

PLANNING DIRECTOR'S FLOOD VARIANCE  
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	William and Karen Ferguson, 1843 C Street, Rio Linda, CA 95673	
OWNER	William and Karen Ferguson, 1843 C Street, Rio Linda, CA 95673	
PLANS BY	William and Karen Ferguson, 1843 C Street, Rio Linda, CA 95673	
FILING DATE	ENVIR. DET. Negative Declaration	REPORT BY CAS
ASSESSOR'S PCL. NO.	226-0034-001	

- APPLICATION:**
- A. Negative Declaration
  - B. Planning Director's Flood Variance to replace a fire-destroyed dwelling with a new 1,575 square foot single family dwelling on 1+ acres in the Standard Single Family (R-1) and A99 Flood zones.

**LOCATION:** 5120 Carey Road

**PROPOSAL:** The applicant is requesting the necessary entitlements to replace a fire-damaged, single family dwelling with a new single family residence located within the Rural Estates neighborhood of the North Natomas Community Plan area and the A99 Flood zone.

**PROJECT INFORMATION:**

General Plan Designation:	Rural Estates (1 du/.5-4 ac)
1986 North Natomas	
Community Plan Designation:	Rural Estates (1du/ac)
Existing Zoning of Site:	Standard Single Family, R-1
Existing Land Use of Site:	Fire damaged dwelling and existing pump house

**Surrounding Land Use and Zoning:**

North:	Single Family Residence, R-1
South:	Single Family Residence, R-1
East:	Single Family Residence, R-1
West:	Vacant, R-1

Parking Required:	1 car garage
Parking Provided:	2 car garage
Property Dimensions:	Irregular
Property Area:	1.0+ acres
Proposed Building Square Footage:	1,575 square feet
Height of Building:	16 feet (one story)
Topography:	Flat
Street Improvements:	Existing street, no curbs, gutters, and sidewalks
Utilities:	Existing
Exterior Building Materials:	Masonite lap siding
Roof Material:	Composition shingle
Building Colors:	Gray and white

APPLC. NO. P92-322

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PROJECT EVALUATION: Staff has the following comments:

A. Background Information

On February 1, 1990, the City Planning Commission recommended adoption of a City ordinance establishing a Land Use Planning Policy for areas of the City with less than 100 year flood protection. On February 6, 1990, the City Council adopted the policy. One component of the policy imposes a temporary moratorium on residential development in North and South Natomas Community Plan areas until the Natomas levees are stabilized. The anticipated date for completion of the levee stabilization is in the spring of 1993. The moratorium has not been lifted. Because of this moratorium, the applicant is required to obtain a Flood Variance from the City of Sacramento in order to develop a residential use on the subject site.

B. Land Use and Zoning

The subject site consists of 1.0± partially developed acres in the Standard Single Family (R-1) and A99 Flood zones. The General Plan designates the site as Rural Estates (1 du/.5-4 ac) and the 1986 North Natomas Community Plan designates the site as Rural Estates (1du/ac). The surrounding land use and zoning for the site is single family, zoned R-1 within the A99 Flood zone to the north, south, and east and vacant, zoned R-1 in the A99 Flood zone to the west.

C. Applicant's Proposal

The existing dwelling unit was severely damaged by fire on September 21, 1992. The applicant is proposing to replace the 1,375± square foot fire-damaged dwelling with a new 1,575 square foot, three bedroom residence. A pump house and septic tank survived the fire and will be retained on the site. A two car garage will be included in the new residence. The proposed residence is consistent with the City Zoning Ordinance concerning density, height, area, lot coverage, and setbacks.

D. Policy Considerations

Replacing a damaged residence in the A99 Flood zone when the proposal complies with the stated qualifying criteria is consistent with the City's Flood Policy adopted February 6, 1990.

