



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
SEPTEMBER 10, 2020

TO: Members of the Planning Commission

FROM: Brenda Magaña, Associate Planner
Glenn Michitsch, Senior Planner

FILE NO.: Site Plan Review 2019-002 and Variance 2019-002

PROPOSAL: Request for a Site Plan Review and Variance to demolish an existing legal nonconforming 1,772 square-foot two-story single-family residence and construct a new 3,660 square-foot two-story single-family residence with an attached 424 square-foot two-car garage and 61 square-foot storage area. The project involves requests for four (4) variances to exceed the maximum permitted site coverage, encroach into both required side yard setbacks, and encroach into the required rear yard setback. The subject site is located at 4602 Park Mirasol (APN: 2068-007-019) within the Residential, Single-Family (RS) zoning district.

APPLICANT: Janet Elaine Spinks Architects

STAFF RECOMMENDATION:

That the Commission adopt Resolution No. 2020-702 denying File No(s). SPR 2019-002 and VAR 2019-002 without prejudice.

DISCUSSION:

Applications for the proposed project were originally reviewed by the Planning Commission on August 20, 2020. The project includes requests for four variances to exceed the maximum permitted site coverage, encroach into both side yard setbacks and encroach into the required rear yard setback. Staff's recommendation was supportive of the variances for encroachment into both side yard setbacks and to exceed the City's site coverage requirement. However, staff was not supportive of a requested variance to encroach into the required rear yard setback because the proposed encroachment is not necessary to allow the subject property owner substantial property rights enjoyed by

others. More specifically, a slight reduction of the house size would allow the proposed residence to meet the setback standard while still yielding a residence larger than most other homes in the neighborhood.

At the August 20, 2020 Planning Commission meeting, the applicant provided information to the Planning Commission that included an aerial map generated from the Los Angeles County Assessor's website that included parcel boundaries and building footprints, and data regarding setbacks and site coverage for other properties within the neighborhood based on that map and site inspections performed by the applicant. The applicant stated that the Assessors map, in addition to her own measurements, indicated that 90% of the homes in the area had reduced rear yard setbacks. The Planning Commission continued the item to September 10, 2020, and requested staff to verify the assertion by the applicant, specifically the data pertaining to rear yard setbacks and site coverage for the 26 properties within the Park Mirasol cul-de-sac.

Since the August 20, 2020 Planning Commission meeting, staff has searched City files, permit records, tract maps and LA County Assessor's records for any information that could be used to verify the submitted data. Aside from two project files from recent projects approved by the City within the neighborhood (already included in staff's previous analysis), staff could not locate any additional information that would assist in verifying the data presented by the applicant. The City does not maintain home plans which could have been used to determine the setbacks at the time of construction in 1970.

Assessor's Map Accuracy

Staff's review of the assessors map immediately reveals numerous inaccuracies rendering it unsuitable for use in verifying setbacks. First, the locations of buildings in relationship to parcel lines is inaccurate, with some side yard lines slicing through portions of clearly articulated housing blocks. Second, the document contains "shaded" areas, indicating that the image is skewed in some fashion, and for which such distortion can create significant variations in distance. While the applicants plan yield precise measurements capable when using CADD or other computer program (e.g. 22ft, 3 and 13/16th inches), the shadowed distortions alone are perhaps 1 foot or more in length at this scale; as such, the document cannot be used to verify a setback condition.

Staff additionally had concerns that because the document is an aerial view of a home's roof, that it cannot be used to estimate a building footprint and setback. To verify, on August 25, 2020, staff walked both the street side and the lake side of the neighborhood with the aerial map to verify its accuracy in relation to as-built conditions, and determine if it was possible to approximate setback data amongst the 26 studied properties. As staff walked the properties to verify setbacks to ground truth conditions, a number of inconsistencies between the aerial map and the actual conditions were noted, as well as other challenges as follows:

- 1) Projections such as eaves, balconies, staircases and decks were not accounted for on some properties on the aerial map, and accounted for on others;
- 2) There was a lack of clarity as to where the property line boundaries truly lie in the field due to no clear monumentation on the ground, no rear yard improvements or other landmarks that could clearly demonstrate property boundaries, and a generally unclear interface between common area property and private residential property caused by inconsistent topography, presence of private residential amenities such as fences, patios and improved planter areas. Common area amenities, such as lake side path lighting, did not conform to geometries representative of the parcel configurations available to us in the mapping that is at our disposal;
- 3) Topographic conditions along with existing landscape vegetation at the rear of some properties blocked visibility, and therefore made it difficult to verify actual conditions.

