



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: June 2, 2021

TO: Hearing Officer

SUBJECT: Minor Variance #11920

LOCATION: 585 South Oak Knoll Avenue

APPLICANT: Keith Melchor on behalf of the property owner

ZONING DESIGNATION: RM-16 (Multi-Family Residential, 0-16 units per acre)

GENERAL PLAN DESIGNATION: Medium Density Residential

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11920 with conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To facilitate the construction of a 219 square-foot garage addition to the rear of an existing single-family residence. The addition would attach the existing single-family residence (primary structure) to the existing detached garage (accessory structure). The addition would be located within the required rear yard setback. Once attached, the existing garage would be subject to the same setbacks as the primary structure and not comply. The following applications are requested:

1. Minor Variance: to allow a 2'-0" rear yard setback for the primary structure, where the minimum requirement is 25'-0".
2. Minor Variance: to allow a 5'-6" side yard setback for the primary structure, where the minimum requirement is 8'-9".

The project also includes a 116 square-foot kitchen addition that complies with setback requirements.

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)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301, Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore there are no unusual circumstances. This section specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The project would add 335 square feet to an existing residence and the use would remain as single-family.

BACKGROUND:

Site Characteristics:

The site is a 8,700 square-foot, rectangular-shaped corner lot located at the corner of South Oak Knoll Avenue and East California Boulevard. The site is currently developed with a 1,905 square-foot two-story, single-family residence and detached 348 square-foot garage. The existing single-family residence was constructed in 1925.

Adjacent Uses:

North – Multi-Family Residential/Office
South – Single-Family Residential
East – Multi-Family Residential
West – Single-Family Residential

Adjacent Zoning:

North – RM-16 (Multi-Family Residential, 0-16 units per acre)
South – RM-16 (Multi-Family Residential, 0-16 units per acre)
East – RM-16 (Multi-Family Residential, 0-16 units per acre)
West – RM-16 (Multi-Family Residential, 0-16 units per acre)

Previous Zoning Cases on This Property:

None.

PROJECT DESCRIPTION:

The applicant, Keith Melchor, on behalf of the property owner Taison Tan, has submitted Minor Variance applications to facilitate the construction of a 219 square-foot garage addition to the rear of an existing single-family residence. The addition would attach the existing single-family residence (primary structure) to the existing detached garage (accessory structure). The addition would be located entirely within the required rear yard setback. Once attached, the existing garage would be subject to the same setbacks as the primary structure and would not comply. The following applications are requested:

1. Minor Variance: to allow a 2'-0" rear yard setback for the primary structure, where the minimum requirement is 25'-0".

2. Minor Variance: to allow a 5'-6" side yard setback for the primary structure, where the minimum requirement is 8'-9".

The project also includes a 116 square-foot kitchen addition that complies with setback requirements. The total project square footage proposed is 335 square feet, consisting of the 219 square-foot garage addition (requesting the minor variances) and the 116 square-foot kitchen addition.

The site is located within the RM-16 (Multi-Family Residential, 0-16 dwelling units per acre) zoning district. No protected trees are proposed to be removed as part of the project. A Minor Variance is required to adjust the required side and rear setbacks.

ANALYSIS:

The subject property is located within the RM-16 (Multi-Family Residential, 0-16 dwelling units per acre) zoning district, which allows single-family uses. Since the property contains one single-family residence, the project is subject to the development standards of the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district provided in Zoning Code Section 17.22.040 (RS and RM-12 Residential Districts Development Standards). With the exception of the requested Minor Variances, the proposed project complies with all other applicable development standards, as shown in Table 1.

Table 1 – Residential Development Standards

Development Standard		Requirement	Proposed Project	Compliance
Setbacks	Front [^]	25'-0"	27'-6" (existing)	Complies
	Side	8'-9"	5'-6" (proposed)	<i>Minor Variance</i>
	Corner-Side	10'-0"	41'-5"	Complies
	Rear	25'-0"	2'-0" (proposed)	<i>Minor Variance</i>
Height	Maximum	32'-0"	23'-4" (existing)	Complies
	Top Plate	23'-0"	Approximately 18 feet (existing)	Complies
Lot Coverage		Maximum 3,045 sq. ft.	1,857 sq. ft.	Complies
Floor Area		Maximum 3,110 sq. ft.	2,588 sq. ft.	Complies

[^]Oak Knoll Avenue

Pursuant to Table 6-4 of Zoning Code Section 17.61.080 (Variances), adjustments to required setbacks are allowed subject to approval of a Minor Variance. The Hearing Officer may approve a Minor Variance to adjust a required setback only after making five findings in the affirmative pursuant to Zoning Code Section 17.61.080.G (Findings and Decision). These findings are to be made separately for each request. 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.