E. Staff Analysis

**Flood Policy:** The City's Flood Policy language outlines two types of variance procedures for project applications requesting to develop residential uses in North or South Natomas. The two types of variances are: Planning Director's Flood Variance and Planning Commission Flood Variance. The qualifying criteria for each type are as follows:

**Planning Director's Flood Variance - Qualifying Criteria**

Intended for applicants who: 1) propose to construct one new single family structure 2) that will be occupied by the applicant 3) on a parcel that was owned by the applicant prior to January 1, 1990.

**Planning Commission Flood Variance - Qualifying Criteria**

Intended for applicants who: 1) propose to construct one or more new residential structure and 2) do not meet the criteria of the Planning Director's Flood Variance.

The applicant is proposing to construct one new single family dwelling; purchased the property on January 22, 1979, therefore prior to January 1, 1990; and proposes to live in the residence once constructed. Therefore, a Planning Director's Flood Variance is required.

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The City's Flood Variance Review Team has reviewed the flood variance request. The team is comprised of representatives from the City's Public Works, Utility, and Planning Departments and the City Attorney's Office. The Team made the necessary findings:

- 1) The proposal will not result in any increase in flood levels during the base flood discharge in that the proposal does not constitute any new obstruction in the existing flood plain;
- 2) The proposal is virtually contiguous to and surrounded by lots with existing structures constructed below the base flood level; and
- 3) The variance is in conformance with the following:
  - i) It is of good and sufficient cause in that a single family dwelling had been located on the subject site prior to the effective date of the City's Flood Policy;
  - ii) Failure to grant the variance would result in exceptional hardship to the applicant in that the applicant purchased the property with a single family residence in place, the loss of which resulted in substantial personal and financial hardship;
  - iii) The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances in that:
    - a) The newly constructed house will not result in any increase in flood levels during the base flood discharge in that the proposal will not constitute an obstruction in an existing flood plain by blocking any known drainage channel or canal;
    - b) Establishment of the newly constructed house will serve as a replacement of a formerly existing house and therefore will not subject additional persons to the risks associated with flooding; and
    - c) The applicant will be informed of the risks and consequences associated with residency in the A99 flood zone pursuant to Section 26 of the City's Zoning Ordinance; and
  - iv) The variance is the minimum necessary, considering the flood hazard, to afford relief to the applicant in that the variance will allow the property owner to reestablish a single family dwelling on the subject site.

The City's Flood Variance Review Team therefore found the proposal to be consistent with the objectives of the Federal Emergency Management Agency (FEMA) Flood Plain Management Regulations (Subchapter B, Title 44, Code of Federal Regulations, Section 60.6, as amended (Ord. No. 88-002,1)). Likewise, the proposal is found to be consistent with the City's Flood Policy as adopted on February 6, 1990, by the City Council.

**Site Plan Design:** As proposed, the site and structure are consistent with the City's zoning regulations concerning density, height, area, lot coverage, and setbacks. An existing pump house and septic tank will be retained.

**Building Design:** Design Review staff has reviewed the proposed building design and has made the following recommendations:

- 1) Provide a vent, like the other proposed vents, on the north garage elevation;
- 2) Provide landscaping in the front setback area; and
- 3) Prior to obtaining a building permit, show the driveway to the garage and a concrete walkway to the front entrance.

The applicant has been informed of the above recommendations and has agreed to incorporate them into the project design.

Staff supports the approval of the Planning Director's Flood Variance in that the proposed residence is consistent with the City's Flood Policy and Zoning Ordinance.

F. Agency Comments

Copies of the application and plans were sent to the City's Public Works Department (Transportation and Development Services Divisions), Utility Department, Building Inspections Division, Environmental Services Division as well as the City Attorney's Office and the City Arborist. Also, the project was reviewed by Group of Residents Improving Neighborhoods (GRIN). Several comments supporting the variance request were received from the adjacent property owners notified by certified mail. The following comments were received from City staff:

City Building Inspections: Building staff states that no construction may be started until a building permit is obtained. The residence will be served by an existing septic system and staff prefers each residence to be served by City sewer service. However, no City sewer service is available in the area so the applicant may continue to use the existing septic system. Staff notes that the closest fire hydrant or 6 inch or greater water main is at Carey Road and Main Avenue (Del Paso Road) approximately 2,125± feet south of the property. A fire hydrant is normally required within 300 vehicular feet of a new structure. However, since the proposed project is a replacement of the original structure, a fire hydrant will not be required.

