

Confirmed 26th

CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:

ITEM 5
September 12, 1996
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P96-064 - 2213 Rene Avenue

- REQUEST:
- A. **Special Permit** to expand a non-conforming use by converting 1,287 square feet of an accessory building into a second residential unit on a .50 acre lot in the Light Industrial (M-1) zone (APN 238-0160-022),
 - B. **Lot Line Adjustment** to adjust the common property line between two parcels at 2213 and 2215 Rene Avenue in the Light Industrial (M-1) zone in the North Sacramento Community Plan. (D2) APN 238-0160-021 & 022.

LOCATION: 2213 and 2215 Rene Avenue
APN: 238-0160-021 & 022
North Sacramento Community Plan Area
Grant Joint Union School District
Council District 2

APPLICANT:	Frank and Peggy Johnson (916) 927-1293 2213 Rene Avenue Sacramento, CA 95838
OWNER:	Frank and Peggy Johnson (916) 927-1293 2213 Rene Avenue Sacramento, CA 95838
APPLICATION FILED:	June 24, 1996
STAFF CONTACT:	Taiwo Jaiyeoba 264-8287

SUMMARY:

The project proponent purchased the western parcel (238-0160-022) together with the house and garage in 1977 when the area was zoned as Standard Single Family (R-1) zone. However, the applicant did not request entitlements to legitimize the recent expansion of a non-conforming use. The eastern lot (238-0160-021) was purchased later as a separate parcel. The existing driveway of parcel 238-0160-022 as well as the fence line of the main residential unit falls onto lot 238-0160-021. The applicant is therefore requesting the necessary entitlements to relocate the common property line between the two lots and legalize the conversion of 1,287 sqft. of an accessory building into a second residential

unit. The subject site is developed with a 1,504± square foot main residence and a 1,680± square foot garage. The applicant has requested a Lot Line Adjustment to adjust the common property line between the two lots and a Special Permit to expand a non-conforming use.

RECOMMENDATION:

Staff recommends approval of the project. This recommendation is based on the fact that the expansion of the non-conforming use that created a second residential unit is already carried out and that the unit is compatible with other residential units in the area.

PROJECT INFORMATION:

General Plan Designation:	Heavy Commercial or Warehouse
Community Plan Designation:	Industrial
Existing Land Use of Site:	Residential Units & A Garage
Existing Zoning of Site:	Light Industrial (M-1) zone

Surrounding Land Use and Zoning:

North: Residential; M-1
 South: Residential; R-1
 East: Residential; M-1
 West: Residential; M-1

Structures:

Main Living Unit: 1,504 sqft.
 Additional Living Unit: 1,287 sqft.
 Garage: 1,680 sqft.
 Total: 4,471 sqft.

Setbacks: Required Provided

Front:	23'	30'
Side(east):	5'	13'5±'
Side(west):	5'	13'
Rear:	15'	98'8"

Property Dimensions and Area:

	Pre-Adjustment	Proposed
Lot 1	330' x 66' (21,780 sqft./ .50 acres)	330' x 86' (28,380 sqft./ .65 acres)
Lot 2	330' x 66' (21,780 sqft./ .50 acres)	330' x 46' (15,180 sqft./ .35 acres)

Square Footage of Second Unit:	1,287 square feet
Height of Building:	13'5"
Exterior Building Materials:	Wood
Roof Material:	Composition
Exterior Building Colors:	Brown
Street Improvements:	Existing
Utilities:	Existing

OTHER APPROVALS REQUIRED:

In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Building Permit	Building Division

BACKGROUND INFORMATION:

At the time that the project applicant purchased the property at 2213 Rene Avenue, it was a Standard Single Family (R-1) zone. It was developed, as it is today, with a 1,504 square feet main residential structure and a 1,680± square foot garage. In 1984, the area was rezoned as Light Industrial (M-1) zone because of noise concerns from McClellan Air Force Base. This created a legal non-conforming use on the property. The second parcel was later purchased as an addition to the developed lot and it is still vacant. The applicant converted a portion of the garage to create a second residential unit and did not apply for a permit to carry out the project. In order to legitimize the expanded non-conforming use, the applicant is requesting a Special Permit. In addition, a Lot Line Adjustment is requested in order to relocate the common line between the two properties.

