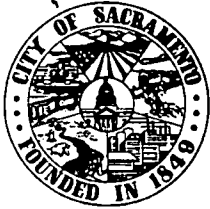


16



CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

Administration
Room 300 449-5571
Building Inspections
Room 200 449-5716
Planning
Room 200 449-5604

January 14, 1987

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of Planning Commission Action to approve a Special Permit and Variances to allow a second residential unit (P86-434).

LOCATION: 1713 41st Street

SUMMARY

The application is for a Special Permit and Variances to allow construction of a second residential unit in the R-1 zone. The request was opposed by Planning staff and the East Sacramento Improvement Association. After consideration of the request, the Planning Commission approved the Special Permit and Variances. This action has been appealed by the Association.

BACKGROUND

The ordinance which allows for second units on R-1 zoned lots was adopted pursuant to state legislation. At the time of adoption, it was recognized that not all lots in the City will qualify for a second unit due to the need to maintain minimum R-1 zone standards. The ordinance specifically states that a special permit shall not be granted for a second unit unless the height, setbacks, and parking requirements of the R-1 zone are met.

Staff reviewed the application and found the project to be inconsistent with the standards of the secondary unit ordinance and far below the standards of other similar projects previously approved. Previous projects approved have had an average lot size of 7,400 square feet with the smallest being 6,900 square feet. These larger lot sizes have allowed the required setbacks to be maintained and the required parking to be provided. Staff noted that this request had a lot size of 4,800 square feet (50' x 96') and due to the small lot size required variances for setbacks and parking. Staff cautioned the Commission that approval of this project will set a detrimental precedence and policy position for similar requests.

The Planning Commission, after hearing public testimony for and against the application, voted eight ayes, one absent to approve the Special Permit and Variances. The East Sacramento Improvement Association has appealed this action to the City Council.

City Council

-2-

January 14, 1987

VOTE OF THE PLANNING COMMISSION

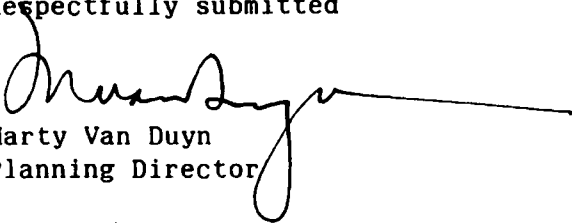
On December 4, 1986, the Commission voted eight ayes, one absent to approve the application.

RECOMMENDATION

Should the City Council concur with Planning Commission's action, the appropriate action would be to deny the appeal based on the findings attached (Attachment 1).

Should the City Council concur with the staff recommendation, the appropriate action would be to approve the appeal based on the attached findings (Attachment 2).

Respectfully submitted


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

AG:tc
attachments

January 20, 1987
District 3

P86-434

Appeal of Rich McWilliams vs. City)
of Sacramento Planning Commission's:)
Approval of a Special Permit and)
Variances to allow a secondary unit)
in the R-1 zone at 1713 41st Street)
(P86-434)

NOTICE OF DECISION
AND
FINDINGS OF FACT

At its regular meeting of _____, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

Findings of Fact:

1. The project is based on sound principles of land use in that:
 - a. a second residential unit is allowed in the R-1 zone with a special permit;
 - b. the proposed use will not alter the character of the neighborhood which consists of residential uses;
 - c. the proposal conforms to the unit size and architectural criteria for secondary residential units.

2. The project, as conditioned, is not detrimental to the public health, safety or welfare, nor to surrounding properties, in that:
 - a. there are other similar uses located in the same neighborhood;
 - b. the project will be aesthetically pleasing and will not degrade the character of the area;
 - c. adequate parking will be provided on site.

3. The proposed project is consistent with the City's Discretionary Land Use Policy in that the site is designated for residential use by the 1963 East Sacramento Community Plan and the proposed second residential unit is consistent with the Plan designation.

4. The variances are not a special privilege extended to one property owner in that variances would be granted to other property owners facing similar circumstances in that:

the orientation of the house and lot configuration are such that an addition to the house would block light and air into the interior of the house.

5. The variances will not be detrimental to public health, safety or welfare, nor to surrounding properties, in that:

- a. parking will be maintained on the subject site and since the project is not a rental, family members will work out the tandem parking arrangement;
- b. the setbacks are existing for a garage structure, and the new residential structure will not create appreciably more impacts;

ATTEST:

Mayor

City Clerk

P86-434

Appeal of Rick McWilliams vs. City)
of Sacramento Planning Commission's:)
Approval of a Special Permit and)
Variances to allow a secondary unit)
in the R-1 zone at 1713 41st Street)
(P86-434)

NOTICE OF DECISION
AND
FINDINGS OF FACT

At its regular meeting of _____, 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:

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 parcel to accommodate a detached second residential unit while meeting zoning requirements,
 - b. the proposed use would alter the single family residential character of the neighborhood by locating dwelling more closely than provided for by zoning requirements.
- 2. The project would be detrimental to the public health, safety and welfare, in that:
 - a. a precedent would be set to allow demolition of necessary parking garages in order to construct second residential units, which could lead to significant density increases and parking shortages in single family areas.

Findings of Fact - Variances

- 1. Granting the variances would constitute a special privilege extended to an individual applicant, as a variance would not be granted to other property owners facing similar circumstances, and there is no hardship nor unusual circumstances 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 change the single family character of the area.

Attest:

Mayor

City Clerk

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

DATE: 12/15/86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission of 12/18/86 ^{finding of fact} when:

 Rezoning Application Variance Application
 X Special Permit Application

was: X Granted Denied by the Commission

GROUND FOR APPEAL: (Explain in detail) SEE Attached

PROPERTY LOCATION: 1713 41ST St.

PROPERTY DESCRIPTION: Single family 12-1 city lot

ASSESSOR'S PARCEL NO. 008 - 463 - 24

PROPERTY OWNER: Sharon L. Caudle

ADDRESS: 1713 41ST St.

APPLICANT: Sharon L. Caudle

ADDRESS: 1713 41ST St.

APPELLANT: (Rick McWilliam) (RICK MCWILLIAM, Pres
(SIGNATURE) PRINT NAME East Sect Imp

ADDRESS: 1044 38TH St. Sacto Cal 95816
Assoc

FILING FEE: by Applicant: \$105.00 RECEIPT NO.

by 3rd party: 60.00
FORWARDED TO CITY CLERK ON DATE OF:

P-86-A34

DISTRIBUTE TO -
(4 COPIES REQUIRED): MVD
AG
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SG - (Original)
6

16

**East Sacramento
Improvement Association, Inc.**

**P.O. Box 19147
Sacramento, CA 95819**

December 15, 1986

Members of the City Council
City Hall
Sacramento, CA 95814

Re: Appeal of Planning Commission Decision
Relating to Applicant No. P86-434 to Permit
a Second Residential Unit on a Single Family
R-1 Zone

Dear City Council Members:

The East Sacramento Improvement Association disagrees with the Planning Commission's decision on this matter for the following reasons:

1. We agree with your planning staff that the site is simply too small to accommodate a second residential unit and comply with zoning ordinances. Your staff and the Association agree that this project would set an undesirable precedent of allowing demolition of existing garages and construction of secondary units that do not meet setback or parking requirements.
2. Despite applicant's assurances, it is our belief that structures like the one proposed only lead to rental situations which permanently alter the character of a single family residential area.
3. The Planning Commission during open and closed hearing provided no justification for its decision, while the staff found no hardship nor unusual circumstances to support the request.
4. The Association understands the applicant's immediate needs; however, there are alternatives easily available to the applicant which would solve her problem. We met with the applicant and discussed several viable alternatives which would be more consistent with the neighborhood and add greater value to her home while not creating a rental.

We request that you reverse the Planning Commission's decision.

