

**CITY PLANNING COMMISSION**  
**1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814**

APPLICANT <u>Pricilla F. Alarcon, 8261 Woodrose Ct Sacramento, CA 95828</u>
OWNER <u>Pricilla F. Duran, 8261 Woodrose Ct Sacramento, CA 95828</u>
PLANS BY <u>Pricilla F. Alarcon, 8261 Woodrose Ct Sacramento, CA 9582</u>
FILING DATE <u>January 11, 1993</u> ENVIR DET <u>Exempt 15303(b) and 15305(a)</u> REPORT BY <u>SLY</u>
ASSESSOR'S PCL. NO. <u>020-0121-029</u>

**APPLICATION:**

- A. Special Permit to allow a 576 square foot second residential unit to remain on 0.12<sub>±</sub> developed acres in the Standard Single Family (R-1) zone.
- B. Variance to waive the requirement for an enclosed garage for a single family unit.
- C. Variance to reduce the required rear yard setback from 15 feet to 11.5 feet.
- D. Variance to reduce the required side yard setback from five feet to four feet.
- E. Variance to allow a main entrance from the rear yard area for the second unit.
- F. Variance to reduce the required court yard from 10 feet to 8.5 feet.
- G. Variance to waive one required parking space.

**LOCATION:** 4301 33rd Street

**PROPOSAL:** The applicant is requesting the necessary entitlements to allow a second residential unit within a converted garage to remain.

**PROJECT INFORMATION:**

General Plan Designation: Low Density Residential (4-15 du/na)  
 Existing Zoning of Site: R-1  
 Existing Land Use of Site: Single Family Residence and Second Residential Unit

<b>Surrounding Land Use and Zoning:</b>		<b>Setbacks</b>	<b>Required</b>	<b>Provided</b>
North:	Single Family Residential, R-1	Front:	25'	17.5' Existing
South:	Single Family Residential, R-1	Side(North):	5'	4'
East:	Single Family Residential, R-1	Side(South):	5'	8.5'
West:	Single Family Residential, R-1	Rear:	15'	11.5'

**APPLC. NO. P93-004**

**MEETING DATE March 11, 1993**

**ITEM NO. 6**

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Parking Required:	2 spaces (1 enclosed garage)
Parking Provided:	1 uncovered space
Property Dimensions:	40 feet X 134.8 feet
Property Area:	0.12± acres (5,392 square feet)
Square Footage of Building:	Residence- 1,430 square feet Second unit- 576 square feet Total- 2,006 square feet
Building Height	One story
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Wood
Roof Material:	Composition

**BACKGROUND INFORMATION** On October 18, 1991, the owner was cited for a substandard unit and illegally converting the garage to living space by the Housing-Dangerous Buildings Section of the Building Department. A case was brought to the Housing Code Advisory and Appeals Board on December 27, 1991. The Board recommended the rear structure be converted back to a garage to meet all zoning requirements. The property owner was granted an extension by the Board on January 8, 1992, to research the possibility that Planning would allow the second unit on the lot. On November 18, 1992, the Board requested an update of the owner's progress and recommended the owner have repairs to the structure be started within 30 days and work to be completed within 60 days or the structure be removed and demolished. The owner applied for the appropriate planning entitlements on January 11, 1993.

**PROJECT EVALUATION:** Staff has the following comments:

**A. Land Use and Zoning**

The subject site is a 40 foot by 134.8 foot interior residential lot located in the Standard Single Family (R-1) zone. The site is developed with a 1,430 square foot single family residence and a 576 square foot garage converted to a living area. The General Plan designates the subject site as Low Density Residential (4-15 du/na). The surrounding land use and zoning for the site are single family residential, zoned (R-1) to the north, south, east, and west.

**B. Applicant's Proposal**

The applicant is proposing to allow a second residential unit within a converted garage to remain. The converted garage does not meet the residential setbacks required by the Zoning Ordinance and the applicant is seeking variances for the setback and court yard variations. The applicant is also seeking a variances to waive the requirement for an enclosed garage for the existing house and to waive one parking space for the existing unit. The garage was converted without Planning approval or building permits.