STAFF EVALUATION:A. Policy Considerations

The General Plan designates the subject site as Heavy Commercial or Warehouse. The North Sacramento Community Plan designates the site as Light Industrial (M-1) zone. In 1984 the site was rezoned from Standard Single Family (R-1) zone to Light Industrial (M-1) zone because of the noise concerns for residents from the Air Force Base. The subject site had been in existence prior to that time. Thus, the expanded residential unit is not consistent with the modified General Plan and North Sacramento Community Plan land use designations. However, it is consistent with the existing residential use in the area. The proposal is consistent with the following goals and policies of the General Plan:

"Maintain and improve the quality and character of residential neighborhoods in the City". (Goal A. Section 2-1, City of Sacramento General Plan).

"Develop residential land uses in a manner which is efficient and utilizes existing and planned urban resources". (Goal C. Section 2-13, City of Sacramento General Plan).

B. Site Plan Design/Zoning Requirements

1. Special Permit/Lot Line Adjustment

The City's Zoning Ordinance specifies that the City Planning Commission, after a hearing, may issue a Special Permit authorizing:

- a similar or more restrictive non-conforming use of a conforming or non-conforming lot, building or structure, or,
- an expansion or enlargement of an existing non-conforming use on or within the building, structure or lot it occupies, provided the new non-conforming use is similar to, or less intensive than, the existing non-conforming use.

The subject site is in an area that is developed with predominantly single family residential units. The applicant is requesting a Special Permit to legalize an expanded non-conforming use. The expansion (1,287 sqft.) is less intensive than the existing main house (1,504 sqft.).

The applicant is in addition requesting for lot line adjustment to adjust the common boundary between the two lots. Staff has no objection to this request on the condition that a 20 feet wide shared driveway is used between the two lots. The lot line adjustment allows the existing residence to have an additional space for further development in the future. The applicant has indicated that in the future, the vacant lot may be developed.

The subject second residential unit is compatible with the existing residential development in the surrounding area. The unit does not encroach on the surrounding neighbors. Because the project site is large enough to support an expanded non-conforming use and because the second lot is also large enough, staff supports the Special Permit and the Lot Line Adjustment.

2. Setbacks

The main residential unit, the second residential unit and the garage on the project site total 4,471 square feet. Frontage is on Rene Avenue. The submitted site plan indicates that the second residential unit does not exceed the required front setbacks, or lot coverage. The existing rear yard setback is 98'8" which is more

than the required 15 foot rear yard setback.

C. Building Design

The exterior building material consists of wood and the exterior color is brown. Composition has been used as the roofing material. The second residential unit is consistent with the design of and the materials used for the primary residential unit, and is compatible with the surrounding residential neighborhood. The City of Sacramento Zoning Ordinance allows a maximum height limit of 75 feet in the Light Industrial (M-1) Zone. The second residential unit is in compliance with the 75 feet height limit, in that it is 13.5 feet (1 story).

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15061(b)(3)).

B. Public/Neighborhood/Business Association Comments

The proposed project site is within the North Sacramento Neighborhood. The project application packet was sent to the North Sacramento Congress of Neighborhoods and no comments were received. **The proposed project application packet was also sent to the surrounding land owners within a 500 foot radius of the project site. No comments were received.**

C. Summary of Agency Comments

The proposal was routed to the City's Traffic Engineer, Engineering Development Section, Building Department, Fire Department, and Utility Department. The following summarizes the comments received:

1. Fire Department

The Fire Department has indicated that the driveway be 20 feet wide and a provision for a turn around at the end of the driveway in the case of emergency. In addition, fire hydrant or sprinklers be provided to new construction and existing back portion of building. The specified sprinklers system is the 13 D type for residences.

D. Conditions of Future Development

If the lot is developed for residential purposes in future, the applicant will be

required to apply for the following entitlements:

1. Rezone from Light Industrial (M-1) zone to Single Family Residential (R-1) zone and Plan Amendment from Industrial to Residential,
2. Subdivision Modification to develop a sub standard lot (width less than 52 feet),
3. Variance to share an off-site driveway.

