

CITY PLANNING COMMISSION

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT: Carl C. Hsu, 120 Hartnell Place, Sacramento, CA 95856
OWNER: Douglas Leung, 3020 Portrait Way, Sacramento, CA 95826
PLANS BY: Applicant
FILING DATE: 5-22-92 ENVIR. DET.: Cat. Ex. 15303(b), 15305(a) REPORT BY: Mike Dale
ASSESSOR'S PCL. NO.: 011-0062-016

- APPLICATION:**
1. **Special Permit** to construct a 468 square foot second residential unit on 0.19± acres in the Standard Single Family (R-1) zone.
 2. **Variance** to encroach within the required 15-foot rear yard setback for a second residential unit.
 3. **Variance** to encroach within the required 5-foot side yard setback for a second residential unit.

LOCATION: 5209 T Street
(City Council District #5)

PROPOSAL: The subject unit is already built. The applicant is requesting the necessary entitlements to legally establish the non-conforming residential structure.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential (4-15 du/na)
Existing Zoning of Site:	Standard Single Family (R-1)
Existing Land Use of Site:	Single Family Residence - approx. 1,474 square feet. Second Residence with attached garage and porch - approx. 918 square feet

Surrounding Land Use and Zoning:

North:	20-ft. Wide Unpaved Alley, Single Family Dwelling: R-1
South:	T Street, Sierra Vista Park: R-1
East:	Single Family Dwelling: R-1
West:	Single Family Dwelling: R-1

Parking Required:	2 spaces
Parking Provided:	2 spaces
Property Dimensions:	53'4" x 155'
Property Area:	0.19± gross acres (8,266 square feet)
Existing Lot Coverage:	30%
Height of Subject Building:	16'
Topography:	Flat
Street Improvements & Utilities:	Existing
Exterior Building Materials:	Stucco; Composition Roof
Exterior Building Colors:	White

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PROJECT EVALUATION: Staff has the following comments:**A. Land Use and Zoning**

The subject site consists of 0.19± developed acres (8,266 square feet) in the Standard Single Family (R-1) zone. The site is developed with two single-family residences covering a total of 2,400 square feet. The lot is located north of T Street and West of 53rd Street. The property is bordered by single-family residences in the R-1 zone to the west and east, T Street and single-family residential to the south, and a 20-foot wide, unpaved, alley and single-family residences to the north. The General Plan designation for the lot is Low Density Residential (4-15 du/na).

B. Applicant's Proposal

The applicant is requesting the necessary entitlements to legally establish an existing, non-conforming, second residential unit. It appears that a portion of the detached garage was illegally converted into a residential unit in the late 1940s. The applicant is requesting a special permit for a 468 square foot second unit in the R-1 zone and variances to locate the unit within the required sideyard and rearyard setback areas.

C. Building Permit Records

The applicant is seeking the necessary entitlements to legally establish the existing second residential unit. The single-story unit is located in the north-east corner of a single-family lot (see Exhibit A -Site Plan). City records indicate that the garage was legally constructed in 1939. In 1949, a building permit was issued for additional garage space, but no permits were issued for the kitchen, bathroom, or bedroom. Staff, therefore, recommends that the applicant obtain the proper building permits as a condition of approval for this project.

D. Site Plan Design

The City's Zoning Ordinance requires that second residential units meet the height, lot coverage, and setback requirements for single-family dwellings in the R-1 zone. Though the second unit meets the height and lot coverage requirements, the unit does not meet the 15-foot rearyard setback requirement, in that it is located only two feet from the rear property line. In addition, the unit does not meet the five-foot sideyard setback requirement, in that the unit borders the east property line. The absence of a rearyard and sideyard could result in limited open space and privacy for both the persons living in the second unit as well as the neighbors located to the east. A 20-foot alley separates the second unit from the neighboring lot located to the north, so an adequate setback from that lot is provided. No wall openings, such as doors and windows, are permitted for walls located within three feet of a property line. The second unit meets this requirement. Two enclosed, off-street parking spaces are located on the subject site which meets the parking requirement for two residential units.