City Public Works (Development Services): Staff states that the property to be developed in accordance with this variance may be subject to flooding. Interested parties should ascertain whether and to what extent such flooding may occur. The applicable base flood elevations for the property should be reviewed. Base flood elevations are contained in the US Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available for review at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street.

City Arborist: The City Arborist requests that the 14 inch black walnut, the 6 inch plum, and the 13 inch ash trees be retained and the applicant has agreed. The two trunk, co-dominant mimosa may be saved or removed at the discretion of the applicant.

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact on the environment and has filed a Negative Declaration with no mitigation measures.

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

- A. Ratify the Negative Declaration; and
- B. Approve the requested Flood Variance to replace a fire damaged dwelling with a new 1,575 square foot dwelling unit on 1.0± acres in the Standard Single Family (R-1) and A99 Flood zones as conditioned and based on findings of fact which follow.

Conditions:

- 1. The 14 inch black walnut, the 6 inch plum, and the 13 inch ash tree shall be retained on the site.
- 2. Prior to issuance of the building permit, the following design features shall be shown on the building and site plans:
  - a. a vent, identical to the other proposed vents, shall be provided on the north garage elevation; and
  - b. a concrete driveway and front entrance sidewalk shall be shown on the site plan.

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Findings of Fact:

1. Granting the Flood Variance request does not constitute a special privilege extended to an individual applicant in that:
  - a. the project meets the objectives of FEMA's Flood Plain Management Regulations and therefore also complies with the City's adopted Flood Policy; and
  - b. a variance would be granted to any other property owner facing a similar circumstance.
2. Granting the variance request does not constitute a use variance in that new single family dwellings may be established in the A99 Flood zone subject to the appropriate Flood Variance procedures.
3. Granting the variance request will not be injurious to public welfare nor to property in the vicinity in that:
  - a. the proposal will not result in an increase in flood levels during the base flood discharge; and
  - b. the proposal will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.
4. The variance is consistent with the General Plan and the 1986 North Natomas Community Plan in that the subject site is designated for residential use.

Report Prepared By:

Carol Shearly  
Carol Shearly, Associate Planner

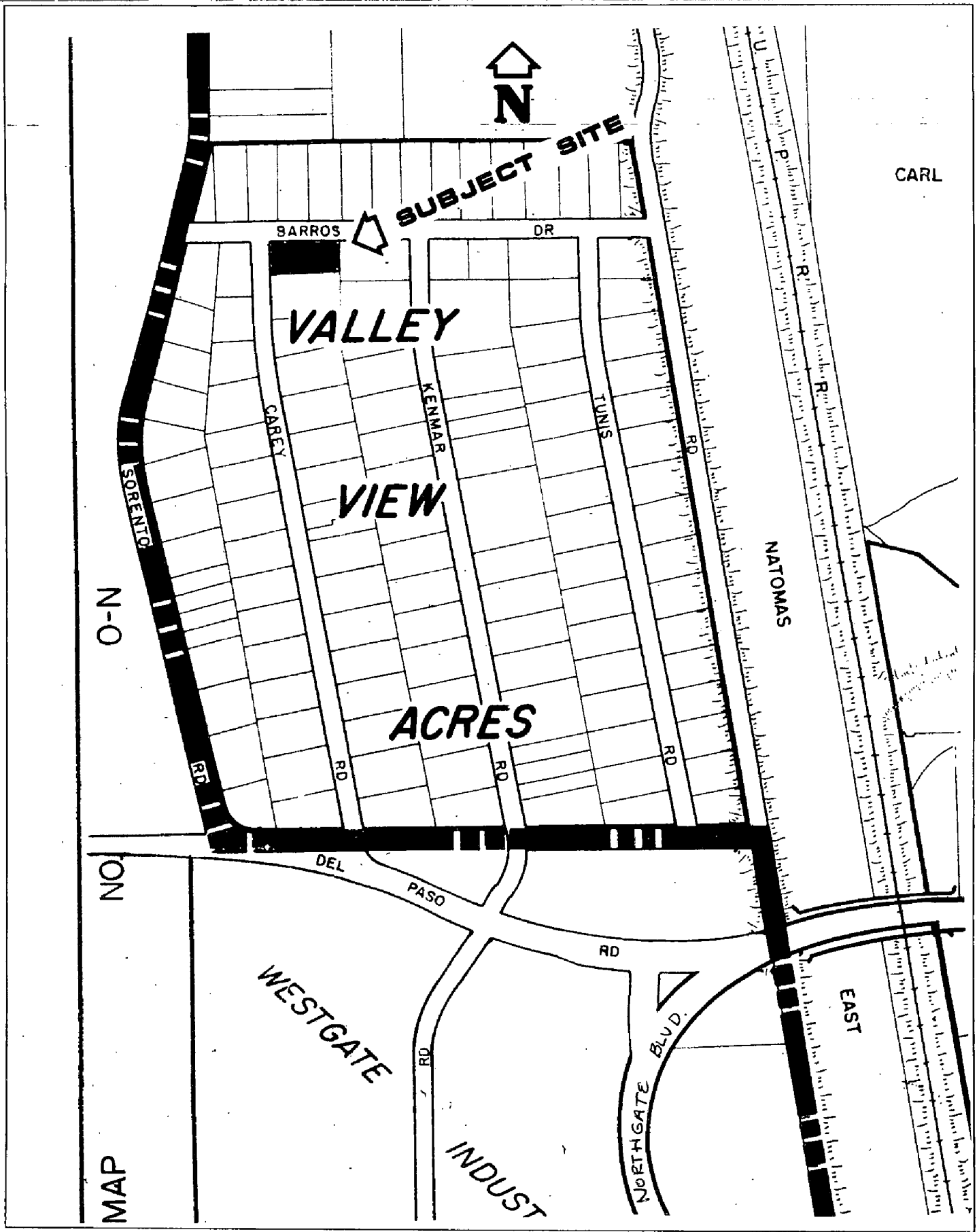
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Date

Recommendation Approved By:

Gary L Stonehouse  
Gary L. Stonehouse, Planning Director

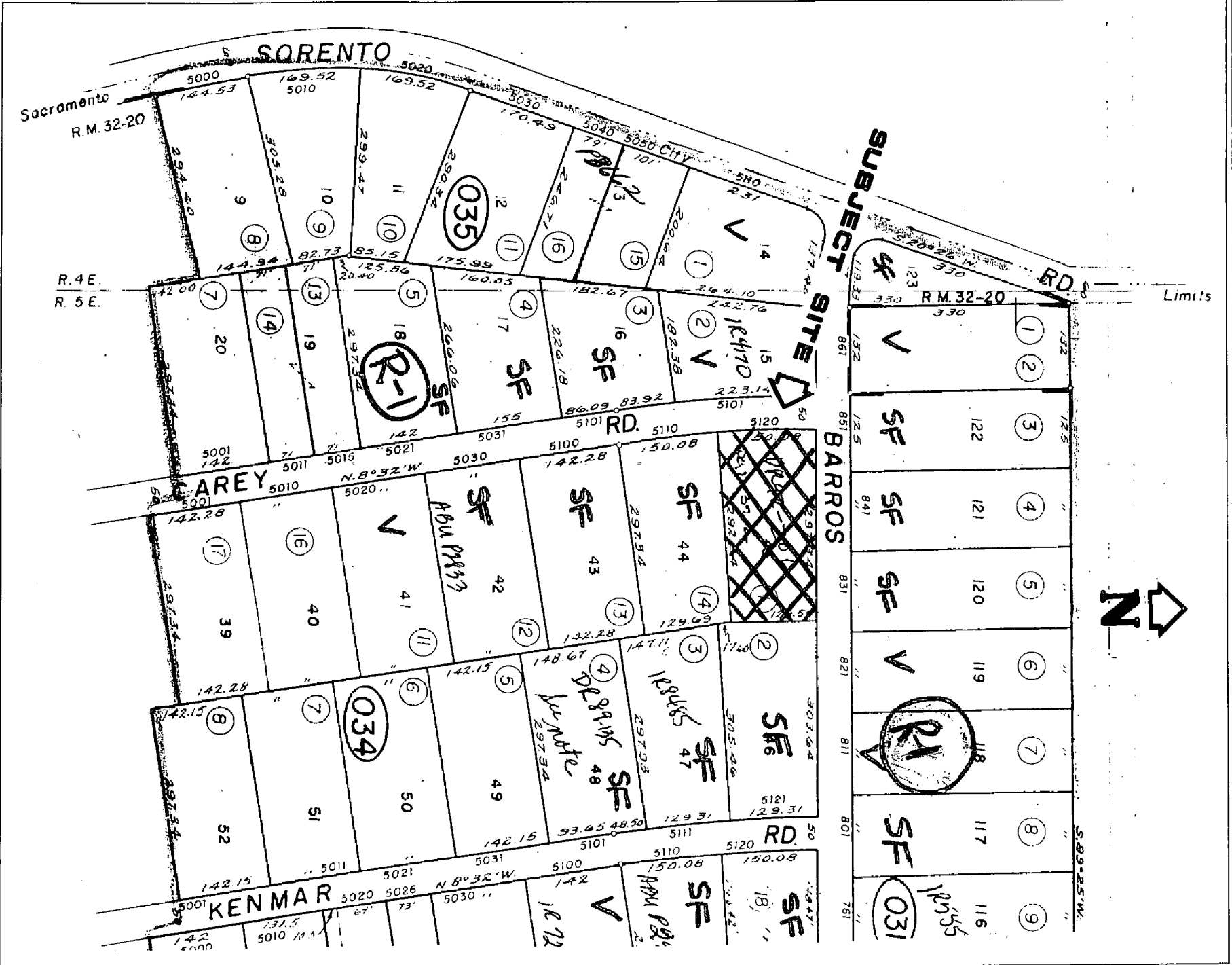
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VICINITY MAP