Since the site is less than 2 acres, for future development the applicant would be eligible to apply for hourly fees for work on the project.

However, if the vacant lot is to be developed for industrial purpose, a six-foot masonry wall should be erected on the north, east and west property lines to buffer adjacent residential units.

The future decision regarding McClellan Air Force Base will determine the zoning as well as the uses that can be carried out in the existing Light Industrial (M-1) zone. If in future, the use of the Air Force Base does not have high level noise impact on the neighborhood, a rezoning of the area to Single Family Residential (R-1) zoning is possible and might be initiated by the City.

PROJECT APPROVAL PROCESS:

The Planning Commission has the authority to approve or deny the requested Special Permit and Lot Line Adjustment. The decision of the Planning Commission may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION:

Staff recommends approval of the proposed development for the following reasons:

- The proposed project is consistent and compatible with adjacent residential development within the area.
- The proposed project meets the density for the site.
- The proposed project will provide adequate front and rear setbacks.
- The proposed project does not result in an increase in the size of the footprint for the existing garage and does not exceed the maximum rear yard coverage.

Staff recommends the Planning Commission take the following actions:


- A. Adopt the attached Notice of Decision approving the Special Permit to allow a 1,287 square foot expanded non-conforming residential unit in the Light Industrial (M-1) Zone.
- B. Adopt the attached Notice of Decision approving the Lot Line Adjustment to adjust the common property line between the two lots in the Light Industrial (M-1) Zone.

Report Prepared By,

Report Reviewed By,



Taiwo Jaiyeoba
Assistant Planner



Scot Mende
Senior Planner

Attachments

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|--------------|-------------------------|
| Attachment 1 | Notice of Decisions |
| Exhibit 1-A | Site Plan |
| Exhibit 1-B | Floor Plan |
| Attachment 2 | Vicinity Map |
| Attachment 3 | Land Use and Zoning Map |

ATTACHMENT 1

NOTICE OF DECISION AND FINDINGS OF FACT FOR AN EXPANDED NON-CONFORMING USE LOCATED AT 2213 RENE AVENUE, SACRAMENTO, CALIFORNIA IN THE LIGHT INDUSTRIAL (M-1) ZONE (P96-064)

At the regular meeting of August 22, 1996, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. Environmental Determination (Exemption)
- B. Approved the Special Permit to expand a non-conforming use by converting 1,287 sqft. of an accessory building into a second residential unit on a .50 acre lot in the Light Industrial (M-1) zone;
- C. Approved the Lot Line Adjustment to adjust the common property line between two parcels at 2213 and 2215 Rene Avenue in the Light Industrial (M-1) zone.

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. Categorical Exemption: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section 15061(b)(1) of the California Environmental Quality Act.
- B. Special Permit: The Special Permit to expand a non-conforming use by converting 1,287 sqft. of an accessory building into a second residential unit on a .50 acre lot is hereby approved based upon the following findings of fact:
 - 1. Granting the Special Permit is based upon sound principles of land use in that:
 - a) The proposed project meets the density for the site;
 - b) The subject building is existing and in good condition;
 - c) The use is compatible with existing development in the area.

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2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
- a) The proposed project does not result in an increase in the size of the existing footprint, and does not exceed the maximum rear yard coverage;
 - b) The expanded residential unit is compatible with the front dwelling unit and the adjacent residential units in the area.
- C. Lot Line Adjustment to adjust the common property line between two parcels is approved subject to the following Findings of Fact and conditions of approval:
- a) The lot line adjustment will not result in the abandonment of any street or utility easement of record;
 - b) The lot line adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel.

CONDITIONS OF APPROVAL

- B. The Special Permit to expand a non-conforming use by converting 1,287 sqft. of an accessory building into a second residential unit on a .50 acre lot is hereby approved subject to the following conditions:
- A. The applicant shall obtain a Building Permit for the expanded residential unit.
 - B. Any future addition or expansion of the expanded residential unit shall be reviewed and approved by the Planning Commission or the Zoning Administrator prior to issuance of a Building Permit.
- C. The Lot Line Adjustment (Exhibits 3-A & 3-B) to adjust the common property line between two parcels at 2213 and 2215 Rene Avenue subject to the following conditions:
- Applicant shall complete the following at the Public Works Department, Development Services Division, prior to a lot line adjustment being recorded:

1. File a Certificate of Compliance, submit all required documents according to the submittal requirements checklist, and pay necessary fees.
2. File a waiver of Parcel Map.
3. Properly abandon any excess water services to the satisfaction of the Water Division (one service per lot is permitted).

