial, or real property, liability insurance with policy limits of \$3,000,000 (\$3 million), or a lesser amount if approved by the City's Risk Manager, combined single limit from a carrier admitted in the State of California. The scope of coverage, endorsements and form of such policy shall be as required by the City's Risk Manager, and shall include without limitation, an endorsement naming the City, its officers, officials, employees, agents and volunteers as additionally named insureds and providing that the policy may not be cancelled except following fourteen (14) days written notice to the City Clerk. The Applicant must carry, maintain and keep in full force and effect such policy until a certificate of occupancy is issued by the City. The policy shall include provisions for waiver of subrogation. The insurance provided by Applicant shall be primary to any coverage available to the City of Monrovia, and any insurance or self-insurance maintained by the City of Monrovia, its officers, agents or employees, shall be excess of Applicant's insurance and shall not contribute with it. Prior to commencing any work on the property, the Applicant must deliver the endorsement to the City Clerk.
10. Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, actions, proceedings, losses, fines, penalties, judgments, settlements, defensive costs or expenses (including but not limited to, interest, expert witness fees and attorneys' fees), liabilities, damages or injuries, in law or equity, to persons or property, including wrongful death (collectively "Claims"), arising out of, attributable to, or relating to (i) the granting of any permits for grading, building or any other activity on the property arising out of or relating to the building of a garage and storage room on the property (the "Permits"), (ii) the work performed pursuant to the Permits, or (iii) any earth movement, erosion, earthquake, liquefaction, landslide, lateral displacement, vertical displacement, sloughing, slippage, settlement or any other cause on the subject property, whether related to the Permits or not, including but not limited to, Claims asserted by third parties and adjoining property owners, property owners' guests, invitees, tenants, successors in interest and permittees; provided, however, the Applicant will not be responsible for those Claims caused by the willful misconduct or sole negligence of the City, its officers, officials, employees, agents or volunteers. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at Applicant's expense.

11. Additional Indemnification. Further, as a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, actions, or proceeding against the City, its officers, officials, employees, agents and/or volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses (including, but not limited to, interest, attorneys' fees and expert witness fees), or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at Applicant's expense.
12. The development shall be constructed in strict compliance with the approved building elevations and site plan.
13. The Applicant shall, within 30 days after approval by the Planning Commission, submit to the Community Development Department his/her written consent to all of the conditions of approval contained in Data Sheet No's 1 and 2. This variance shall be void and of no force or effect unless such written consent is submitted to the City within the 30 day period.
14. The development associated with the variance shall begin within one (1) year after its approval or it will expire without further action by the City.
15. All of the above conditions shall be complied with prior to issuance of a Certificate of Compliance, unless an earlier compliance period is specified as part of a condition.



Development shall be subject to the conditions of approval listed below. The conditions shall be compiled with prior to the commencement of operations, unless an earlier or later compliance period is specified as part of a condition. The term "Applicant" shall include, without limitation, the applicant, the property developer, the property owner, and all successors in interest to this conditional use permit.

Engineering Conditions

1. A drainage/grading plan shall be submitted to verify that the roof of the structure drains towards the existing driveway, then to the street and not over the slopes of the property.
2. Prior to the issuance of a Building Permit, Applicant shall provide a geotechnical report that addresses earthwork, foundation and shoring recommendations. The geotechnical report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for and identified corrective measures and options and recommendations regarding existing conditions and proposed grading and retaining wall construction. The report shall also include the degree of seismic hazard if any, conclusions and recommendations regarding the proposed second story garage.
3. Prior to the issuance of a Building Permit, Applicant shall submit a plan on staging of equipment to construct the proposed "pile" footings.