**C. Staff Analysis**

**1. Site Plan:**

The site is a 40 foot by 134.8 foot interior residential lot that is developed with a single family residence at the front of the lot and a converted garage located to the rear of the lot near the alley. The site plan indicates a 17.5 foot front setback, an 8.5 foot south side yard setback, a four foot north side yard setback, and an 11.5 foot rear yard setback. The Zoning Ordinance requires that a second residential unit have a special permit and meet the following requirements: not exceed 640 square feet, provide one parking space, and meet all lot coverage and setback requirements. The applicant is seeking the special permit for the existing 576 square foot garage which has been converted to a living area. The converted garage is located four feet from the side property line and 11.5 feet from the rear property line. The garage as a detached accessory building is permitted to be located in these setback areas. Once the garage is converted to living area, then the structure is required to meet residential setbacks. The Zoning Ordinance requires a residential unit to have a five foot interior side yard setback and a 15 foot rear yard setback. Additionally, the Zoning Ordinance requires a ten foot court yard that extends from the front of the property to the entrance of the second unit. The site plan indicates only an 8.5 foot court yard area from the front to the rear unit. The applicant is requesting variances to allow the existing garage as a converted living unit to keep the existing setbacks and court yard distance.

Staff recommends denial of the special permit to allow the existing converted garage to be used as a second unit in that the proposed unit does not meet the setback, court yard, and parking requirements without variances. The existing garage unit is in a state of disrepair and does not meet building code requirements. Additionally, staff recommends denial of the variances to reduce the required side yard, rear yard setback areas and court yard requirements in that no hardship can be found to allow the encroachment and reduced court yard area because the second unit could have been constructed to meet Zoning Ordinance requirements.

The garage has been converted to living area without building permits or any documentation that it was converted legally prior to the ordinance change requiring a single enclosed garage for a single family residence. The applicant is seeking a variance to waive the requirement in order to allow the converted garage to remain. The proposed second unit requires one parking space. The applicant proposes to use a concrete pad located adjacent to the garage to provide one of the two required spaces. The concrete pad does not currently exist. The applicant is requesting a variance to waive the second parking space. The site plan indicated concrete strips in the front yard setback as a parking area; however, upon inspection of the site, the concrete strips do not exist nor would they be permitted. Staff recommends denial of both variances in that no hardship exists and the garage parking was eliminated without planning approval or building permits. In addition, most of the other single family residences in the area provide garages.

The main entrance to the second unit is located off the alley. The Zoning Ordinance does not permit a main entrance to be located off the rear yard area for any dwelling unit. The

applicant is requesting a variance for the existing alley entrance. Staff recommends denial of the variance in that no hardship exists to support the alley entrance for the second unit in that the entrance to the structure could have been built in conformance with the Zoning Ordinance.

2. Building Materials and Design:

The existing second unit is a single story 576 square foot converted garage constructed out of wood and painted brown with a composition roof. The floor plan consists of two bedrooms, a bathroom, living room, and a kitchen. The unit was not remodeled to meet the design criteria required in the Oak Park Design Review Area. Any modifications to the exterior of the building as it is converted back to a garage, requires Design Review staff approval prior to the issuance of Building Permits.

3. Summary

In conclusion, staff recommends denial of the applicant's request to allow the illegally converted garage to remain. Therefore, the applicant must convert the illegal unit back to a garage. All necessary Building Permits and Design Review approval shall be obtained before the conversion back to a garage.

D. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering Development, Building Inspections, the Fire Department, the Police Department, the Oak Park PAC, and the Oak Park Neighborhood Improvement Association. The following comments were received:

1. Traffic Engineering staff comments:

- a. Gates must be a minimum of 20 feet from street right-of-way.
- b. Plan does not show adequate access to parking adjacent to rear structure.
- c. Parking for rear structure should include a turn-around area to prevent vehicles from backing on to the street.
- d. Recommend accessing parking for rear structure from the adjacent alley.

**ENVIRONMENTAL DETERMINATION:** The Environmental Services Manager has determined that this project is exempt from environmental review pursuant to State EIR Guidelines (California Environmental Quality Act, Section 15303(b) and 15305(a)).