The City's Zoning Ordinance attempts to preserve adequate open space for residential units in the R-1 zone by requiring a 15-foot rearyard setback. The second unit occupies approximately 30% of the 15-foot rearyard setback area. In order to offset this loss of open space, staff recommends that approximately 300 square feet of additional open space in the backyard area be preserved. This can be done by providing a minimum 23.5 foot rearyard setback for the remainder of the property (830 total square feet). This area should be designated as permanent

open space (see Exhibit A). Staff supports the setback variances in that adequate open space in the rearyard is provided.

The second unit meets the special courtyard requirements in that the entrance to the second unit is located greater than ten feet from the interior sideyard. The primary unit and the second unit are also located 21 feet apart from each other which meets the zoning specifications. General Plan policies support the maintenance of existing housing stock, as well as the provision of adequate housing for all income groups. Staff therefore supports the special permit request to allow the second unit.

E. Building Design

Design Review staff has reviewed the design and location of the existing second unit and has made the following comments:

1. Drainage gutters should be installed along the entire perimeter of the second unit so that water drains onto the subject site (and not onto the easterly neighbor's property).
2. A tree should be planted in the backyard area so as to screen the westerly neighbor's view of the upper portion of the second unit.
3. Any future re-roofing should consist of either wooden shingles or dark laminated dimensional shingles.
4. The second unit does not match the primary residence's architecture, color, or materials. However, since the unit is generally not visible from the street or neighboring lots, staff does not recommend that the structure be repainted, remodeled, or renovated.
5. The air-conditioning unit located on the roof is unattractive. However, since the unit is generally not visible from the street, it is not necessary that the unit be shielded or screened.

F. Agency Comments

The proposed project was reviewed by the City's Engineering Transportation Division, Engineering Development Division, and Building Division. The following comments were received.

Engineering Development:

1. Water and sewer services are located at the rear of lot.
2. The project is located within an area of the City which is serviced by a combination sewer and drainage system. The applicant may be required to share in the costs for improvements needed to upgrade the combination system.

Building Division/Fire Department:

An opening shall not be allowed in the northern exterior wall since it is located less than three feet from the property line.

Neighborhood:

Staff received a letter of opposition from a local resident (see Exhibit D - Letter).

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ENVIRONMENTAL DETERMINATION: The project is found to be categorically exempt from further environmental review pursuant to sections 15303(b) and 15305(a) of the California Environmental Quality Act Guidelines.

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- A. Approve the Special Permit to construct a 468 square foot second residential unit, subject to conditions and based on findings of fact which follow;
- B. Approve the Variance to encroach within the required 15-foot rearyard setback, subject to conditions and based on findings of fact which follow, and;
- C. Approve the Variance to encroach within the required 5-foot sideyard setback, subject to conditions and based on findings of fact which follow.

Conditions:

