

**CITY OF SACRAMENTO  
DEPARTMENT OF PLANNING & BUILDING  
ZONING ADMINISTRATOR  
1231 I Street, Sacramento, CA 95814**

**ACTION OF THE ZONING ADMINISTRATOR**

On Wednesday, March 2, 2005, the Zoning Administrator approved a special permit to allow an accessory structure that does not comply with all of the requirements in the City Code as to size and lot coverage in the Standard Single Family Residential (R-1) zone for the project known as File Z04-298. Findings of Fact and conditions of approval are on pages 2-4.

**Project Information**

**Request:** Zoning Administrator Special Permit to allow an accessory structure (carport) to exceed the maximum allowed 40% lot coverage up to 43% total, and to allow the carport with 9 feet clear in width, which is less than the 10 feet clear required, on a 0.13± acre developed lot in the Standard Single-Family Residential (R-1) zone.

**Location:** 5317 Esmeralda Street (D6, Area 3)

**Assessor's Parcel Number:** 023-0232-020

**Applicant:** Adabelle Cordero (property owner's sister)  
5317 Esmeralda Street  
Sacramento, CA 95820

**Property Owner:** Raquel Macaranas  
96-02 91 Drive  
Woodhaven, NY 11421

**Project Planner:** Philip Reed

**General Plan Designation:** Low Density Residential 4-15 du/na  
**Community Plan Designation:** N/A (no Community Plan)  
**Existing Zoning of Site:** Standard Single Family (R-1)  
**Existing Land Use of Site:** one single-family residence with detached garage

**Surrounding Land Use and Zoning:**

**North:** R-1; Residential, Single Family  
**South:** R-1; Residential, Single Family  
**East:** R-1; Residential, Single Family  
**West:** R-1; Residential, Single Family

**Property Dimensions:** 58 feet by 98 feet  
**Property Area:** 0.13± acres (5684 square feet)  
**Footprint of House (w/ addition):** 1552± square feet (includes front porch)  
**Footprint of Detached Garage:** 441±  
**New Carport and Breezeway:** 444±  
**Total Footprint:** 2437± square feet  
**Lot Coverage:** 43 % of total lot area

**Previous Files:** none

**Project Plans:** See Exhibit A

Additional Information: There are three components to this project: a room addition to the rear of the existing single-family residence; construction of a new detached garage; and construction of a carport attached to the house with a breezeway connecting it to the new garage. The room addition and detached garage together comply with all current zoning code requirements and do not require approval of an entitlement; the applicant simply must obtain the necessary building permits. However, construction of the carport as proposed exceeds the maximum allowed lot coverage of 40% for an increase to 43%; and the carport itself is only nine (9) feet wide between the exterior wall of the house and the inside of the outer support posts, which is less than the ten (10) feet minimum width required by City Zoning Code. The breezeway can be allowed because the Zoning Code allows a breezeway to connect between the main residence and a detached accessory structure without losing its status as a detached structure utilizing special setback provisions provided by the Zoning Code. The carport provides more than the minimum 20 foot length required by code without including any part of the breezeway extending between carport and garage, so the breezeway will not be utilized for the parking of vehicles.

In allowing the carport, the choice is between a carport of slightly less than the required minimum width, or allowing the carport to encroach into the required five foot side yard setback. As proposed and as shown on the plans submitted, the outer support posts of the carport are five feet from the property line, with a roof overhang of less than two feet. Since the detached garage is still accessible through the carport and provides the minimum 10 by 20 foot parking space required for a single-family house, allowing a narrower carport is reasonable and preferable to encroaching into the setback area. Furthermore, the carport is relatively attractive and well designed, and provides a desirable feature adding value to the house; and since the carport does not reduce any of the required yard areas, staff cannot find any reason why the request should not be approved.