**RECOMMENDATION:** Staff recommends the following actions:

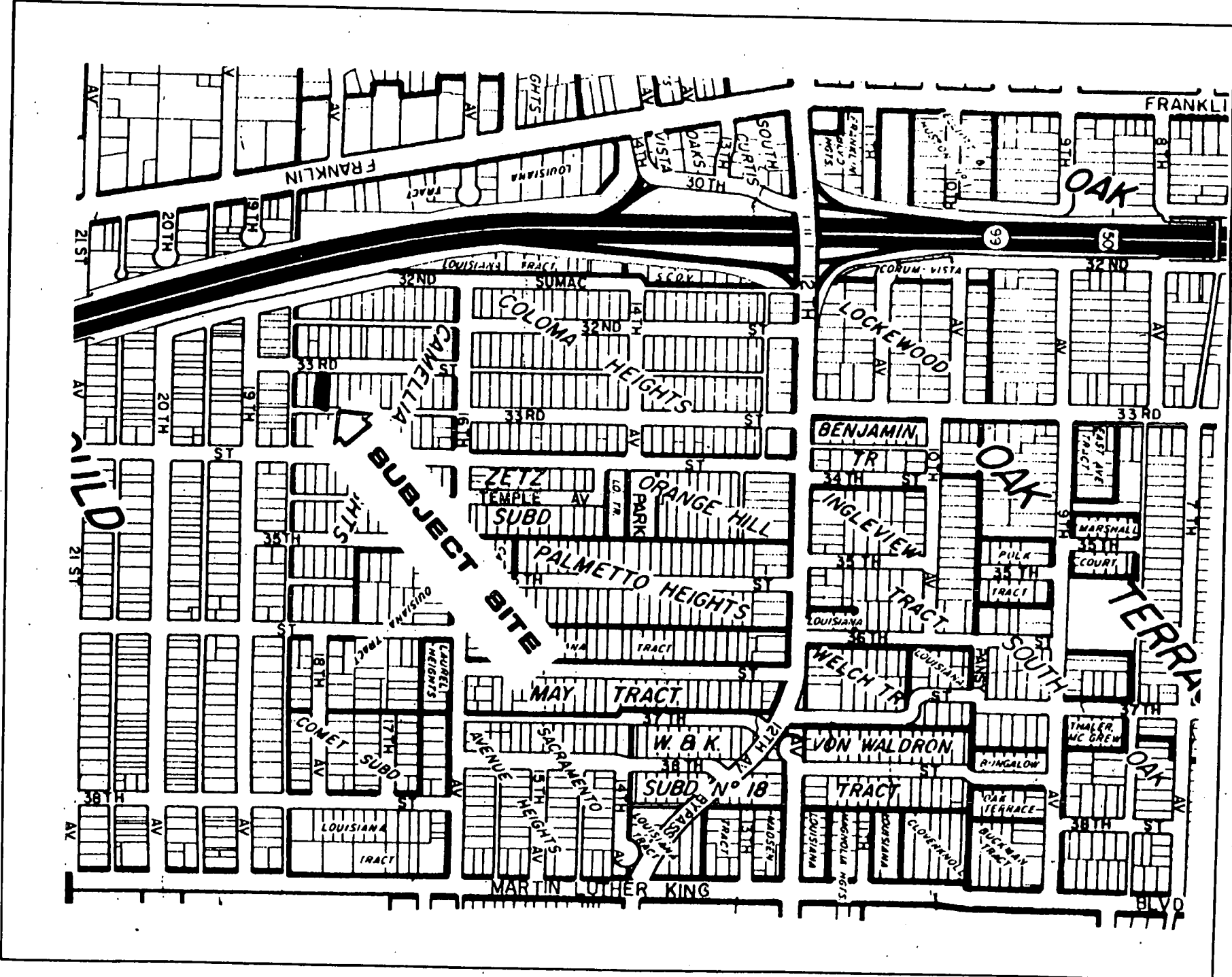
- A. Deny the Special Permit to allow a 576 square foot second residential unit to remain based upon the findings of fact which follow.

- B. Deny the Variance to waive the requirement for an enclosed garage based upon the findings of fact which follow.
- C. Deny the Variance to reduce the required rear yard setback from 15 feet to 11.5 feet. based upon the findings of fact which follow.
- D. Deny the Variance to reduce the required side yard setback from five feet to four feet based upon the findings of fact which follow.
- E. Deny the Variance to allow a main entrance from the rear yard area for the second unit based upon the findings of fact which follow.
- F. Deny the Variance to Variance to reduce the required court yard from 10 feet to 8.5 feet based upon the findings of fact which follow.
- G. Deny the Variance to waive one require parking space based upon the findings of fact which follow.

