

P97-094 FLYNN GARAGE

- REQUEST:
- A. Special Permit to construct a second residential unit in the R-1 zone.
  - B. Variance to reduce the rearyard setback from 15 feet to 3 feet.
  - C. Variance to reduce the sideyard setback from 5 feet to 0 feet.
  - D. Variance to allow tandem parking.

LOCATION: 1350 42nd Street  
APN: 008-0262-001  
Council District 3  
East Sacramento Community

APPLICANT:	Dale Flynn, 916-752-1962 1350 42nd Street, Sacramento, CA 95819
OWNER:	Dale Flynn, 916-752-1962 1350 42nd Street, Sacramento, CA 95819
APPLICATION FILED:	August 19, 1997
STAFF CONTACT:	Mark Kraft, 264-8116

**SUMMARY:** The applicant is requesting the necessary entitlements to construct a second residential unit in the Single Family Residential (R-1) zone. The proposed project requires a Special Permit to establish this use in the R-1 zone. The proposed project also requires side and rear setback variances to construct the unit above the garage on the existing garage pad. Due to site constraints, the applicant is also requesting a Variance to provide tandem parking.

**RECOMMENDATION:** Staff recommends approval of the project, subject to conditions. This recommendation is based upon the suitability of the site for the proposed use, the compatibility of the proposed use with surrounding land uses, the minimal impact upon

the surrounding residential neighborhood and consistency with General Plan land use designation and General Plan policy encouraging the development of affordable infill housing.

**PROJECT INFORMATION:**

General Plan Designation:	Low Density Residential (4-15 du/na)
Proposed Density:	12.6 du/na
Existing Zoning:	Standard Single Family-R-1
Proposed Zoning:	Same
Existing Land Use:	Residential

**Surrounding Land Use and Zoning:**

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

Property Dimensions:	50' x 139' (.16 acres)
Existing Lot Coverage:	2325 square feet (33%)
Allowed Lot Coverage:	40%
Height of Existing Building: (Garage):	10 feet
Proposed Height of Res. Unit over garage:	18
Height Limit R-1 zone:	35 feet
Total Required Parking:	2 spaces
Total Proposed Parking:	2 spaces (Tandem)
Street Improvements:	Existing

**OTHER APPROVALS REQUIRED:** In addition to the above land use entitlements, the project will be required to obtain building permits.

**BACKGROUND:** The applicant is proposing to rebuild an existing garage on its present site, and to construct a one bedroom studio apartment above this garage. The garage and the residential unit would be 400 square feet each for a total building size of 800 square feet. The applicant is constructing the unit for their mentally retarded adult son, so that he may live as independently as possible.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The proposed project is consistent with the General Plan designation of Low Density Residential (4-15 du/na) in that the proposed density is 12.6 du/na and in that construction of second residential units is allowed, by Special Permit, in the R-1 zone, the zone compatible with this General Plan designation.

The project, in providing a potential future rental unit, is also consistent with General Plan policy encouraging the addition of residential units to the housing stock, and the development of infill housing, as well as policy encouraging the provision of housing affordable to all income groups. Specifically, the project is consistent with the following General Plan policy:

Sec 1-31 Policy 2-

It is the policy of the City that adequate quality housing opportunities be provided for all income households and that projected housing needs are accommodated.....providing a variety of residential uses near major employment centers...can help insure housing opportunities for all income households employed in those areas.

Sec 2-12 Goal B

Provide affordable housing opportunities for all income household categories throughout the city.

Sec 2-13 Goal C

Develop Residential land uses in a manner which is efficient and utilizes existing and planned urban resources.

Sec 2-14 Policy 4

Promote infill development as a means to meet future housing needs...

General Plan policy (Sec 2-15, Policy 5 and Sec 3-48, Policy 4) also specifically supports efforts to provide varied housing opportunities by allowing secondary units on single family lots.

B. Zoning Considerations

1. Special Permit for a Second Residential Unit in the R-1 zone

The City's Zoning Ordinance allows construction of second residential units in the R-1 zone subject to granting of a Special Permit. In order to approve a Special

Permit for a second residential unit, the Planning Commission must make a finding that 1) the architecture is compatible with that of the main building; and 2) the area of the second residential unit will not exceed 850 square feet.

The proposed project, at 400 square feet, is well below the maximum allowed for second residential units. The architecture, of brick and stucco construction with tile accent and flat roof, is compatible with the existing house.

