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CONTINUED  
FROM 6-7-89  
TO 6-20-89

DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
ROOM 200  
SACRAMENTO, CA  
95814-2998

May 15, 1989

City Council  
Sacramento, California

CONTINUED  
FROM 05-23-89  
TO 06-07-89

BUILDING INSPECTIONS  
916-449-5716

PLANNING  
916-449-5604

Honorable Members in Session:

CONTINUED  
FROM 06-20-89  
TO 06-27-89

SUBJECT: Appeal of the Planning Commission Denial of the Following Entitlements (P88-477):

- a. Special Permit to convert an existing 720 square foot garage into a second residential unit in the ~~Single-Family~~ **APPROVED BY THE CITY COUNCIL** Family zone;
- b. Variance to waive the required covered, enclosed parking for a second residential unit;
- c. Variance to establish a second residential unit which exceeds the maximum 640 square foot by 80 square foot;
- d. Variance to reduce the required sideyard setback from five feet to 3-1/2 feet;
- e. Variance to reduce the required rearyard setback from 15 feet to 12 feet.

JUN 27 1989  
OFFICE OF THE  
CITY CLERK

LOCATION: 2361 Beaumont Street

SUMMARY

The application is for a special permit and numerous variances to allow continued use of a secondary unit which was recently illegally established.

Planning staff and the Planning Commission suggested modifications to the project to gain acceptance, however, since they involved added expenses, the applicant rejected any change. The request was denied by the Planning Commission and is before the City Council on appeal.

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BACKGROUND INFORMATION

In March 1985, the applicant requested a building permit to building a 20' x 36' workshop and storage unit behind the existing residential structure on the subject site. On February 26, 1986, the workshop/storage structure received final building inspection and was approved by the Building Division. Subsequent to final inspection, the applicant illegally modified the structure to become a second residential unit. The unit has been rented for 1-1/2 years. Recently, the City inspectors were notified through a neighbor's complaint of the illegal structure which is in violation of the building codes.

Both the front unit and the illegal rear unit are used as rentals.

The illegal conversion violates the City's standard for secondary units in the following four areas:

- A. The conversion exceeds the maximum size limit of 640 square feet by 80 square feet or 11 percent;
- B. The conversion is substandard in parking and eliminates the required garage for the single family home;
- C. The conversion does not meet the required sideyard setback;
- D. The conversion does not meet the required rearyard setback.

The Planning Commission and staff suggested that the applicant consider reducing the size of the unit to comply with City standards and at the same time, add back an enclosed garage. Secondly, the Commission and staff suggested the addition of a parking space at the rear of the lot with access from the alley. In this way, at least the size of the unit and required parking would comply with City standards. The size of the unit is extremely important since it is the intent of the secondary unit ordinance to permit homeowners the ability to add a small accessory unit behind their main house. In this case, the applicant has exceeded the size standard and has, in a round-about way, developed a mid block duplex in an R-1 zone. The applicant indicated to the Planning Commission that he wanted to make no changes and the request was subsequently denied.

VOTE OF THE PLANNING COMMISSION

On April 13, 1989, the Planning Commission voted five ayes, two absent (two vacant seats) to deny the application.

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FINANCIAL DATA

Not applicable.

POLICY MATTER

The project, if approved, would set a precedence for allowing larger accessory units in the R-1 zone. The development then is no longer a single family with an accessory structure, but is now a duplex development on a mid-block lot.

MBE/WBE

Not applicable.

SUMMARY

The Planning Commission and staff recommend the appeal be denied based on the attached findings.

Respectfully submitted.



