



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: February 5, 2020

TO: Hearing Officer

SUBJECT: Minor Variance #11914

LOCATION: 474 Vineyard Place

APPLICANT: Sergio Llerenas

ZONING DESIGNATION: RS-6 (Single-family Residential, 0-6 units per acre)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **disapprove** Minor Variance #11914.

PROJECT PROPOSAL: Minor Variance: To allow the construction of a 280 square-foot single-story addition to a single-family residence with a 16'7" rear yard setback, where the minimum requirement is 25-feet. A Minor Variance is required to encroach into a required setback.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(5); Administrative Code, Title 14, Chapter 3, §15270 (a), Projects Which are Disapproved. This Statutory Exemption states that CEQA does not apply to projects which a public agency rejects or disapproves.

BACKGROUND:

Site Characteristics: The subject site is a 4,621 square-foot, rectangular shaped lot located on the east side of Vineyard Place between Del Vina Street and Alameda Street. The property measures approximately 116 feet deep by 40 feet wide. The site is currently developed with a 1,175 square-foot single-story, single-family residence with an attached 400 square-foot garage.

Adjacent Uses: North – Single-family Residential
South – Single-family Residential
East – Single-family Residential
West – Single-family Residential

Adjacent Zoning: North – RS-6 (Single-family Residential, 0-6 units per acre)
South – RS-6 (Single-family Residential, 0-6 units per acre)
East – RS-6 (Single-family Residential, 0-6 units per acre)
West – RS-6 (Single-family Residential, 0-6 units per acre)

Previous Zoning Cases on This Property: 82-V10145 – Variance to exceed the maximum width for a garage located in front of a single-family dwelling. Approved September 15, 1982.

PROJECT DESCRIPTION:

The applicant, Sergio Llerenas has submitted a Minor Variance application to allow the construction of a 280 square-foot single-story addition to a single-family residence with a 16’7” rear yard setback, where the minimum requirement is 25-feet. A Minor Variance is required to encroach into a required setback.

The property contains an existing 1,175-square-foot, single-story, single-family residence with a 400 square-foot garage attached to the front elevation; access to the garage is from a private driveway fronting on Vineyard Place. The proposed addition would be one-story in height at the rear (east) of the residence and would not be visible from the street. The proposed project would comply with all applicable development standards of the Zoning Code, for the RS-6 (Single-family Residential, 0-6 dwelling units per acre) zoning district, with the exception of the proposed deviation from the minimum rear yard setback requirement. No trees are proposed to be removed as part of the project.

ANALYSIS:

The subject site is located within the RS-6 zoning district, and pursuant to Sections 17.22.040 of the Zoning Code, the minimum required rear yard setback for a residence on a site located within the RS-6 zoning district is 25 feet. The addition would consist of extending the existing third bedroom and adding a fourth bedroom within the eastern portion of the site, 16’7” from the rear property line.

Pursuant to Table 6-4 of Zoning Code Section 17.61.080 (Variances), deviations from required setbacks are allowed subject to a Minor Variance application. The Hearing Officer may approve a Minor Variance to encroach within a required setback only after making five findings in the affirmative pursuant to Zoning Code Section 17.61.080.G (Findings and Decision). The general purpose of review is to identify compliance with the Zoning Code and General Plan, whether exceptional or extraordinary circumstances exist, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties. In addition, a Minor Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts. Lastly, cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Minor Variance.

The subject site is a rectangular lot located on the eastern side of Vineyard Place between Del Vina Street and Alameda Street. The existing single-family residence was constructed in 1960 and contains three bedrooms and two bathrooms. The subject property is substandard in lot size with an approximate area of 4,621 square feet (116 feet deep and 40 feet wide) where the minimum area required of new parcels in the RS-6 zone is 7,200 square feet. However, the lot size and shape are typical when compared to the other single-family lots in the vicinity in the same zoning district. The majority of the lots within the vicinity are traditionally rectangular shaped lots with similar lot widths and depths as the subject site. Although the substandard lot size and configuration of the existing residence provide for limited construction opportunities, the property's setbacks and buildable areas are consistent with the other properties in the vicinity. Staff finds that there are no exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district. In considering the proposed application and required findings, staff does not find that there are exceptional circumstances that would justify an addition to encroach into the required rear yard setback.