It should be noted that the application was originally submitted by the previous owner of the property (Glen Goza); however, staff noted from Assessor's records that the property subsequently changed hands, so it was necessary to obtain a new letter of agency. The new property owner lives in New York and had previously given her sister (who now lives at the subject property) power of attorney in matters pertaining to purchase of the property, so this power was extended to allow this sister to act as the applicant for this request (Z04-298) instead of the previous owner.

The project site was posted and legal notice was sent to all property owners within 100 feet of the project site. No calls were received in response to the notice.

Agency Comments: The project was reviewed by the City of Sacramento Utilities Department and the Building Division of the City's Development Services Department. The Utilities Department noted that, as constructed, the detached garage and possibly portions of the carport (footings, for example) encroach into a five-foot public utility easement (PUE) for a sewer line along the southern property line of the lot. The conditions provided reflect the limitations and restrictions necessary to address this situation. Other comments received also have been included as conditions of approval.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15303 (a), New Construction or Conversion of Small Structures.

### **Conditions of Approval:**

#### **GENERAL**

1. Applicant must obtain all necessary building permits prior to commencing construction; recognizing that, in this case, the structures and addition have been already built without

building permits, applicant shall comply with all requirements of the Building Division for gaining final approval of building permits necessary to legitimize the existing structures.

2. This approval is to allow an accessory structure (the carport) as shown on the plans submitted to exceed maximum 40% lot coverage to 43%. Any additional accessory structures or other additions to the footprint of the house which further increase overall lot coverage shall require application for a new Special Permit or Variance, as appropriate.
3. Any deviations from or alterations to the approved plans, as well as any proposed future modification to the approved accessory structures, shall require additional review and approval by Planning Division, with the following exceptions:
  - reconstruction of the garage in a location such that it will no longer encroach into the existing 5-foot Public Utility Easement (PUE) shall NOT require additional Planning approval or entitlements, as long as it is rebuilt to the same size footprint, otherwise complies with all applicable zoning requirements, and is rebuilt with exterior materials and design to match the main house in appearance;
  - any combination of alteration, reconstruction, and/or addition to the main house which does not result in an increase in lot coverage beyond 43%; and
  - removal of the carport structure, thereby reducing lot coverage to within 40%.
4. Removal of the carport structure, without reconstructing it within a period of two years from the date of the demolition, shall result in the expiration of the Special Permit herein approved, and all entitlement for lot coverage greater than 40% maximum shall be considered revoked. (Note that removal of carport or garage requires demolition permit from Building Division.)

#### **DEPARTMENT OF UTILITIES**

5. The accessory structures (garage and carport) were built encroaching within a five foot public utility easement (PUE) and on top of a City 15-inch storm drain pipe within the PUE. The applicant and/or property owner shall enter into a hold harmless agreement with the City to the satisfaction of the Department of Utilities and City Attorney that shall include but not be limited to the following:

The City and its employees shall be held harmless from any damage to the structure due to the drain pipe or repair and maintenance of the drain pipe. The City has the right to remove any portion or all of the structures as necessary to repair or replace the drain pipe or construct other City utilities. The applicant and/or property owner shall be responsible for all cost the City incurs to remove the carport and garage as necessary to repair or replace the drain pipe or construct other City utilities. If for any reason or event the accessory structures (garage and carport) are substantially damaged or deteriorated, the structures shall not be allowed to be reconstructed within the public utility easement, but must be entirely outside of it.

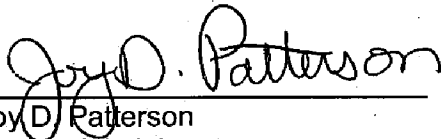
#### **Advisory Notes:**

##### **BUILDING DIVISION**

6. A one-hour fire rated wall shall be required per CBC Table 5-a for the garage wall that is less than three (3) feet from the property line.
7. The maximum length of the roof overhang for the wall that is 27 inches from the property line is seven (7) inches and shall have a one-hour fire rating per CBC Sections 503.2 and 705.
8. For the garage wall that is less than three (3) feet from the property line a parapet shall be installed per CBC Section 709.4.

