

REPORT TO THE PLANNING COMMISSION



DATE: July 14, 2020

TITLE: Consideration of a Variance No. 20-1 to reduce the interior rear setback from 20 feet to 10 feet for the property located at 65352 Rolling Hills Drive.

Prepared by: Patricia M. Villagomez, Assistant Planner

Reviewed by: Rebecca Deming, Community Development Director

RECOMMENDATION

- 1) Staff Report
- 2) Entertain questions of Staff from the Planning Commission;
- 3) Open Public Hearing;
- 4) Take testimony from Applicant;
- 5) Take public testimony for those in favor;
- 6) Take public testimony from those opposed;
- 7) Take public testimony from those in a neutral position;
- 8) Opportunity for Applicant rebuttal;
- 9) Close the Public Hearing
- 10) Planning Commission discussion and questions to Staff; and
- 11) Staff recommends that the Planning Commission approve Variance No. 20-1 subject to the attached conditions of approval and findings for the reduction of the rear setback.

EXECUTIVE SUMMARY

The Applicant, Chris Ifeanyi, proposes to construct a single-family residence on the southeast corner of Rolling Hills Drive and Mission Lakes Blvd, on a 0.21-acre lot (9,147 square feet), including a total building area of 2,044 feet, or approximately 22% lot coverage within the R-L (Residential Low Density).

Applicant proposes to construct 2,044 square feet of living area with a two-car garage. Applicant filed a Variance application (VAR 20-1) to reduce the interior rear setback from 20 feet to 10 feet, in accordance with Desert Hot Springs Municipal Code Sections 17.40 and has submitted a site plan of the area to show the Mission Creek Fault Line. The applicants engineer has provided a letter stating that if the proposed rear setback of 10 feet is approved then the resulting setback from the Mission Creek Fault Line will be approximately 44 feet. It is stated in their opinion that the proposed revised building location provides adequate lateral setback from the Mission Creek Fault and should be acceptable from a geotechnical perspective.



DISCUSSION

Staff recommends the variance of ten (10) feet be granted. The Planning Department, upon review, finds no intrusion to any neighborhood standard, nor does staff find the reduced setback creates a problem for the adjacent property owner(s). Allowing the mixture of a residence complements the City's and the State of California's policies and goals for affordable housing.

The site is zoned Low Density Residential (R-L). Immediately surrounding properties are developed as follows:

	<u>Zoning & General Plan Designations</u>	<u>Current Land Use</u>
North	R-L (Low Density Residential)	Single Family Homes
West	R-L (Low Density Residential)	Single Family Homes
South	R-L (Low Density Residential)	Vacant
East	N-C (Neighborhood Commercial)	Vacant

VARIANCE ANALYSIS

General Plan and Zoning Consistency: The project proposes to allow a single-family residence within the Low Density Residential (R-L) zone. This use is consistent with the General Plan and ordinances of Desert Hot Springs.

Building Setbacks: The project was approved with minimum setbacks in the City's Low-Density Residential Zone (at the time of approval) was a front setback of twenty (20) feet, a rear setback of twenty (20) feet, a street-side setback of ten (10) feet, and an interior side setback of five (5) feet. The project does not meet minimum setback standards for the rear but meets all others. Staff recommends the variance to allow a reduction of the interior rear setback from twenty (20) feet to ten (10) feet due to the countervailing importance of state and local housing needs, and the negligible impact upon the surrounding properties.

VARIANCE FINDINGS

The Planning Commission may approve and/or modify an application in whole or in part, with or without conditions, only if the following findings are made:

- A. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification;*

The special circumstances of the existing lot create an issue with the rear setbacks, since the Mission Creek Fault line is located in the front setback of the property. Due to this matter the single-family home will not be able to meet the rear setback but all other Development Standards will be met. Staff recommends this finding.

- B. That granting the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the variance is sought:*

The special circumstances of the existing lot create an issue with the rear setbacks, since the Mission Creek Fault line is located in the front setback of the property. Due to this matter the single-family home will not be able to meet the rear setback but all other Development Standards will be met. Staff recommends this finding.

C. That granting the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

The granting of the variance will not be materially detrimental to the public health and the design of the property in a manner that does not intrude into the privacy or pre-existing conditions (setbacks) that exist in the surrounding area. Staff recommends this finding.

D. That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located;

Other landowners in the immediate vicinity have applied for and been granted relief from the setback requirements or have properties that are legally non-conforming. Applicant has not been granted a privilege that results in property conditions that differ from the surrounding owners. Staff recommends this finding.

E. That granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel;

The granting of this variance does not allow for a use or activity which would otherwise not be allowed. Applicant has applied to build a single-family residential which is permitted. Staff recommends this finding.

F. That granting the variance will not be inconsistent with the General Plan;

The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. Staff recommends this finding.

In reviewing this application, plans, documents and other supporting information, staff has determined that the Planning Commission can make these findings.

RECOMMENDATION

Staff finds that the proposed project is substantially consistent with the General Plan and meets the development standards of the Residential Low Density (R-I). Staff recommends that the Planning Commission certify the CEQA exemption and approve Variance No. 20-1, subject to the attached Conditions of Approval (Exhibit 1).

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act ('CEQA'), this request is found to be Categorical Exempt under Class 5, Minor alterations to land use limitations (Section 15305 of the CEQA Guidelines). No further environmental review is required.

EXHIBIT(S)

1. Draft Conditions of Approval
2. Site Plan
3. Engineer Statement