Michael M. Davis  
Director of Planning and Development

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MMD:AG:rt  
attachments

District No. 1  
May 23, 1989

Contact Person:  
Art Gee, Principal Planner  
449-5604

P88-477

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A M E N D E D  
Notice of Decision  
and  
Findings of Fact

Appeal of Timothy Powell vs.  
City of Sacramento Planning  
Commission's Denial of a Special  
Permit and Variances for a Second  
Unit at 2361 Beaumont Street (P88-477)

At its regular meeting of June <sup>27</sup>~~26~~, 1989, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council approved the appeal based on the following findings:

1. The project is based on sound principles of land use, in that:
  - a. there is sufficient area on the subject site to accommodate a detached second residential unit while meeting zoning requirements: and
  - b. the proposed use is compatible with the existing area, in that the size and parking requirement for the second unit will be complied with.
  
2. The project will not be detrimental to the public health, safety and welfare, in that:
 

the second unit will be modified to comply with City zoning requirements for size and parking. Further, all previous work done with benefit of permits will be required to be inspected by the City and all necessary work will be done in a timely manner.

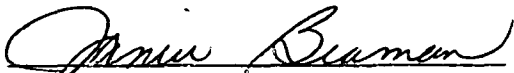
The City Council, in its approval, requires the following conditions be met:

1. The second unit shall be reduced in size to 640 square feet to comply with the City Zoning Ordinance:
  
2. The owner shall obtain a City building inspection of the second unit and a building permit to do the necessary work to bring the structure into compliance with City Code. This shall be done within 30 days. The necessary work shall be completed as quickly as possible but shall take no longer than 60 days from City Council approval:
  
3. Reduce the size of the secondary unit and construct an enclosed garage attached to the second unit. The construction shall be done with City Planning staff approval, with a valid building permit and within 120 days of City Council approval:

- 4. Construct a parking pad for the second unit with access from the alley. The pad shall be paved to City standards and shall be installed within 120 days of City Council approval. The size of the parking pad shall comply with the City Zoning Ordinance (8 feet by 24 feet);
- 5. All the above conditions shall be met within the stated time frames. Failure to do so will invalidate the Council's approval of the special permit and setback variances.

  
 MAYOR

ATTEST:

ACTING   
 CITY CLERK

P88-477

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NOTICE OF APPEAL OF THE DECISION OF THE  
SACRAMENTO CITY PLANNING COMMISSION

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DATE: 4-21-89

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 4-13-89 when:  
(Date)

Rezoning Application  Variance Application  
 Special Permit Application Px 8-477

was:  Granted  Denied by the Commission

GROUND FOR APPEAL: (Explain in detail)

Would like to retain 2nd residential unit as such  
for rental property income.

Was denied by commission 4-13-89 because of violation of setbacks,  
size & lack of covered garage. Commission was willing to waive setbacks & size, but because of lack of funds  
& time, I was unable to comply with garage requirements, therefore denied

PROPERTY LOCATION: 2361 Beaumont St.

PROPERTY DESCRIPTION: studio apartment behind 2361 Beaumont

ASSESSOR'S PARCEL NO. 275-0104-0115

PROPERTY OWNER: POWELL, TIMOTHY J.

ADDRESS: 2120 N St #1 SACRAMENTO CA 95816

APPLICANT: SAME

ADDRESS: \_\_\_\_\_

APPELLANT: (Timothy J. Powell) (Timothy J. Powell)  
(SIGNATURE) PRINT NAME

ADDRESS: \_\_\_\_\_

FILING FEE:

by Applicant: \$105.00 RECEIPT NO. \_\_\_\_\_

by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: \_\_\_\_\_

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5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD

AG

WW

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SG

- (Original)

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Sacramento City Planning Commission  
VOTING RECORD

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MEETING DATE  
April 13 1989

ITEM NUMBER  
9A

PERMIT NUMBER  
P 88-477

ENTITLEMENTS

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- LOT LINE ADJUSTMENT
- ENVIRONMENTAL DET.
- OTHER \_\_\_\_\_

STAFF RECOMMENDATION

Favorable  Unfavorable

Correspondence

Petition

LOCATION  
2361 Pennington Street

SUPPORTERS

NAME	ADDRESS
<u>Jim Powell</u>	<u>2120 N. Street</u>

OPPOSERS

NAME	ADDRESS

MOTION #

	Yes	No	Motion	Second
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CHINN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GASTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HOLLICK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HOLLOWAY	<u>absent</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ISHMAEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NOTESTINE	<u>absent</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OTTO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE
- TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
- TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO \_\_\_\_\_ MEETING
- OTHER \_\_\_\_\_