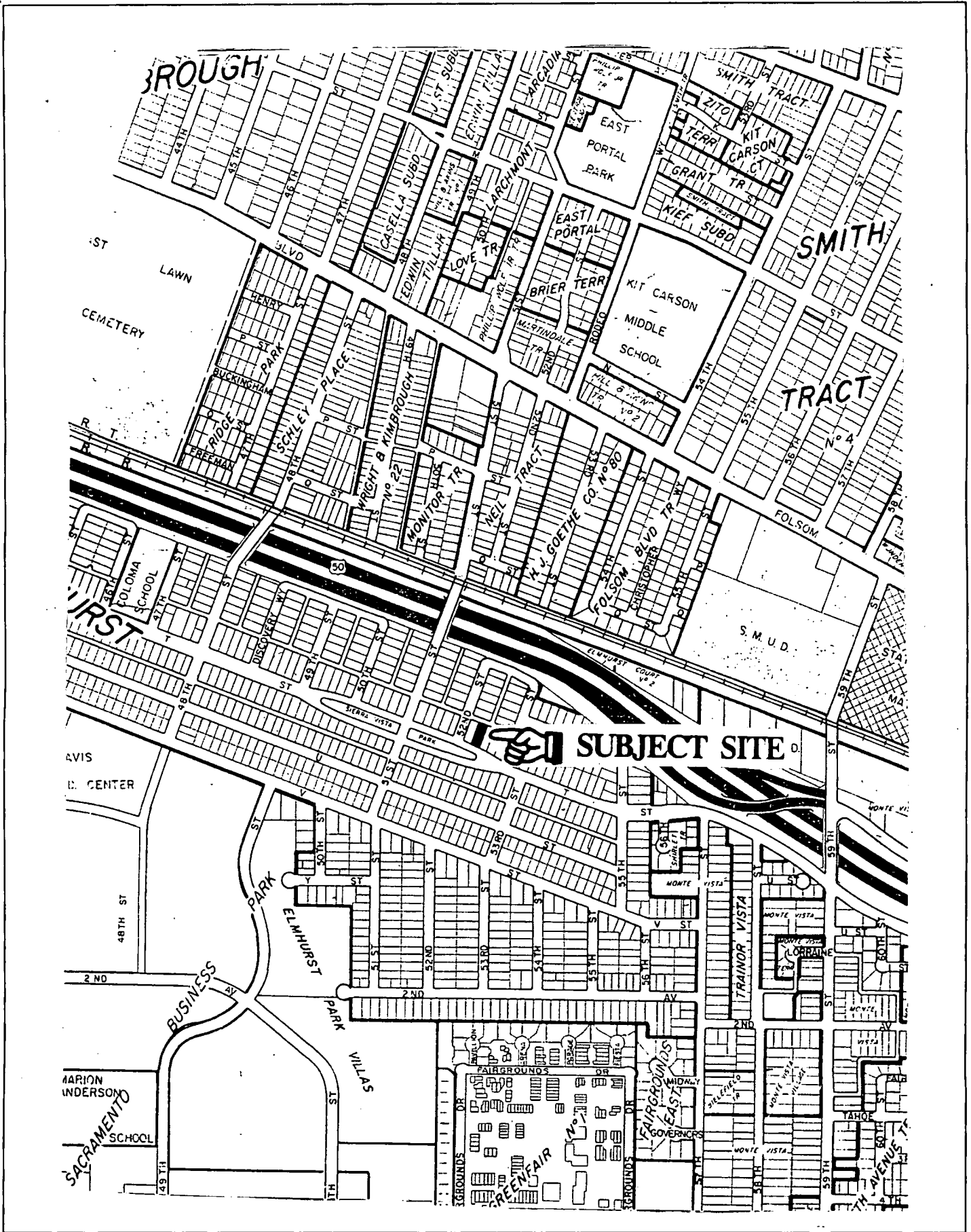
1. The applicant shall be required to obtain all of the necessary building permits in order to properly establish the kitchen, bathroom, and bedroom areas. The permits shall be obtained within 60 days of approval of the special permit and variances.
2. Prior to issuance of building permits, the building plans shall indicate the following:
 - a. Subject to Planning Director review and approval, 830 square feet (23.5 feet x 35.3 feet) of backyard area shall be designated as permanent open space (see Exhibit A).
 - b. Drainage gutters shall be installed along the entire perimeter of the second unit so that water drains onto the subject site (and not onto the easterly neighbor's property).
 - c. A tree shall be planted in the backyard area so as to eventually screen the westerly neighbor's view of the second unit.
3. Any future re-roofing shall consist of either wooden shingles or dark laminated dimensional shingles.
4. Openings shall not be allowed in either the northern or eastern exterior walls.

Findings of Fact:

1. The special permit, as conditioned, is based upon sound principles of land use planning in that:
 - a. the second residential unit meets the height and lot coverage restrictions for the R-1 zone;
 - b. adequate off-street parking has been provided; and
 - c. the second residential unit will be shielded from view by the westerly neighbor upon the installation and growth of a tree in the backyard area.