CHAIRPERSON

ATTEST:

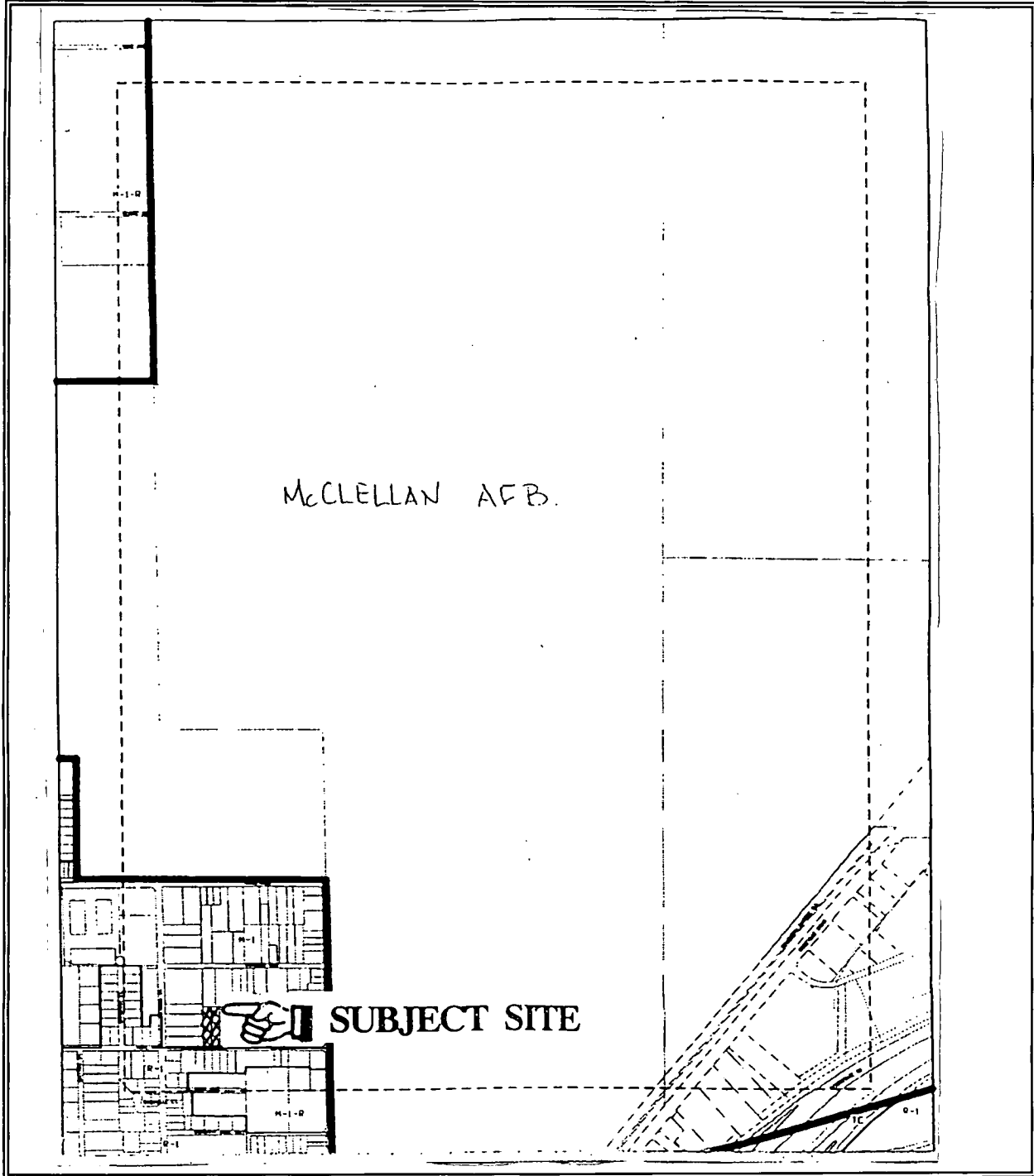
SECRETARY TO PLANNING COMMISSION
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Attachment 3
LAND USE AND ZONING MAP