In granting the Special Permit, the Commission must also make the findings that the project is based upon sound principles of land use, must not create a nuisance, and must be consistent with general or specific plans for the area. Staff is of the position that these findings can be made for the following reasons:

- 1) The proposed structure will not overwhelm the surrounding neighborhood in that the structure, at 18 feet, is well below the 35 foot height limit for the R-1 zone and the proposal does not increase lot coverage, which is currently well below that allowed in the R-1 zone. The project is compatible in height with the other homes in the neighborhood, the majority of which are two story. Additionally, the structure would have limited visibility from the street, and would be screened by existing landscaping from properties to the north and west. The proposed structure would be ancillary to the main house in terms of height and mass.
- 2) The project does not include windows which would invade the privacy of surrounding neighbors.
- 3) The project will be conditioned so that the property will be owner occupied.
- 4) There is a precedent for second units over garages in the neighborhood, with a second unit already existing in close proximity to the project site, at 1361 42nd Street.

Given the preceding findings, staff supports the requested Special Permit.

## 2. Height and Area Regulations (Setback Variances)

The applicant proposes to construct the project on the existing garage pad which is located on the north (side) property line, and 3 feet from the rear (west) property line. The Zoning Ordinance requires a 15 foot rearyard setback and a 5 foot sideyard setback. The configuration of the lot including the location of the existing main house, makes compliance with the rearyard setback impossible. Additionally, movement of the structure to the south would negatively impact vehicle maneuvering and result in an awkward aesthetic appearance from the street. The

requested variance, therefore, does not constitute a special privilege, and would be granted to any property owner facing similar circumstances. The proposed project complies with the height and lot coverage requirements of the zoning ordinance, as well as setback requirements for the north and south sides of the structure. Staff therefore supports the requested variances.

### 3. Variance for Tandem Parking

The Zoning Ordinance requires that a second unit be provided with off-street parking which is independently accessible from the street. Although the existing 116 foot driveway provides ample parking space, the driveway is wide enough for only one car, and therefore cannot supply independently accessible parking. Therefore, a variance to provide tandem parking is requested. Although it would be technically feasible to provide an additional parking space via a parking pad in the front yard, staff considers this to be an unnecessary and aesthetically undesirable alternative. Staff therefore supports the variance to provide tandem parking.

### PROJECT REVIEW PROCESS:

#### A. Environmental Determination

The City Environmental Coordinator has determined that the proposed project is exempt from environmental review pursuant to CEQA, Section 15303.

#### B. Public/Neighborhood/Business Association Comments

The proposed project application packet was sent to the East Sacramento Improvement Association. Land owners within a 500 foot radius of the project site were also notified of the proposed project. The East Sacramento Improvement Association provided a written response stating opposition to the project unless an owner occupancy condition is included. Five letters of opposition/concern were received from neighbors of the project site. The main concerns expressed in these letters were regarding concern for the privacy of the surrounding units and concern that the site remain completely owner occupied and that the second unit not become a rental unit.

In response to the concern regarding the privacy of neighbors, the applicant has agreed to remove the transom windows from the north and east elevations of the building, and to utilize skylights to obtain necessary lighting.

With regard to the issue of owner occupancy, the letter of concern from the East Sacramento Improvement Association requested a condition that at least one of the units be owner occupied. A condition, similar to that placed on a recent second unit project at 1242 33rd Street (Z96-038) was suggested. However, neighbors of the project have requested that a condition be placed upon the project that requires both units must be owner occupied and that this requirement be written as a covenant to be recorded and becomes part of the title.

In acknowledging the neighborhood's concerns regarding neighborhood stability, staff has included in the Notice of Decision a condition identical to that approved for 1242 33rd Street. The condition, requiring that one of the units be owner occupied, addresses the neighbor's primary concerns without sacrificing the potential for an affordable living unit in an area which is currently limited in affordable housing opportunities.

The City attorney has advised staff that requiring owner occupancy of both units is not legally enforceable, and that requiring a covenant to be recorded on the deed cannot be legally required. Furthermore, staff does not support the complete restriction of the owners right to rent the property, a right enjoyed by all single-family homeowners. Staff believes this type of restriction would set a bad precedent for all second units proposed in the City, and jeopardize the City's ability to meet its affordable housing objectives in the future.