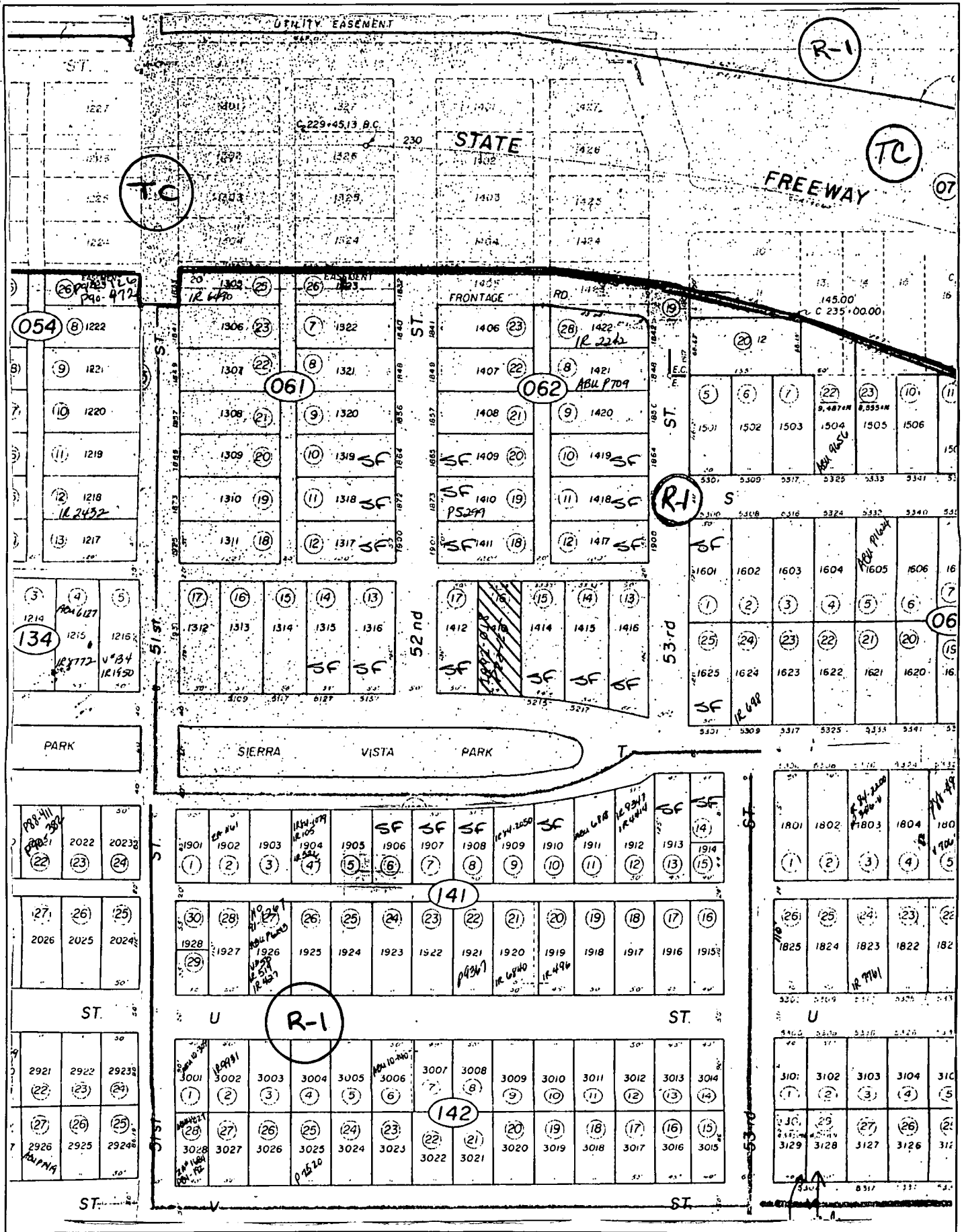
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2. The special permit, as conditioned, will not be detrimental to the public health, safety, or welfare nor result in the creation of a public nuisance in that:
 - a. adequate parking has been provided for the existing and second residential units;
 - c. drainage gutters will be installed to minimize drainage impacts upon the easterly neighbor's property; and
 - d. adequate useable backyard area will be preserved for both the existing and second residential units.
3. Granting the variances does not result in a special privilege extended to one individual property owner in that:
 - a. the applicant is being required to designate permanent open space due to the loss of open space resulting in the loss of the rearyard and easterly sideyard;
 - b. adequate space is still located between the second unit and the neighbor located to the north due to the presence of an alley; and
 - c. the same variances would be appropriate for other property owners facing similar circumstances.
4. The variances do not constitute use variances in that second residential units are allowed, subject to an approved special permit, in the R-1 zone.
5. The project is consistent with the General Plan which designates the site for residential use.