Minor Variance: To adjust the rear yard setback to 2'-0" where 25'-0" is required

The existing two-story single-family residence is setback 23'-4" from the rear property line where 25'-0" is required. The existing one-car garage located further to the west is an accessory structure because it is detached from the primary residence. The accessory structure is setback 2'-0" from the rear property line and 5'-6" from the south side property line. The garage is atypically shaped as it is approximately 29'-0" long and 12'-1" wide and accommodates parking for one car.

A 9'-8" separation distance currently exists between the rear of the residence and the accessory structure. The project proposes a 219 square-foot garage addition to infill the current 9'-8" separation, expanding the existing one-car garage into a compliant two-car garage.

In order to facilitate compliant two-car covered parking, the garage infill addition would structurally connect the existing accessory structure (detached garage) to the existing primary structure (residence). With the infill addition there would be one contiguous structure (residence and attached garage) subject to the primary structure development standards (minimum 25'-0" rear setback). As a result, the existing walls of the garage that would remain do not comply with the required rear yard setbacks for primary structures.

By infilling and attaching the garage, the structure retains a 2'-0" setback from the rear property line. Therefore, a Minor Variance is needed to adjust the 25'-0" rear yard setback requirement. A Minor Variance application allows the City to review whether an adjustment from the Zoning Code can be granted for a project. It may only be granted when five specific findings are made in the affirmative. These findings relate to circumstances or conditions related to the property; not granting of special privilege; meeting the intent and purpose of the subject property is zoning district and the Zoning Code; and that the request would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.

The subject property is 100 feet deep and the property's existing residence and detached garage configuration only allow a one-car garage. The property's existing residence has a 23'-4" rear yard setback when a 25-foot rear yard setback is currently required. The yard is even further constrained by the existing 12'-1" wide one-car garage located within the 23'-4" rear yard setback. This configuration does not allow for the existing garage to become compliant for two-car covered parking unless it attached to the primary structure.

The Zoning Code requires single-family residences to provide two-car covered parking with an internal clearance for two parking spaces measuring a minimum of 19'-0" wide by 18'-0" deep. The proposed garage addition would infill the existing 9'-8" separation between two existing structures and would facilitate a garage with a minimum internal width of 21'-4" and depth of 18'-10". Therefore, the proposed Minor Variance would allow the property to comply with the Zoning Code's two-car covered parking requirement.

Lots subject to the RS-6 zoning district standards that have attached garages on the corner-side can typically accommodate more than one vehicle side by side. Since the Zoning Code requires that all single-family residential uses be compliant with the two-car covered parking requirement, the project is not requesting a special privilege. The proposed project is necessary for the preservation and enjoyment of the substantial property right to provide on-site covered parking at the single family dwelling unit.

Zoning Code Section 17.22.050 RS and RM-12 District Additional Development Standards Section 17.22.050.B states that a new garage proposed on a blockface where 50 percent or more of the existing garages are located behind the primary structure shall also be located behind the primary structure. The Zoning Code defines a “blockface” as the lots abutting on one side of a street, between the two nearest intersecting streets or a City boundary. As observed, more than 50 percent of the blockface along South Oak Knoll Avenue contains garages located behind the primary structures. Therefore, the garage is required to be located behind the primary structure in the constrained setback area. Constructing a new compliant two-car garage at the front of the property would not be allowed by right and would require a Variance. The Zoning Code also prohibits tandem parking.

Due to the present configuration of the existing residence and the existing detached garage taking up the majority of the rear setback, the opportunity for the expansion of the existing garage is severely constricted. Thus the lot’s existing development poses unusual circumstances that a typical single-family property does not encounter. The proposed 219 square-foot garage addition is a minor extension of the existing garage to infill and connect to the existing residence, in what would otherwise be a void between the two structures. The Minor Variance request would facilitate a reasonable enjoyment of real property. The proposed infill addition would not be visible from South Oak Knoll Drive and will maintain the character of the neighborhood.

Minor Variance: To adjust the side yard setback to 5’-6” where 8’-9” is required:

As previously noted, in order to create compliant two-car covered parking, the garage infill addition would structurally connect the existing accessory structure (detached garage) to the existing primary structure (residence). This infill addition would now classify the entire contiguous structure as the primary structure and the entire structure, even existing portions of the accessory structure, would be subject to all applicable development standards for primary structures.

According to the RS-6 primary structure development standards, the side setback requirement is 10 percent of the lot width. With a lot width of 87 feet, the primary structure would require an approximate 8’-9” side setback. As previously noted, the existing accessory structure is setback 5’-6” from the south side property line. To address this condition, a Minor Variance is requested to adjust the side setback requirement.

It is important to note that only the existing portion of the garage to remain necessitates the adjustment from the side setback requirement. The proposed infill garage addition would be setback 14’-8” from the south side property line and will therefore comply with the required 8’-9” side setback.

