

**TO:** HONORABLE CHAIRMAN AND PLANNING COMMISSION  
**FROM:** ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** MISCELLANEOUS 13-002 – PLANNING COMMISSION INTERPRETATION  
**APPLICANT:** DENNIS IVANS  
**DATE:** AUGUST 27, 2013

**Needs:** Request by Dennis Ivans requesting the Planning Commission to allow for a reduction of a front yard setback for a detached accessory building from 15-feet to 5-feet at 70 Fresno Street (APN: 009-071-034).

- Facts:**
1. The property is zoned R-1. There are several mature oak trees on the site (see Vicinity Map, Attachment 1).
  2. Mr. Ivans would like to build a detached work shop on his lot with a 5-foot front setback consistent with the existing 5-foot setback that the house has to the front property line (see Site Plan, Attachment 2).
  3. In 2002 the City Council amended the Zoning Code (Ord. 834) to allow for reductions in front yard setbacks to reduce impacts on oaks and grading. The previous owner of 70 Fresno Street applied for the Code Amendment to allow for the setback reduction. As a result of the adoption of Ordinance 834, the existing house was built with a 5-foot front setback.
  4. Ordinance 834 established Section 21.16.E220 of the Zoning Code which gives the Planning Commission the authority to allow a front yard setback reduction if the following findings can be made:
    - The reduction is necessary to preserve oak trees and/or minimize major grading;
    - The project still maintains a twenty-foot front setback from the garage door, if the door faces the street;
    - The reduced setback would not be inconsistent with an established neighborhood pattern.
  5. This project is not subject to environmental review per Section 15060(c) of the States Guidelines to implement the California Environmental Quality Act.

**Analysis and Conclusion:**

The Development Review Committee (DRC) reviewed the request at their meeting on August 5, 2013, where they recommended that the Planning Commission approve the setback reduction to 5-feet, based on the following:

- the setback reduction would lessen impacts to grading and oak trees;
- the garage door does not face the street. (it faces west);
- based on the property line located at the top of the slope, which is approximately 25-feet from the edge of pavement of Fresno Street, the garage would be setback over 25-feet from the edge of the Fresno Street pavement, therefore the building setback from the edge of pavement would be compatible with the neighborhood.

The proposed detached workshop would match architecture, colors and materials of the existing house.

With regard to neighborhood pattern, there is one other property on the south side of Fresno Street, east of Merry Hill that has less than a 15-foot setback.

**Policy**

**Reference:** Section 21.16.E of the Zoning Code.

**Fiscal**

**Impact:** None.

**Options:**

Planning Commission is requested to consider the following options:

- a. By voice vote, allow the reduction in the front yard setback for the new detached work shop to be reduced from to 5-feet based on the following findings:
  1. the setback reduction would lessen impacts to grading and oak trees;
  2. the garage door does not face the street (it faces west);
  3. based on the property line located at the top of the slope, which is approximately 25-feet from the edge of pavement of Fresno Street, the garage would be setback over 25-feet from the edge of the Fresno Street pavement, therefore the building setback from the edge of pavement would be compatible with the neighborhood.
- b. Amend, modify, or reject the foregoing option.

**Attachments:**

1. Vicinity Map
2. Site Plan





Fresno St.

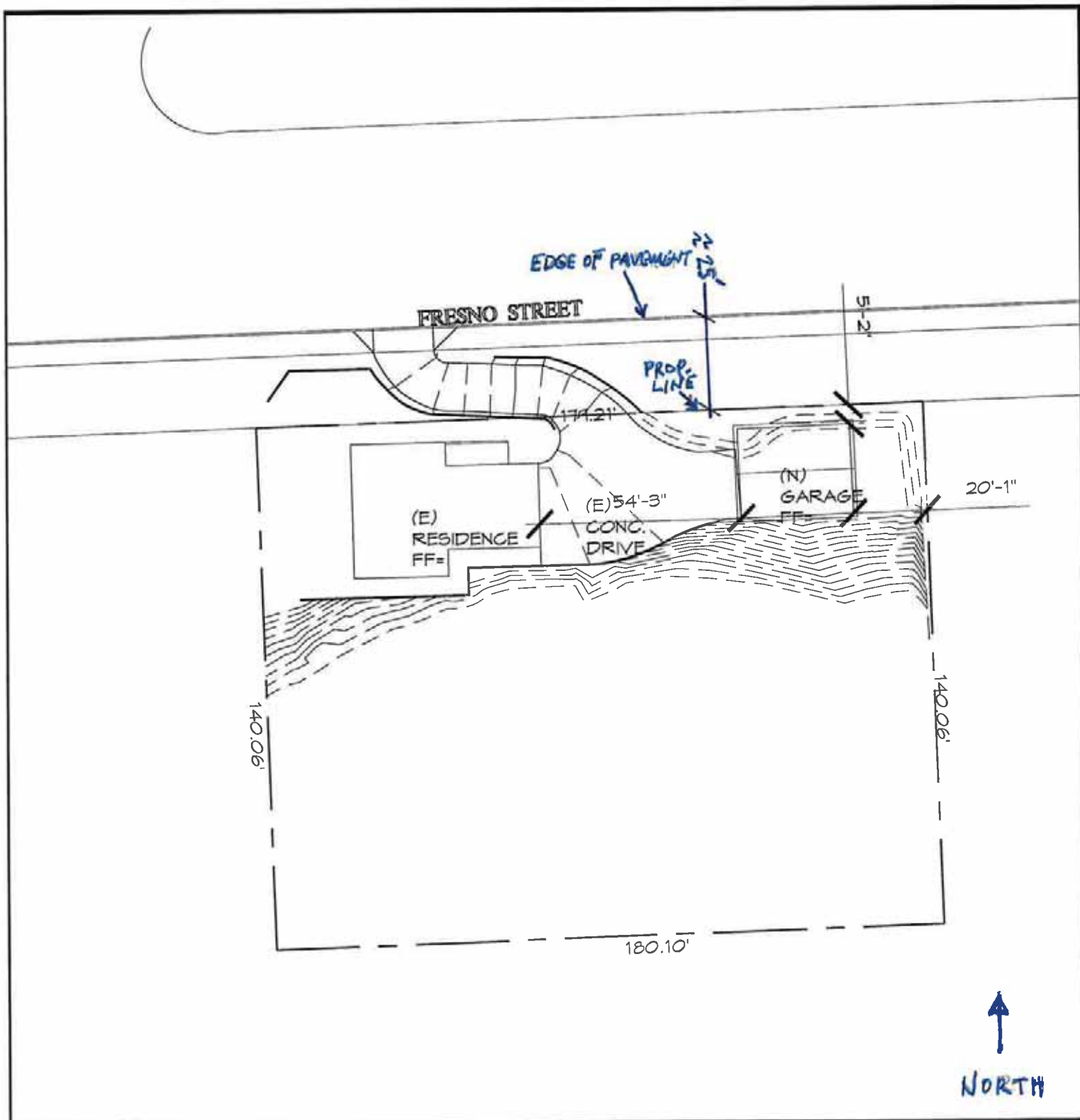
SITE

Ridgeview Dr

St

Attachment 1  
Vicinity Map  
(70 Fresno St.)





# PARCEL MAP

1" = 450'-0"