C. Summary of Agency Comments

The proposal was routed to several City departments and other agencies. The following summarizes the comments received:

1. Utilities

The Department of Utilities has an existing 8" sewer line running through the back end of the lot. This line is one foot from the existing garage foundation. The owner should make sure that the ground over the pipe where the trench was located can support the added weight of the addition.

2. Police

The project is visible from the street and not intended for alley access use. It is of minimal potential problem for law enforcement.

3. Building

One hour fire separation between living area and garage. No access allowed from garage to bedroom. Wall on the side where setback is 0', a one hour fire wall is required and no opening allowed.

PROJECT APPROVAL PROCESS:

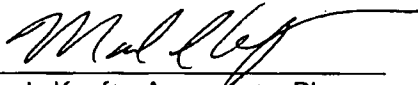
The Planning Commission has the authority to approve or deny the requested Special Permit and Variances. The decision of the Planning Commission may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

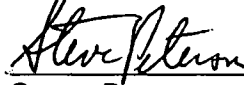
- A. Adopt the Notice of Decision and Findings of Fact approving the Special Permit to construct a second residential unit in the R-1 zone.
- B. Variance to reduce the rearward setback from 15 feet to 3 feet.
- C. Variance to reduce the cedarwood setback from 5 feet to 0 feet.
- D. Variance to allow tandem parking.

Report Prepared By:



Mark Kraft, Associate Planner

Report Reviewed By:



Steve Peterson, Senior Planner

ATTACHMENTS

Attachment A  
Exhibit A-1  
Attachment B  
Attachment C  
Attachment D

Notice of Decision and Findings of Fact  
Site Plan\Floor Plan\Elevations  
Vicinity Map  
Land Use and Zoning Map  
Letters from Neighbors

**ATTACHMENT A:  
NOTICE OF DECISION AND FINDINGS OF FACT FOR**

**FLYNN GARAGE.**  
located at 1350 42nd Street  
SACRAMENTO, CALIFORNIA  
APN: 008-0262-001 (P97-094)

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At the regular meeting of January 22, 1998, 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. Approved a Special Permit to construct a second residential unit in the R-1 zone.
- B. Approved a Variance to reduce the rearward setback from 15 feet to 3 feet.
- C. Approved a Variance to reduce the cedarwood setback from 5 feet to 0 feet.
- D. Approved a Variance to allow tandem parking.

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

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**FINDINGS OF FACT:**

- A. The Special Permit to construct a second residential unit in the R-1 zone is approved subject to the following findings of fact.
  - 1. The Special Permit, as conditioned, is granted upon sound principles of land use in that the proposed second unit would be compatible with the surrounding commercial land uses.
  - 2. The Special Permit will not be detrimental to the public's health, safety, or welfare, or result in the creation of a nuisance in that the proposed project is compatible in scale with surrounding development, and adequately screened so as not to invade the privacy of surrounding properties.
  - 3. The Special Permit is in conformity with the General Plan and Central City Community Plan policies in that the project will provide an additional unit to the City's housing stock.



- B. The Variance to reduce the rearward setback from 15 feet to 3 feet is **approved** subject to the following finding of fact:
1. The Variance does not constitute a special privilege extended to an individual property owner in that the variance would be granted to other property owners facing similar circumstances.
  2. The Variance does not constitute a "use variance" in that the proposed project is allowable, by Special Permit, in the R-1 zone.
  3. The Variance will not be injurious to the public welfare, nor to property in the vicinity of the project.
  4. The Variance is consistent with goals and policies of the General Plan and Central City Community Plan.
- C. The Variance to reduce the cedarwood setback from 5 feet to 0 feet is **approved** subject to the following findings of fact:
1. The Variance does not constitute a special privilege extended to an individual property owner in that the variance would be granted to other property owners facing similar circumstances.
  2. The Variance does not constitute a "use variance" in that the proposed project is allowable, by Special Permit, in the R-1 zone.
  3. The Variance will not be injurious to the public welfare, nor to property in the vicinity of the project.
  4. The Variance is consistent with goals and policies of the General Plan and Central City Community Plan.
- D. The Variance to allow tandem parking is hereby approved subject to the following findings of fact.
1. The Variance does not constitute a special privilege extended to an individual property owner in that the variance would be granted to other property owners facing similar circumstances.
  2. The Variance does not constitute a "use variance" in that the proposed project is allowable, by Special Permit, in the R-1 zone.

3. The Variance will not be injurious to the public welfare, nor to property in the vicinity of the project.
4. The Variance is consistent with goals and policies of the General Plan and Central City Community Plan.

