

P94-007 - Various entitlements to allow the construction of a third unit above and existing duplex

- REQUEST: A. Special Permit to expand a non-conforming residential structure (for the upper rear portion of the building) along the existing three foot side yard setback; and,
- B. Variance to allow a rear yard entrance to a third dwelling unit on .146± developed acres in the Multi-Family Residential (R-3A) zone.

LOCATION: 2316 - 2318 S Street
010-0036-006
Central City Community Plan Area, Council District #4

APPLICANT/ OWNER:	Angelo Carzoli (454-5508) 2316 - 2318 S Street, Sacramento, CA 95818
PLANS BY:	Building Design Services (510) 943-7735 974 Juanita Drive, Walnut Creek, CA 94595
APPLICATION FILED:	January 3, 1994
STAFF CONTACT:	Donald C. Smith, Associate Planner 264-5381

SUMMARY/RECOMMENDATION:

The applicant proposes to construct a third 1350± sq.ft. dwelling unit above an existing 1965± sq.ft. duplex in the Multi-Family (R-3A) zone. The third unit would typically be permitted on the site, however, the applicant requests approval of a three foot side yard setback rather than the required five foot setback and to have a rear entrance to the new unit. Staff has worked with the applicant in revising the application and is now in support of the requests as proposed.

PROJECT INFORMATION:

General Plan Designation: High Density Residential (30+ du/na)

live um. would be raised to 6'
Staff reviewed lot size

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Central City Community Plan: Multi-Family
Existing Zoning of Site: Multi-Family Residential (R-3A)
Existing Land Use of Site: Duplex

Surrounding Land Use and Zoning:
North: Retail, C-4
South: Multi-Family Residential, R-3A
East: Multi-Family Residential, R-3A
West: Single Family Residential, R-3A

Setbacks:	<u>Required</u>	<u>Proposed</u>
Front:	16'	16'
Rear:	80' (dwelling) 5' (garage)	80' (dwelling) 5' (garage)
Sideyards:	5'	3'

Property Dimensions: 40' X 160'
Property Area: 6400 sq.ft.
Square Footage of Building: 1965± sq.ft. existing duplex, 1350± additional sq.ft. proposed. Total 3315± sq.ft.
Height of Proposed Building: 25± feet, two stories
Exterior Building Materials: Stucco and wood siding
Roofing: Composition shingles
Parking Required: 3 spaces
Parking Provided: 3 spaces (two within an existing garage, one adjacent to the garage)

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Design Review (Staff Level)	City Planning Division
Building Permit	Building Division

BACKGROUND INFORMATION: The existing building was constructed around the 1920's. Although the structure is not a listed historical structure, it does have architectural qualities that contribute to the neighborhood's character. Staff has worked with the applicant on several aspects of the project. For example, the original proposal included an entrance on the east side of the building. This entrance was found to be very constrained by the three foot sideyard. Staff recommends that the entrance be relocated to the rear of the building. Relocation of the entry to the rear still requires a variance. The variance can be more readily supported for the rear entry as it is much more functional than a side entry. A rear entrance also allow the front elevation to remain unchanged which will help retain the visual quality of the building.

The request to reduce the required sideyard setback from five feet to three feet is necessary to allow the extension of the walls for the new unit to remain in line with the existing walls. The original plans also proposed five units with parking variances.

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Detailed plans, however, were not provided for two of the units. The applicant was not ready to develop those plans and has reduced the project to three units.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The General Plan and Central City Community Plan land use designations for the area are high density residential. The applicant's proposal supports the General Plan and Central City Community Plan in that it proposes additional dwelling units in the area.

B. Zoning/ Site Plan Design Requirements

1. Zoning

Zoning applied to the site is Multi-Family Residential (R-3A). This zone promotes a density of 36 dwelling units per acres. The three units proposed on the parcel would equate to a density of $20\pm$ units per acre. Five units would be closer to the 36 dwelling unit per acre density promoted by the R-3A zone. Even if only one additional unit is built, it would be in keeping with the overall city goal to increase the amount of housing in the Central City.