City Planning Commission  
Sacramento, California

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Members in Session:

- APPLICATION:
- A. Special Permit to convert an existing 720 sq. ft. garage into a second residential unit on 0.15± developed acres in the Standard Single Family (R-1) zone
  - B. Variance to waive the required covered, enclosed garage for a second residential unit
  - C. Variance to establish a second residential unit which exceeds the maximum 640 sq. ft. by 80 sq. ft.
  - D. Variance to reduce the required side yard setback by 1-1/2 ft. from 5 ft. to 3 1/2 ft.
  - E. Variance to reduce the required rear yard setback by 3 ft. from 15 ft. to 12 ft.

LOCATION: 2361 Beaumont Street

BACKGROUND: On January 12, 1989, the City Planning Staff recommended that the Planning Commission deny the Special Permit for an existing second residential unit, deny the variance to waive the required covered garage, deny the variance for the unit to exceed the maximum 640 sq. ft., and deny the variance to reduce the required rear yard and side yard setbacks for the second residential unit (P88-477, See Attached Staff Report).

The Commission, however, recommended that the applicant modify the existing illegal structure to include an enclosed garage and an additional parking slab in order to meet the parking requirement and not exceed the maximum 640 sq. ft. The applicant agreed to modify the structure and work with Staff for assistance. Therefore, the item was continued by the Commission.

Staff met with the applicant on February 27, 1989, and identified the exact dimensions for a one car garage (10' x 20') and concrete parking slab (8' x 24'). Staff also informed the applicant that a condition would be added to the report requiring the applicant to apply for a building permit within a certain time period. Subsequent to this meeting, the applicant phoned staff and indicated that he was unable to modify the structure because of financial reasons.

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SUMMARY: Planning Staff has not changed its position to deny the necessary entitlements. The applicant requested a building permit to build a 20' by 36' workshop and storage unit and illegally modified the structure to become a second residential unit. As of February, the structure was still being rented. Therefore, Staff recommends that the Commission deny the requested entitlements as per the attached Staff Report. The applicant shall be required to convert the structure back into a workshop/storage space or a two car garage.

Respectfully submitted,

  
Wilfred Weitman  
Senior Planner

WW/kjr

REPORT AMENDED BY STAFF 4-13-89  
**CITY PLANNING COMMISSION**

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

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APPLICANT:	Timothy J. Powell - 2120 N. Street #1, Sacramento, CA 95816		
OWNER:	Timothy J. Powell - 2120 N. Street #1, Sacramento, CA 95816		
PLANS BY:	Timothy J. Powell - 2120 N. Street #1, Sacramento, CA 95816		
FILING DATE:	11-14-88	ENVIR. DET.:	Ex. 15303a
ASSESSOR'S PCL. NO.:	275-0104-005		
REPORT BY:	W:sg		

- APPLICATION:**
- A. Special Permit to convert an existing 720 sq. ft. garage into a second residential unit on 0.15+ developed acres in the Standard Single Family (R-1) zone
  - B. Variance to waive the required covered, enclosed garage for a second residential unit
  - C. Variance to establish a second residential unit which exceeds the maximum 640 sq. ft. by 80 sq. ft.
  - D. Variance to reduce the required side yard setback by 1-1/2 ft. from 5 ft. to 3-1/2 ft.
  - E. Variance to reduce the required rear yard setback by 3 ft. from 15 ft. to 12 ft.