**CONDITIONS:**

- A. The Special Permit to construct a second residential unit in the R-1 zone is approved subject to the following conditions:
  - A1. The Department of Utilities has an existing 8" sewer line running through the back end of the lot. This line is one foot from the existing garage foundation. The owner shall ensure that the ground over the pipe where the trench was located can support and added weight of the addition.
  - A2. Prior to issuance of a certificate of occupancy for the project, the existing structure shall comply with applicable building codes, to the satisfaction of the Building Division.
  - A3. To maintain the use of the second residential unit, the owner of the subject property shall be the occupant of the primary residence or the second residential unit at all times that the second residential use is occupied. Upon sale of the property, the subsequent owner shall file an affidavit with the City, acknowledging the forgoing condition, and stating either that the owner is an owner occupant, or that the owner will be an occupant of either the primary residence or the second residential unit if and when the second residential unit is occupied. Failure to satisfy the foregoing condition shall be grounds for revocation of the Special Permit, in addition to any remedies sanctions or relief that may be available under the Zoning Ordinance or any other statute, law or regulation.
  - A4. The proposed transom windows on the north and west elevations of the building shall not be constructed. Skylights shall be utilized to achieve necessary lighting.

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CHAIRPERSON

ATTEST:

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SECRETARY TO THE PLANNING COMMISSION

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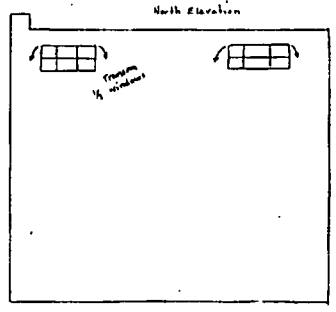
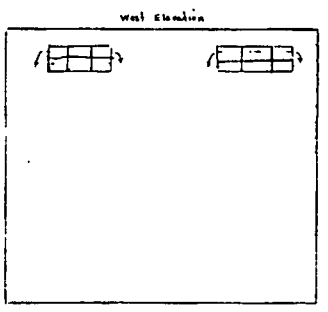
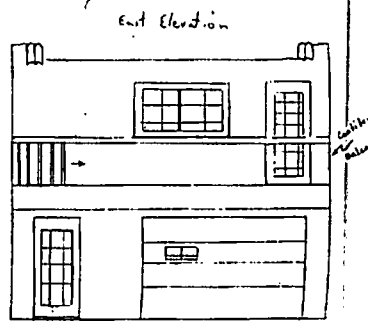
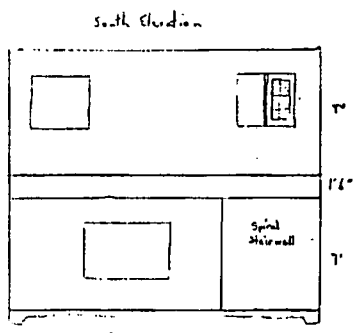
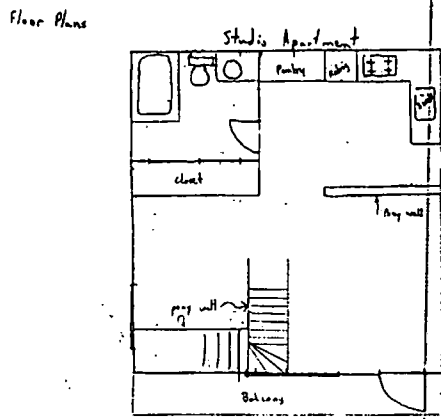
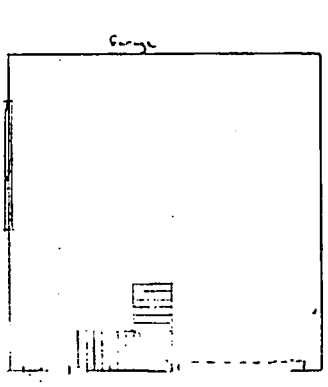
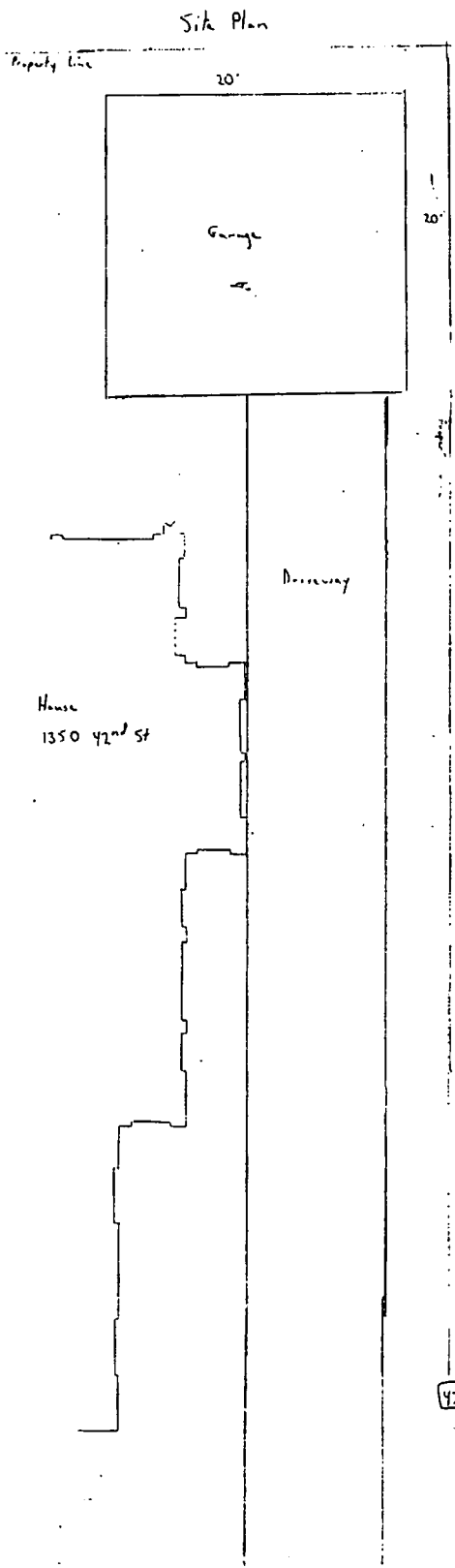
DATE  
(P97-094)