Thank you.



Rick McWilliam
President

Sacramento City Planning Commission VOTING RECORD

MEETING DATE <u>December 4, 1986</u>
ITEM NUMBER <u>33A</u>
PERMIT NUMBER <u>P-86-434</u>

ENTITLEMENTS

- | | |
|--|---|
| <input type="checkbox"/> GENERAL PLAN AMENDMENT | <input type="checkbox"/> TENTATIVE MAP |
| <input type="checkbox"/> COMMUNITY PLAN AMENDMENT | <input type="checkbox"/> SUBDIVISION MODIFICATION |
| <input type="checkbox"/> REZONING | <input type="checkbox"/> LOT LINE ADJUSTMENT |
| <input checked="" type="checkbox"/> SPECIAL PERMIT | <input type="checkbox"/> ENVIRONMENTAL DET. |
| <input type="checkbox"/> VARIANCE | <input type="checkbox"/> OTHER _____ |

STAFF RECOMENDATION <input type="checkbox"/> Favorable <input checked="" type="checkbox"/> Unfavorable <u>WTF</u>
<input type="checkbox"/> Correspondence
<input type="checkbox"/> Petition

LOCATION <u>1713 41st Street</u>
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NAME	ADDRESS
<u>Sharon Caudle</u>	<u>1713 41st Street, Sacramento 95819</u>

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NAME	ADDRESS
<u>Rick McWilliam</u>	<u>1044 38th Street, Sacramento</u>

MOTION#

YES NO MOTION SECOND

Chinn	✓			
Ferris	✓			
Goodin	✓			✓
Hollick	✓			
Holloway	✓		✓	
Otto	✓			
Ramirez	<u>absent</u>			
Walton	✓			
Ishmael	✓			

MOTION

- | | |
|--|---|
| <input type="checkbox"/> TO APPROVE | <input type="checkbox"/> TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL |
| <input type="checkbox"/> TO DENY | <input type="checkbox"/> TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL |
| <input type="checkbox"/> TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT | <input type="checkbox"/> TO RATIFY NEGATIVE DECLARATION |
| <input type="checkbox"/> TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT | <input type="checkbox"/> TO CONTINUE TO _____ MEETING |
| <input checked="" type="checkbox"/> INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE | <input type="checkbox"/> OTHER _____ |

16

CITY PLANNING COMMISSION

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

APPLICANT	Sharon L. Caudle, 1713 41st Street, Sacramento, CA 95819		
OWNER	Sharon L. Caudle, 1713 41st Street, Sacramento, CA 95819		
PLANS BY	Sharon L. Caudle, 1713 41st Street, Sacramento, CA 95819		
FILING DATE	10-31-86	ENVIR. DET.	Exempt 15303
ASSESSOR'S PCL. NO.	008-463-24		
	REPORT BY KMB:tc		

- APPLICATION:**
- A. Special Permit to construct a second residential unit on 0.11+ developed acres in the Single Family (R-1) zone.
 - B. Variance to allow conversion of a garage to living quarters.
 - C. Variance to allow tandem parking
 - D. Variance to allow a dwelling within the 15 foot rear yard setback.

LOCATION: 1713 41st Street

PROPOSAL: The applicant is requesting the necessary entitlements to demolish an existing garage and construct a second residential unit for additional family living space.

PROJECT INFORMATION:

1974 General Plan Designation: Residential
 1963 East Sacramento Community Plan Designation: Light Density Residential
 Existing Zoning of Site: R-1
 Existing Land Use of Site: Single Family Residence

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Single Family; R-1	Front:	25'	22'
South: Single Family; R-1	Side(Int):	5'	5'6"
East: Single Family; R-1	Side(St):	-	-
West: Single Family; R-1	Rear:	15'	6'9"

Parking Required: Two spaces
 Parking Provided: Two tandem spaces
 Property Dimensions: 50' x 96.2
 Property Area: 0.11+ acres
 Density of Development: 18 d.u. per acre
 Square Footage of Building: 344 square feet
 Height of Building: 12 feet
 Topography: Flat
 Street Improvements: Existing
 Utilities: Existing
 Exterior Building Materials: Stucco
 Roof Materials: Existing Unit: Tile
 New Unit: Tile on edges, asphalt shingles in matching color on the rest of the roof.

9

PROJECT EVALUATION

A. Land Use and Zoning: The subject site consists of a 50' x 96', .11 acre lot developed with a single family residence and a detached garage. The site is zoned R-1, and is designated "Residential" by both the General Plan and 1963 East Sacramento Community Plan. The surrounding area is also zoned R-1 and developed with single family residences.

B. Project Description: The applicant is requesting a Special Permit to demolish an existing garage and to construct a 344 square foot second residential unit over area presently occupied by the garage. This proposal necessitates a request for three variances:

- 1. to allow conversion of a garage to living quarters,
- 2. to allow tandem parking, and
- 3. to allow a dwelling within the 15 foot rear yard setback.

The second unit is designed to be compatible with the existing residence, and is intended for use by the applicant's daughter.

C. Conversion of Garage to Living Quarters: Section 2E (26)(i) of the Zoning Ordinance provides 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 one thousand (1,000) feet, measured structure to structure, have enclosed garages." Through a field check conducted by staff, it was determined that nearly all houses within the 1,000 foot radius had enclosed garages. The existing house on the subject site is, therefore, required to retain the existing garage and staff does not support a variance to allow demolition of the garage in order to provide area for a second residential unit of the six previous second residential projects reviewed that were located on an interior lot in the R-1 zone, four retained a two car garage and two built a new two car garage. One other project was located in the C-2 zone, and the last project (of eight reviewed) was located on a corner lot in the R-1 zone, where duplexes are permitted by right and are not required by Section 2E (26)(i) to have a garage if more than 50% of the dwellings within 1,000 feet have garages.

D. Parking: Section 6C(a)(b)(1) of the Zoning Ordinance states that "off-street parking facilities shall be designed so that each parking space can function independently of any other parking space." Tandem parking does not meet this requirement, thus staff cannot support a variance to allow tandem parking

A side-by-side parking arrangement is also undesirable in this case. There is only 15 feet from the side of the existing residence to the southern property line, and 16 feet is necessary (or 15 1/2 for one regular and one compact car space). This option would also require that existing landscaping be removed in order to pave all the way to the southern property line. Of the eight previous second residential unit projects reviewed, all were able to provide adequate parking which met City parking standards.

E. Rear Yard Setback: A dwelling in the R-1 zone has a required 15 foot rear yard setback. The applicant proposes to provide 6'9", which is the existing setback of the garage which is to be demolished. Of the six previous second residential unit projects located on interior lots in the R-1 zone, all were able to retain the required 15 foot rear yard setback. The other project located in the R-1 zone, which was located on a corner lot, was granted a variance to reduce to rear yard setback to five feet. Staff does not support a variance to reduce the rear yard setback for an interior lot in the R-1 zone to 6'9".

F. Secondary Residential Unit Criteria/Size of Lot: Staff recognized that two units are allowed by right on a corner lot, but that a Special Permit is necessary to develop a second unit on an interior lot. Ordinance 83-075 states that a special permit shall not be granted for a second residential unit unless the following five criteria are met:

1. The architecture is compatible with that of the main residential unit;
2. parking requirements of the Zoning Ordinance shall be complied with for the additional unit;
3. the height, lot coverage and set back requirements are met;
4. the area of the second residential unit will not exceed 640 square feet; and,
5. the second residential unit will comply with those conditions established by the Planning Commission to mitigate any adverse impact on neighboring residence.

Staff finds that criteria 2 and 3 above will not be met, and thus cannot support the request for a Special Permit. All other requests for a Special Permit to construct a second residential unit were able to meet all five criteria, with the exception that one project was incompatible in design. This was a mobile home, and the Permit was conditioned to only allow the unit for three years.