Variance V2015-03

As required by Section 17.52.100 of the Monrovia Municipal Code and provisions of Section 65906 of the California Government Code, the decision for granting Variance No. V2015-03 to allow an encroachment into the minimum required setback for the side yard for the property located at 545 Cloverleaf Way is based on the following findings:

- A. Special circumstances applicable to this property related to the shape, topography, and configuration of the property make strict application of the Zoning Ordinance a deprivation of privileges enjoyed by other property owners in the vicinity and same zone. The irregular shape of the lot and the steep terrain over the majority of the lot restrict the developable area. The configuration of the lot has the existing access point on the north, lacks street frontage, and is adjacent to seven other parcels, which restricts additional developable access points. The private way provides a physical separation between the proposed structure and any developable area of the neighboring northerly parcel. Additionally, there is approximately a 12' grade difference between the subject property and the parcel to the north that also provides a physical as well as a visual separation.
- B. Conditions have been imposed to assure that granting the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. Data Sheet 1 requires that new utility lines and structures shall be underground or screened, the final exterior color chips be earth-toned and approved by the Development Review Committee, and the materials applied to the development shall match existing building materials. Additionally, the development will not change the character of the neighborhood, as the development is consistent with the single family residential housing that is allowed in the RF (Residential Foothill) Zone.
- C. The proposed development is expressly authorized by the zoning regulation governing the parcel of property. Accessory structures are permitted in the RF (Residential Foothill) Zone and the Monrovia Municipal Code requires at least three enclosed garage parking spaces for each dwelling unit in the RF Zone when access is taken from a pre-existing private way. The construction of a two-car garage will bring the site into conformity with the Code, as it does not currently meet the parking requirements of the Municipal Code. Thus, strict application of the Zoning Ordinance would deprive the owners of this property from meeting the parking requirements, while other owners in the area with similar lot sizes and topography are able to satisfy that requirement.



DATA SHEET 4

Surrounding Land Uses

V2015-03

545 Cloverleaf Way

Property Description:

Located on a private street (Cloverleaf Way), north of Scenic Drive between Highland Place and Heather Heights Court. The irregular shaped lot measures approximately 16,108 square feet and has no street frontage.

Zoning

Subject site: RF (Residential Foothill)

Surrounding pattern:

north: RF (Residential Foothill)

south: RF (Residential Foothill)

east: RF (Residential Foothill)

west: RF (Residential Foothill)

Land Use

Subject site: Single Family Residential

Surrounding pattern:

north: Single Family Residential

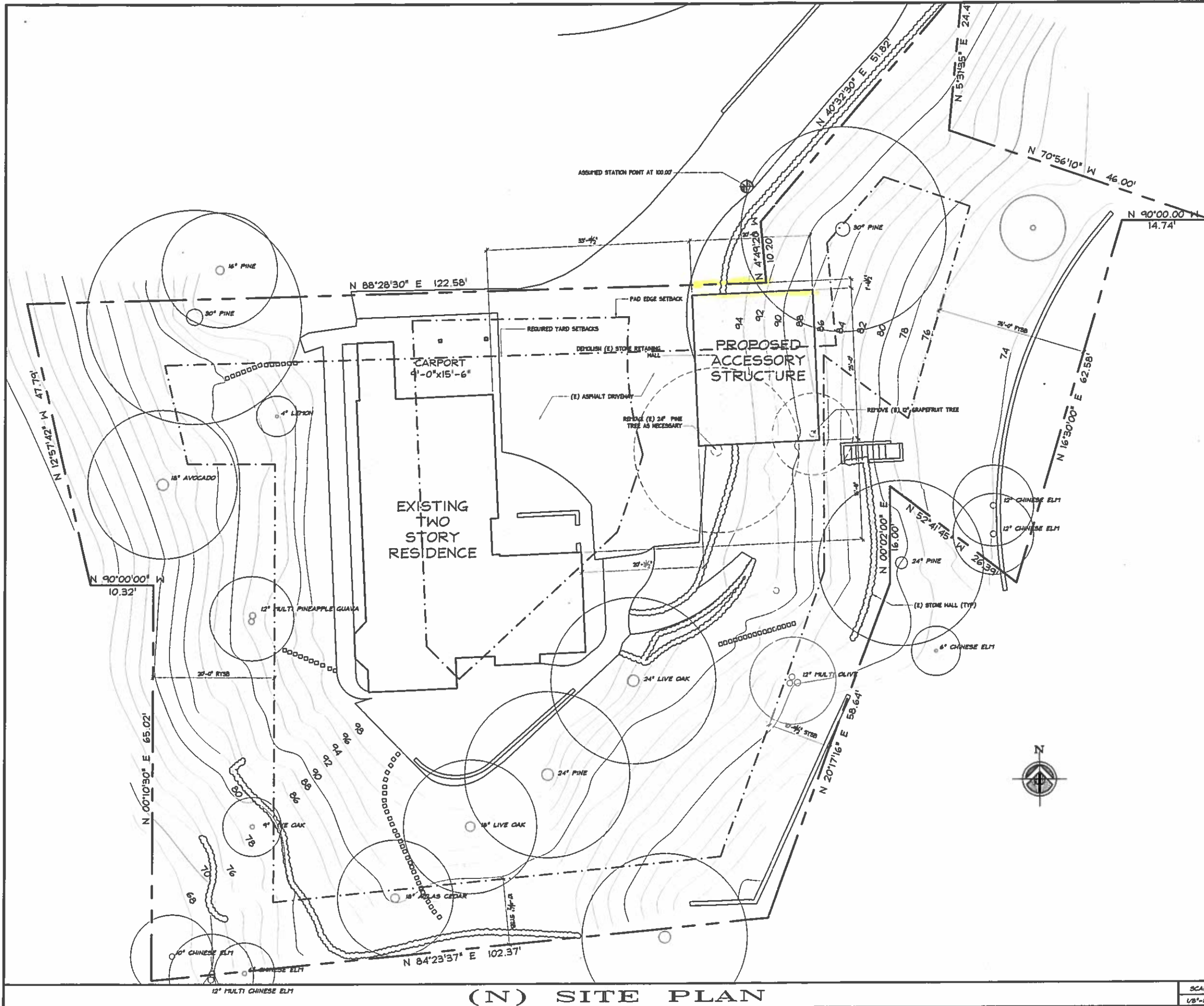
south: Single Family Residential

east: Single Family Residential

west: Single Family Residential

Environmental Determination: Categorical Exemption Class 3

Applicable Ordinance Regulations: MMC 17.52.100 Planning Commission Authority for Variance



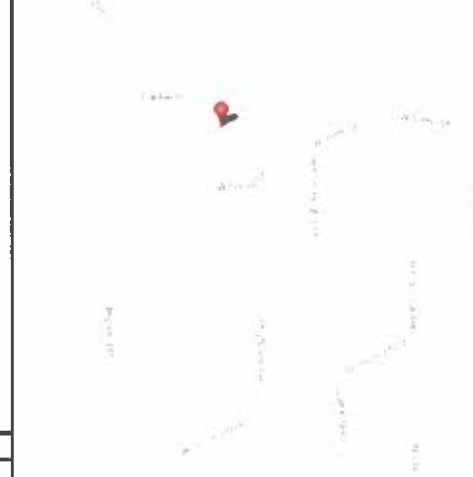
(N) SITE PLAN

PROJECT DATA:

PROJECT TITLE:	KIDD GARAGE
PROJECT ADDRESS:	546 CLOVERLEAF WAY MONROVIA, CA 91016
A.P.N.:	8316-004-015
CLIENT:	CHRIS AND SANDY KIDD
DESIGNER:	ALAN BROOKMAN 189 N. MARCILE AVENUE GLENORA, CA 91741 626.246.4758
CONSTRUCTION TYPE:	TYPE V-N ONE STORY RAISED WOOD FLOOR WOOD FRAMED WALLS & ROOF EXTERIOR STUCCO GYPSUM BOARD
ZONE:	RF
SETBACKS:	SIDES: 10'-0" (1/2 OF LOT WIDTH) REAR: 20'-0" FRONT: 25'
LOT AREA:	8,425 S.F.
EXISTING BLDG. AREA:	EXIST'G RESIDENCE FIRST FLOOR 1033 SF EXIST'G GARAGE/STORAGE 247 SF EXIST'G CARPORT 147 SF EXIST'G RESIDENCE SECOND FLOOR 57 SF TOTAL BLD'G AREA 2,234 SF
PROPOSED BLDG. AREA:	EXIST'G BLD'G AREA 2,234 SF PROPOSED GARAGE 604 SF PROPOSED BASEMENT 604 SF TOTAL BLD'G AREA 3,442 SF
TOTAL ALLOWED GROSS FLOOR AREA:	77% OF 16,108 S.F. = 7777 SF
TOTAL ALLOWED LOT COVERAGE:	77% OF 16,108 S.F. = 7777 SF
	EXISTING 1,477 SF / 16,108 SF = 9%
	PROPOSED 1,981 SF / 16,108 SF = 12%