Attachments

Exhibit A-1 Site Plan\Floor Plan\Elevations

EXHIBIT A-1 - FLOOR PLAN - ELEVATIONS

~~Item 4~~  
Item 4

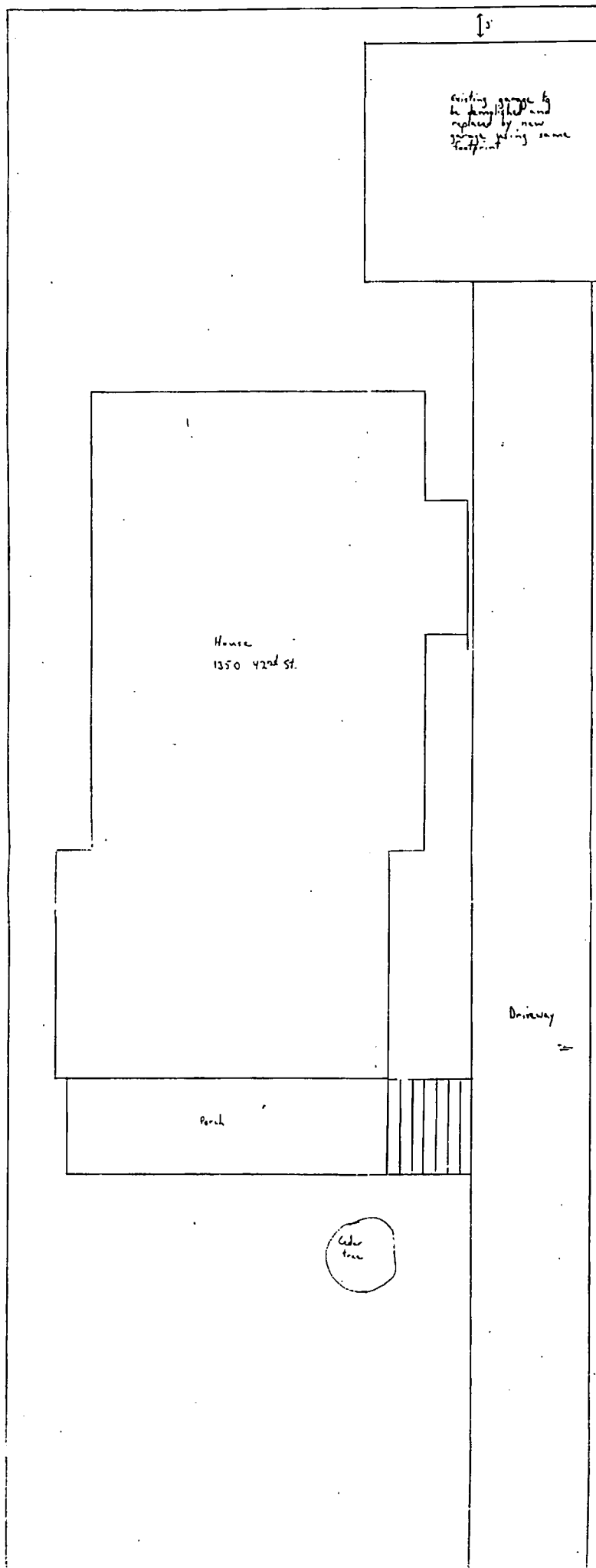


N →  
1/4" = 1'

42nd St  
↓

EXHIBIT A-1 - SITE PLAN

PG. 12  
Item #4



existing garage to be demolished and replaced by new garage taking same footprint

House  
1350 42nd St.

neighboring house

Driveway

Porch

Cedar tree

1/4" = 1'  
N →

3



Attachment B  
Vicinity Map





# EAST SACRAMENTO IMPROVEMENT ASSOCIATION

*Neighbors helping neighbors since 1958*

November 12, 1997

RECEIVED

NOV 17 1997

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

Re: Project #97-109, Application for Special Permit for second residential unit at 1350 42nd Street.

Dear Mark Kraft:

East Sacramento Improvement Association, ESIA, is opposed to granny units in the East Sacramento Area because of the impact to our residential neighborhoods. ESIA would ask City Planning Commission to deny the Special Permit to build a second residential unit above a new detached garage at 1350 42nd Street, unless an owner-occupancy condition is included.

In order to preserve the integrity of the family neighborhood environment, ESIA is opposed to all Special Permits to erect extension units that may be considered rental property. ESIA believes that rental units promote neighborhood instability, see *Sonnheim v. City of San Dimas*, (1996) 47 Cal. app.4th 1181.

In the case of the applicant at 1350 42nd Street, we understand the special circumstances and the needs to accommodate a mentally retarded adult family member.

East Sacramento Improvement Association requests that owner-occupancy be a condition for Special Permit applicants in the East Sacramento community; thus requiring the owner to occupy one of the residences on the property at 1350 42nd Street. ESIA believes that an owner-occupancy condition is essential for the following reasons:

