

City Planning Commission
Sacramento, California

Members in Session:

- SUBJECT:
- A. Special Permit to construct a 840 square foot second residential unit on 0.15 \pm developed acres in the Standard Single Family (R-1) zone. (Withdrawn)
 - B. Variance to increase the size of a second residential unit from 640 square feet to 840 square feet. (Withdrawn)
 - C. Variance to reduce the side yard setback from five feet to 0 feet for a two story second residential unit. (Withdrawn)
 - D. Variance to exceed the maximum allowed fence height from six feet to eight feet. (Withdrawn)
 - E. Variance to waive the requirement for an enclosed garage.
 - F. Variance to reduce the required distance from the primary residence to an accessory structure from six feet to four feet for a trellis covered patio area.
 - G. Variance to allow tandem parking for one space. (Withdrawn)
 - H. Variance to increase the allowable height of the plate line for an accessory building from 10 feet to 13 feet.

LOCATION: 1130 Markham Way

BACKGROUND INFORMATION:

On July 23, 1992, the Planning Commission heard the original application for two story second residential unit that required numerous variances and a special permit. The structure had been partially constructed without necessary Planning Commission approval or Building Permits and was cited by Neighborhood Services. A number of neighbors in the area spoke in opposition to the project. The Planning Commission continued the project for one month and asked that a staff person work with the neighbors and the applicant to see if a mutually acceptable design solution could be reached. The project was continued from the August 27, 1992, meeting to the September 10, 1992, for additional time for meetings with the applicant, owner, and neighbors. After numerous meetings with the neighbors and the applicant some compromises were reached; however, not to the extent that the project could move forward with consensus. Recognizing that no consensus could be reached, the applicant re-examined their situation and decided to drop the request for a second unit which helped to simplify and reduce the

APPLC.NO. P92-149

MEETING DATE October 8, 1992

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number of issues. The hearing was continued until October 8, 1992, to allow time for a resubmission of a revised project.

The revised project is proposed as an 646 square foot accessory building to be used for a recreation room (see Exhibit A). The use will occupy the existing building area with a wall height that matches the existing wall height of the garage. The trellis area is also included; however, the brick gate that crosses the driveway will be removed. The roof will start at the existing east roof line and reach a pitch of about 15.5 feet with a clear story facing the owner's pool. The clear story requires a new variance for a plate line that is higher than ten feet for an accessory building. There will be windows in the clear story to provide light for the building. The revised project eliminates the second residential unit and the associated required special permit. Furthermore, the need for variances for tandem parking, wall height, setback reduction, and the larger square footage for a second unit have also been eliminated.

The revised project as proposed, with conditions, is acceptable to both the applicant and the adjacent neighbors and staff. The revised project represents a good compromise between both parties and incorporates design features that are important to the owner and building size and height limitations that are important to the neighbors.

STAFF EVALUATION:

The revised project still requires the variances to eliminate the enclosed garage and to allow an accessory structure to be closer than six feet to the primary residence. The trellis area is to be attached to the accessory building and is considered as a part of that building. The Zoning Ordinance allows for a ten foot wall height for an accessory building and the existing 7.5 foot brick wall which supports the trellis meets the wall height requirement and eliminates the need for a fence/wall height variance. Staff recommends the brick gate which provides only a pedestrian entrance to the trellis area be removed and left open or replaced with a gate that will permit a car to drive into the trellis area. This will permit a parking area for a car that was eliminated with the garage conversion. There is adequate area to access the accessory unit for fire personnel with the existing column which is located four feet from the primary structure.