The project site’s existing residence is situated with a shallow 23’-4” rear yard when a 25-foot rear yard setback is currently required. The yard is even further constrained by the existing 12’-1” wide one-car garage being located within the 23’-4” rear yard setback. This configuration severely constrains the options to create compliant two-car covered parking.

The irregular configuration of the existing residence and the existing garage taking up the majority of the rear setback constricts the opportunity for the garage to expand and remain detached from the primary structure as an accessory structure. Thus the lot’s existing development poses unusual circumstances that a typical single-family property does not encounter. The proposed 219 square-foot addition is a minor extension of the existing garage to infill and connect to the existing residence, in what would otherwise be a void between two structures. The proposed infill

addition will allow compliance with the two-car covered parking requirement for single-family residences and would not be visible from South Oak Knoll Drive. The Minor Variance request would facilitate a reasonable enjoyment of real property.

Tree Protection Ordinance

The applicant provided a tree inventory, which identified 12 trees, two within the public right of way and 10 located on private property (one of which is located on the property to the west). Of these nine trees on the subject property, one is protected by the City's Tree Protection Ordinance based on the species, size, and location on the property. The applicant proposes to retain the protected *Pinus Halepensis* (Aleppo Pine Tree) located within the rear setback and to remove one of the non-protected trees. Based on the information provided by the applicant, the protected tree's canopy would overlap with the proposed addition and the applicant provided a tree protection plan in accordance with the City's Tree Protection Ordinance.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Medium 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 existing residence and 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. The proposed addition would not alter the existing character of the neighborhood as seen from the South Oak Knoll Avenue, since it would be in the rear of the property. The proposed addition would allow the property's existing garage to become compliant two-car covered parking without having to relocate elsewhere on the property, thus maintaining the character of the streetscape along South Oak Knoll Avenue and a similar visual appearance along East California Boulevard.

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 Department of Public Works, Department of Transportation, Fire Department, and Design and Historic Preservation Section had no comments at this time and would review the project during the building permit plan check process to ensure compliance with applicable code requirements. The Building and Safety Division provided conditions of approval which are incorporated in Attachment B of this staff report.

CONCLUSION:

Staff concludes that the findings necessary for approving the Minor Variances to allow the construction of a new 219 square-foot single-story addition to an existing single-family residence can be made. The proposed project meets all other applicable development standards required by the Zoning Code. The approval of the Minor Variance request would allow the property owner enjoyment of the existing residence without impacting the surrounding residential neighborhood. Conditions of approval would ensure that the project is compatible with the surrounding area.

Therefore, staff recommends approval of the Minor Variance, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Attachments:

Attachment A: Minor Variance Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11920

Minor Variance: To allow a setback of 2'-0" from the rear property line; where the minimum requirement is 25 feet.

1. *There are 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 property's lot depth is 100 feet and the existing single family residence is setback 23'-4" from the rear property line. Between the existing residence and the rear property line, there is a 9'-8" separation distance, and an existing 12'-1" wide detached garage accessory structure with a 2'-0" setback from the rear property line. The lot depth, the current configuration of the primary and accessory structures, and the minimum 25-foot rear setback requirements create constraints on the property. Any proposed development is limited in area, resulting in sub-standard setback requirements. Lots subject to the RS-6 zoning district standards that have attached garages on the corner-side can typically accommodate more than one vehicle side by side. Since the Zoning Code requires that all single-family residential uses be compliant with the two-car covered parking requirement, and due to the project site's atypical conditions not generally applying to sites in the same zoning district, the requested adjustment to allow for compliant two-car covered parking is not considered a special privilege.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* The Zoning Code requires single-family residences to provide two-car covered parking with an internal clearance for two parking spaces measuring a minimum of 19'-0" wide by 18'-0" long. The proposed garage addition would infill the existing 9'-8" separation between two existing structures and would facilitate a garage with a minimum internal width of 21'-4" and depth of 18'-10". Therefore, the proposed Minor Variance would allow the property to become compliant with the Zoning Code's two-car covered parking requirement. The majority of the blockface contains garages located behind the primary structure. Therefore, the garage is required to be located behind the primary structure in the constrained setback area. An alternative design to construct a new compliant two-car garage at the front of the property would not be allowed by right and would require a Variance. Thus, the proposed project would maintain the character of the street presence along South Oak Knoll Avenue. The proposed addition to the existing garage to provide compliant parking is necessary for the preservation and enjoyment of the substantial property right to provide on-site covered parking at the single-family dwelling unit.
3. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The proposed addition will maintain the setbacks of the existing development as the addition will infill the separation area between the existing residence and existing garage. The new garage door will face East California Boulevard and the garage addition will utilize the existing driveway from East California Boulevard. The project will be required to obtain building permits that meet all applicable building and fire codes, ensuring that the construction will be safe. Conditions of approval will ensure that the project remains compatible with the surrounding area in that it would be a single-story addition to the rear of the property.
4. *Granting the application is consistent with the General Plan and the purposes of Title 17 of the Municipal Code and will not constitute a grant of special privilege inconsistent with*