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Attachment 2
VICINITY MAP

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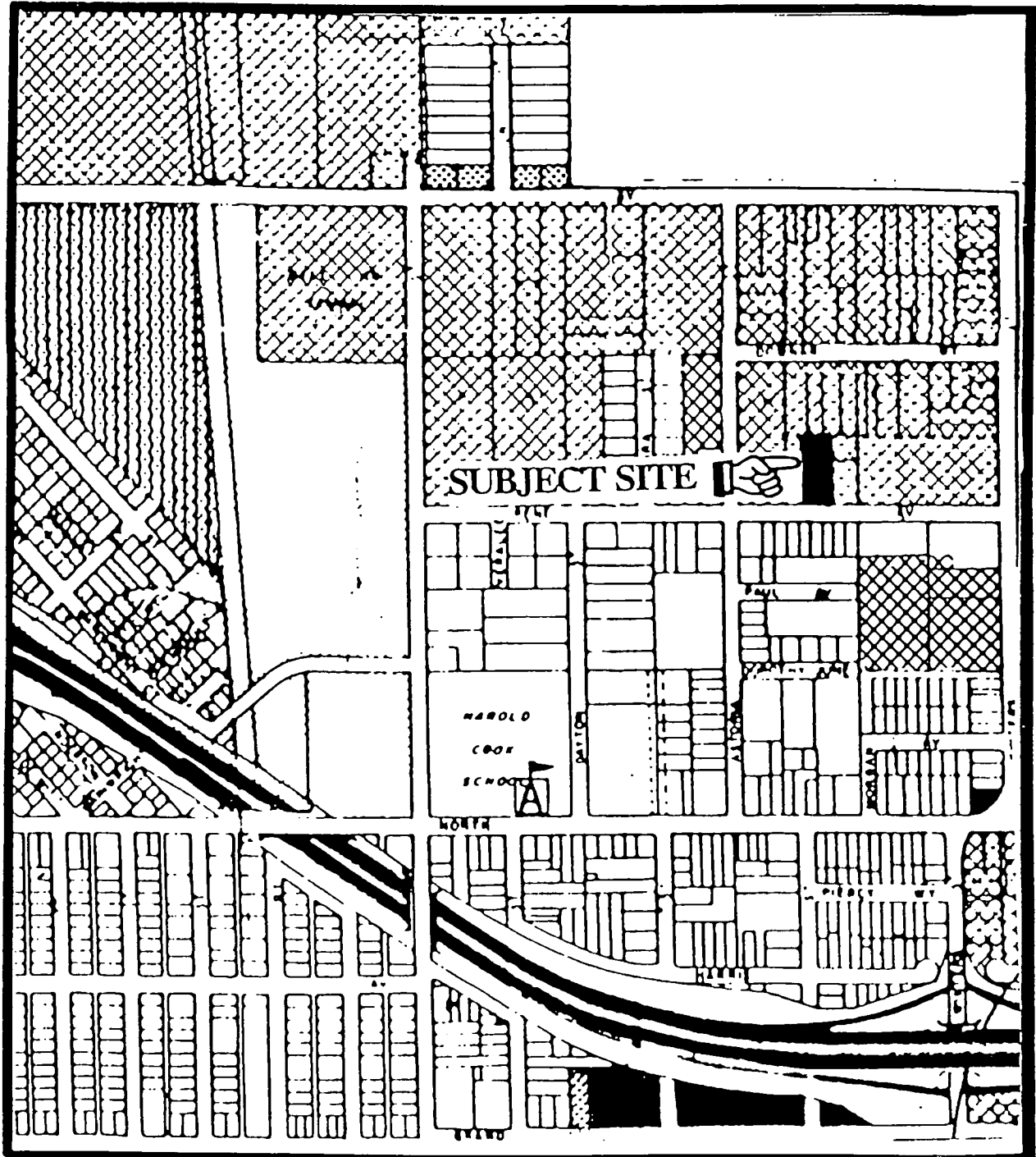