**LOCATION:** 2361 Beaumont Street

**PROPOSAL:** The applicant is requesting the necessary entitlements to allow an existing second residential unit.

**PROJECT INFORMATION:**

General Plan Designation:	Low Density Residential (4-15 du/na)
1984 North Sacramento Community Plan Designation:	Residential (4-8 du/na)
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Two residential units

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Residential; R-1	<u>Second Unit</u>		
South: Residential; R-1	Side(Int):	5'	3.5'
East: Residential; R-1	Rear:	15'	12'
West: Residential; R-1			

Parking Required:	2
Parking Provided:	1 (driveway)
Property Dimensions:	50' x 12'
Property Area:	0.15+ acres
Square Footage of Building:	Second unit - 720 sq. ft.
Height of Building:	Second unit - 12'

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7/20/89

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Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Wood siding
Roof Material:	Composition shingle

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of a 50' x 127' site of 0.15+ acres in the Standard Single Family (R-1) zone. The site is an interior lot developed with a single family residence and a second residential unit to the rear consisting of 720 square feet. The site is designated residential by both the General Plan and the 1984 North Sacramento Community Plan. Surrounding land uses and zoning include residential to the north, south, east and west zoned R-1.

B. Applicant's Proposal

The applicant is proposing to allow a 720 square foot residential unit on a 0.15+ acre developed lot. The applicant is requesting a variance to waive the required covered, enclosed garage for a second residential unit. A variance to allow a second residential unit which exceeds the maximum 640 square feet by 80 square feet is requested by the applicant. In addition, the applicant is requesting a variance to reduce the required 5' side yard setback to 3-1/2' and to reduce the required 15' rear yard setback to 12'. The applicant has indicated to staff that these requests are necessary to allow the new second residential unit to become legal.

C. Garage Conversion

In March 1985, the applicant requested a building permit to build a 20' x 36' workshop and storage unit behind the existing residential structure on the subject site. The building permit allowed the applicant to convert the garage into a workshop/storage use only. On February 26, 1986 the workshop/storage structure received final building inspection and was approved by the Building Division. The applicant illegally modified the structure to become a second residential unit. The unit has been rented for 1-1/2 years. Recently, the City inspectors were notified of the illegal structure which is in violation of the building codes.

Section 2E(26)(i) of the Zoning Ordinance requires that a dwelling or mobile home must have an enclosed garage (either attached or detached) if more than 50% of other dwellings or mobile homes located within 1,000', measured structure to structure, have enclosed garages. Staff surveyed the area and found that the majority of the homes in the area have one car garages, carports or garages which have been converted into storage spaces. The abutting property to the north of the subject site has an enclosed garage which appears to be in very good condition. The applicant is, therefore, required to convert the second residential structure back into a workshop/storage space or a one car garage.

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January ~~12~~, 1989

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Staff does not support a variance to waive the required covered, enclosed garage into a second residential unit or a special permit to convert the structure into a 720 square foot residential unit.

A second residential unit is allowed on an R-1 zoned lot subject to a special permit. The second unit shall not exceed 640 square feet; the unit shall not cover more than 25% of the rear yard area; and two parking spaces shall be provided on the lot. Duplexes on corner lots in an R-1 zone are permitted by right and are not required by Section 2E(26)(1) to have a garage if more than 50% of the dwellings within 1,000 feet have garages. Staff suggested that the applicant modify the illegal structure into a one car garage and studio use provided that an additional paved parking space is placed on the site. Staff noticed a vehicle in the rear yard area on grass and gravel. The applicant was not willing to modify the structure. Staff has recommended approval of a number of second residential units on interior lots in an R-1 zone. The project, however, retained two car garages, built new garages, or made modifications to the structure to comply with City standards.

D. Side Yard and Rear Yard Setbacks

A second residential unit in an R-1 zone has a required 5 ft. side yard setback and a 15 ft. rear yard setback. The applicant is proposing to provide a 3-1/2 ft. side yard setback and a 12 ft. rear yard setback which are the existing setbacks of the secondary unit. In previous second residential unit approvals, projects on interior lots were able to provide the required rear yard and side yard setbacks. Some projects on corner lots have been granted a variance to reduce the rear yard or side yard setback. Due to the size of the illegal structure, approximately 96% of the rear yard area of the subject site is covered. Only 25% is allowed. Staff does not support the variance to reduce the rear yard and side yard setbacks for the interior lot in an R-1 zone. The proposed setbacks would result in an adverse impact for the existing residential unit on the subject site.