1. It better promotes neighborhood stability.
2. It preserves the character of the existing single family neighborhood.
3. It discourages both speculation and absentee ownership.
4. It provides legal and reasonable ownership to property.





# EAST SACRAMENTO IMPROVEMENT ASSOCIATION

*Neighbors helping neighbors since 1958*

The City of Sacramento recently imposed the owner-occupancy provision in the judgement for a Special Permit at 1242 33rd Street. I have attached a sample condition for owner-occupancy.

East Sacramento Improvement Association asks the City Planning Commission to deny the Special Permit for 1350 42nd Street, unless there is a strict condition for owner-occupancy at this property.

Linda Cook, Board Member  
East Sacramento Improvement Association  
1371 43rd Street  
Sacramento, CA 95819  
(916) 453-8996

PROPOSED OWNER OCCUPANCY CONDITION

To maintain use of the second residential dwelling unit, the owner of the subject property shall be the occupant of the primary residence or the second residential dwelling unit at all times that the second residential unit is occupied. Upon sale of the property, the subsequent owner shall file an affidavit with the City acknowledging the foregoing condition, and stating either the owner is an owner occupant, or that the owner will be an occupant of either the primary residence or the second residential unit if and when the second residential dwelling unit is occupied.

Failure to satisfy the foregoing condition shall be grounds for revocation of the special permit, in addition to any remedies, sanctions or relief that may be available under the Zoning Ordinance or any other statute, law or regulation.