**Findings of Fact:**

1. Granting the Special Permit is based upon sound principles of land use in that:
  - a. the proposed project meets the city's zoning requirements for this zone; and
  - b. the proposed project is compatible in design with the existing property and surrounding properties in the neighborhood;
2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
  - c. there will be adequate yard area and setbacks for the residence; and
  - d. the project will not generate significant impacts to the nearby residential properties.
3. The project is consistent with General Plan which designates the site as Low Density Residential 4-15 du/na.

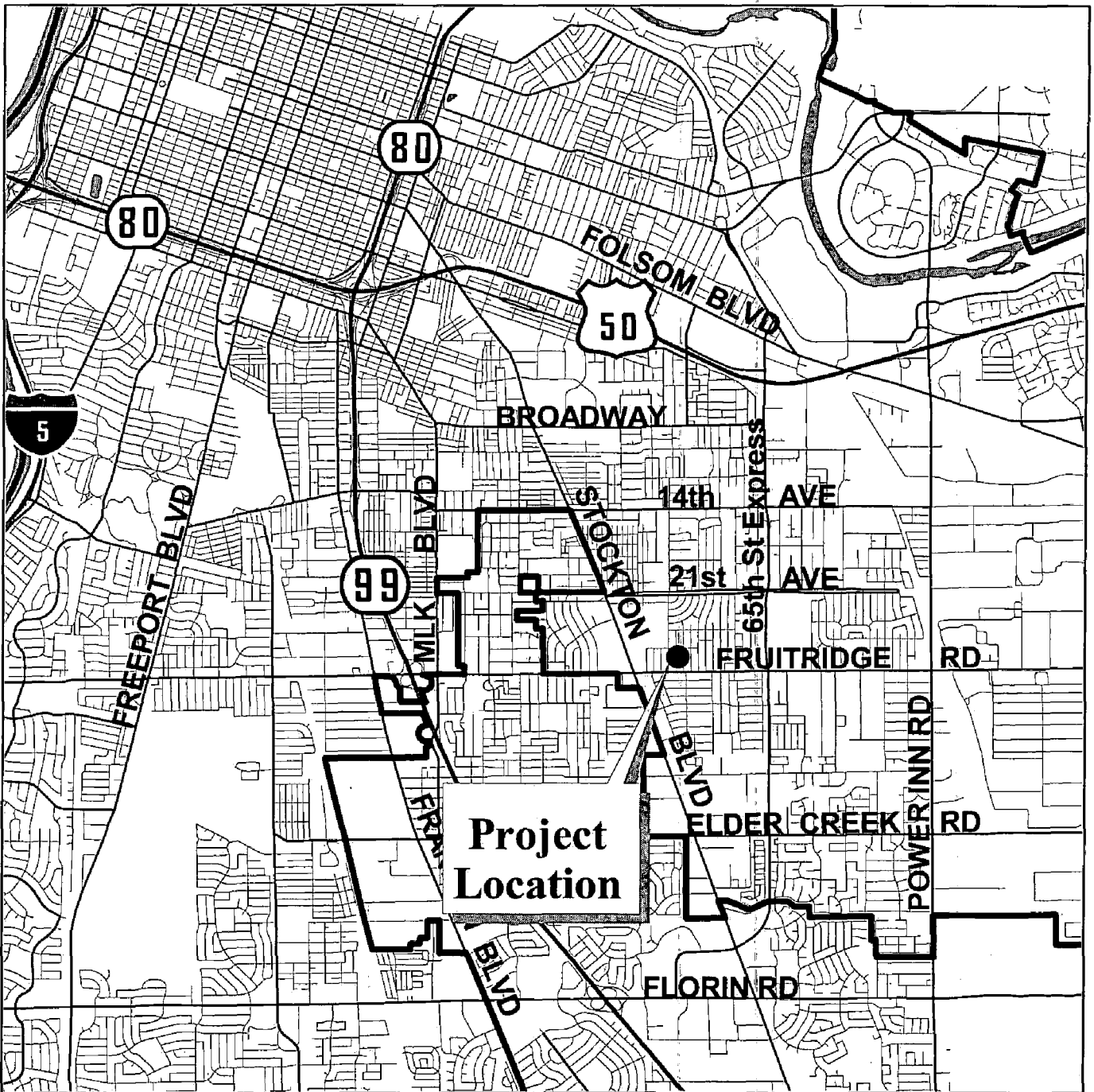



Joy D. Patterson  
Zoning Administrator

A use for which a Variance and/or Special Permit is granted must be established within two years from the date of approval. If such use is not so established, the Variance and/or Special Permit shall be deemed to have expired and shall be null and void. A Variance and/or Special Permit use which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File (original)  
ZA Log Book  
Applicant