E. Secondary Residential unit Criteria/Size of Lot

A special permit is required to develop a second unit on an interior lot. A special permit shall not be granted for a second residential unit unless the following four criteria are met:

1. The architecture shall be compatible with the main residential unit.
2. Parking requirements of the Zoning Ordinance shall be met.
3. The height, lot coverage and setback requirements shall be met.
4. The area of the second residential unit shall not exceed 640 square feet.

Staff finds that criteria 2, 3 and 4 above will not be met and thus cannot support the request for a special permit. All other requests for a special

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permit to construct a second residential unit of previous projects were able to meet all four criteria.

Planning staff finds that the subject site is too small to accommodate a second residential unit as proposed and comply with zoning regulations. Similar past projects located on an interior lot in the R-1 zone had lot depths of 135 ft. to 158 ft. These projects have been able to comply with setbacks, some by going to a two-story structure or adding directly onto an existing structure. Approval of the subject project would set an undesirable precedent of allowing demolition of existing garages and construction of secondary units that do not meet setbacks or parking requirements and exceeds the required 640 sq. ft. In addition, the existing second residential structure was illegally constructed.

F. Agency Comments

The proposal was routed to the City's Traffic Engineer, Engineering, Building Department, City Water and Sewer, and City Real Estate. No comments were received.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15303(a)).

RECOMMENDATION: Staff recommends that the Commission take the following action:

- A. Deny the special permit to convert an existing 720 sq. ft. garage into a second residential unit based on findings of fact which follow;
- B. Deny the variance to waive the required covered, enclosed garage for a second residential unit based on findings of fact;
- C. Deny the variance to establish a second residential unit which exceeds the required maximum 640 sq. ft. based on findings of fact;
- D. Deny the variance to allow a second residential unit within the required 5 ft. side yard setback based on findings of fact which follow; and
- E. Deny the variance to allow a second residential unit within the required 15 ft. rear yard setback based on findings of fact which follow.

Findings of Fact - Special Permit

- 1. The project is not based on sound principles of land use, in that:
  - a. there is insufficient area on the subject site to accommodate a detached second residential unit while meeting zoning requirements; and
  - b. ~~the proposed use is not compatible with existing storage/workshops and one car garage uses in the area.~~ *the proposed use does not meet the required parking and setback*

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*requirements for a secondary residential unit; and (Amended by Staff)*

- c. *the proposed use's area exceeds the required 640 square feet.*
- 2. The project would be detrimental to the public health, safety and welfare, in that:

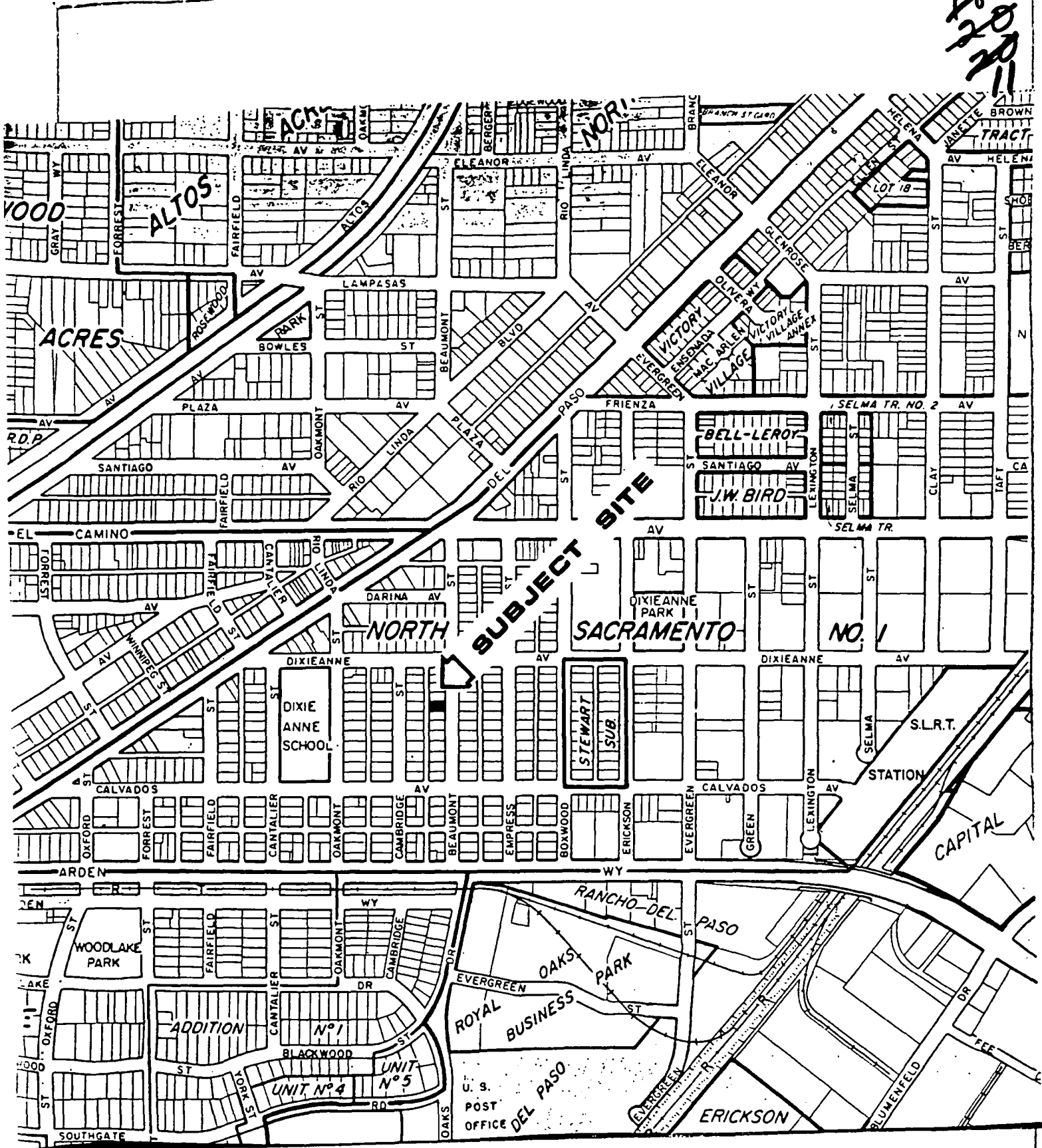
*a precedent would be set to allow conversion of necessary parking garages in order to illegally construct second residential units. ~~which could lead to significant density increases and parking shortages in a single family area.~~ (Amended by Staff)*

Findings of Fact - Variances

- 1. Granting the variances would constitute a special privilege extended to an individual applicant in that:
  - a. *a variance would not be granted to other property owners facing similar circumstances, because an enclosed covered garage is required for secondary units; (Amended by Staff)*
  - b. *the structure was illegally converted after final building inspection for a workshop and storage area, in that, construction of secondary units are required to be reviewed and approved by the Building Division. (Amended by Staff)*
  - ~~c. the applicant is not willing to modify nor add another parking space on the subject site; and~~
  - c. *there is no hardship involved to support the request, in that, there is adequate space on the subject site to meet setback and parking requirements for the secondary unit.*
  - ~~d. there is no hardship involved to support the request.~~
- ~~2. Granting the variances would be injurious to the public health, safety, and welfare, in that inadequate setbacks and parking would promote future surrounding residences to develop a similar structure.~~