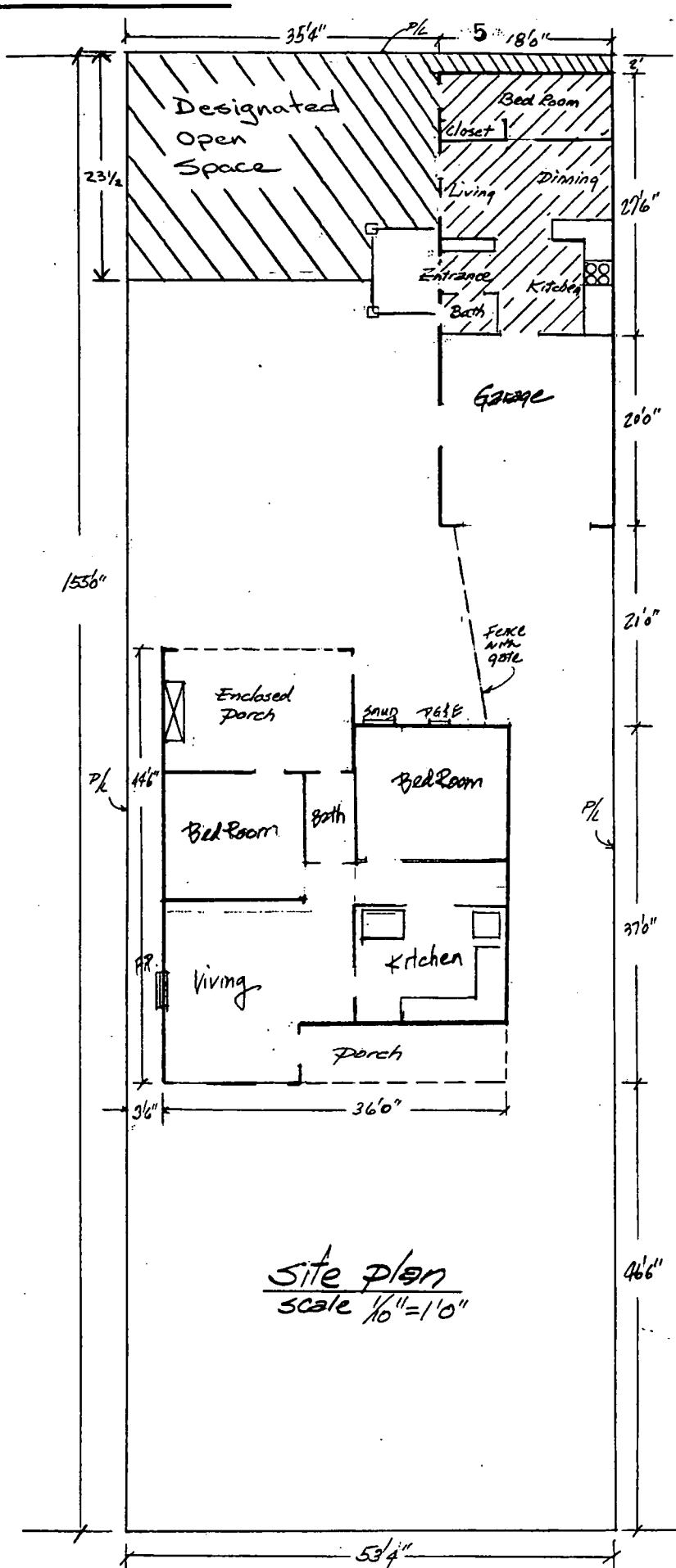
VICINITY MAP

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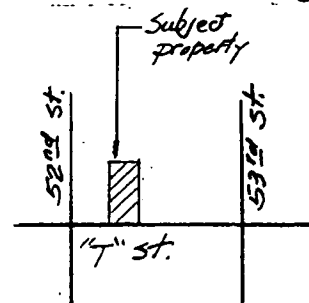


LAND USE AND ZONING MAP 001310

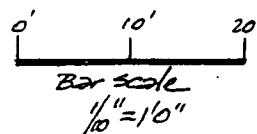
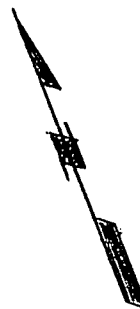
**Exhibit A
Site Plan**



site plan
scale 1/10" = 1'0"

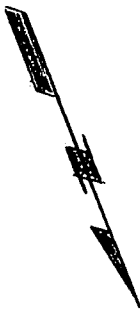
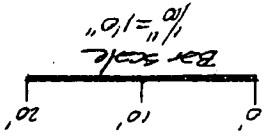


Vicinity map
N.T.S.