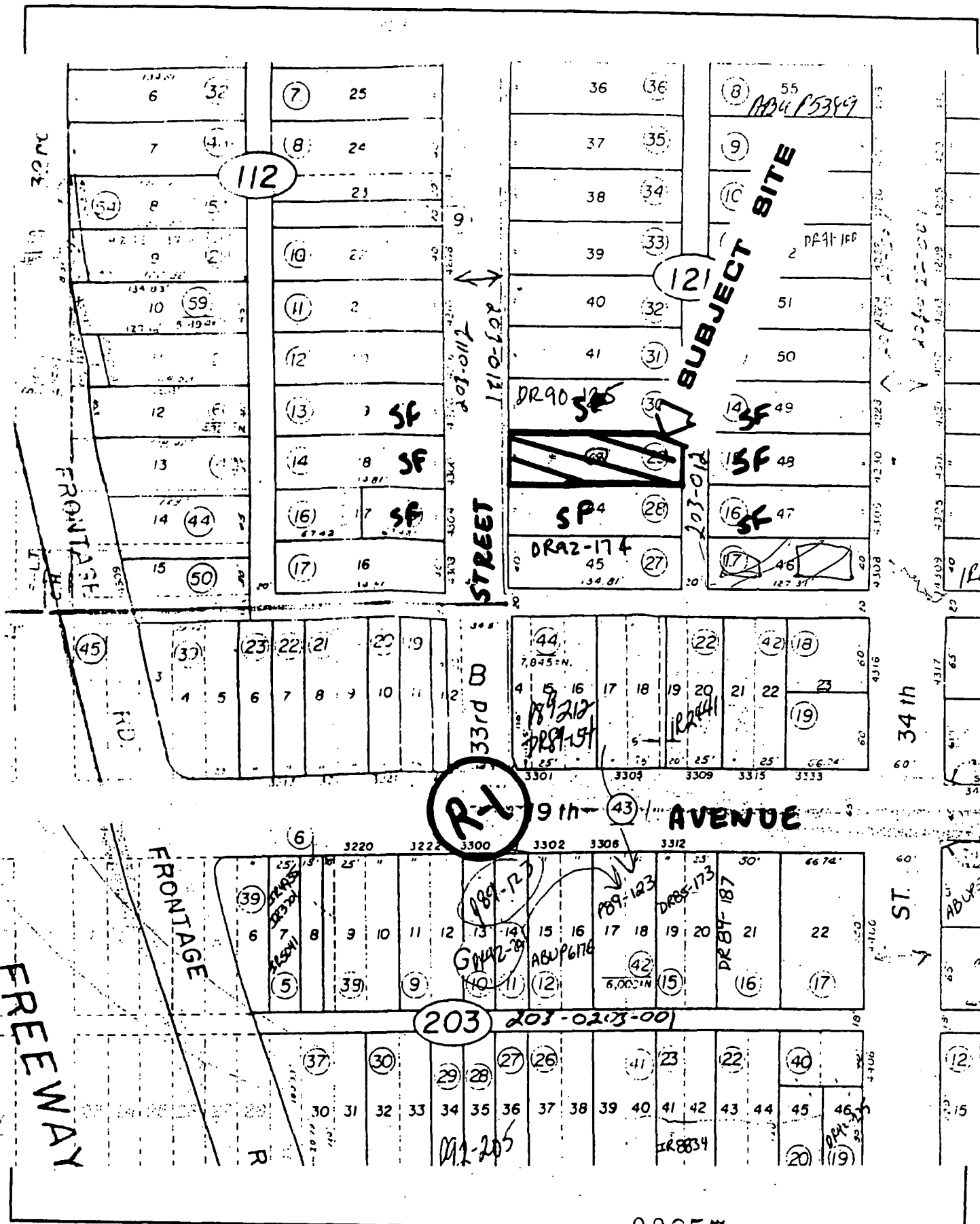
Findings of Fact:

1. The proposed project, as conditioned, is not based upon sound principles of land use in that:
  - a. the existing second unit does not meet the requirements established for second units by the Zoning Ordinance;
  - b. the existing unit does not provide adequate setbacks or court yard area;
  - c. there is not adequate on-site parking for both units; and
  - d. the proposed unit will have an adverse impact on the surrounding residences which provide garages and meet setbacks.
2. Granting the variances constitutes a special privilege extended to an individual applicant in that no hardship exists that would have prohibited the applicant from building the structures or proposing the additional structure to meet Zoning Ordinance requirements.
3. Granting the request will be injurious to property in the vicinity in that
  - a. the close proximity of the structures to adjacent properties creates a potential nuisance for those property owners;
  - b. the elimination of the garage and lack of on-site parking will impact the adjacent properties by increasing street parking; and
  - c. the structure does not meet building code or the design criteria required by the Oak Park Design Review area which was created to prevent further deterioration and substandard housing within the area.