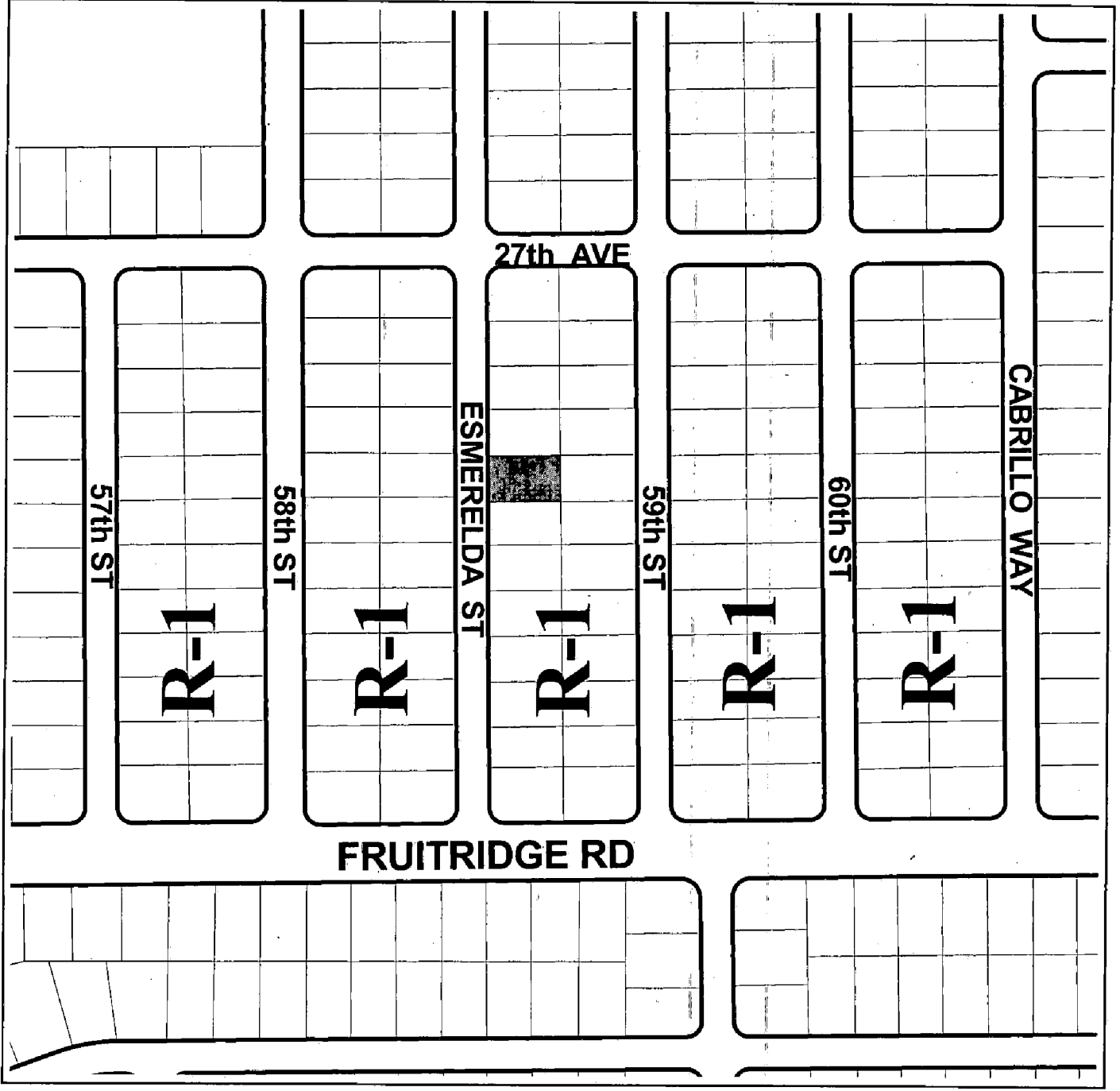



 Development Services  
Department

Geographic  
Information  
Systems

### Vicinity Map

