



STAFF REPORT

CITY of YORBA LINDA

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 11, 2022

TO: HONORABLE CHAIRWOMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: DAVID BRANTLEY, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: GABRIEL DIAZ, ASSOCIATE PLANNER

SUBJECT: CONDITIONAL USE PERMIT 2022-03 AND ADMINISTRATIVE ADJUSTMENT 2022-01 - SHABAFROOZAN

APPLICANT: **Hassan Shabafroozan**
4577 Via Del Prado
Yorba Linda, California 92886

CEQA STATUS: Categorical Exemption (Class: 1, Existing Facilities)

RELATED ITEMS: ACCESSORY DWELLING UNIT 2022-02

REQUEST: A request to reduce the minimum required side yard setback by not more than twenty percent (20%) from a cumulative total of both side yards of twenty feet (20') to sixteen feet (16') to accommodate the construction of a 1,811 square foot addition of which 1,580 square feet is proposed as a new second story, the area of construction within seventy feet (70') of another single-family residence, on the property addressed as 4577 Via Del Prado, located on the west side of Via Del Prado, south of Avenida Del Ray, within the RU (Residential Urban) zone.

PROJECT DATA

Project Address: 4577 Via Del Prado
APN: 349-204-18
General Plan: R-MH (Residential Medium-High)
Zoning: RU (Residential Urban)

Property Development Standards

	Required	Proposed
Front setback	20 feet	20 feet, 8 inches*
Left side setback	5 feet	5 feet, 1 inch*
Right side setback	15 feet	8 feet, 5 inches**
Rear setback	25 feet	30 feet, 6 inches*
Building height	35 feet (max.)	26 feet, 7 inches
Lot coverage	40% (max.)	39%

* This setback exists and will not change with project development.

** The existing setback is legal, non-conforming. The applicant is requesting approval of Administrative Adjustment 2022-01 to accommodate a 20% cumulative side yard setback reduction for the proposed addition.

BACKGROUND

This item was initially heard at the regularly scheduled Planning Commission meeting of April 27, 2022. Prior to the meeting, Mr. Hassan Shabafroozan (the applicant) sent staff and the Planning Commission a request to continue the hearing until the next available Planning Commission meeting to work out an agreeable solution to privacy concerns raised by neighbors. Accordingly, the Planning Commission approved, by a vote of 4-0, continuation of this matter to the next regular meeting of May 11, 2022.

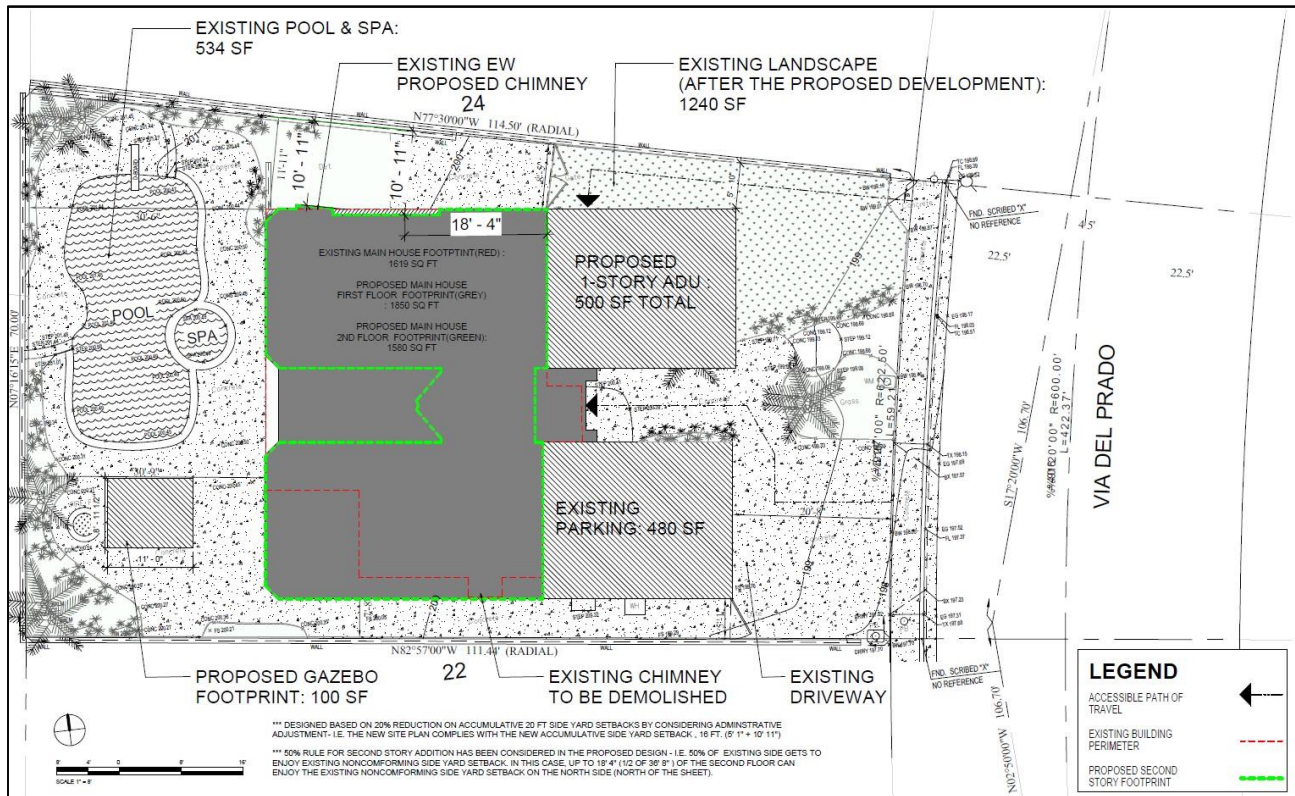
The applicant is requesting Planning Commission approval to construct a 1,580 square foot second story addition, including a 231 square foot addition on the first floor, above their existing one-story residence. Section 18.10.100.B of the Yorba Linda Zoning Code (YLZC) requires approval of a conditional use permit for new two-story room additions built within seventy feet (70') of an existing single-family residence. The Code further states that the seventy feet (70') shall be measured from the edge of any new two-story construction to the closest edge of any existing single-family residence, exclusive of the garage. Therefore, staff has reviewed the potential view/privacy impacts associated with the proposed new two-story construction.