To this end, it is staff's conclusion that the map provided from the Los Angeles County Assessor's Office is unreliable to present accurate data as to true setback conditions in the field. Similarly, field reconnaissance also can not verify true and accurate setback conditions in the field. The only verifiable way to get this information is if it were to be provided by a licensed land surveyor.

Site Coverage

The Planning Commission has also requested that staff verify site coverage calculations of the 26 properties in the neighborhood. Staff's research yielded no professionally prepared mapping of the 26 properties that could be used to calculate accurate site coverage calculations. Staff attempted to use the City's GIS-based mapping software program that is based on the LA County Assessor's Office mapping information overlain with aerial photography. Unfortunately, the aerial images include landscaping, including mature landscaping, that obscures some portions of residences and other property improvements from view so that staff cannot see all property site coverage related improvements. The age of the neighborhood (1970), our visual inspection of properties, and review of building permit records and Los Angeles County Assessor's records indicates that there are likely numerous improvements into rear and side yards which exist and skew the reliability of actual site coverage data.

Additional Observations

Based on staff research and inspection of the neighborhood, the following additional information/observations may be useful for consideration, as it pertains to the property characteristics (including side yard setback conditions) for four of the twenty-six properties studied that are characteristically similar to the subject property (i.e. properties adjacent to

common area property). The four properties are located at 4603, 4624, 4625 and 4627 Park Mirasol.

All four of those properties are joined to adjacent residences on one side by a common wall and therefore have a zero setback on one side. Three of the four properties (4603, 4625, and 4627 Park Mirasol), have a reduced side yard setback condition adjacent to the open space property, and the remaining property, located at 4624 Park Mirasol, appears to have a zero setback condition on both side property lines, including the property line abutting the common area property. Other similarities between these four properties include that they are of similar shape, have similar property widths of between 28 and 35 feet (not including anomalies), are developed with two-story residences, and also include projections such as eaves, balconies, decks (both covered and uncovered). Table 1 below compares building size, lot size, lot width, and lot length of the four identified properties adjacent to the common area lots.

Table 1

Corner Address	Building Size	Lot Size	Lot Width	Lot Length
4603	2,619 s.f.	2,938 s.f.	28-33 ft.	112 ft.
4624	1,746 s.f.	4,255 s.f.	35-40 ft.	120 ft.
4625	2,679 s.f.	3,315 s.f.	30 ft	115 ft.
4627	1,952 s.f.	3,691 s.f.	35 ft.	112 ft.
4602				
	3,660 s.f.	4,040 s.f.	31-35 ft.	128 ft.

Staff Conclusions

As a result of staff's research, and site visit on August 25, 2020 we conclude:

- 1) The map submitted from the Los Angeles County Assessor's office does not provide an accurate depiction of true as-built conditions on the ground, and therefore, cannot be relied on for accurate setback information.
- 2) It is not possible to accurately measure setback conditions from a site inspection.
- 3) Neither site inspection nor any mapping using the City's GIS-based mapping software is useful in providing accurate site coverage calculations for the 26 identified properties in the neighborhood.
- 4) The visual inspection of four similar corner properties adjacent to common area properties exhibit reduced and zero side yard setback conditions, similar to the east side setback variance request of the proposed project.

Staff Recommendation

Staff's recommendation to the Planning Commission remains as follows:

- 1) Staff maintains that findings for variances for both side yard setbacks can be made, and that granting of the side yard variances are necessary due to the combination of a narrow lot width, and the application of the 10 foot side yard setback requirement placing an undue burden on the property owner by only allowing a residence that is unreasonably narrow.
- 2) Staff also maintains that findings for a variance for exceeding the site coverage requirement can be made because application of the 50% maximum site coverage requirement to a property that is very small places an undue burden for this property owner to achieve a reasonably sized residence, and also provide the other amenities such as decks, balconies, covered porches/patios and other shade amenities (enjoyed by others) that count toward the site coverage requirement.
- 3) Finally, staff maintains its recommendation that the rear yard variance cannot be supported because granting a rear yard variance is not necessary to afford the property owner a reasonably sized residence. As discussed in the August 20, 2020 staff report analysis, the methodology used by staff in assessing the request for the variance was made primarily on the basis of three factors; a) the length of the site in comparison to others, (128 lineal ft. vs a range of 112 to 120 for comparable corner lots); b) the size of the home in comparison to others (3,660 vs an average of 2,532), and c) the impact to the home by not granting the setback (a reduction of 22 square feet on the first floor).

ATTACHMENTS:

- Exhibit A: Planning Commission Resolution 2020-702
Exhibit B: August 20, 2020 Planning Commission Agenda Report
Exhibit C: August 20, 2020 Planning Commission Agenda Report Addendum