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## VICINITY MAP

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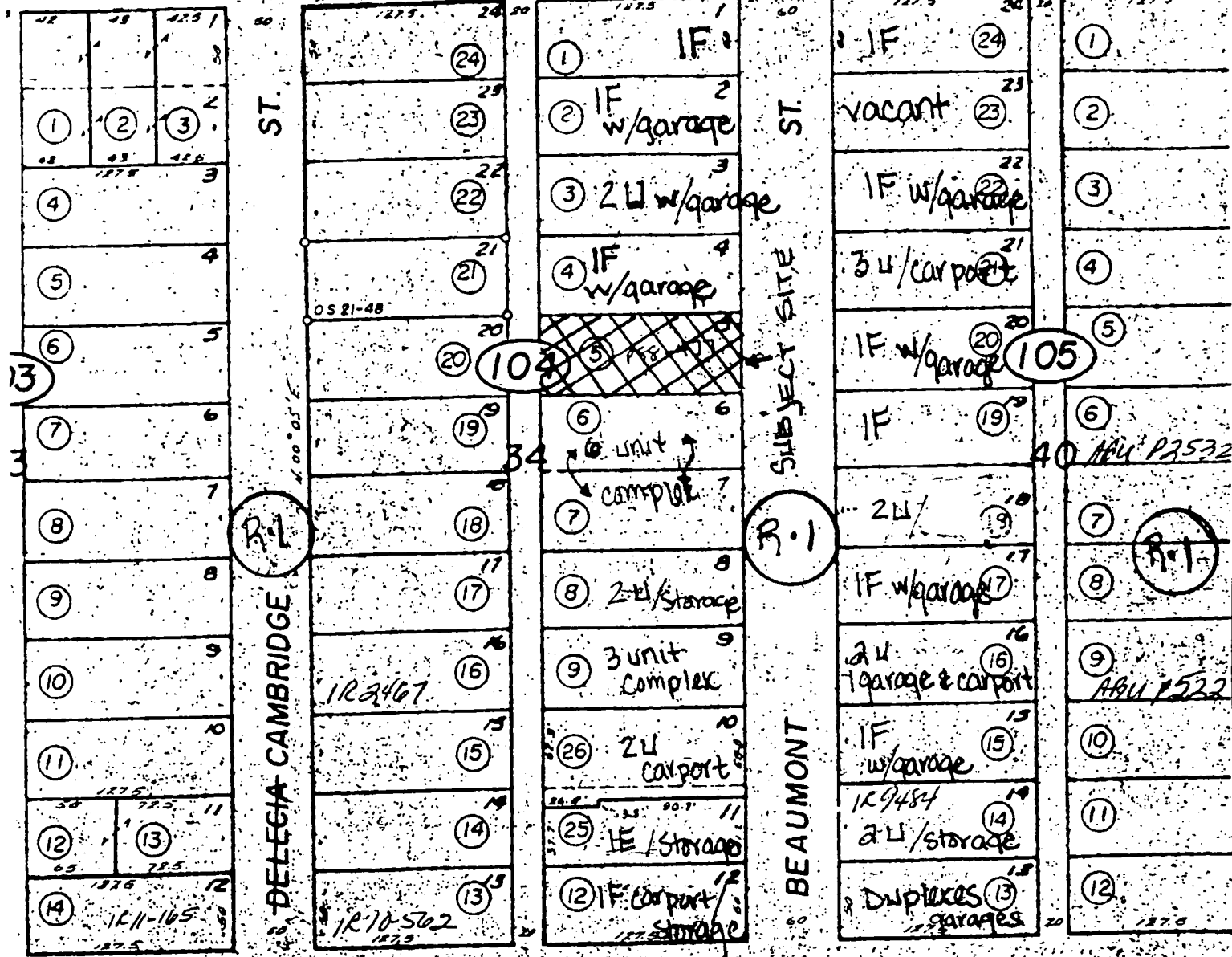
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Homes w/garage