Staff feels that the subject site is simply 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' to 158'. These projects have been able to comply with setbacks, some by going to a two-story structure or adding directly on to 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 nor parking requirements.

G. Agency Review: This project was sent for review to Traffic Engineering, the Water Division, and the East Sacramento Improvement Association, and the following comment was received:

Traffic Engineering - No objections provided occupancy is limited to immediate relative of occupant of main house or a domestic employee of same.

Clay Telle

ENVIRONMENTAL DETERMINATION

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

RECOMMENDATION

Staff recommends that the Commission take the following action:

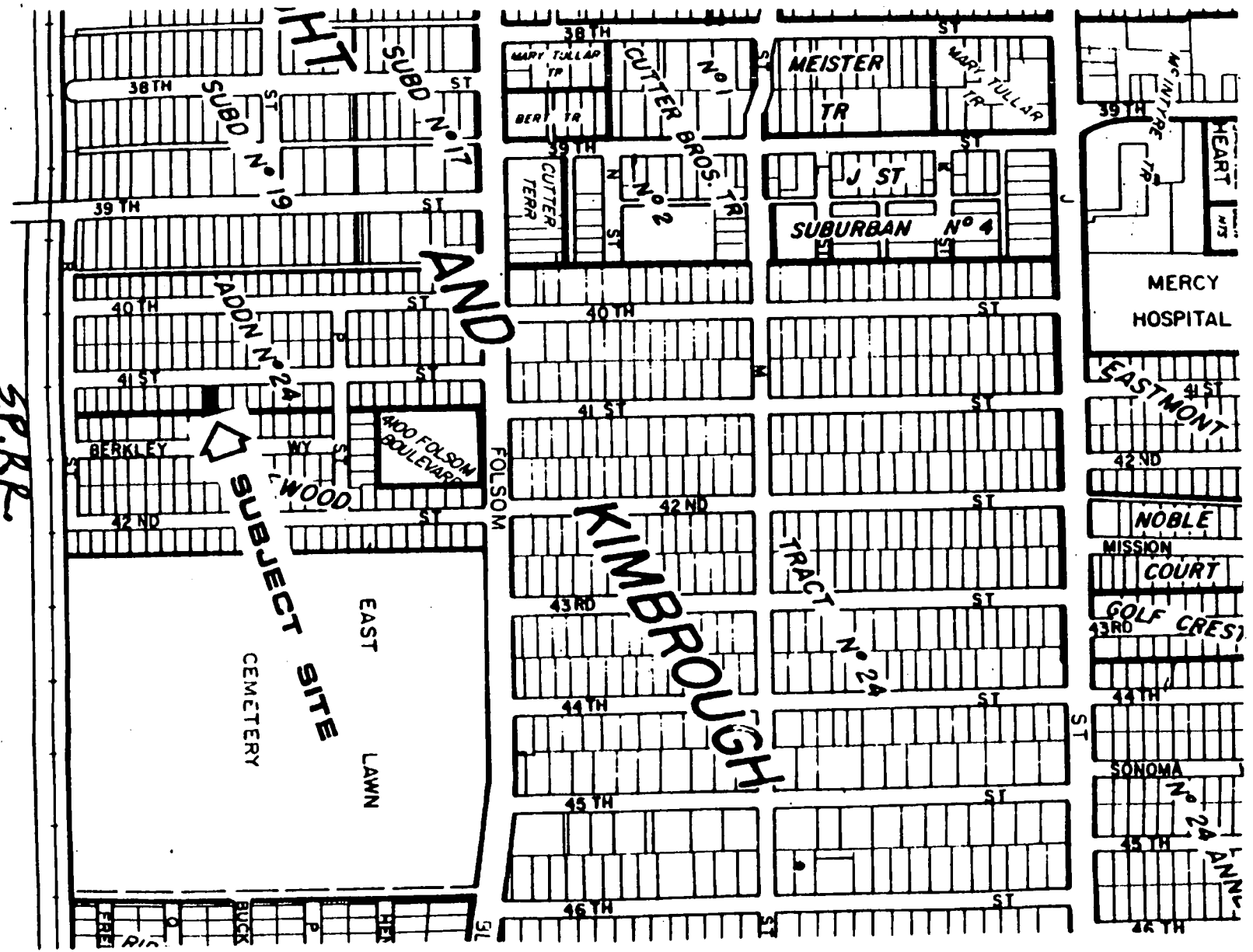
- A. Deny the Special Permit based on the Findings of Fact which follow:
- B. Deny the Variance to allow conversion of a garage to living quarters based on Findings of Facts which follow:
- C. Deny the Variance to allow tandem parking based on Findings of Fact which follow:
- D. Deny the Variance to allow a dwelling within the 15 foot 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 parcel to accommodate a detached second residential unit while meeting zoning requirements,
 - b. the proposed use would alter the single family residential character of the neighborhood by locating dwellings more closely than provided for by zoning requirements.
2. The project would be detrimental to the public health, safety and welfare, in that:
 - a. a precedent would be set to allow demolition of necessary parking garages in order to construct second residential units, which could lead to significant density increases and parking shortages in single family areas.

Findings of Fact - Variances

1. Granting the variances would constitute a special privilege extended to an individual applicant, as a variance would not be granted to other property owners facing similar circumstances, and there is no hardship nor unusual circumstances 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 change the single family character of the area.