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VICINITY MAP



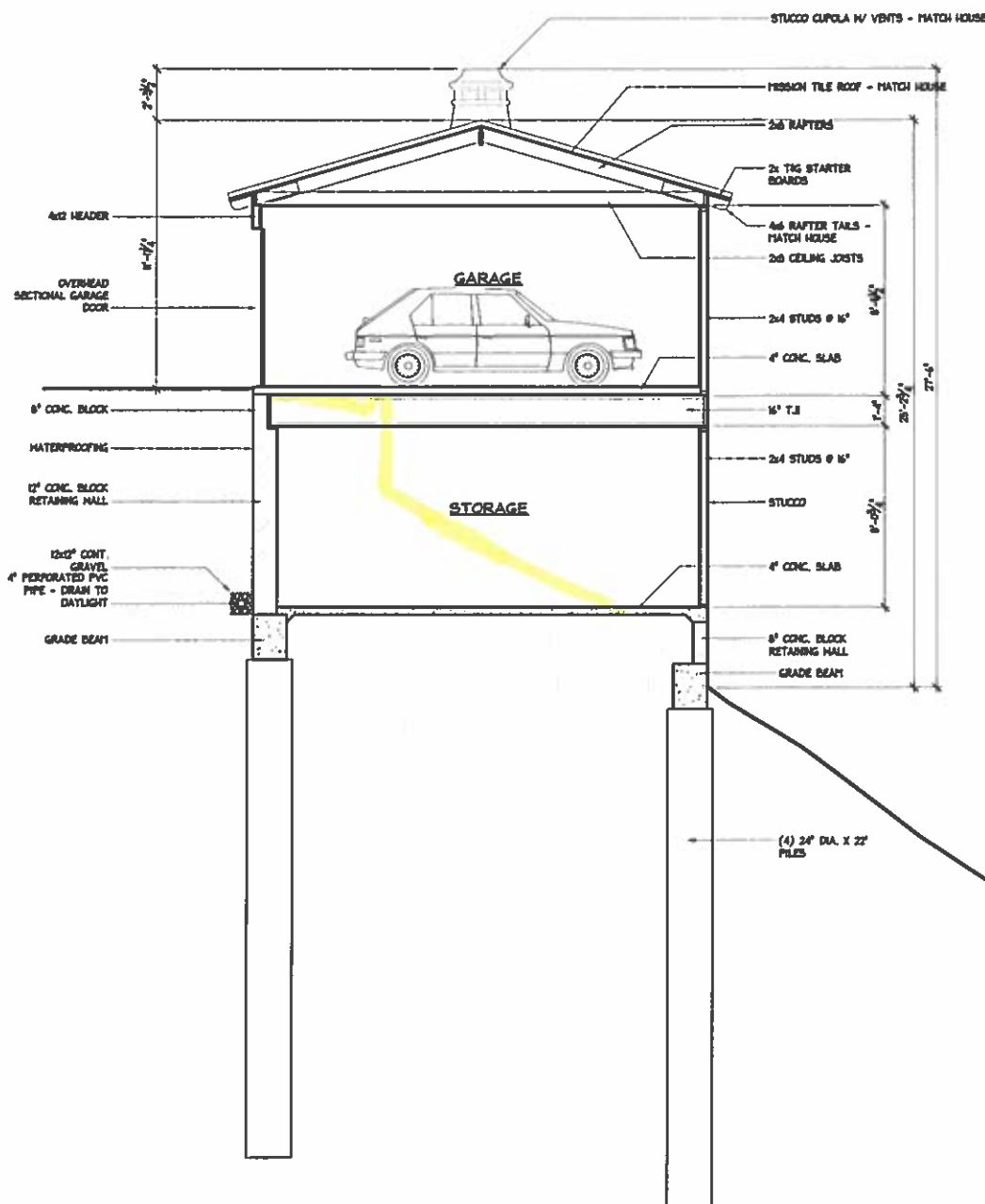
ARROYO DESIGN WORKS

Project: **SITE PLAN**
 Prepared by: **CHRIS & SANDY KIDD**
 546 CLOVERLEAF WAY
 MONROVIA, CA

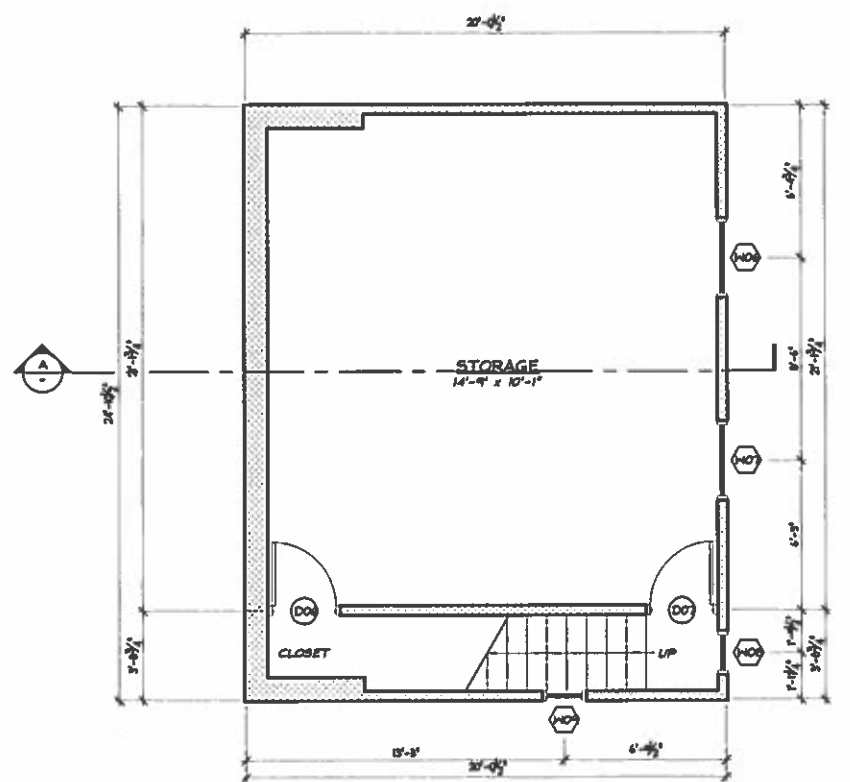
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Scale: 1/8" = 1'-0"

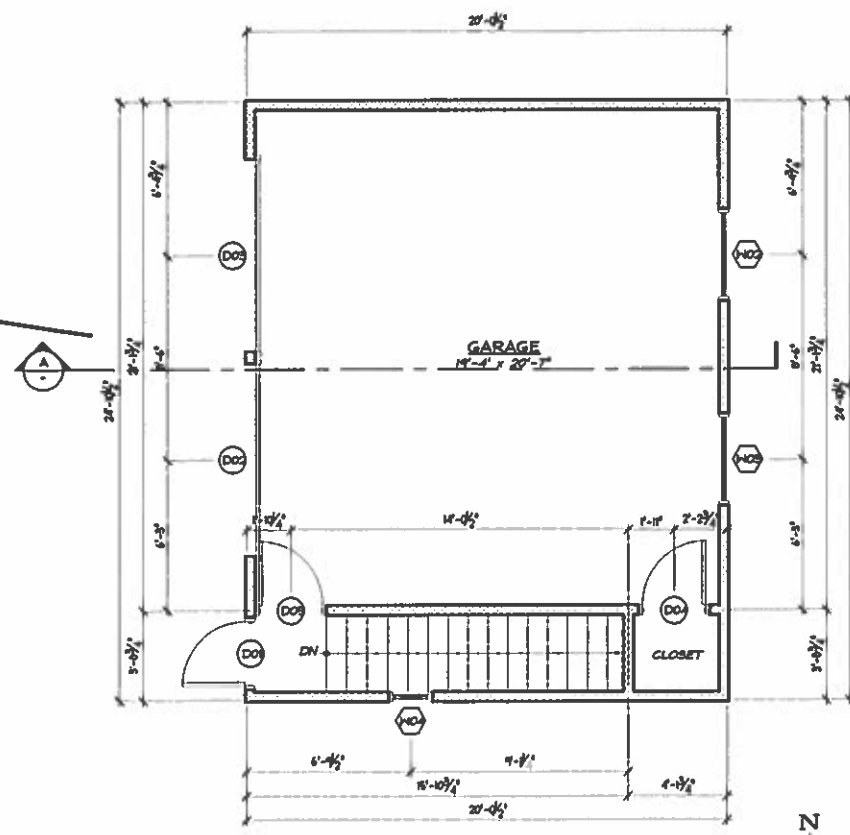
Sheet: **A1.2**
 of 14.3



SECTION "A"
SCALE: 1/4"=1'-0"