3 single family homes w/garage



CALVADOS

AVE

7-13-84

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# LAND USE & ZONING MAP



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PUBLIC ALLEY 20'

PARKING

12'

PROPOSED UNIT

3.6'

20' x 36'  
CON/SLAB

NORTH →

# SITE PLAN

SCALE 1" = 16'

LOT 50' x 127 1/2'

18'

EXISTING HOUSE

EXISTING DRIVEWAY

CPC FILE COPY

APPL. NO. P 88477

EXHIBIT J

MTG. DATE(S)

AGENDA NO. (S)

BEAUMONT STREET

PARCEL # 275-0104-005

... 10/29/89 2989 4-13-89

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Item #89

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EXISTING SEWER

NEW SEWER

4' x 2' ALSL

SINK

KITCHENETTE

SLIDING GLASS  
6' x 7'

LIVING RM.

SINGLE WALL HEATER

28

CLOSET

2' x 8'

BDRM.  
12' x 13'

4' x 0' ALSL

NEW SEWER

TUB & SHOWER

SINK

WASHER/DRYER

28

STORAGE

7' x 19'

A.P. P. 8. 1. 1.  
E.  
MTG. 1. 1. 1.  
AGENDA NO(S) 1. 1. 1.

3' 17

SCALE 1" = 4' 0"

FLOOR PLAN - PROPOSED UNIT

20' x 36'

North

88-477

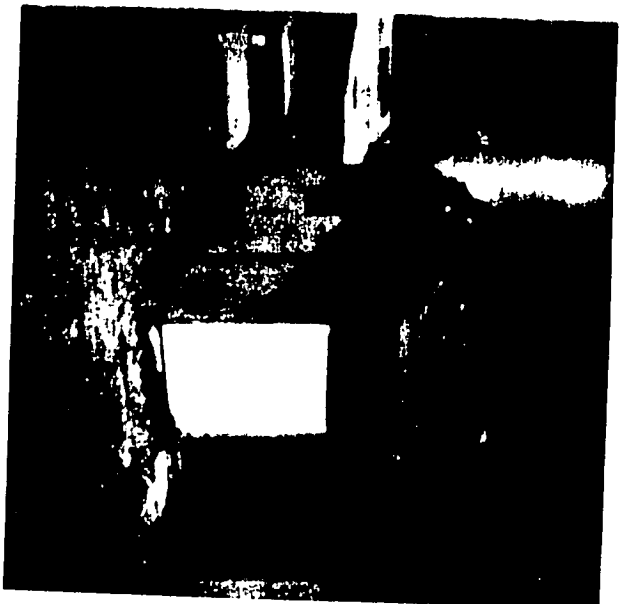
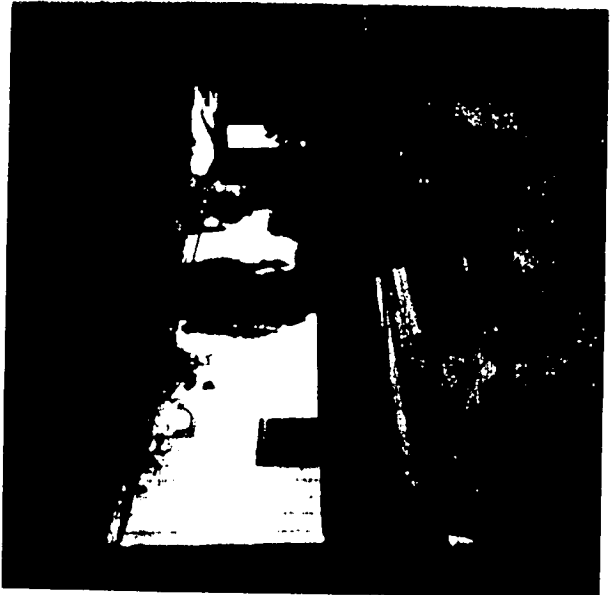


EXHIBIT C

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Donc 18/9