To facilitate construction of the proposed second floor (and first floor) addition, the applicant also requests approval of Administrative Adjustment 2022-01. Administrative Adjustment 2022-01 would allow up to a twenty percent (20%) reduction to the required cumulative side yard setback of twenty feet (20') to sixteen feet (16'). This approval would allow the applicant to construct the addition in line with the existing building footprint. Staff has reviewed this item concurrently with the conditional use permit request.

DISCUSSION

The proposed 1,580 square foot second-story addition consists of three bedrooms, three bathrooms, and an office. Staff would like to note that the existing single-story residence is considered legal nonconforming as it does not meet the minimum required right side yard setback as outlined in the development standards. In the R-U zone, interior side yard setbacks shall have a cumulative total of both side yards of 20 feet and in no case shall a side yard be less than five feet. The existing setbacks total thirteen feet, six inches (13' - 6").

However, YLZC Section 18.34.030 permits second story additions on existing nonconforming structures, provided that the new addition does not further encroach into the setback. The code allows for new additions to project up to one-half (50%) of the length of the existing nonconforming encroachment of the structure. This allowance is allowed to be distributed between the first and second floors of the addition. The existing encroachment is thirty-six feet, eight inches (36' - 8") which results in a maximum allowance of eighteen feet, four inches (18' - 4"). The applicant is proposing to utilize the allowance at the second floor only and for a length less than the maximum allowance. This information is depicted on the included site plan below.



As previously mentioned, this addition would be permitted per the YLZC which allows new second story additions to nonconforming structures. The addition does not increase the nonconformity by further encroaching into the nonconforming right-side setback. Lastly, although related case Accessory Dwelling Unit 2022-02 is presented on these plans, that portion of the project is subject to ministerial review and not under the purview of the proposed

entitlement. Staff has determined that the proposed two-story construction meets, apart from the right-side setback, the property development standards for the RU (Residential Urban) zone. As is the case with all new two-story additions, staff will review the potential **privacy impacts** and the **architectural compatibility** of the addition with the existing home and the surrounding neighborhood.

Privacy

The applicant proposes a total of thirteen (13) new windows amongst the four elevations of the second-floor addition. There are five (5) new windows proposed along the **east (front)** elevation. Four (4) of these windows are located in the master walk-in closet and laundry room. The last window is a fixed window along the central foyer that is open to the floor below. These proposed windows overlook the applicant's front yard and street beyond. Since the primary viewshed from these windows will be toward the street, staff has no objection to the location of the proposed windows.

There is one (1) new second story window proposed along the **north (right side)** elevation. This window would be placed at a height thirteen and a half feet (13.5') above grade (as measured to the center of the window), directly in-line above the existing window at the first floor. Staff estimates the neighboring house to the north's roof to be 16 feet in height which should help limit the view of that neighbor's rear yard. However, staff nevertheless anticipates some potential for views to the northerly neighboring property's side yard as a result of this window. If the northerly neighbor were to express a privacy concern during the public hearing, staff would recommend that the Planning Commission consider applying one or more of the typical mitigation approaches that have been employed in the past to address such concerns. Examples may include, but are not limited to, requiring the window to be a clerestory design (i.e., with a 60-inch sill height minimum), requiring obscure glazing, or requiring removal of the window altogether.

The four (4) new second story windows along the **west (rear)** elevation of the addition will directly face the applicant's own rear yard. The proposed addition is located thirty feet (30') from the rear property line. The distance from the property line and the location of existing trees at the rear property line should help reduce, but not eliminate, views into neighboring rear yards. Staff has not received any comments or concerns from any neighboring properties to the rear as of this writing. Therefore, staff anticipates these windows will cause minimal privacy intrusion to adjacent property owners and mitigation approaches may be employed if concerns are raised at the hearing.

The applicants also propose to install three (3) new windows along the **south (left side)** elevation which will overlook the southerly neighbor's side yard. Two (2) of the proposed windows are smaller bathroom windows and one (1) master bedroom window. Staff has received written comments from the southerly property owner at 4587 Via Del Prado regarding privacy concerns (see Attachment No. 3). Due to the proximity to the adjacent structure, it is staff's recommendation that the bathroom windows consist of obscure/opaque glazing (non-viewing) which would allow light in but prevent clear views in either direction. In addition, the applicant has responded to the neighbor's privacy concern by modifying the master bedroom window to a clerestory design (60-inch sill height minimum), as desired by

the neighbor. Staff has included an appropriate condition of approval to require these design changes.

Architecture

Staff would like to note that all the surrounding property owners within 300 feet of the applicant's lot have been notified of the proposed request. As of this writing, staff has received one additional letter regarding the project from the neighbor at 4628 Via Del Prado. This property is located five homes south of the subject property, across the street, at the southern terminus of the cul-de-sac. The concerns raised for the project include neighborhood fit, the addition's proximity to neighboring structures, visibility from the street, and the impact on neighboring property values.

Staff has found that the neighborhood is primarily single story but there are other two-story homes in the neighborhood. One example on the same street, 4548 Via Del Prado, also used an Administrative Adjustment for a side and rear yard setback reduction in combination with a Conditional Use Permit in 2008 to facilitate a two-story design.

The subject property at 4577 Via Del Prado was developed in 1971 and modern construction practices have trended towards larger homes and second-story additions. Staff believes that the new two-story addition is integrated with the applicants' existing home in terms of exterior design. The architecture is typical of contemporary proposals in terms of scale and materials. As desired by the Planning Commission, the exterior wall cladding, roofing material and windows will be consistent throughout the residence. Staff has incorporated a condition of approval to ensure this consistency. Therefore, staff supports the architecture and design of the proposed addition and recommends favorably toward the applicants' request.

Administrative Adjustment 2022-01

To accommodate the proposed first and second story room additions, the applicants request approval of Administrative Adjustment 2022-01 to allow for up to a twenty percent (20%) reduction to the cumulative side yard setback requirement of twenty feet (20') to sixteen feet (16'). The adjustment would allow for additional living room and bedroom space on the first floor and to allow the proposed second story addition to continue the existing building line along the right-side setback. In reviewing the applicant's request to reduce the required cumulative side yard setback from twenty feet (20') to sixteen feet (16') along the northern property line. Staff believes there is justification for approving such a request due to the subject lot being "pie-shaped" in that it is narrower at its front boundary than at its rear boundary (i.e., 59 feet at the front versus 70 feet at the rear).

This layout makes it more difficult for the property to be developed in strict conformance with the required side yard setback standard for the R-U zone. The strict application of the zoning regulations would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. Therefore, approval of AA 2022-01 would allow the applicant to legalize the existing non-conforming setback so that the proposed second-story

addition could be constructed in line with the existing building footprint along the right-side elevation.

RECOMMENDATION

It is recommended that the Planning Commission adopt a resolution approving Conditional Use Permit 2022-03 – Shabafroozan, subject to the attached conditions of approval.

Staff also recommends that the Planning Commission approve, by minute motion, Administrative Adjustment 2022-01 – Shabafroozan, with findings.

ATTACHMENTS

- 1) Plans
 - 2) Locator Map
 - 3) Letters received from neighbors
 - 4) Findings for Administrative Adjustment 2022-01
 - 5) Resolution for Conditional Use Permit 2022-03, with conditions
-