LOWER LEVEL
SCALE: 1/4"=1'-0"



GARAGE LEVEL
SCALE: 1/4"=1'-0"

FLOOR PLANS

SCOPE OF WORK

ALAN BROOKMAN
159 N. MARCIE AVE.
GARDENA, CA 91741
Ph: (526) 246-4758

ARROYO
DESIGN WORKS

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GENERAL NOTES

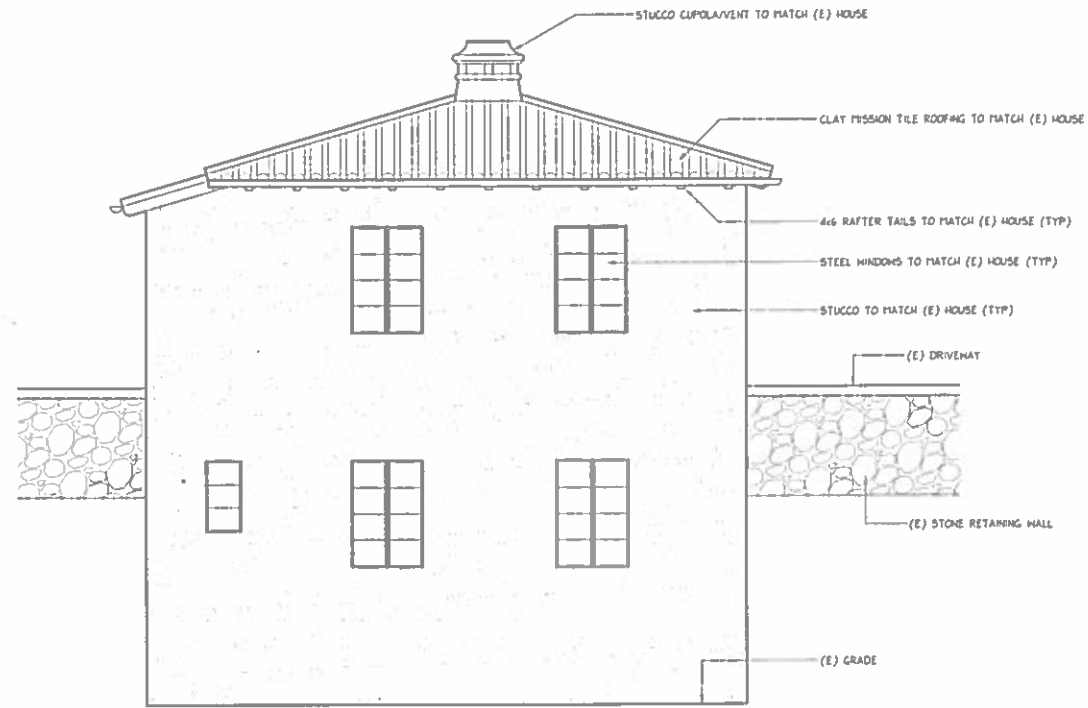
1. ALL DIMENSIONS TAKE PRECEDENCE OVER SCALED DRAWING
2. ALL EXTERIOR WALLS TO BE 2x4 STUDS W/ R-13 BATT INSULATION
3. ALL INTERIOR WALLS TO BE 2x4 STUDS @ 16" O.C. - U.N.O.
4. ALL INTERIOR WALLS SHALL BE 5/8" GYP. BD.
5. ALL BEDROOMS SHALL PROVIDE ONE EGRESS WINDOW MEETING ALL OF THE FOLLOWING: AN OPENABLE AREA OF NOT LESS THAN 5.7 SQ. FT., A FINISH CLEAR 20" HEIGHT AND 20 INCH WIDTH, AND A SILL HEIGHT NOT OVER 44" ABOVE THE FLOOR. (310.4)
6. PROVIDE AN 18" HIGH PLATFORM FOR WATER HEATER VENT TO OUTSIDE AIR AND PROVIDE PBT VALVE WITH DRAIN TO OUTSIDE
7. PROVIDE SMOKE DETECTORS AT ALL EXIST'G BEDROOMS. PROVIDE BATTERY POWERED SMOKE DETECTORS @ (2) BEDROOMS, 4 HARDWARE WITH BATTERY BACK-UP @ (1) BEDROOM(S) 4 HALL(S)
8. CONSTRUCTION HOURS ARE FROM 7:00 AM UNTILL 8:00 PM MONDAY THROUGH SATURDAY. NO WORK IS TO OCCUR ON SUNDAY OR HOLIDAYS.
9. ANY PLUMBING FIXTURES HAVING A FLOOD LEVEL RIM LOCATED BELOW THE NEXT UPSTREAM MANHOLE COVER IS REQUIRED TO HAVE A BACK WATER VALVE INSTALLED PER ALL OFF THE REQUIREMENTS OF C.P.C. 710.0
10. ALL WORK ON THIS PROJECT IS TO BE PERFORMED AND COMPLETED IN CONFORMITY WITH THE MOST RECENT EDITIONS OF THE CLAREMONT MUNICIPAL CODE, CALIFORNIA BUILDING, PLUMBING, MECHANICAL, AND ELECTRICAL CODES. ALL WORK IS SUBJECT TO FIELD INSPECTION, ANY APPROVALS THAT APPEAR TO AUTHORIZE NON-COMPLIANCE WITH THE ADOPTED STANDARDS ARE NOT VALID. C.B.C. SECTION 106, 106.4.3