SUE M. SHEEHAN  
1400 - 43RD STREET  
SACRAMENTO, CA 95819

January 21, 1998

Mr. Mark Kraft  
Planning Division  
City of Sacramento California  
1231 I Street, Room 300  
Sacramento, Ca. 95814-2904

Re: P97-094

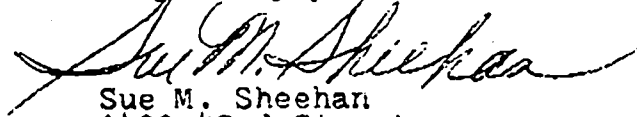
Dear Mr. Kraft,

By method of this letter, I am notifying you of my objection to the above referenced proposal for entitlements to construct a 400 square foot second residential unit above a detached garage on 0.16+ developed acres in the Single Family Residential (R-1) zone located at 1350 42nd Street, APN: 008-0262-001. My objection is inclusive of : A. Special Permit, B. Variance, C. Variance, and D. Variance as described in your January 8, 1998 Public Notice to Property Owner.

I am in receipt of a copy of a November 12, 1997 letter of objection on this issue addressed to you by East Sacramento Improvement Association Board Member Linda Cook which requested owner-occupancy be a condition for Special Permit occupants. I agree with this position. I do not, however, agree with the Proposed Owner Occupancy Condition as outlined by ESIA in an attachment to Ms. Cook's letter. The sovereignty of owner-occupancy cannot be preserved if a second residential dwelling unit is allowed, regardless of which unit the owner occupies.

I am understanding of the special circumstances of the applicant family, and ask them to explore locations within the neighborhood that are already zoned for duplex. There are several. This could be less obtrusive, more cost effective and, certainly, more accomodating to all concerned.

Very truly yours,



Sue M. Sheehan  
1400 43rd Street  
Sacramento, Ca. 95819  
(916)7391665

cc: Linda Cook, ESIA

January 19, 1998

Neighborhoods  
Planning and Development  
Service Dept.  
City of Sacramento.

RECEIVED

JAN 21 1998

CITY OF SACRAMENTO

This letter is in response to a public notice dated 1-8-98 concerning the proposed project P 97-094 located in a single family residential (R-1) zone whose address is 1350 42<sup>nd</sup> Street.

We on 41<sup>st</sup> street whose backyards are adjacent to the proposed project will experience less privacy and a closed in feeling. We therefore request that no window openings be placed on the west and north sides. We also request that this proposed living space never be used as a rental.

John Harry Carter  
1437-41<sup>ST</sup> ST.

Shirley B. Carter  
1437-41<sup>ST</sup> ST.

Meriel A. Hanna 1355 41<sup>th</sup> St.

Ruth Ledy Ginter 1340 41<sup>th</sup> St.

Annabelle L. Smith 1332-41<sup>th</sup> St.

Jane Fingar, 1337-41<sup>th</sup> Street

RECEIVED

JAN 21 1998

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

JANUARY 15, 1998

Regarding Project #97-094  
Added Second Residence at 1350 42nd Street, Sacramento, Ca.

ATTENTION: MARK KRAFT

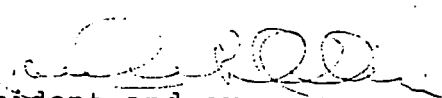
Regarding the Public Notice which I received this week.....!!!

As this is a residential neighborhood, and as a 40 year resident of neighborhood and my home, I have seen some changes in the views of the City Planning Commission, some good and some bad decisions.

Owner occupancy is essential for neighborhood stability. There are at present, two rentals on that particular block. I would have no challenge to the permit being asked if the City Planning Commission would severely structure the conditions regarding owner-occupancy for this separate structure proposed to be erected.

Require OWNER-OCCUPANCY at all times of subject property and the second dwelling. If said property is sold the same conditions would prevail to any and all owners now and in the future. This property has been on the real-estate market in the past by present owner. Is she making a committment.....

Lets promote neighborhood stability by wise choices.



Resident and owner

Lorelei Olin

1327 42nd Street

Sacramento, Ca. 95819

To: City of Sacramento  
Planning Services Division

**CAROLYN A. GRANUCCI**  
1301 42nd Street  
Sacramento, California 95819  
(916) 457-7938

Mark Kraft  
City of Sacramento  
Neighborhoods, Planning and  
Development Services Department  
1231 I Street, Room 300  
Sacramento, California 95814-2904

Re: Project #97-109  
Application for Special Permit for Second Residential  
Unit at 1350 42nd Street

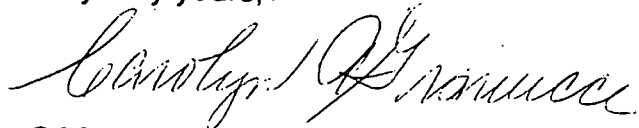
Dear Mr. Kraft:

My husband and I have lived in East Sacramento for 50 years. East Sacramento has always consisted of single family dwellings which helps to make the neighborhood unique. As long time residence, we would like to see the single family dwellings of East Sacramento maintained.