Exhibit 1-A

SITE PLAN

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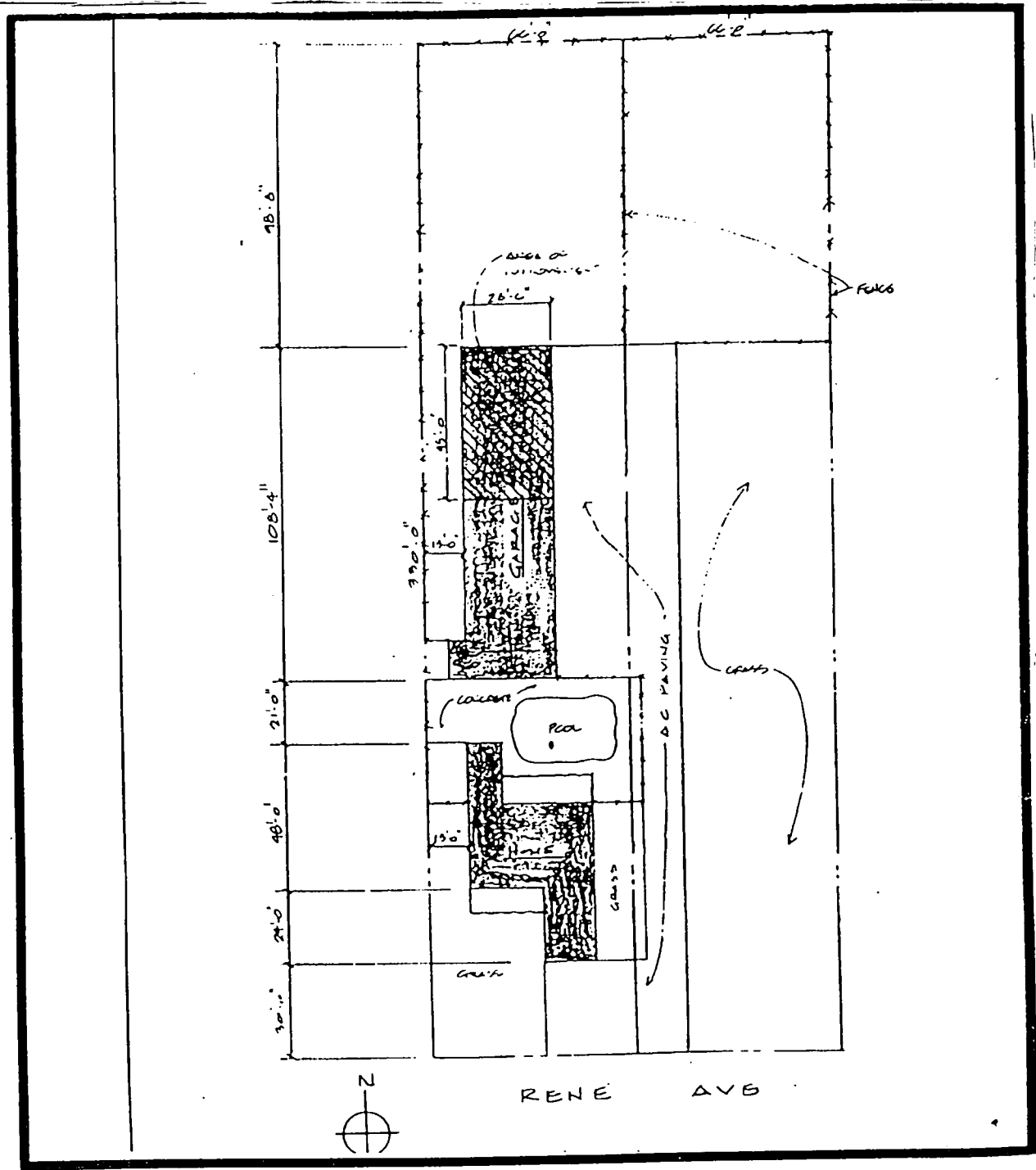


Exhibit 1-B

FLOOR PLAN

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