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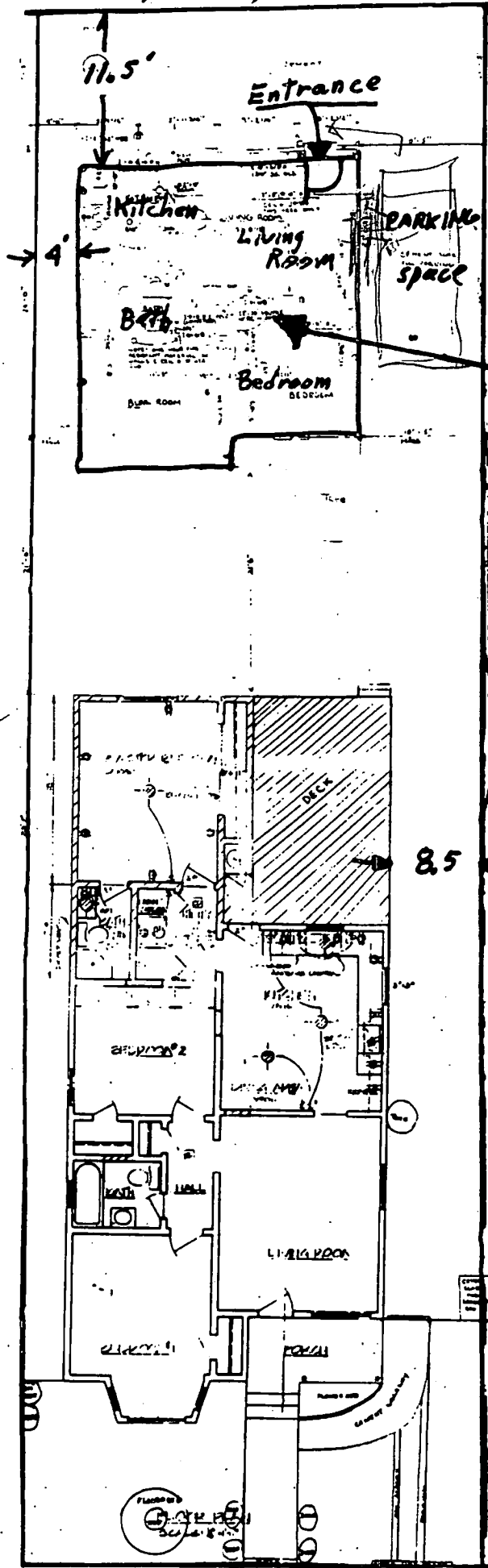
VICINITY MAP



**LAND USE & ZONING MAP**

ALLEY

EXHIBIT - A



Entrance

Kitchen

Living Room

Bath

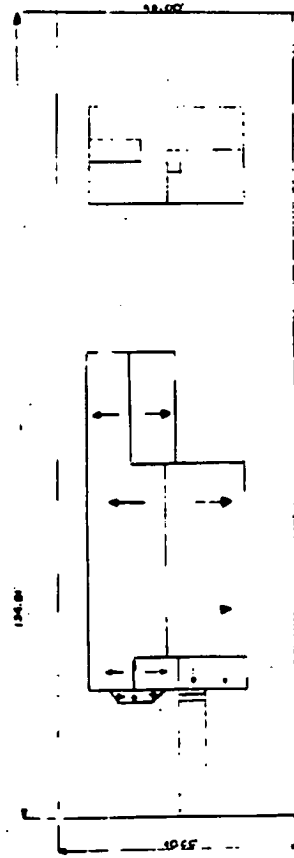
Bedroom

PARKING SPACE

Converted garage

DECK

8.5



SITE PLAN  
SCALE 1"=400'  
4301 33rd Street



33RD STREET

ADD

ADD

ITEM 6



# SACRAMENTO CITY PLANNING DIVISION

Application taken by/date: LS/1-11-93

Project Location 4301 33rd Street

Assessor's Parcel No. 020-0121-029

Owner Priscilla E. Duran

Address 8261 Woodrose Court, Sacramento, CA 95828

Applicant Priscilla E. Duran

Address 8261 Woodrose Court, Sacramento, CA 95828

## REQUESTED ENTITLEMENT(S)

1. Special Permit to allow an existing 576 square foot second residential unit to remain on 0.12+ acres in the R-1 zone.
2. Variance to waive the requirement for an enclosed garage for a single family unit
3. Variance to reduce the required rear yard setback from 15' to 11.5'
4. Variance to reduce the required side yard setback from 5' to 4'
5. Variance to allow a main entrance from the rear yard area for the second unit
6. Variance to reduce the required court yard from 10' to 8.5'
7. Variance to waive one required parking space

## ACTIONS TAKEN

On March 11, 1993 the Planning Commission took the following action: 1-7. Denied based on findings of fact in staff report.

On March 19, 1993 the denial was appealed.

On May 11, 1993 the City Council adopted findings of fact approving the appeal and Special Permit and Variances.

Sent to Applicant: 11-16-93  
Date

By: Suzanne Skemstad  
Secretary to Planning Commission

## EXPIRATION

TENTATIVE MAP: Failure to record a final map within two years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within two years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of two years unless a building permit is obtained within the variance term.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezonings, special permits and variance.

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Original to Applicant - Copies to File & Permit Book

P93-004