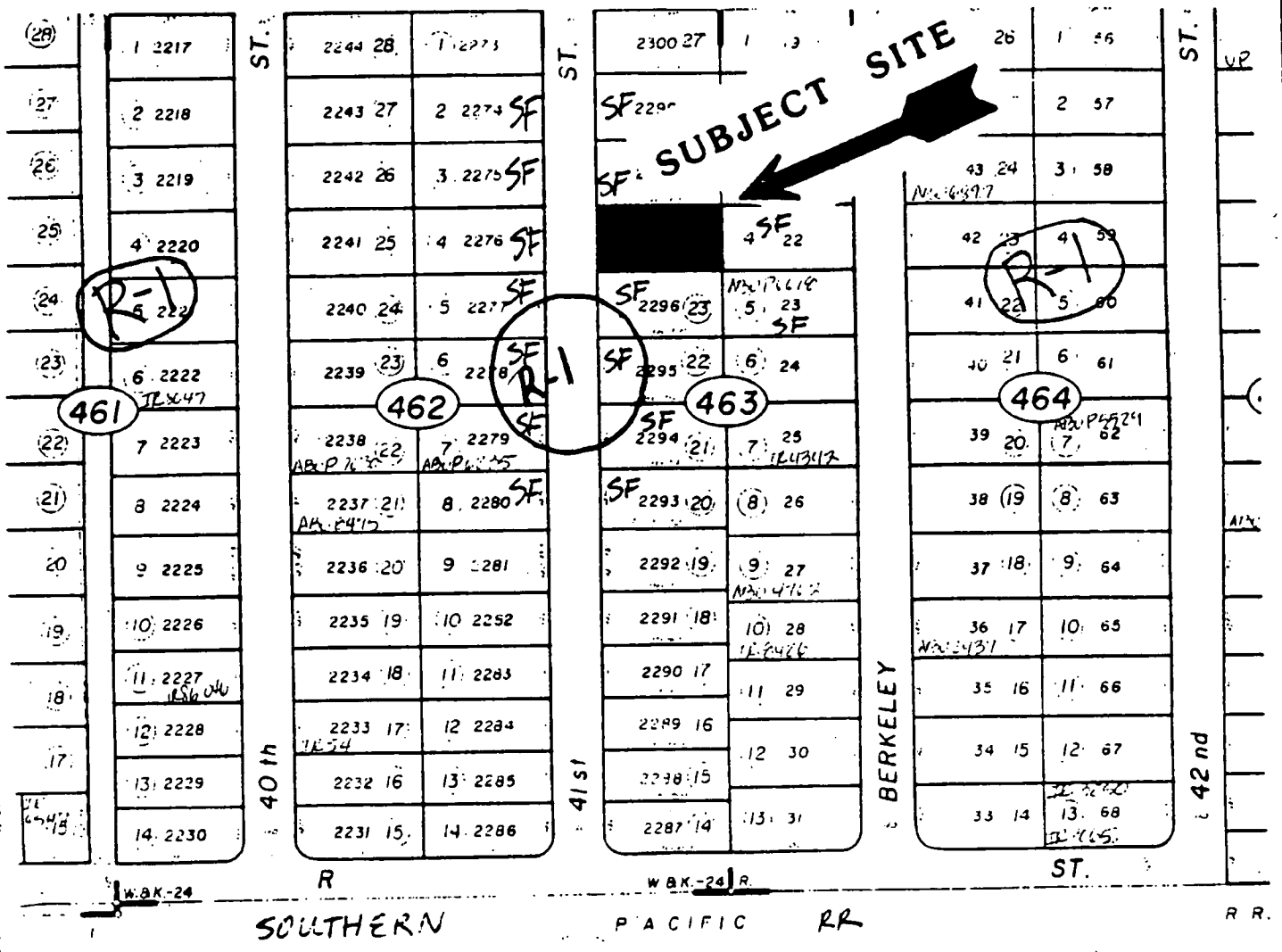


VICINITY MAP

P86-434

December 4, 1980

Item 33

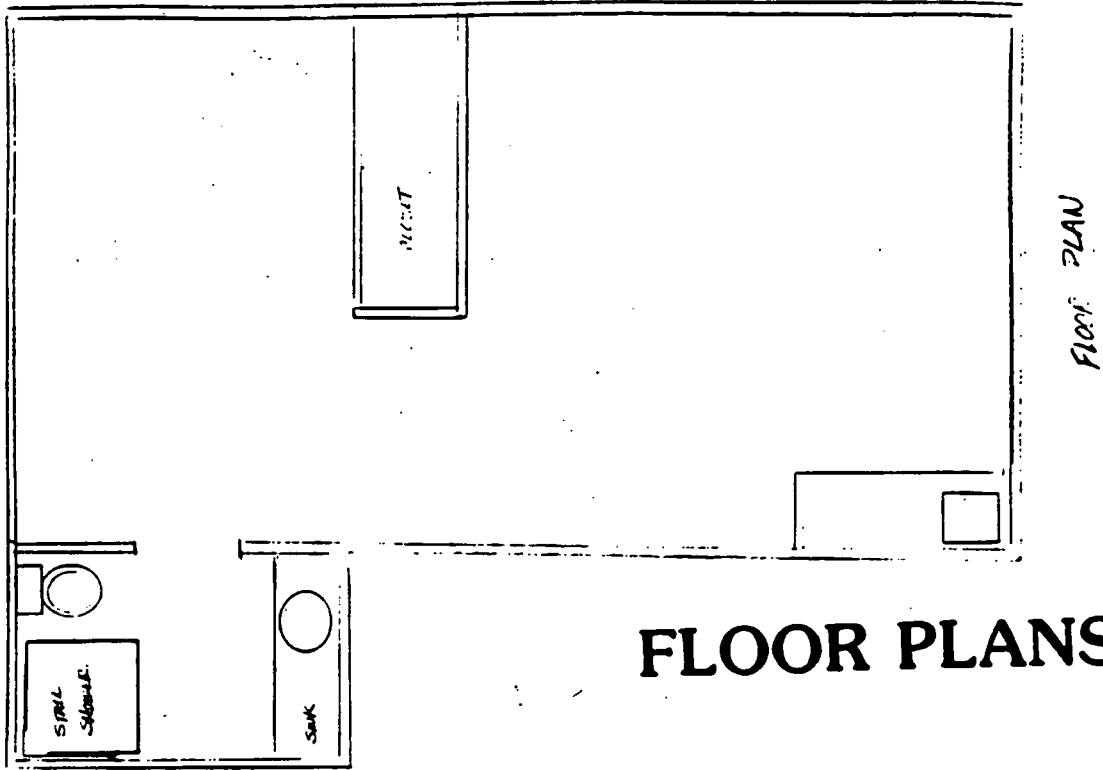


PS6-434

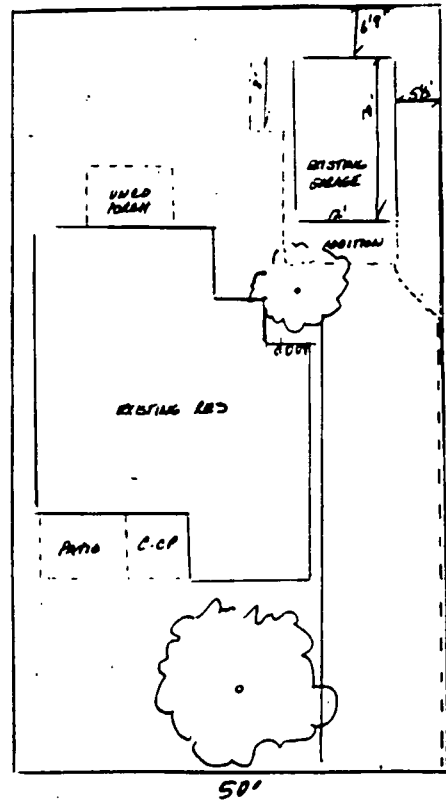
December 4, 1986

Item 33

LAND USE & ZONING MAP

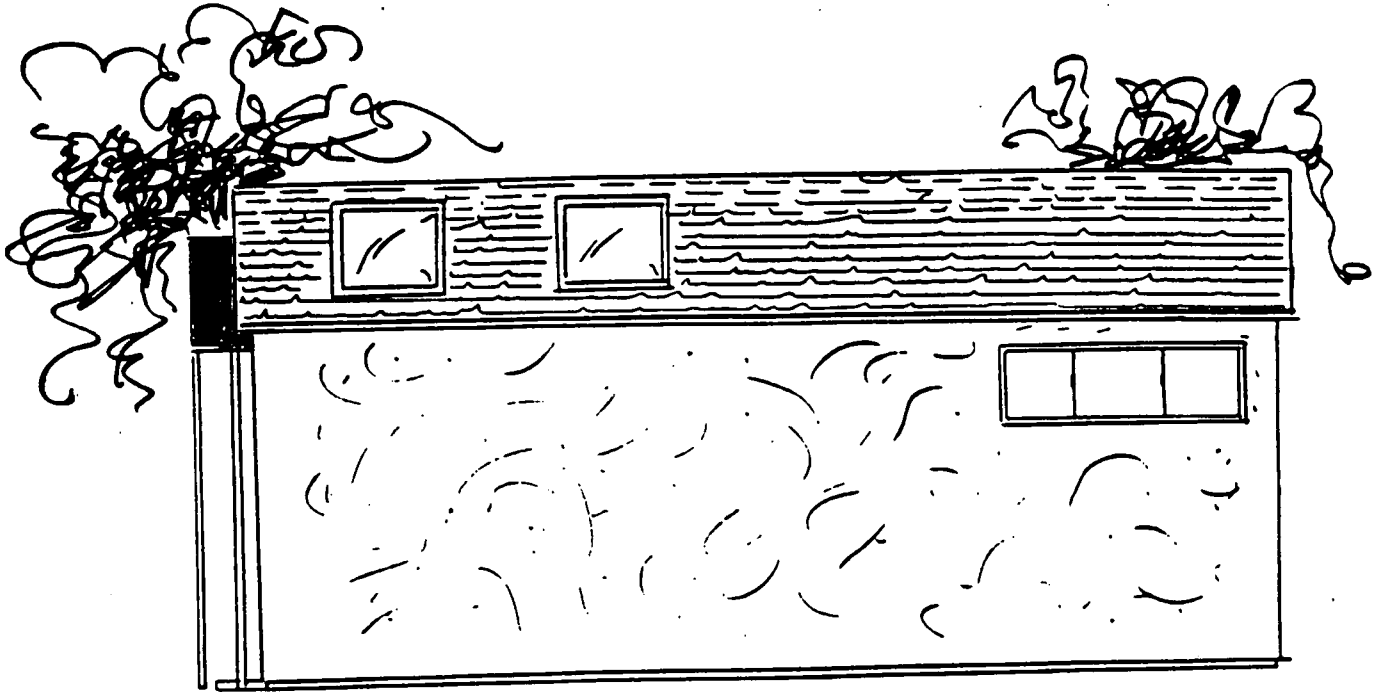


FLOOR PLANS



SITE PLAN

SITE PLAN



SOUTH SIDE ELEVATION



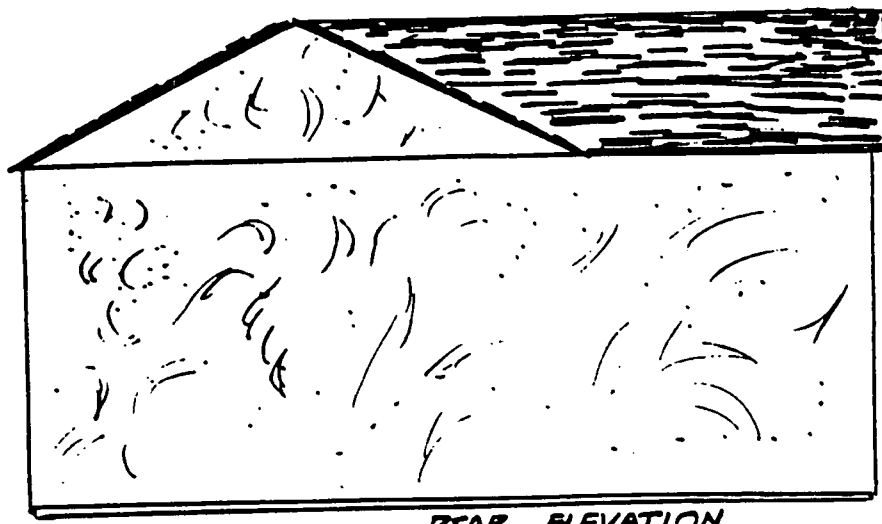
FRONT ELEVATION

ELEVATIONS

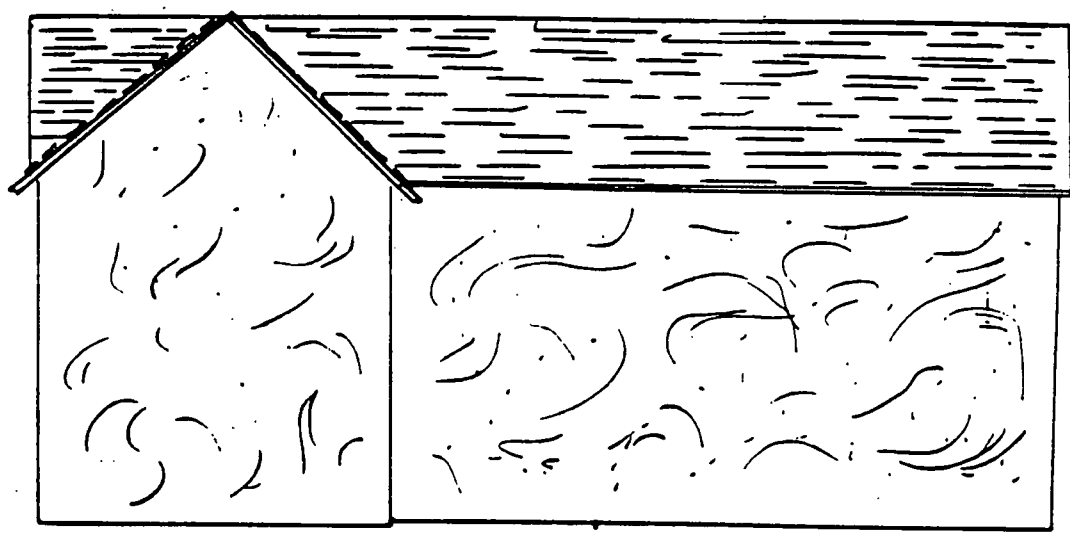
PSG-434

December 4, 1936

Item 16



REAR ELEVATION



NORTH SIDE ELEVATION

ELEVATIONS

Sacramento City Planning Commission VOTING RECORD

16

MEETING DATE <i>December 18, 1986</i>
ITEM NUMBER <u> </u>
PERMIT NUMBER <i>P-86-434</i>

ENTITLEMENTS

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| <input type="checkbox"/> GENERAL PLAN AMENDMENT | <input type="checkbox"/> TENTATIVE MAP |
| <input type="checkbox"/> COMMUNITY PLAN AMENDMENT | <input type="checkbox"/> SUBDIVISION MODIFICATION |
| <input type="checkbox"/> REZONING | <input type="checkbox"/> LOT LINE ADJUSTMENT |
| <input checked="" type="checkbox"/> SPECIAL PERMIT-FINDINGS OF FACT | <input type="checkbox"/> ENVIRONMENTAL DET. |
| <input checked="" type="checkbox"/> VARIANCE-FINDINGS OF FACT | <input type="checkbox"/> OTHER _____ |

STAFF RECOMENDATION <input type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable <input type="checkbox"/> Correspondence <input type="checkbox"/> Petition
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LOCATION <i>1713 41st Street</i>
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P R O P O S I T I O N S	NAME	ADDRESS

O P P O S I T I O N S	NAME	ADDRESS

MOTION#	YES			NO			MOTION SECOND		
Chinn	<input checked="" type="checkbox"/>								
Ferris	<input checked="" type="checkbox"/>								
Goodin	<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>