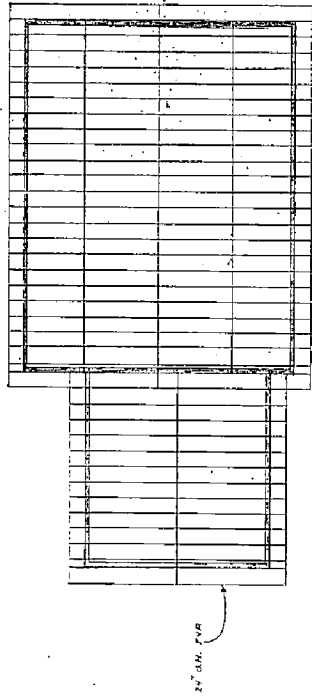
LAND USE AND ZONING MAP 0609



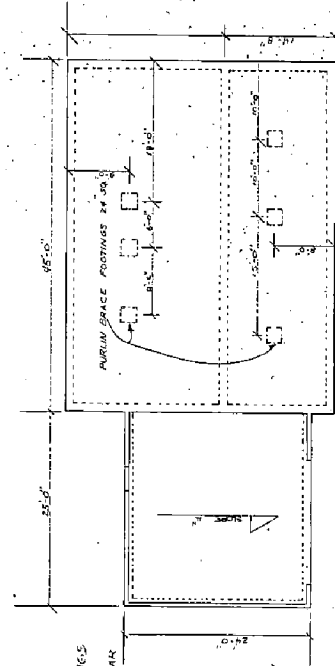
**EXHIBIT A - SITE PLAN**

PRIVATE RESIDENCE 5120 CAREY RD

Z/R RAFTERS 2x4" O.C. 2x10 RIDGE AND PURLIN  
 2x10 CEILING JOISTS 24" O.C.  
 1/2" PLY SHEETING  
 7" FACIA GUTTER CONT.  
 2x8 VANGES WITH EXTERIOR GRADE PLYWOOD



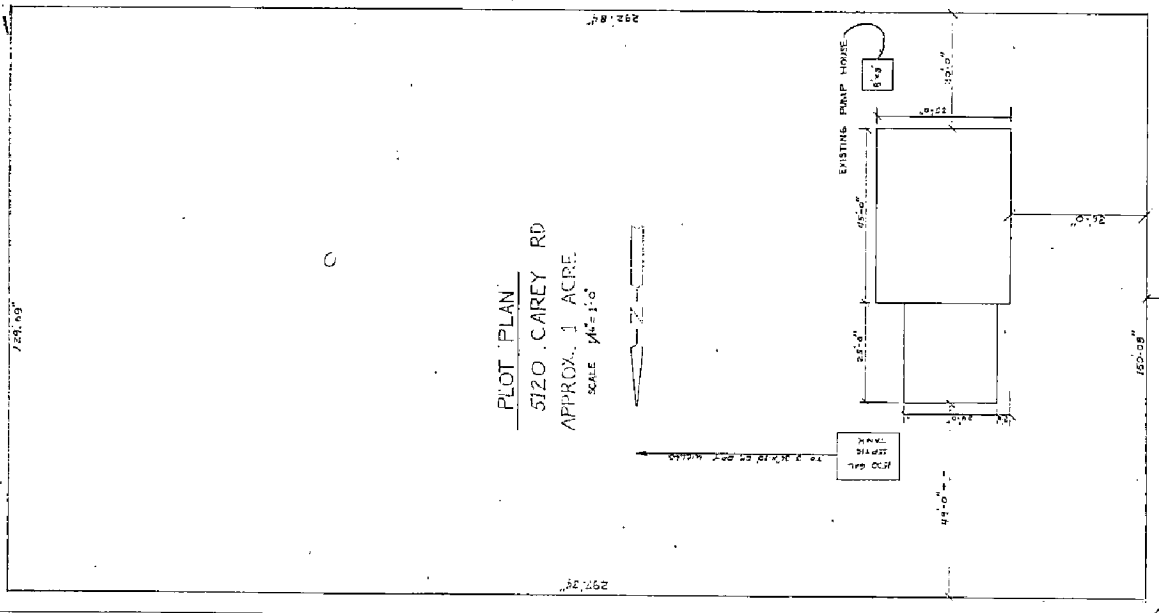
**ROOF PLAN**  
 SCALE: 1/8" = 1'-0"



**FOUNDATION PLAN**  
 SCALE: 1/8" = 1'-0"

**NOTES**  
 1" CONCRETE SLAB OVER 6" X ROCK CRET  
 FULL MOISTURE SCHEDULE  
 POSTINGS 12" W x 10" OR 1/2" ANCHOR BOLTS  
 4" O.C. 1" O.C. FROM 2" ANCHORS AND CYCLINGS  
 INTERIOR PORTHOLE 24" SQ. x 10" OR  
 5/8" STEM WALL IN GARAGE WITH 2x4 REBAR  
 ROUND BEAM @ DOOR

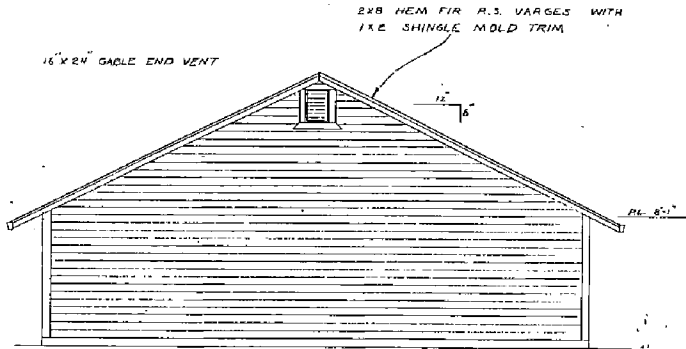
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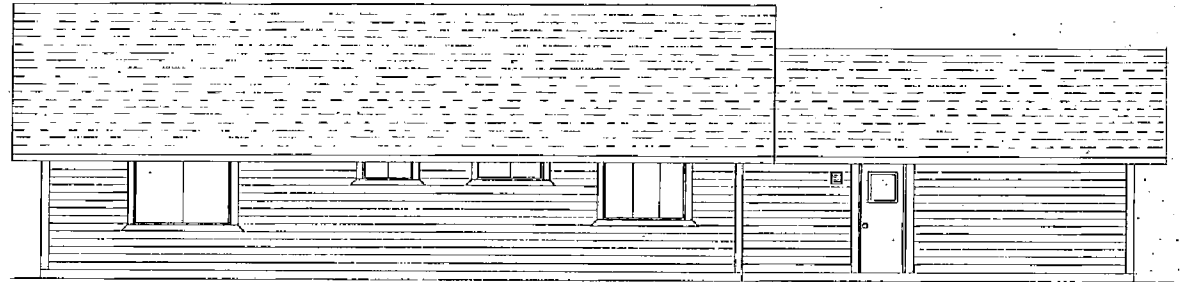
**PLOT PLAN**  
 5120 CAREY RD  
 APPROX. 1 ACRE  
 SCALE: 1/4" = 1'-0"

CAREY RD. E





RIGHT SIDE

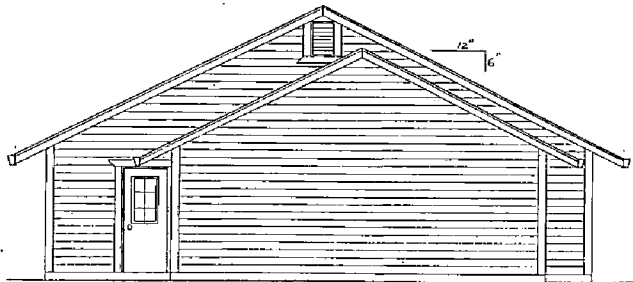


REAR ELEVATION

ALL WINDOWS DUAL PANE WHITE VINYL CLAD ALUM.  
 4" GROOVE 16" MASONITE SIDING TYP  
 2x6 HEM FIR R.S. MITERED CORNER TRIM  
 2x4 HEM FIR R.S. TRIM, WINDOWS AND DOORS  
 7" FACIA GUTTER  
 STEEL PANELED ROLL UP GARAGE DOOR  
 EXT GRADE RTS. AT ALL OVERHANGS

12'-6"