NEW FLOOR PLAN & SCOPE OF WORK

FOR THE
CHRIS & SANDY KIDD
845 CLOVERLEAF WAY
MONROVIA, CA

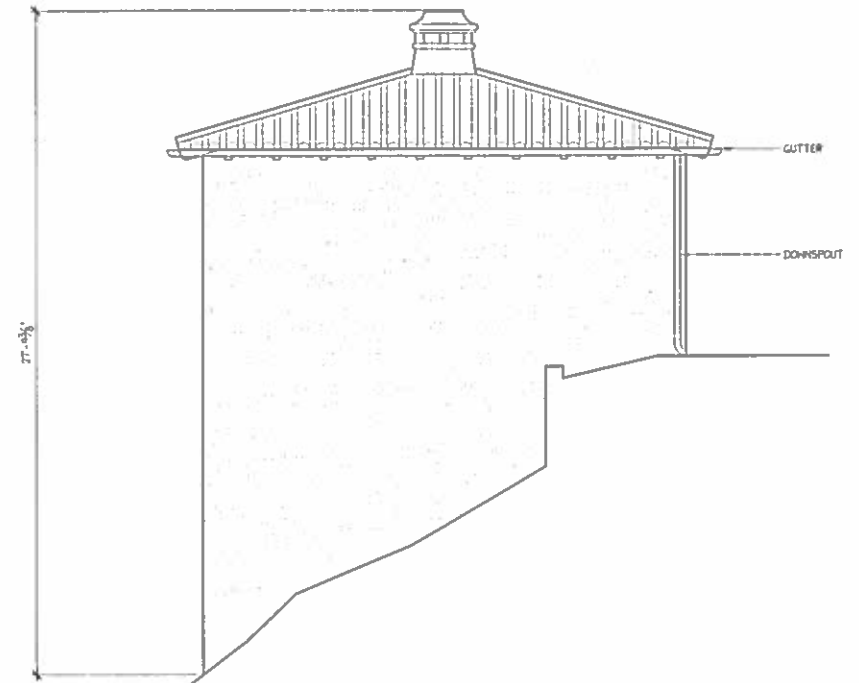
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DRAWN BY: AB
SCALE: 1/4"=1'-0"
SHEET: 14.3

