

RESOLUTION NUMBER 4965

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, APPROVING VARIANCE 15-05166 TO ALLOW AN EXISTING 1,950 SQ.FT. SINGLE FAMILY RESIDENCE TO BE CONVERTED TO A SECOND DWELLING UNIT WHERE THE ZONING CODE ALLOWS A MAXIMUM SIZE OF 1,200 SQUARE FEET FOR A SECOND DWELLING UNIT AT 818 DELINES DRIVE, LOCATED AT THE NORTHEAST CORNER OF METZ ROAD AND DELINES DRIVE, AND MAKING FINDINGS IN SUPPORT THEREOF. APPLICANT: JOAQUIN MARQUEZ

WHEREAS, the applicant applied for a variance from Chapter 19.81 “Second Dwelling Units” of the Zoning Code on October 14, 2015 to allow a second dwelling unit to exceed the maximum allowed square footage of 1,200 square feet; and

WHEREAS, the existing dwelling exceeds the maximum allowed square footage for second dwelling units by 750 square feet; and

WHEREAS, the variance request is also to allow an increase in living area of the maximum permitted size for a second dwelling unit permitted by the zoning code; and

WHEREAS, the proposed project is consistent with the City’s General Plan and, except for the requested variance, conforms to all zoning standards and other Ordinances and Resolutions of the City; and

WHEREAS, this Variance has been duly noticed; and

WHEREAS, on January 20, 2016 the Planning Commission conducted a duly, noticed public hearing on the proposed Variance, considered testimony and materials in the staff report and accompanying documents, and recommended approval of the proposed project; and

WHEREAS, on February 23, 2016 the City Council conducted a duly notice public hearing on the proposed projects, considered testimony and materials in the staff reports, accompanying documents and exhibits; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data which constitutes the administrative record for the above-mentioned approvals, including all oral and written evidence presented to the City during all project meetings and hearings; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris as follows:

Section 1. The above recitals are all true and correct.

Section 2. The City Council hereby determines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Class 3 of Article 19, Section 15303, pertaining to New Construction or Conversion of Small Structures. Accordingly, the City Council adopts a Categorical Exemption in accordance with the provisions of the California Environmental Quality Act.

Section 3. Based upon the information contained within the staff report and accompanying attachments, with respect to Variance 15-05166, the City Council finds that:

1. *There are unique physical circumstances applicable to the subject land, including size, shape, topography, location or surroundings.*

The subject parcel is a large 2.7 acre parcel and rectangular in shape which can easily accommodate two dwellings with the proposed square footage without adverse effects to the property or surrounding properties and still adhering to all the existing development standards. The property was purchased in order to accommodate for the applicants large extended family. The existing 1,950 square foot single family residence can no longer accommodate their needs. The parcel is 2 to 3 times larger than typical parcels zoned R-10,000 while still exceeding all developments standards with the proposed development included. The homeowners request for a larger dwelling unit can be accommodated on a property of this size. The fact that the subject lot is twice as large and is already developed with a residential unit creates unique circumstances that are not shared by other lots in the vicinity.

2. *The strict application of zoning standards deprives the property of the right to use the land in manner enjoyed by other conforming property in the vicinity under identical zoning standards.*

The existing structure to be designated as a second dwelling unit is 1,950 Square feet. The maximum allowed square footage for second dwellings is 1,200 square feet. It would not be practical and would create an unnecessary hardship to demolishing 750 square feet solely to comply with zoning standards for second dwelling units when there is ample room on the lot to accommodate two units with the proposed square footages. The lot can easily accommodate the additional square footage while exceeding all development standards. The lot coverage for the surrounding properties is around 40-60 percent while the applicant's proposal would have a lot coverage of approximately 4.57%

3. *The granting of the variance and any appropriate conditions of approval shall not constitute a grant of special privileges which other conforming properties in the vicinity do not enjoy under identical zoning standards.*

Proposal for a second dwelling unit is permitted in the R-10,000 Zoning District. The variance will allow the existing home to function as a second dwelling unit and the new home functioning as the primary dwelling to be constructed on a large vacant portion of the parcel. The Zoning Ordinance allows second dwelling units to provide an additional opportunity for affordable housing in the City by permitting secondary units for residential purposes on lots for single-family use which are compatible. The granting of this variance will not constitute a special

privilege in that that the property owner is entitled to a second dwelling unit as any other conforming property in the vicinity. Except for the size of the dwelling, the project complies with all other zoning codes.

4. *The granting of the variance will not adversely affect the objectives, policies, and programs contained in the City's General Plan.*

The requested variance is to allow the second unit to exceed the maximum allowed square footage by 750 square feet. The proposed variance is consistent with the intent of the state law, general plan and the zoning ordinance as the second dwelling will be subordinate to the primary dwelling. The size of the parcel allows for the second unit to comply with all the required development standards in the zoning code. The granting of the variances will not adversely affect the objectives, policies, and programs contained in the City's General Plan. Notices were sent to all adjacent property owners and not comments have been received.

Section 4. That for the foregoing reasons the City Council approves, Variance 15-05166 to allow an existing 1,950 sq. ft. home as a second dwelling unit where the Zoning Code allows a maximum size of 1,200 square feet for a second dwelling unit at 818 Delines Drive, based on the information and findings presented in the staff report and subject to the attached Conditions of Approval (Exhibit A).

Section 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

Section 6. The Mayor shall sign and the Secretary shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 23rd day of February 2016.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4965 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 23rd day of February 2016, by the following called vote:

AYES: YARBROUGH, BURKE, RABB, ROGERS, BUSCH

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

City Clerk, Nancy Salazar

Attachment: Conditions of Approval