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LEFT SIDE

30 YEAR OR BETTER COMP. SHINGLES OVER 1/2" CDX PLY

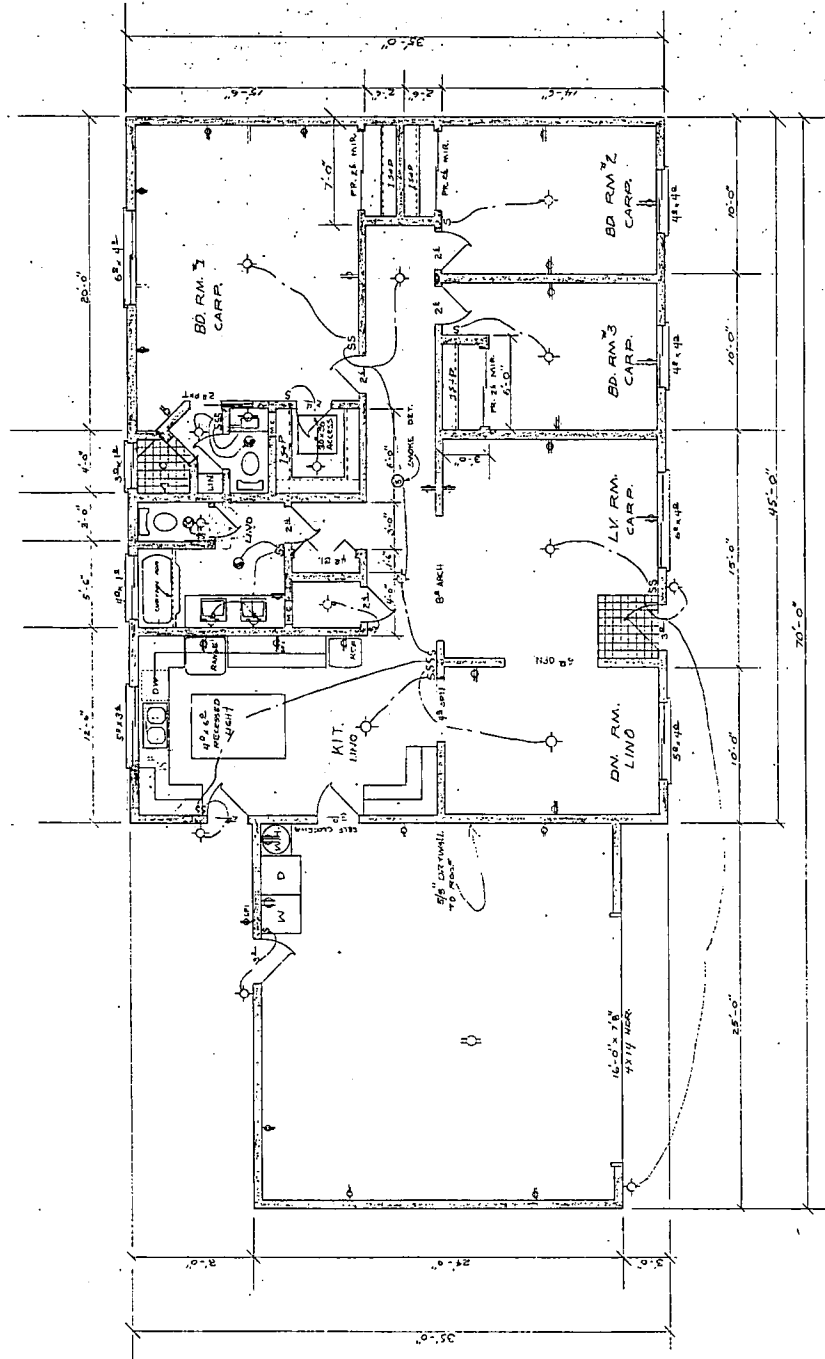


FRONT ELEVATION

FIN. FLR.  
FIN. GRD.

# EXHIBIT C - FLOOR PLAN

PRIVATE RESIDENCE 5/20 CAREY RD



FLOOR PLAN SCALE 1/4" = 1'-0"  
1575 SQ. FT.

- NOTES
- ALL WALLS TO BE 9 1/2" 2x4 STUDS 16" O.C. WITH R-11 INS.
  - ALL EXT. WALLS TO BE SHEETED WITH 5/8" PLY SHEAR PANEL UNDER SIDING AND WRAPPED WITH 15/32" HOUSING PAPER
  - CILING JOISTS 2x10 24" O.C.
  - ALL DIMENSIONS TO GP VERIFIED BY OWNER
  - ALL WINDOWS TO BE VINYL CLAD ALUM. FRAME
  - DUEL PANE GLASS
  - ALL WINDOW AND DOOR HEADERS 4X12 D.P.R. #2 GR. BETTER