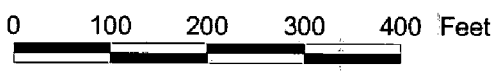


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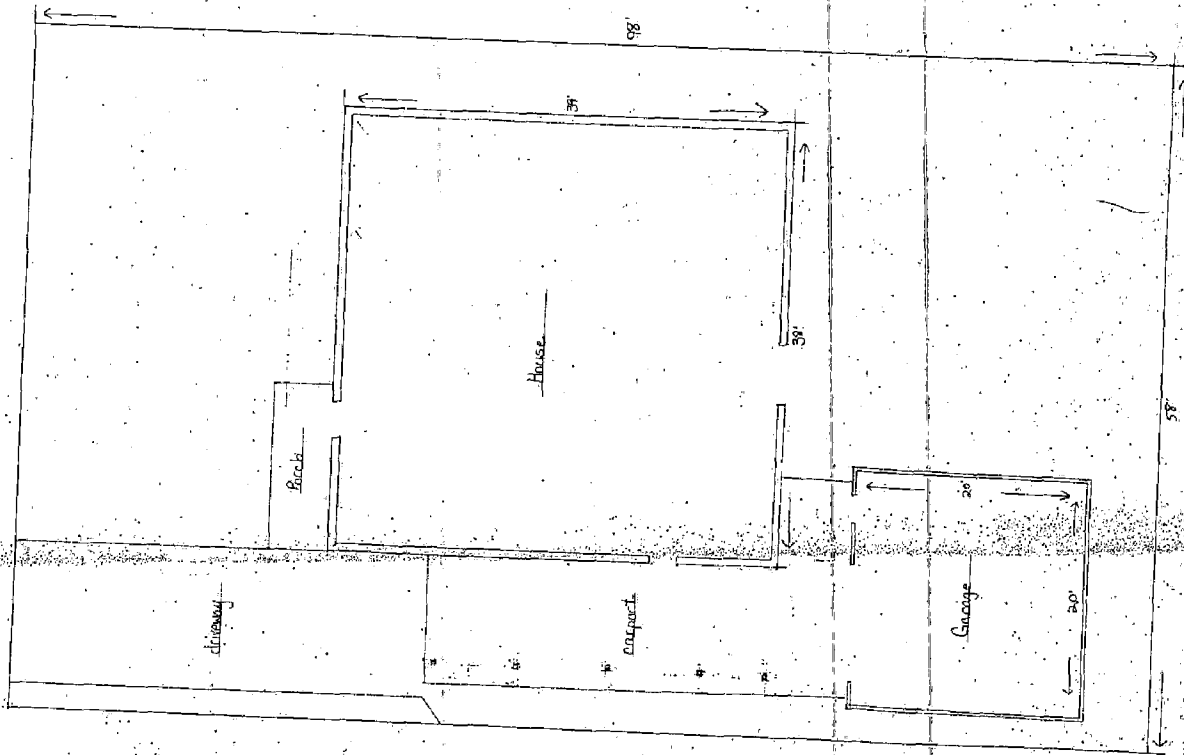
Geographic  
Information  
System