Hollick	<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>
Holloway	<i>absent</i>								
Otto	<input checked="" type="checkbox"/>								
Ramirez	<i>absent</i>								
Walton	<i>absent</i>								
Ishmael	<input checked="" type="checkbox"/>								

- ### MOTION
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| <input checked="" type="checkbox"/> TO APPROVE | <input type="checkbox"/> TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL |
| <input type="checkbox"/> TO DENY | <input type="checkbox"/> TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL |
| <input type="checkbox"/> TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT | <input type="checkbox"/> TO RATIFY NEGATIVE DECLARATION |
| <input type="checkbox"/> TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT | <input type="checkbox"/> TO CONTINUE TO _____ MEETING |
| <input type="checkbox"/> INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE | <input type="checkbox"/> OTHER _____ |

16

SACRAMENTO CITY PLANNING DEPARTMENT

Application Information

Application taken by/date: _____

Project Location 1713 41st St. **P** 86-434

Assessor Parcel No. 008-463-24

Owners Sharon Caudle Phone No. 449-5381

Address 1713 41st St., Sacto, CA 95819

Applicant Sharon Caudle Phone No. 449-5381

Address 1713 41st St., Sacto, CA 95819

Signature _____ C.P.C. Mtg. Date 12/4/86

REQUESTED ENTITLEMENTS

ACTION ON ENTITLEMENTS

Filing Fees

Environ. Determination exempt 15303

Commission date 12/18/86 Council date _____ Filing Fees \$ _____

General Plan Amend _____

_____ Filing Fees \$ _____

Community Plan Amend _____

_____ Res. _____ Filing Fees \$ _____

Rezone _____

_____ Res. _____ Filing Fees \$ _____

Tentative Map _____

_____ Ord. _____ Filing Fees \$ _____

Special Permit to construct a second residential unit on 0.11± dev ac in the R-1 zone

IAF 12/18/86 Res. _____ Filing Fees \$ _____
appealed 12/15/86

Variances to allow conversion of a garage to living quarters; to allow a dwelling within the 15 ft rear yard setback; to allow tandem parking

IAF 12/18/86 Res. _____ Filing Fees \$ _____
appealed 12/15/86

Plan Review _____

_____ Res. _____ Filing Fees \$ _____

PUD _____

_____ Res. _____ Filing Fees \$ _____

Other _____

_____ Res. _____ Filing Fees \$ _____

FEE TOTAL \$ _____

Sent to Applicant: _____ Date _____

By: _____ Sec. to Planning Commission

RECEIPT NO. _____ By/date _____

Key to Entitlement Actions

- R - Ratified
- Cd - Continued
- A - Approved
- AC - Approved W/conditions
- AA - Approved W/amended conditions
- D - Denied
- RD - Recommend Denial
- RA - Recommend Approval
- RAC - Recommend Approval W/conditions
- RMC - Recommend Approval W/amended conditions
- IAF - Intent to Approve based on Findings of Fact
- AFF - Approved based on Findings of Fact
- RPC - Return to Planning Commission
- CSR - Condition Indicated on attached Staff Report

NOTE: There is a thirty (30) consecutive day appeal period from date of approval. Action authorized by this document shall not be conducted in such a manner as to constitute a public nuisance. Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezonings, special permits and variances.

Gold - applicant receipt White - applicant permit Yellow - department file Pink - permit book

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

16

DATE: 12/15/86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City
Planning Commission of 12/18/86 ^{finding of fact} when:

 Rezoning Application Variance Application
 X Special Permit Application

was: X Granted Denied by the Commission

GROUND FOR APPEAL: (Explain in detail) SEE Attached

PROPERTY LOCATION: 1713 41ST St.

PROPERTY DESCRIPTION: Single family R-1 city lot

ASSESSOR'S PARCEL NO. 008-463-24

PROPERTY OWNER: Sharon L. Caudle

ADDRESS: 1713 41ST St.

APPLICANT: Sharon L. Caudle

ADDRESS: 1713 41ST St.

APPELLANT: (Rick McWilliam) (RICK MCWILLIAM Pres
(SIGNATURE) PRINT NAME East Sac Imp

ADDRESS: 1044 38th St. Assoc

FILING FEE: Sacto Cal 458/6

by Applicant: \$105.00 RECEIPT NO. _____
 by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: _____

P-86-434

AG
WW
LO



16

*East Sacramento
Improvement Association, Inc*

P.O. Box 19147
Sacramento, CA 95819

December 15, 1986

Members of the City Council
City Hall
Sacramento, CA 95814

Re: Appeal of Planning Commission Decision
Relating to Applicant No. P86-434 to Permit
a Second Residential Unit on a Single Family
R-1 Zone

Dear City Council Members:

The East Sacramento Improvement Association disagrees with the Planning Commission's decision on this matter for the following reasons:

1. We agree with your planning staff that the site is simply too small to accommodate a second residential unit and comply with zoning ordinances. Your staff and the Association agree that this project would set an undesirable precedent of allowing demolition of existing garages and construction of secondary units that do not meet setback or parking requirements.
2. Despite applicant's assurances, it is our belief that structures like the one proposed only lead to rental situations which permanently alter the character of a single family residential area.
3. The Planning Commission during open and closed hearing provided no justification for its decision, while the staff found no hardship nor unusual circumstances to support the request.
4. The Association understands the applicant's immediate needs; however, there are alternatives easily available to the applicant which would solve her problem. We met with the applicant and discussed several viable alternatives which would be more consistent with the neighborhood and add greater value to her home while not creating a rental.

We request that you reverse the Planning Commission's decision.

Thank you.



Rick McWilliam
President

10

APN: 008-0461-002
Joe Alarcon
1700 40th Street
Sacramento, CA 95819

31

APN: 008-0464-005
Caryl and Catherine Johnson
1716 42nd Street
Sacramento, CA 95819

41

APN: 008-0464-023
Inga Mitchell
1715 Berkeley Way
Sacramento, CA 95819

16 51

APN: 008-0461-003
Nancy I. Grant
1708 40th Street
Sacramento, CA 95819

32

APN: 008-0464-006
Charles and Norma Durrett
1720 42nd Street
Sacramento, CA 95819

42

APN: 008-0464-024
John W. Cooper
1709 Berkeley Way
Sacramento, CA 95819

52

APN: 008-0461-004
A. Herald Saladana
1712 40th Street
Sacramento, CA 95819

33

APN: 008-0464-007
Dorothy Corenman
5505 C Paseo Del Logo
West Laguna Hills, CA 95653

43

APN: 008-0464-025
Curtis C. Purvis
1036 Haight Street
San Francisco, CA 94117

53

APN: 008-0461-005
Oneida D. Loftis
1716 40th Street
Sacramento, CA 95819

34

APN: 008-0464-008
Robert J. Guidera
1728 42nd Street
Sacramento, CA 95819

44

APN: 008-0464-026
Donald C. Beilke
1701 Berkeley Way
Sacramento, CA 95819

54

APN: 008-0461-006
Eugene R. Maionchi
1720 40th Street
Sacramento, CA 95819

35

APN: 008-0464-017
David and Noa Bell
1737 Berkeley Way
Sacramento, CA 95819

45

APN: 008-0416-005
Mary Ann Hawthorne
1632 42nd Street
Sacramento, CA 95819

55

APN: 008-0461-007
Kenneth and Lucille Williams
1724 40th Street
Sacramento, CA 95819

36

APN: 008-0464-018
Malcom and Geraldine McKillop
1733 Berkeley Way
Sacramento, CA 95819

46

APN: 008-0416-006
Walter and Elizabeth Scott
1633 Berkeley Way
Sacramento, CA 95819

56

APN: 008-0464-001
Euphema E. Galloway
1640 42nd Street
Sacramento, CA 95819

37

APN: 008-0464-019
Ann L. Preston
1729 Berkeley Way
Sacramento, CA 95819

47

APN: 008-0416-007
Kenneth H. Kennedy
1625 Berkeley Way
Sacramento, CA 95819

57

APN: 008-0464-002
Isabel Chatoin
1700 42nd Street
Sacramento, CA 95819

38

APN: 008-0464-020
Edna Mae Renberg
1725 Berkeley Way
Sacramento, CA 95819

48

APN: 008-0416-008
Robert and Nancy Mees
1617 Berkeley Way
Sacramento, CA 95819

58

APN: 008-0464-003
Phillip and Elizabeth Wemer
1708 42nd Street
Sacramento, CA 95819

39

APN: 008-0464-021
John and Deanne Valone
1721 Berkeley Way
Sacramento, CA 95819

49

APN: 008-0413-002
Marshall and Jan Lee
1608 41st Street
Sacramento, CA 95819

59

APN: 008-0464-004
Carole Anne Litowsky
1712 42nd Street
Sacramento, CA 95819

40

APN: 008-0464-022
Harold and Janis Kraassen
1410 41st Street
Sacramento, CA 95819

50

APN: 008-0413-003
Terry Fong
1616 41st Street
Sacramento, CA 95819

60

APN: 008-0415-009
Jerry V. & Jan G. Finney
1609 41st Street
Sacramento, CA 95819

APN: 008-0463-025
John and Sue Robbins
1709 41st Street
Sacramento, CA 95819

APN: 008-0463-009
Michael and Valencia Jones
3601 Ea Cr Park Drive
Sacramento, CA 95818

APN: 008-0415-008
Laurel Rath
1214 El Sur Way
Sacramento, CA 95825

APN: 008-0463-023
John C. Wilson
1717 41st Street
Sacramento, CA 95819

APN: 008-0463-008
Jonathan L. Price
5017 Vista Del Oro
Fair Oaks, CA 95628

APN: 008-0415-007
Helen P. Roberts
1625 41st Street
Sacramento, CA 95819

APN: 008-0463-022
Donald and Marcia Bevins
1721 41st Street
Sacramento, CA 95819

APN: 008-0463-007
Carolyn Sue Mills
1724 Berkeley Way
Sacramento, CA 95819

APN: 008-0415-006
Ellsworth & Ruth Gorman
1630 41st Street
Sacramento, CA 95819

APN: 008-0463-021
Debra and Mark Jefcoat
1725 41st Street
Sacramento, CA 95819

APN: 008-0463-006
John C. Yonkus
1718 Berkeley Way
Sacramento, CA 95819

APN: 008-0415-005
Eugene S. Dunn
1632 Berkeley Way
Sacramento, CA 95819

APN: 008-0463-020
Steven J. Bolfrey
1029 J Street, #500
Sacramento, CA 95814

APN: 008-0463-005
Cecil and Marlyne John
1716 Berkeley Way
Sacramento, CA 95819

APN: 008-0415-004
James E. Townsend
1624 Berkeley Way
Sacramento, CA 95819

APN: 008-0463-019
Edith H. Fiscus
1733 41st Street
Sacramento, CA 95819

APN: 008-0463-004
Wayne Grossman
1712 Berkeley Way
Sacramento, CA 95819

APN: 008-0415-003
Craig L. Brown
1616 Berkeley Way
Sacramento, CA 95819

APN: 008-0463-018
Raymond Levesque
1737 41st Street
Sacramento, CA 95819

APN: 008-0463-003
Richard and Lisa Bollinger
1708 Berkeley Way
Sacramento, CA 95819

APN: 008-0415-002
Linda J. Vogel
1608 Berkeley Way
Sacramento, CA 95819

APN: 008-0463-017
John and Joan Krizman
1045 45th Street
Sacramento, CA 95819

APN: 008-0463-002
Joseph and Shzrlene St. Clair
1700 Berkeley Way
Sacramento, CA 95819

APN: 008-0463-027
Lawrence and Laurie Laslett
1641 41st Street
Sacramento, CA 95819

APN: 008-0463-011
Edward Bradley
1740 Berkeley Way
Sacramento, CA 95819

APN: 008-0463-001
Richard and Tracie Fike
1640 Berkeley Way
Sacramento, CA 95819

APN: 008-0463-026
Alfred and Lucille Smith
1701 41st Street
Sacramento, CA 95819

APN: 008-0463-010
Larry and Kathleen Somerton
1736 Berkeley Way
Sacramento, CA 95819

APN: 008-0461-001
Margarett H. Macneill
1640 40th Street
Sacramento, CA 95819

P-86-434

APN: 008-0413-004
Lawrence and Marilyn Duval
1624 41st Street
Sacramento, CA 95819

APN: 008-0462-005
Mark and May Ballew
5949 Lake Crest Way, #22
Sacramento, CA 95828

APN: 008-0462-022
Jennifer Dean
5605 Greenbrae Road
Sacramento, CA 95822

APN: 008-0413-005
Judith S. Ellick
1432 41st Street
Sacramento, CA 95819

APN: 008-0462-006
Shareen G. Rendon
1720 41st Street
Sacramento, CA 95819

APN: 008-0462-023
Jean C. Flint
P.O. Box 562
Toledo, OR 97391

~~APN: 008-0413-006
Charles and Virginia Schatz
1625 40th Street
Sacramento, CA 95819~~

APN: 008-0462-007
Laurence and Joan Volterza
1724 41st Street
Sacramento, CA 95819

APN: 008-0462-024
Gregory and Ella Stark
1717 40th Street
Sacramento, CA 95819

APN: 008-0413-007
Charles and Virginia Schatz
1625 40th Street
Sacramento, CA 95819

APN: 008-0462-008
Alden and Loretta Darrow
1728 41st Street
Sacramento, CA 95819

APN: 008-0462-025
Gerald and May Steward
1713 40th Street
Sacramento, CA 95819

APN: 008-0413-008
George and Marguerite Peluso
1617 40th Street
Sacramento, CA 95819

APN: 008-0462-009
Lena Pierini
1732 41st Street
Sacramento, CA 95819

APN: 008-0462-026
Frank and Dolores Valls
4750 American River Drive
Carmichael, CA 95608

APN: 008-0462-001
Pendleton E. Page
1640 41st Street
Sacramento, CA 95819

APN: 008-0462-010
Edward and Mabel Stroehlke
1736 41st Street
Sacramento, CA 95819

APN: 008-0462-027
A. Jerald Salandana
1701 40th Street
Sacramento, CA 95819

APN: 008-0462-002
Charles and Catherine Walther
1700 41st Street
Sacramento, CA 95819

APN: 008-0462-011
Dale Edward Sandow
1740 41st Street
Sacramento, CA 95819

APN: 008-0462-028
Robert and Julie Kirrene
1641 40th Street
Sacramento, CA 95819

~~APN: 008-0462-004
Carey N. La Due
5812 Mark Twain Avenue
Sacramento, CA 95820~~

APN: 008-0462-019
1825 39th Street
Sacramento, CA 95816

Sharon Caudle
1713 41st ST
Sacramento, CA 95819

APN: 008-0462-003
Thelma Cossich
1708 41st Street
Sacramento, CA 95819

APN: 008-0462-020
Mary C. Kelley
1733 40th Street
Sacramento, CA 95819

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APN: 008-0462-004
Carey N. La Due
5812 Mark Twain Avenue
Sacramento, CA 95820

APN: 008-0462-021
Benjamin and Sally Belasco
1729 40th Street
Sacramento, CA 95819

RICK McWilliam
1044 38th St.
SACTO CA 95816

P-86-434

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

JAN 20 5 01 PM '87

16

November 23, 1986

Dear Neighbor:

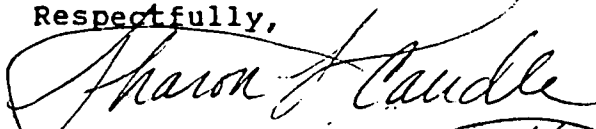
My name is Sharon Caudle and I live at 1713 41st. As you may already know I am requesting permission from the City to convert my garage structure into a 'granny flat.' I am making this request because my home has only one bedroom and one bathroom. I need additional living space for my daughter who wishes to move back home. I also need additional space for family members who come to visit.

The City has no provisions to allow for family living space in a detached garage or accessory structure so I have had to request a special permit for the granny flat. The garage in question has no useful purpose since it is too small to park my car inside. If I am permitted to convert the garage as requested the structure will be upgraded in a design compatible to my home. At the present time, my house is a negative factor on home values in the area because of the one bedroom.

I have no intention of using the granny flat as rental property and would agree to have the structure limited to family use only as a condition of approval.

I will be happy to answer any questions you have regarding my request. I also have built a scale model of the proposed unit which you may view. I can be reached after 5:15 p.m. at 454-0443.

Respectfully,



Sharon L. Caudle



I support my neighbor, Sharon Caudle's request to convert her garage into a granny flat and the variances to waive the on site required parking for one space in addition to the requested setback and elimination of the garage structure.

16

SIGNATURE

ADDRESS

- | | | | |
|----|--------------------|---------------------------|---------------------|
| 1 | <i>[Signature]</i> | 1709 41 st | Sacramento Ca |
| 2 | Sue Robbinn | 1709 41 st St. | Sacramento, CA |
| 3 | Edward J. Gorman | 1633-41 st | " |
| 4 | Michael Mason | 1625 41 st | 95819 |
| 5 | Barbara Harris | 1741 Berkeley Way | Sac. 95819 |
| 6 | Dave King | 1741 Berkeley Way | Sac 95824 |
| 7 | Chris Hunt | 1537 42 nd | S+ Sacto Ca 95819 |
| 8 | Lizatt Hunt | 1537 42 nd | St. Sacto. Ca 95819 |
| 9 | Judy Carlisle | 1740 41 st | ST Sacto " " |
| 10 | <i>[Signature]</i> | | |
| 11 | May Ballou | 1701 41 st | Sacto CA 95819 |
| 12 | Robert Ballou | 1716 41 st | Sacto CA 95819 |
| 13 | Marcella Beuins | 1721-41 st | Sac. CA 95819 |
| 14 | Donald J. Beuins | 1721 41 st St | Sacto Ca 95819 |
| 15 | Alton J. Darrow | 1728-41 st | Sacto Ca |
| 16 | Sharon G. Rendon | 1720 41 st | Sacto CA 95819 |
| 17 | Joan M. Valterga | 1724 41 st st. | Sacto CA 95819 |
| 18 | Debra J. Jovan | 1725 41 st | Sacto CA 95819 |
| 19 | Mark J. Jovan | 1725 41 st St. | Sacramento CA 95819 |
| 20 | John C. Wilson | 1717 41 st ST | Sacto. CA 95819 |

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JAN 20 5 02 PM '87

1944

I support my neighbor, Sharon Caudle's request to convert her garage into a granny flat and the variances to waive the on site required parking for one space in addition to the requested setback and elimination of the garage structure.

SIGNATURE

ADDRESS

1 *Robt Ames*

1617 Berkeley way

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- 3
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CITY OF SACRAMENTO
JAN 20 5 02 PM '87

The garage structure on my property cannot be utilized for the purpose of parking an automobile

14

SIGNATURE

ADDRESS

- 1 *John [Signature]* 1709 41st St Sacramento Ca 95819
- 2 *M. Mason* 1625 41st St Sac. Ca. 95819
- 3 *Steve [Signature]* 1741 Berkeley way Ca 95829
- 4 *[Signature]* 1537 42nd St CA 98819
- 5 *Judy Carlisle* 1740 41st
- 6 *Marj Ballou* 1716 41st Sac. CA. 95819.
- 7 *Marcia Bruins* 1721 -41st Sac., CA 95819
- 8 *Joan M. Valterza* 1724 41st St. Sacto, CA 95819
- 9 *Maule DeLoat* 1725 41st St. Sacramento CA 95819
- 10 *John Carlson* 17175 41st St Sacto CA 95819

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 CITY CLERK'S OFFICE
 CITY OF SACRAMENTO
 JAN 20 5 02 PM '87

I. have a standard size garage which I use to park my automobile.

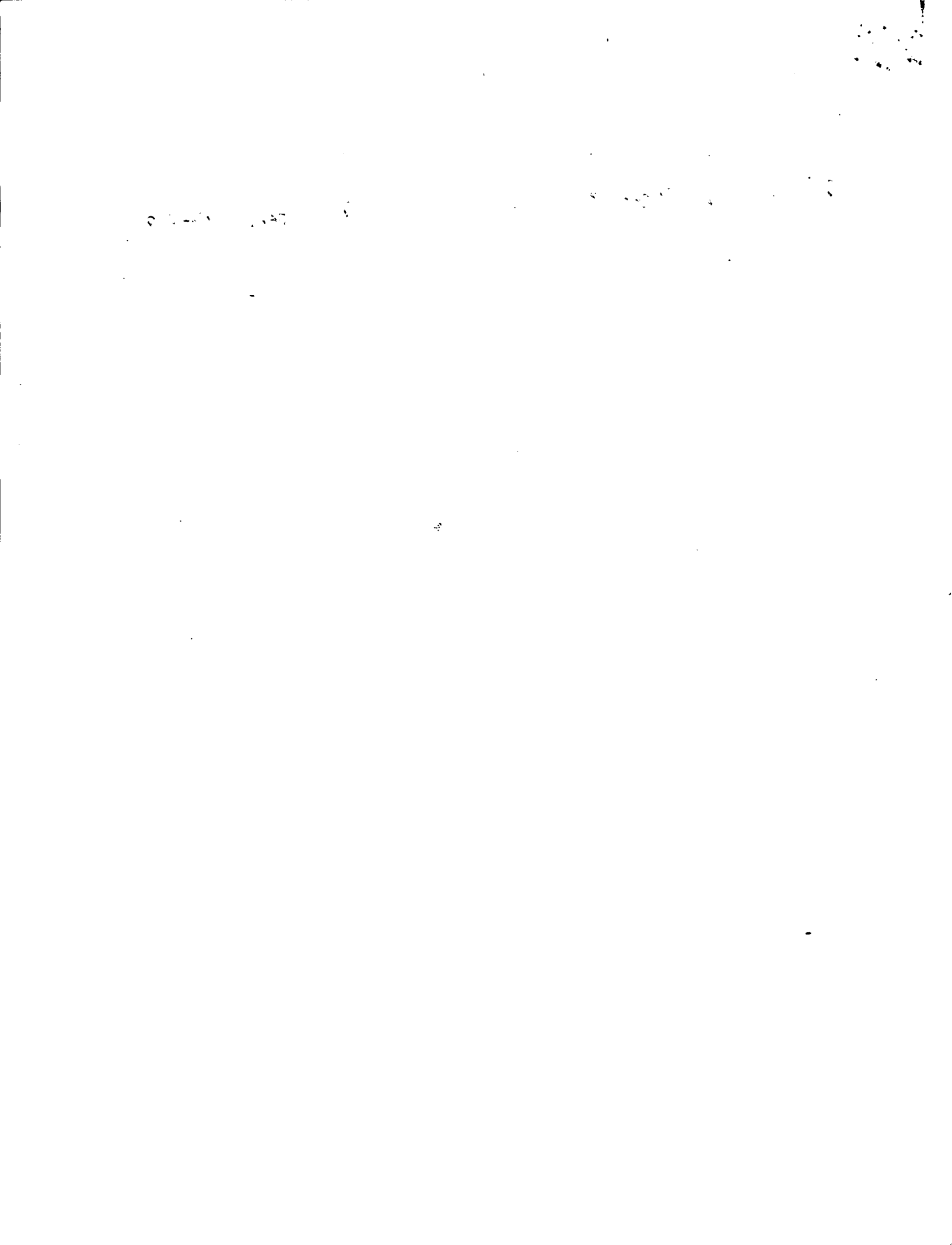
SIGNATURE

ADDRESS

1	Edward J. Gorman	1633-41-st	95819
2	Terence J. DeGnon	1609 41 st str.	95819
3	Patty Brinsky	1609 Berkeley Wy	95819
4	Carol H. Smith	1701-41 st	CA 95819

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January 26, 1987

Rick McWilliam, President
1044 38th Street
Sacramento, CA 95816

Dear Mr. McWilliam:

On January 20, 1987, the Sacramento City Council heard your appeal from City Planning Commission's approval of various requests for property located at 1713 41st Street. (P-86434)

- A. Special Permit to construct a second residential unit on 0.11± developed acres in the Single Family, R-1 zone.
- B. Variance to allow conversion of a garage to living quarters.
- C. Variance to allow a dwelling within the fifteen foot rear yard setback.
- D. Variance to allow tandem parking.

The Council adopted, by motion, its intent to deny your appeal contingent on Findings of Fact which are due February 3, 1987.

Sincerely,


Lorraine Magana
City Clerk

LM/mab/16

cc: Planning Department
Sharon Caudle, 1713 41st Street, Sacramento, CA 95819