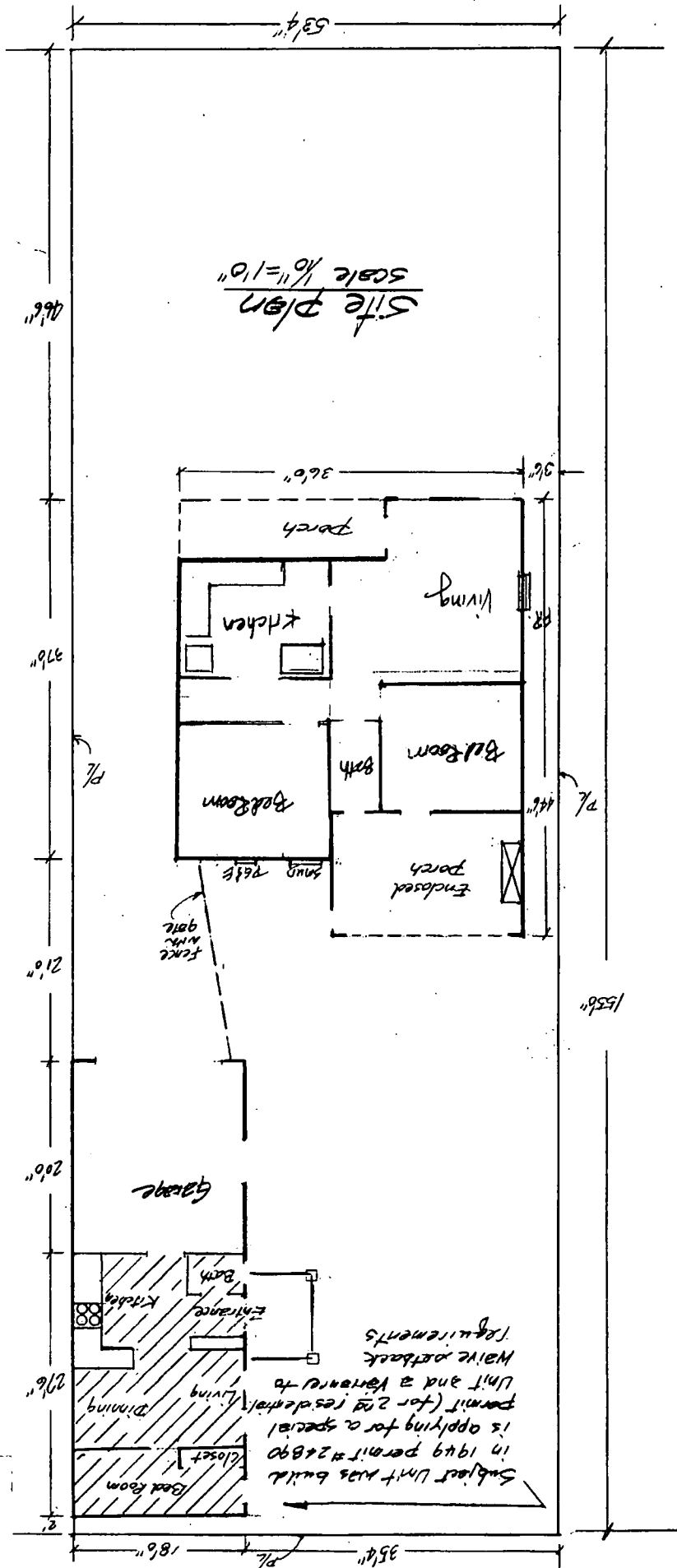
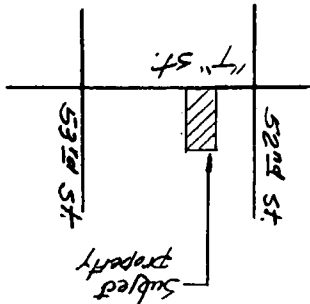