The property owner is not suffering a hardship nor losing a substantial property right by not being allowed to encroach into the required rear yard setback. The property right in question is the applicant's ability to develop a single-family residence in accordance with the provisions of the Zoning Code. The subject property is currently developed with a 1,175 square-foot residence with an attached 400 square-foot two-car garage. The residence contains three bedrooms, two bathrooms, and a two-car garage, which is common with other single-family residences in the vicinity.

Therefore, staff finds that there are no extraordinary circumstances applicable to the project site and that the Minor Variance is not necessary for the preservation and enjoyment of a substantial property right.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained. General Plan Land Use Element, Goal 21, Desirable Neighborhoods, Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontage; architectural design, and landscaped setbacks. The project would allow the construction of an addition, to a single-family residence, within the required rear yard setback and not in compliance with the Zoning Code. The lot size and shape of the subject site are typical when compared to the other single-family lots in the vicinity in the same zoning district. There are no exceptional circumstances that would justify an addition to encroach into the required rear yard setback. As a result, the requested encroachment into the required setback would result in a project that does not reflect the neighborhood character in terms of building form, massing and setbacks.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(5); Administrative Code, Title 14, Chapter 3, §15270(a), Projects Which are Disapproved. This

Statutory Exemption states that CEQA does not apply to projects which a public agency rejects or disapproves.

In the event the Hearing Officer decides to approve Variance #11914, the project could qualify for an exemption pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301(e), Class 1, (Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Class 1 exempts projects that include small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use.

COMMENTS FROM OTHER DEPARTMENTS:

The proposed project was reviewed by the Department of Public Works, Department of Transportation, Fire Department, Building and Safety Division, and Design and Historic Preservation Section. The Police Department, Department of Transportation, Fire Department, Building Division, and DHP Section did not have any comments at this time. The Department of Public Works has provided a list of comments and recommended conditions of approval which would be incorporated should the project be approved.

CONCLUSION:

Staff finds that the findings necessary for approving the Minor Variance to allow the encroachment of a 280 square-foot addition within the required 25-foot rear yard setback cannot be made. There are no exceptional or extraordinary circumstances or conditions applicable to the development of the site that would support the deviation from the required 25-foot rear yard setback standard and that the Minor Variance is not necessary for the preservation and enjoyment of a substantial property right. Therefore, staff recommends that the Hearing Officer disapprove the application.

Attachments:

Attachment A: Minor Variance Findings

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11914

Minor Variance: To allow the encroachment of a 280 square-foot addition within the required 25-foot required rear yard setback of an existing single-family residence.

1. *There are no exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district.* The subject site is a rectangular lot located on the eastern side of Vineyard Place between Del Vina Street and Alameda Street. The existing single-family residence was constructed in 1960 and contains three bedrooms and two bathrooms. The subject property is substandard in lot size with an approximate area of 4,621 square feet (116 feet deep and 40 feet wide) where the minimum area required of new parcels in the RS-6 zone is 7,200 square feet. However, the lot size and shape are typical when compared to the other single-family lots in the vicinity in the same zoning district. The majority of the lots within the vicinity are traditionally rectangular shaped lots with similar lot widths and depths as the subject site. Although the substandard lot size and configuration of the existing residence provide for limited construction opportunities, the property's setbacks and buildable areas are consistent with the other properties in the vicinity. Staff finds that there are no exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district. In considering the proposed application and required findings, staff does not find that there are exceptional circumstances that would justify an addition to encroach into the required rear yard setback.

2. *Granting the application is not necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* The property owner is not suffering a hardship nor losing a substantial property right by not being allowed to encroach into the required rear yard setback. The property right in question is the applicant's ability to develop a single-family residence in accordance with the provisions of the Zoning Code. The subject property is currently developed with a 1,575 square-foot house, and a 400 square-foot two-car garage. The house contains three bedrooms, two bathrooms and a two-car garage, which is common with other single-family residences in the vicinity. Therefore, staff finds that the Minor Variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant.