

**CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING ADMINISTRATOR
1231 I Street, Sacramento, CA 95814**

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, January 12, 2000, the Zoning Administrator approved with conditions a Special Permit to reduce the required parking from five spaces to two spaces and a Variance to waive the required masonry wall separating the commercial and residential uses for the project known as Z99-127. Findings of Fact and conditions of approval for the project are listed on pages 3-5.

Project Information

Request: **Zoning Administrator Special Permit** to reduce the required parking from five parking spaces to two parking spaces located on 0.11± developed acre in the General Commercial (C-2) zone.

Zoning Administrator Variance to waive the required masonry wall separating the commercial and residential uses.

Location: 5400 H Street(D3, Area 3)

Assessor's Parcel Number: 008-0081-001

Applicant: Waa's Nails
 5400 H Street
 Sacramento, CA 95819

Property Hung Nguyen
Owner: 9082 Pinata Way, #4
 Santa Rosa, CA

Project Planner: Donna Decker

General Plan Designation: Community/Neighborhood Commercial & Offices
Existing Land Use of Site: Residential Conversion to Office
Existing Zoning of Site: General Commercial (C-2) Zone

Surrounding Land Use and Zoning:

North: R-1; Residential
South: R-1; Residential
East: R-1; Residential
West: C-2; Commercial

Property Dimensions: 50' x 119'
Property Area: 0.13± acre
Topography: Flat

Project Plan: See Exhibit A
Previous Files: None

Background Information: On July 20, 1999, the applicant obtained a building permit to remove interior walls and remodel a bathroom in an existing residential structure. The plans submitted to the City of Sacramento Building Department reflected the modifications were for a residence and not for the conversion of a residential structure to a commercial structure. The permit was issued based on the plans submitted as a residential use. On September 2, 1999, the subject site was noticed by code enforcement under C/V9909707 for operating a business in a residential structure without providing the required modifications to convert the structure from a residential use to a commercial use. The site is currently being used as a nail salon. To comply with the requirements for conversion from residential to commercial, the site would be required to provide all required improvements to provide five parking spaces, with one being handicap accessible, provide 50% shading of the parking area, and construct a minimum six foot solid wall constructed of masonry, brick or similar materials in accordance with the Zoning Ordinance. The applicant did not wish to provide the required development standards and filed for the planning entitlements of a *Special Permit* to reduce the required parking spaces from five spaces to two spaces, and a *Variance* to waive the required masonry wall separating the commercial use from the residential uses.

Additional Information: The applicant has requested a Special Permit to reduce the required parking spaces from five spaces to two spaces, and a Variance to waive the required masonry wall separating the commercial use from the residential use. The site has been developed and utilized as a single family residential unit since it was constructed. The area is currently a General Commercial (C-2) zone and has been since at least 1956.

The Zoning Ordinance requires a six foot solid wall constructed between residential and commercial uses. The purpose of the wall is to buffer any noise or nuisance created by the commercial activity. The proposed use will not generate noise levels within the building which would necessitate the construction of a wall. As proposed, there are no outside activities associated with this use (such as an on-site parking lot) that would require a noise or visual buffer (wall) for the adjacent residential uses.

The project was noticed and staff received some calls for additional information from neighbors in the area which were responded to. Generally, comments received were either in complete opposition to the project, or were concerned more with the visual impacts of changing a residential front yard setback area into a parking lot which would remove a large existing tree. Other concerns expressed were in regards to the increased parking on the residential streets.

The project site was noticed to the East Sacramento Improvement Association and the McKinley Elvas Neighborhood Alliance. Both associations were concerned with maintaining the site with a visual image of a residential neighborhood. Their comments are attached (Exhibit B).

Staff addressed all questions and comments from concerned neighbors and the neighborhood associations.

Zoning Administrator Hearings:

On December 15, 1999, the zoning Administrator held the first hearing on the proposal. Testimony was given by the applicant. Five others spoke in support of the project, including the property owner/resident to the south who indicated he did not want a masonry wall adjacent to his property

line. The property owner/resident to the east of the site also testified. While he did not have a problem with the current business, he was concerned with the precedent setting nature of putting a commercial use in a residential structure with inadequate parking. He did not want a wall constructed on the east property line if a parking lot was not constructed. After listening to public testimony, the Zoning Administrator continued the meeting to further analyze the site and investigate the policy issues of the conversion of single family residences to commercial uses in this area.

At the January 12, 2000 meeting, the Zoning Administrator noted that initial testimony and site visits indicated that there may not be a parking problem with this particular commercial land use. However, it would be reasonable and appropriate to place a time limit on the permit to make sure that the reduction of parking does not create adverse impacts on surrounding residential uses. The Zoning Administrator approved the Special Permit and Variance requests subject to conditions listed below and with a two year term permit.

Agency Comments

The proposed project has been reviewed by the Building Division and the Department of Public Works Project Entitlements. The comments received have been included as conditions.

Environmental Determination: This project will not have a significant effect on the environment and is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15303(c).

Conditions of Approval:

1. The Special Permit to reduce the required parking from five parking spaces to two parking spaces and the Variance to waive the required masonry wall separating the commercial and residential uses shall be limited for a period of two years in order to analyze the area parking. The permit shall expire on January 12, 2000. If the applicant wishes to renew the permit, the applicant shall resubmit an application for renewal minimum of 30 days prior to the expiration of this permit.
2. This time restricted permit is for the use of the site as a nail salon as currently occupied. Any change in the use of the site to a use other than a nail salon shall nullify and void this Special Permit and Variance.
3. The applicant shall initiate and distribute a letter to all of the neighbors all along 54th Street. The letter shall introduce themselves and provide a telephone number for the neighbors to use in case of any parking conflicts. The letter shall be produced within one month, February 12, 2000 and a copy shall be provided to the City of Sacramento for the file.
4. There shall be a maximum of four (4) employees on the site at any one time. This shall include any activity involving administrative activities or nails. The owner of the nail salon is included in the employee count.
5. There shall be no business activities occurring outside the building on the site.
6. The existing garage will provide parking for two vehicles. All materials shall be removed in order to fully utilize the garage for the housing of two vehicles. Parking will not be allowed within the driveway area in front of the garage. This area is less than the required

parking pad length and a vehicle will protrude into the sidewalk area.

7. Only one(1) sign shall be permitted. The sign may be either attached or detached. The existing sign shall be removed from the site by February 1, 2000. Plans shall be submitted to the City of Sacramento for review and approval and a sign permit will be procured from the Building Department. The new sign shall be a non-illuminated sign, and no can plastic signs will be allowed.
8. A building permit for the conversion of the building from residential to commercial use shall be obtained by February 12, 2000. Final building permits shall be obtained by April 13, 2000.

Building Department

9. Building permits will be required for the occupancy conversion from R3(residential use) to B(commercial use).
10. An application and four copies of the drawing for a permit to convert the building for the intended use shall be submitted to the Building Department. The submittal shall include but not limited to :
 1. Site Plan including property lines and setbacks;
 2. Foundation Plan;
 3. Floor Plans showing all the exiting, doorway and HCP path of travel in compliance with Accessibility Requirements;
 4. Elevations;
 5. Framing Details & Sections;
 6. Schematics and/or calculations for Mechanical & Plumbing;
 7. Electrical Plan with Load calculations;
 8. Structural report prepared by a licensed engineer or architect, on the ability of the structure to reasonably comply with horizontal and vertical loads required for its intended use;
 - i. Architectural and structural plans must be prepared by either a licensed architect or civil engineer and plans must be wet-stamped and signed the the licensed architect or civil engineer.
11. The structure shall meet all accessibility requirements.
12. Fire resistive construction of the exterior walls are required. It appears that the west and south wall will be required to be one-hour fire resistive construction for setback less than 20 feet from the property lines.

Public Works

13. Repair or replace any existing deteriorated curb, gutter and sidewalk to the satisfaction of the Department of Public Works.
14. The subject site shall conform to ADA requirements in all respects. The applicant shall ensure a permit is obtained for use of the on-street parking for a handicap accessible parking stall. Coordinate with the Dept of Public Works to obtain this permit.

Findings of Fact- Special Permit:

1. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. A term limit for the project has been imposed in order to analyze the impact of the business on parking in the neighborhood;
 - b. The project site is located on a corner which allows for some on-street parking in the commercial area on 54th Street.
2. The project, as conditioned, will not be detrimental to the public health, safety or welfare, nor result in the creation of a nuisance in that:
 - a. The use is limited to nail salon use,
 - b. The salon is limited to four (4) employees on the site at one time.
3. The project is consistent with the General Plan which designates the subject site as Community/Neighborhood Commercial & Offices.

Findings of Fact- Variance:

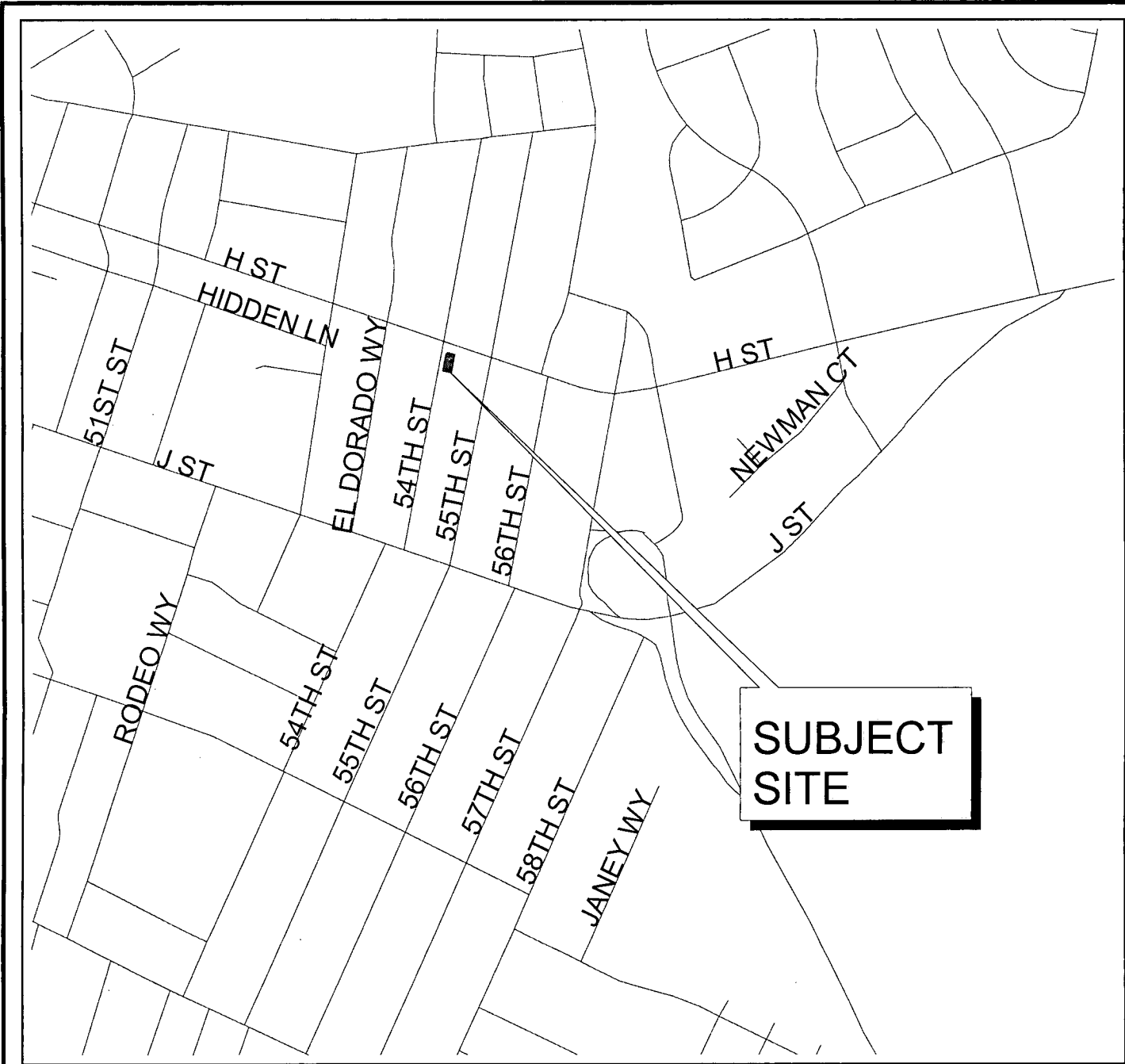
1. Granting the variance does not constitute a special privilege extended to an individual applicant in that a variance would be and has been granted to other property owners facing similar circumstances.
2. Granting the variance request does not constitute a use variance in that the use is allowed in the General Commercial (C-2) zone.
3. The project, as conditioned, will not be injurious to public health, safety, or welfare nor to any property in the vicinity of the applicant, in that there is no on-site parking lot adjacent to residential uses nor no outside activities associated with the nail salon.
4. The project is consistent with the General Plan which designates the subject site Community/Neighborhood Commercial & Offices.



Joy D. Patterson
Zoning Administrator

The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

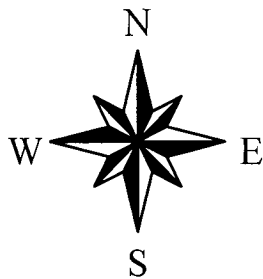
cc: File Jerry Mitchell, 5420 H St., Sacramento, CA 95819 Jerry
Applicant Scott Tomei, Code Enforcement, CAT Team
ZA Log Book

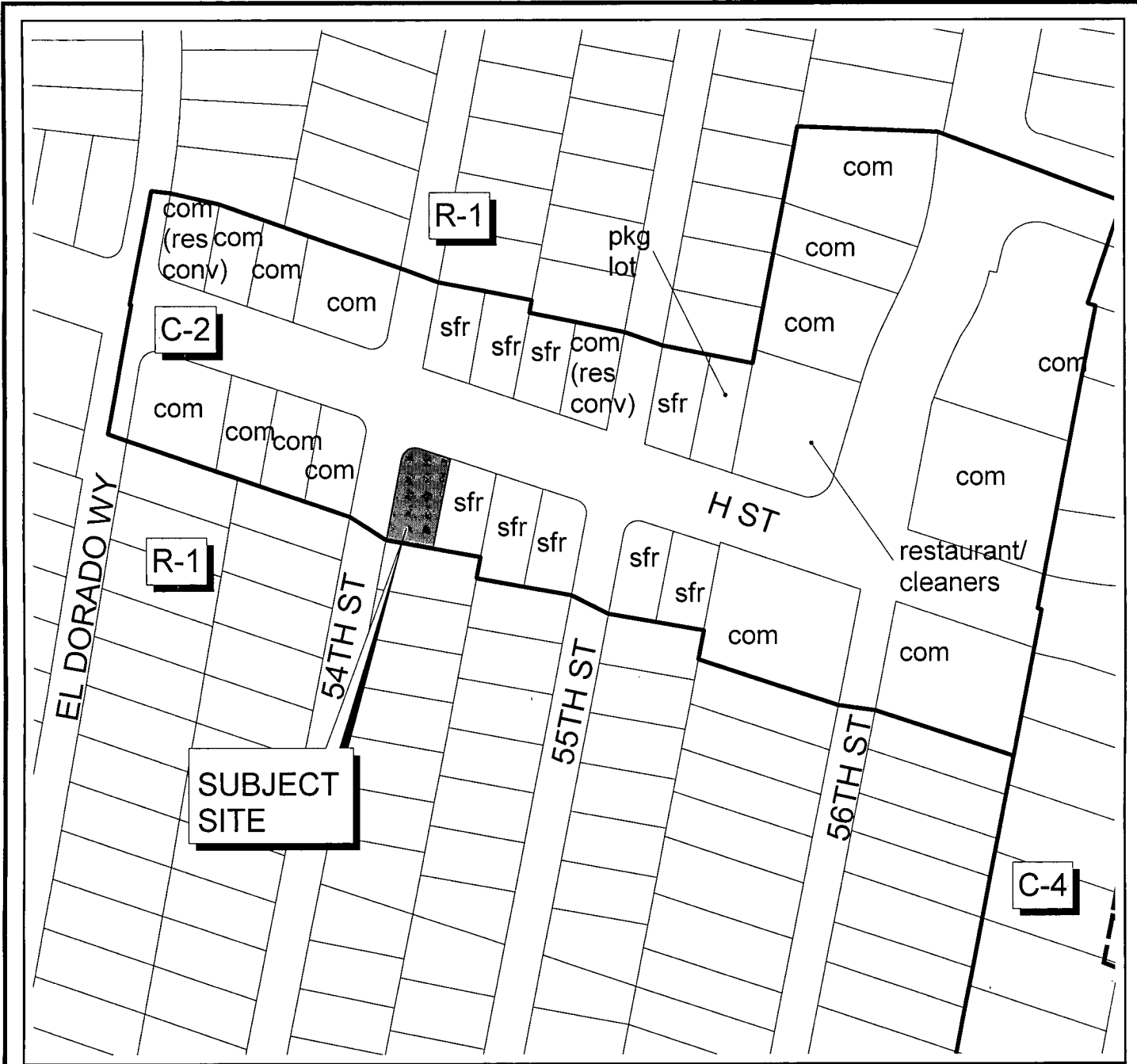



Neighborhoods, Planning
And Development Services
Department

Geographic
Information
System

VICINITY MAP

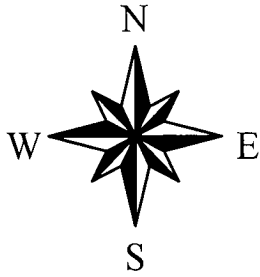


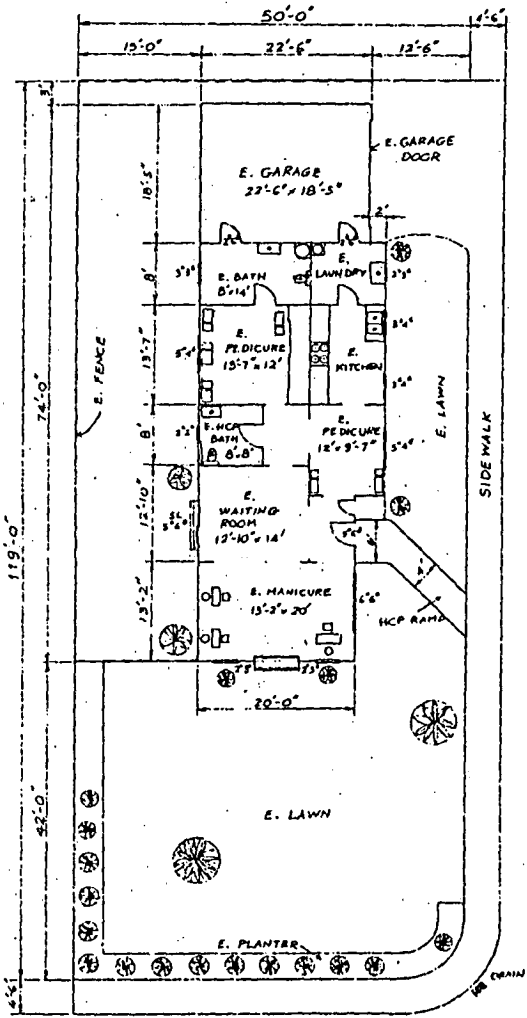



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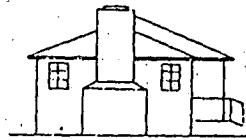
LAND USE AND ZONING





H STREET
 EXISTING
 LOT & FLOOR PLAN
 Scale: 1/8" = 1'-0"

north
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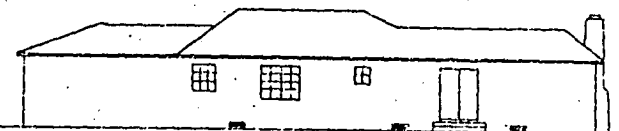
SOUTH ELEVATION
 H STREET SIDE



WEST ELEVATION
 54th STREET SIDE



NORTH ELEVATION



EAST ELEVATION

- Notes:
 Materials:
 1. Roof: Composition shingle
 2. Exterior walls: stucco
 3. Interior walls: 5/8" gyp