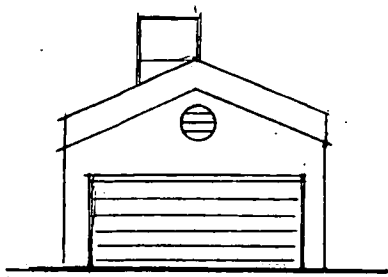
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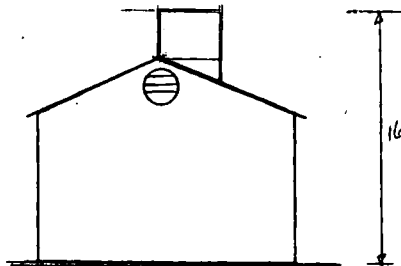


Vicinity map
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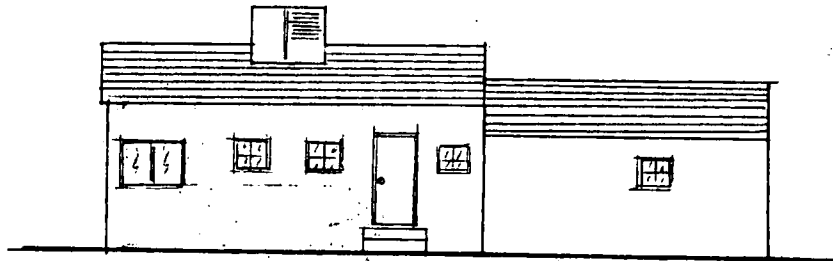




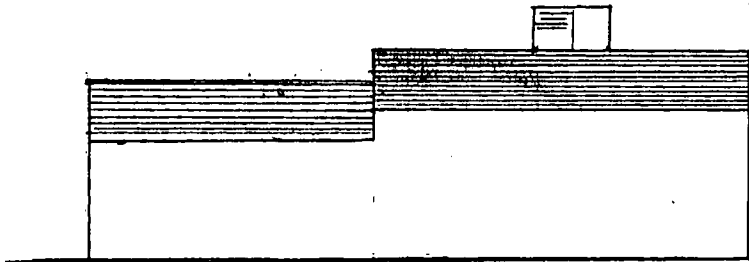
North Elevation
1/8" = 1'0"



South Elevation
1/8" = 1'0"

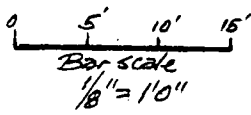


East Elevation
1/8" = 1'0"



West Elevation
1/8" = 1'0"

Note: Wood frame with exterior stucco
Composition Roof



Elevations

001313

Application for a special permit (for
2nd Residential Unit) and a variance
to waive setback requirements
Subject Unit 18x26' = 468ft²

5209 4th Street
Sacramento, Calif 95819
Owner: Carl o. Hsu, Tel. (916) 638-4000
120 Harbrell Place
Sacramento Calif 95865

Date May 20, 1992

Scale 1/8" = 1'0"