Additionally, the revised project requires a variance to allow the plate line for an accessory building to be increased from ten feet to 13 feet. The revised project indicates a clear story which has a second plate line at 13 feet for windows which face the west for light. The clear story area will project two feet over the base structure along the west wall and along the south wall stopping five feet from the east property line. There will be no flooring or stairs in the clear story area. There will be an opaque window that is approximately 18 inches by 24 inches that on the south side of the clear story area. The applicant has agreed to keep the wall height of the proposed building the same height as the existing garage along the east property line. The applicant has also agreed not to expand the structure any further to the south. Staff recommends the new roofing

material be consistent and compatible with the existing roofing material. Based on previous discussions, staff also recommends the structure have a stucco finish along the entire east wall to include the new and existing building from the ground level to the roof line. If the fence along the east property line must be removed to stucco the entire area then the applicant should also reinstall the fence upon completion of the stucco application. Since the revised use is for an accessory building then staff has informed the applicant that the area not be used as a living area nor have any cooking/ kitchen facilities.

Staff supports the requested variances for the revised accessory building project in that the revised project will be compatible with the existing and surrounding single family structures.

ENVIRONMENTAL DETERMINATION:

The Environmental Services Manager has determined that this revised project is exempt from environmental review pursuant to State EIR Guidelines (California Environmental Quality Act, Section 15303{b} and 15305{a}).

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Withdraw the Special Permit to construct a 840 square foot second residential unit.
- B. Withdraw the Variance to increase the size of a second residential unit from 640 square feet to 840 square feet.
- C. Withdraw the Variance to reduce the side yard setback from five feet to 0 feet for a two story second residential unit.
- D. Withdraw the Variance to exceed the maximum allowed fence height from six feet to eight feet.
- E. Approve the Variance to waive the requirement for an enclosed garage subject to the conditions and based upon the findings of fact which follow.
- F. Approve the Variance to reduce the required distance from the primary residence to an accessory structure from six feet to four feet for a trellis covered patio area subject to the conditions and based upon the findings of fact which follow.
- G. Withdraw the Variance to allow tandem parking for one space.
- H. Approve the Variance to increase the allowable height of the plate line for an

accessory building from 10 feet to 13 feet subject to the conditions and based upon the findings of fact which follow.

Conditions:

1. The brick gate which provides only a pedestrian entrance to the trellis area shall be removed and left open or replaced with a gate that will permit a car to drive into the trellis area.
2. The accessory building shall not be used as a living area and shall not have any cooking/kitchen facilities.
3. The proposed building shall conform to the revised plans to include the following:
 - a. the building shall not be expanded any further to the south than is shown;
 - b. the wall height of the proposed building shall match the existing garage height along the east property line;
 - c. the window on the south side elevation of the clear story shall be opaque and be approximately 18 inches by 24 inches in size; and
 - d. the roofing material shall be consistent with the existing roofing material.
4. The structure shall have a stucco finish along the entire east wall to include the new and existing building from the ground level to the roof line. If the fence along the east property line must be removed to stucco the entire area then the applicant shall also reinstall the fence upon completion of the stucco application unless the adjacent owner wishes to leave the fence off.
5. The applicant shall obtain building permits for all existing and proposed buildings.
6. The clear story shall not have a finished floor nor any type of stairs for access to the clear story area.

Findings of Fact:

1. Granting the variance does not constitute a special privilege extended to an individual applicant in that the variance would be and has been granted to other property owners facing a similar circumstance.

2. Granting the variance request does not constitute a use variance in that a single family residence with an accessory building is allowed in the R-1 zone.
3. Granting the request will not be injurious to public welfare nor to property in the vicinity in that:
 - a. the clear story will not be inhabitable and the windows used for light only, will face the owner's backyard;
 - b. the building will maintain the existing wall height adjacent to the neighbors and the higher roof section will be towards the center of the owner's property;
 - c. the proposed building is compatible with the surrounding residences;
 - d. adequate setbacks and a parking area will be provided; and
 - e. the area will not be used as a living area or second residential unit.
4. The proposed use is consistent with the General Plan which designates the subject site for Low Density Residential (4-15 du/na). du/na).

Respectfully submitted,

ART GEE

Art Gee
Principal Planner

Report Prepared By:

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