# Land Use & Zoning



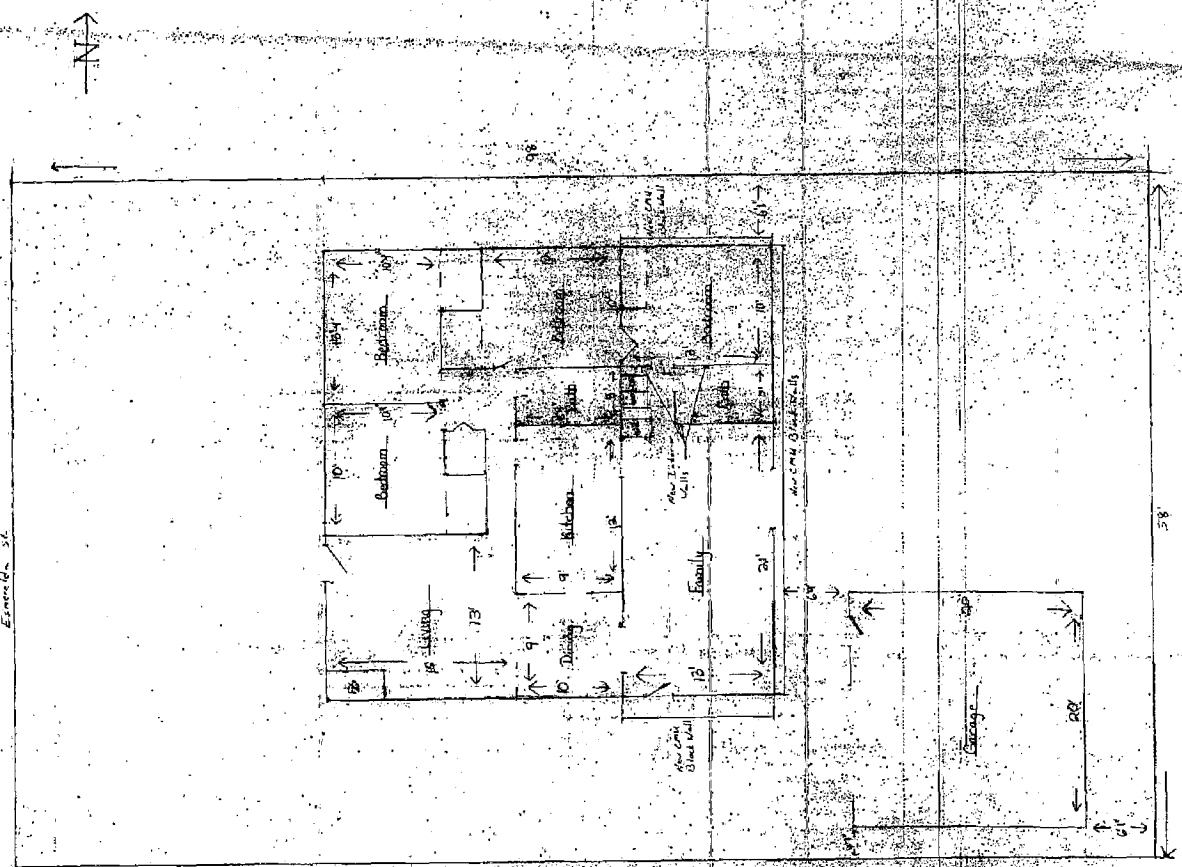
Z04-298

REC'D 09-08-2004



City Sacramento, CA  
 Sacramento, CA 95810  
 APN # 083-0233-080  
 Year Built: 1950  
 Scale: 1" = 10'

5317 Esmeralda St  
 Sacramento, CA 95820  
 APN # 023-0231-030  
 Year Built 1950  
 Sack - 4' x 1'-0"  
 Scope of Work: Addition  
 of new family room,  
 Eastern bedroom,  
 bathroom & garage



Floor Plan