



Legislation Details (With Text)

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**Title:** Public Hearing: Action on a Variance to rebuild an existing non-conforming one-car garage at its current location for the single-family residence located at 1366 Lexington Street

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Project Data Summary Sheet, 2. Development Plans, 3. Resolution Approving the Variance, 4. Conditions of approval

Date	Ver.	Action By	Action	Result
12/11/2019	1	Planning Commission		
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**REPORT TO PLANNING COMMISSION**

**SUBJECT**

Public Hearing: Action on a Variance to rebuild an existing non-conforming one-car garage at its current location for the single-family residence located at 1366 Lexington Street

**EXECUTIVE SUMMARY**

Project: Variance to allow rebuilding of an existing non-conforming one-car garage at its current location with one foot rear yard setback, zero foot side yard setback, and three foot separation from the main house, for the existing residence located at 1366 Lexington Street.

Applicant/Owner: Joaquin and Cruz Perez

General Plan: Very low density residential

Zoning: Single Family Residential (R1-6L)

Site Area: 2,667 square feet

Existing Site Conditions: Developed with a one-story single-family 2-bedroom 2-bathroom residence

Surrounding Uses

North: Lexington Street and single-family residences

South: Single-family residences

West: Single-family residences along Madison Street

East: Single-family residences along Monroe Street

Staff Recommendation: Approve the Variance to allow rebuilding a non-conforming one-car garage at its current location.

**BACKGROUND**

The applicant requests approval of a Variance to several requirements of the R1-6L Single Family Zoning District in order to move forward with rebuilding the existing non-conforming garage with a one-foot rear yard setback, a zero-foot right side yard setback, and three feet of separation from the main house. The property was originally developed with a house and a detached one-car garage in 1907, predating the City's requirements for (1) at least a 5 foot rear yard setback from the rear property line, (2) at least three foot side yard setback from an interior side property line, and (3) at least a six foot setback from the main building. See SCCC sections 18.66.020(d) and 18.66.020(f). The property owner rehabilitated the structure in a short period of time in 2018/19. It was concluded by the Community Development Department that the structure was completely rebuilt and constituted a new structure. Since the structure was rebuilt in its existing location, the property owner was directed to apply for a variance to legalize the new structure in its current location.

## **DISCUSSION**

The proposal is subject to the SCCC section 18.66.020(d) side and rear yard setback requirements, and the 18.66.020(f) main house separation requirement, unless a Variance is granted by the Planning Commission. Pursuant to Chapter 18.108 of the SCCC, where practical difficulties, unnecessary hardships and effects inconsistent with the general purpose of the Zoning Code may result from the strict application of certain provisions, Variances may be granted.

### *Consistency with General Plan:*

The project site has a General Plan land use designation of Very Low Density Residential. This designation is intended for residential densities up to 10 units per acre and is typically represented in detached single-family neighborhoods. Development in this classification maintains a feeling of suburban living with setbacks between structures, parking, large landscaped yards and tree lined streets.

The proposed project is not changing the existing house and not adding to the square footage. Rebuilding the garage would allow this single-family house to function as a single-family house. A small one car garage structure would be in-keeping with the neighborhood character.

### *Zoning Conformance:*

The proposed project is consistent with the intent of the R1-6L zoning in that rebuilding the garage would protect the residential characteristics of the district and would encourage a suitable single-family residential environment including covered parking.

However, the project is not consistent with SCCC section 18.66.020(d), which requires at least a 5 foot rear yard setback from the rear property line and at least a three foot side yard setback from an interior side property line. The project is also not consistent with SCCC section 18.66.020(f) which requires at least a six foot setback from the main building. The existing nonconforming garage maintains a three foot setback from the main house.

Pursuant to SCCC Section 18.108.010, where practical difficulties, unnecessary hardships, and effects, inconsistent with the general purpose of the Zoning Ordinance may result from the strict application of certain provisions, Variances may be granted. The granting of a Variance would require making the findings in SCCC Section 18.108.040, including that there are unusual conditions applying to the land or building which do not apply generally in the same district.

In this case, the existing non-conforming garage was in poor condition and could not be maintained and repaired. Rebuilding a non-conforming structure would require compliance with the existing

SCCC side and rear yard requirements. However, the lot size is unusually small (2,667 square feet) and the location of the existing main house prevents the rebuilding of the garage with the SCCC side and yard requirements. In this case, granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Property Owner, in that accommodating a 5 foot rear yard setback, a three foot side yard setback, and a six foot separation from the main house would prevent the Applicant from rebuilding the garage.

*Conclusion:*

Considering the unusual small size of the lot, there are no other options to rebuild the garage with the SCCC setback requirements. The proposed project meets the purpose and intent of the Zoning Code in that there are unusual conditions applying to the land that do not generally in the same district. The findings required approving the Variance are included in the attached resolution.

**ENVIRONMENTAL REVIEW**

The proposed is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303(e), Class 3 “New Construction or Conversion of Small Structures,” as the activity consists of the construction of a new, small facility or structure, a garage. The Class 3 Exemption expressly authorizes the construction of “[a]ccessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.”

**FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense for the typically covered by processing fees paid by the applicant

**COORDINATION**

This report was coordinated with the City Attorney’s Office.

**PUBLIC CONTACT**

A notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site. Planning Staff has not received public comments for this application.

**RECOMMENDATION**

Approve the Variance to allow rebuilding a non-conforming one-car garage at its current location with a one-foot rear setback, a zero-foot side setback, and a three-foot separation from the main house.

Prepared by: Elaheh Kerachian, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

**ATTACHMENTS**

1. Project Data Summary Sheet
2. Development Plans
3. Resolution Approving the Variance
5. Conditions of approval