We understand that some families have special circumstances, such as a special needs child, grandparents or parents who need assistance, and therefore need to live with them. We in no way want to block the residence of 1350 42nd Street from accommodating their family member in need, however, we would like to see a condition put on their Special Permit. It is our wish that a condition of the Special Permit be that the **owner** of the property at 1350 42nd Street or a **family member** may be the **only** people permitted to occupy either the main residential unit or the second residential unit at any time. To ensure this restriction binds future owners, we would request that the restriction be in the form of a covenant which is recorded and becomes part of the title.

We know your job is not easy trying to keep everyone in the area happy, and we appreciate you taking the time to read this letter.

Very truly yours,



**CAROLYN A. GRANUCCI**

January 19, 1998

Mark Kraft  
City Planning Division  
City of Sacramento

1350 42nd Street, Rm 300  
Sacramento, CA 95814-2904

Subject: Proposed Project - P97-094

Dear Mr. Kraft,

I am writing to voice my objection to the proposed project, P97-094, at 1350 42nd Street. I live one street away from the proposed project and it will not directly impact me, but I feel that it would certainly impact me in a negative fashion if it were planned by my next door neighbor.

It appears from the description that rear yard and side yard setbacks would be reduced to 3 ft and 0 ft, respectively. I would certainly not want my next door neighbor to construct a completely separate second story, dwelling unit, right up against my property.

If this project were approved, it would set a precedent for future like-kind projects. Converting single family residences into multiple residences is not in the best interests of this neighborhood. While the current owners intended use may not involve renting the second residence, what would preclude a subsequent owner from doing so. Even if not rented, the additional cars, and comings and goings associated with another residence on one lot is not a positive for the neighbors.

There would appear to be alternatives to the planned project that might satisfy the needs of the owner at 1350 42nd street. Have they looked into adding a room on to their home? Have they looked at residences for sale in the area that might better accommodate their needs?

To sum up, I am definitely opposed. I can not attend the meeting on 1/22/98 but I hope that this letter is taken into consideration at the public hearing. I have faxed this to you due to the shortness of time remaining before the schedule meeting. The original will follow.

Sincerely,

*Patricia Quinn*

Patricia Quinn  
1332 43rd St.

SUE M. SHEEHAN  
1400 - 43RD STREET  
SACRAMENTO, CA 95819

January 21, 1998

Mr. Mark Kraft  
Planning Division  
City of Sacramento California  
1231 I Street, Room 300  
Sacramento, Ca. 95814-2904

Re: P97-094

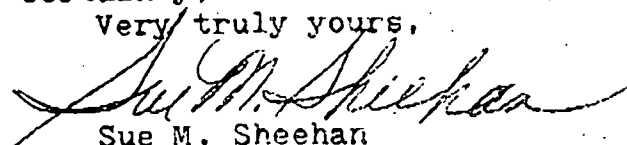
Dear Mr. Kraft,

By method of this letter, I am notifying you of my objection to the above referenced proposal for entitlements to construct a 400 square foot second residential unit above a detached garage on 0.16+ developed acres in the Single Family Residential (R-1) zone located at 1350 42nd Street, APN: 008-0262-001. My objection is inclusive of : A. Special Permit, B. Variance, C. Variance, and D. Variance as described in your January 8, 1998 Public Notice to Property Owner.

I am in receipt of a copy of a November 12, 1997 letter of objection on this issue addressed to you by East Sacramento Improvement Association Board Member Linda Cook which requested owner-occupancy be a condition for Special Permit occupants. I agree with this position. I do not, however, agree with the Proposed Owner Occupancy Condition as outlined by ESIA in an attachment to Ms. Cook's letter. The sovereignty of owner-occupancy cannot be preserved if a second residential dwelling unit is allowed, regardless of which unit the owner occupies.

I am understanding of the special circumstances of the applicant family, and ask them to explore locations within the neighborhood that are already zoned for duplex. There are several. This could be less obtrusive, more cost effective and, certainly, more accommodating to all concerned.

Very truly yours,

  
Sue M. Sheehan  
1400 43rd Street  
Sacramento, Ca. 95819  
(916)7391665

cc: Linda Cook, ESIA