A3.1



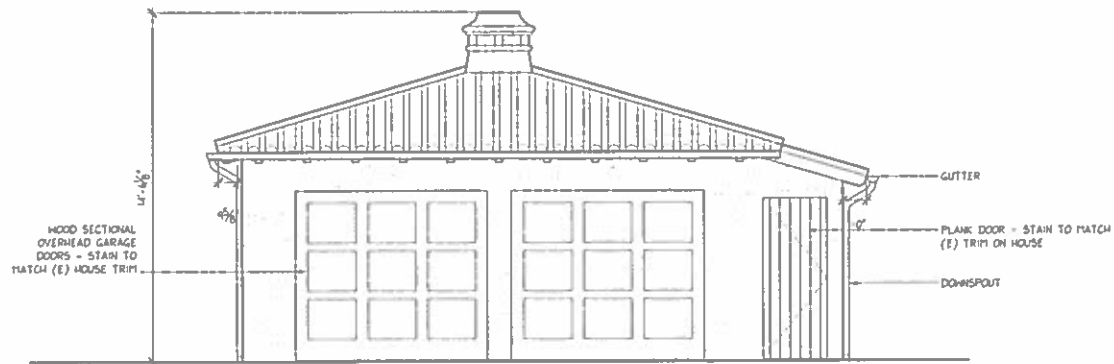
EAST ELEVATION

SCALE 1/4"=1'-0"



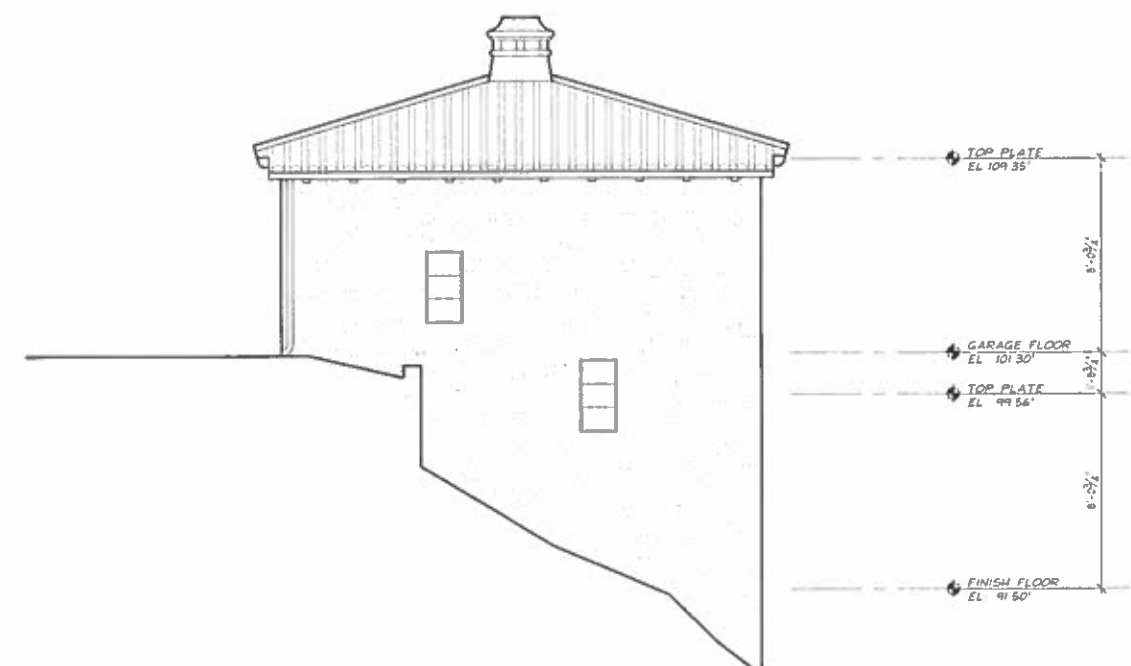
NORTH ELEVATION

SCALE 1/4"=1'-0"



WEST ELEVATION

SCALE 1/4"=1'-0"



SOUTH ELEVATION

SCALE 1/4"=1'-0"

ALAN BROOKMAN
159 N. MARCIE AVE.
GLENDOBA, CA 91741
Ph: (626) 246-4758

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Revised	
Date	
Revised	

Project Title
EXTERIOR ELEVATIONS
Client
CHRIS & SANDY KIDD
345 CLOVERLEAF WAY
MORNINGVIEW, CA

Sheet No.	A4.1
Date	MAY 2015
File Name	12/04/12
Scale	1/4"

5/11/2015 10:03 AM

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