limitations on other properties in the vicinity and in the same zone district. The subject site is designated as Medium 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 existing residence and 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. The proposed addition would not alter the existing character of the neighborhood as seen from the South Oak Knoll Avenue, since it would be in the rear of the property. The proposed addition would allow the property's existing garage to become compliant two-car covered parking without having to relocate elsewhere on the property, thus maintaining the character of the streetscape along South Oak Knoll Avenue and a similar visual appearance along East California Boulevard. Allowing the Minor Variance to facilitate compliant two-car covered parking is not considered a special privilege as it is a requirement of the Zoning Code.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance.* The cost to the applicant of complying with the City's development standards has not been considered as the main factor throughout the review of this application.

Minor Variance: To allow a setback of 5'-6" from the side property line; where the minimum requirement is 8'-9".

6. *There are 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 property's lot depth is 100 feet and the existing single family residence is setback 23'-4" from the rear property line. Between the existing residence and the rear property line, there is a 9'-8" separation distance, and an existing 12'-1" wide detached garage accessory structure with a 2'-0" setback from the rear property line. The existing lot depth, the current configuration of the primary and accessory structures, and the minimum 25-foot rear setback requirements create constraints on the property. Any proposed development is limited in area, resulting in sub-standard setback requirements. Lots subject to the RS-6 zoning district standards that have attached garages on the corner-side can typically accommodate more than one vehicle side by side. Since the Zoning Code requires that all single-family residential uses be compliant with the two-car covered parking requirement, and due to the project site's atypical conditions not generally applying to sites in the same zoning district, the requested adjustment to allow for compliant two-car covered parking is not considered a special privilege.
7. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* The existing development configuration of the site poses unusual circumstances that require the garage addition to attach to the primary structure in order to provide compliant two-car covered parking. The garage addition will infill the separation area between the existing residence and existing garage. The existing 5'-6" side yard setback will be maintained and the new construction portion of the proposed addition will be setback 14'-8" from the side property line, which complies. The adjustment is required for the existing portion of the garage in order to provide compliant two-car covered parking would facilitate a reasonable enjoyment

of real property. The proposed project is necessary for the preservation and enjoyment of the substantial property right to provide on-site covered parking at the single-family dwelling unit.

8. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The proposed addition will maintain the setbacks of the existing development as the addition will infill the separation area between the existing residence and existing garage. The existing 5'-6" side yard setback will be maintained and the proposed addition will be setback 14'-8". Therefore, the newly constructed portion of the garage will meet the required 8'-9" side yard setback and only the existing portion of the garage will require the adjustment. The project will be required to obtain building permits that meet all applicable building and fire codes, ensuring that the construction will be safe. Conditions of approval will ensure that the project remains compatible with the surrounding area in that it would be a single-story addition to the rear of the property.
9. *Granting the application is consistent with the General Plan and the purposes of Title 17 of the Municipal Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The subject site is designated as Medium 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 existing residence and 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. The proposed addition would not alter the existing character of the neighborhood as seen from the South Oak Knoll Avenue, since it would be in the rear of the property. The proposed addition would allow the property's existing garage to become compliant two-car covered parking without having to relocate elsewhere on the property, thus maintaining the character of the streetscape along South Oak Knoll Avenue and a similar visual appearance along East California Boulevard. Allowing the Minor Variance to facilitate compliant two-car covered parking is not considered a special privilege as it is a requirement of the Zoning Code.
10. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance.* The cost to the applicant of complying with the City's development standards has not been considered as the main factor throughout the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11920

The applicant or successor in interest shall meet the following conditions:

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, June 2, 2021," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. This approval adjusts the required 25-foot rear yard setback by allowing a 2'-0" rear yard setback and adjusts the required 8'-9" side yard setback by allowing a 5'-6" side yard setback in conjunction with an addition to an existing single-family residence.

Planning Division

4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **PLN2020-00004** is subject to a Final Zoning Inspection prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Katherine Moran, Current Planning Section, at (626) 744-6740 to schedule an inspection appointment time.

Building and Safety Division

7. Governing Codes: Current edition of the California, Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review. FYI- the current edition is the 2019 series effective January 1, 2020 until December 31, 2022.
8. Grading: If greater than 50 cubic yard (excluding excavation for foundation), Grading/Drainage Plans shall be prepared by a registered engineer. Grading shall conform to the provisions of Chapter 14.05 of City's Municipal Code.
9. Permit(s): Separate permits are required for grading (if applicable), fire sprinkler, mechanical, electrical, and plumbing.