Drawn DTHL

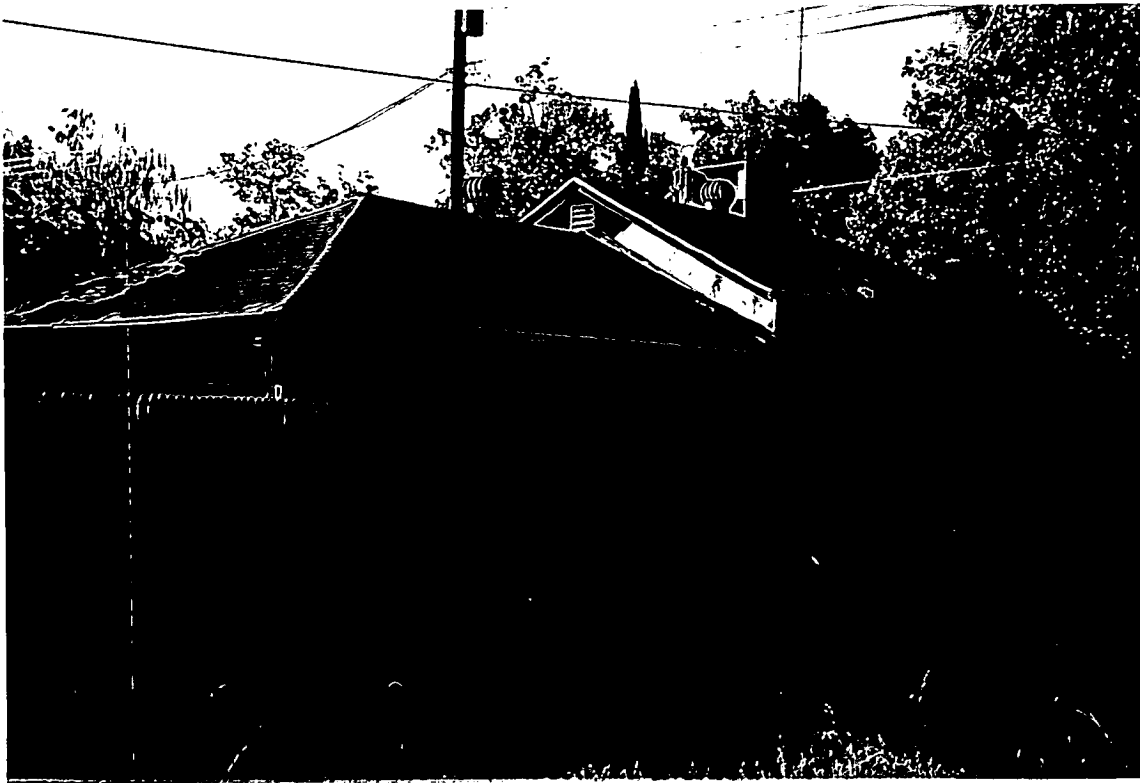
Job

Sheet 1

Exhibit C
Photos



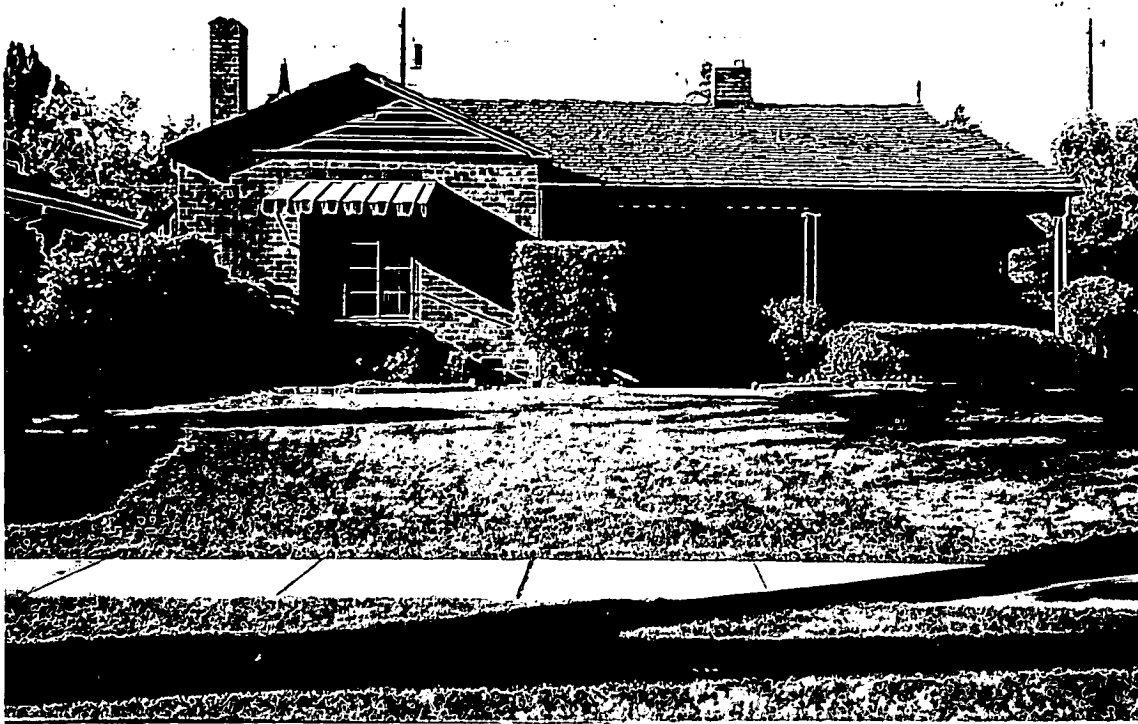
North Elevation - Second Unit



East Elevation - Second Unit

001314

Exhibit C
Photos



← Garage

South Elevation - Primary Unit



West Elevation - Second Unit

001315