2. Building height/ site conditions

As proposed, the third unit would be located on the second floor of the existing structure. Upon completion, the building would be $25\pm$ feet high, which is lower than the maximum 35 foot height limit of the R-3A zone. The existing garage would remain and would provide two of the three required parking spaces. A third space would be located next to the existing garage. The third space would not be covered (a covered space is not required for multi-family parking spaces).

Staff's inspection of the property found two concrete slabs in front of the existing duplex. The residents of the building have used the two slabs as parking spaces. Access to these spaces has been illegally obtained through adjacent properties. Staff is recommending a condition of approval to remove the slabs and replant the area where concrete was removed with lawn and/or other landscaping. The applicant's plans indicate these to be 3'6" wide strips for walkways.

3. Setbacks

The existing building was constructed approximately 16 feet from the front

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property line, eighty feet from the rear property line and three feet from the side property lines. A three foot sideyard is common in the older areas of the city. A five foot sideyard is now required by ordinance in residential areas. Since the existing structure was built within the five foot sideyard setback area, a special permit is required to extend the non-conforming walls upward. Staff and the Planning Commission have supported similar requests to build within the five foot setback area in these cases.

4. Rear entry

The zoning ordinance requires a variance for rear entrances to dwellings. Since there are already two entrances to the front of the building, the structure would not readily lend itself to a third front entry. Staff supports the request for the third unit's entrance to be located in the rear.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines ((CEQA Section 15303(a)(b) and 15305(a)).

B. Neighbor Comments

The neighbor on the west side of the project is concerned about the windows on the west elevation. Their concern is that the windows would result in a reduction of privacy for their property. The proposed windows on the west elevation are for a bedroom and living room. The bedroom window is required for light, air and as an emergency escape route. The living room window is not as critical since there is a sliding glass door and other windows on the south elevation (rear).

Staff has looked into alternatives in trying to reduce the windows on the west elevation. It is recommended that windows on the west elevation be raised to a minimum height of approximately six feet. The increased height of these windows would allow light and air into the room, but would increase the neighbor's privacy. Final window and door design shall be subject to the review and approval of Design Review staff.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following summarizes the comments received:

1. Fire Department

The Fire Department found the submitted plans to have no significant issues

related to fire protection.

2. Building Division

The building Division indicated a building permit is required and the structure must meet building codes.

3. Public Works

Public Works is recommending several conditions that are provided in detail in the attached resolution. Those conditions require: a 26 foot maneuvering area behind the uncovered parking space; removal of the concrete slabs in front; and only one water service to the structure.

In addition to the standard flood related condition (which has been included in the resolution), a note related to the Combined Sewer System is provided which states: This project is located within the service area of the Combined Sewer System. It appears that this project does not exceed the levels of increased sanitary or storm flows that we consider to have significant impact upon the Combined Sewer System and therefore no Impact/Mitigation Agreement is required.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the requested special permit and variance. The Planning Commission action may be appealed within ten days to the City Council.

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

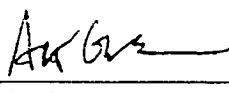
- A. Adopt the attached Resolution to approve the Special Permit to expand a non-conforming residential structure (for the upper rear portion of the building) along the existing three foot side yard setback; and,
- B. Adopt the attached Resolution to approve the Variance to allow a rear yard entrance to a third dwelling unit on .146± developed acres in the Multi-Family Residential (R-3A) zone.

Report Prepared By,



Planner
Attachments

Report Reviewed By,



Principal Planner

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RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION
ON DATE OF MARCH 24, 1994

A RESOLUTION ADOPTING FINDINGS OF FACT AND
APPROVING A SPECIAL PERMIT AND VARIANCE FOR
PROPERTY LOCATED AT 2316 AND 2318 S Street
(P94-007) (APN: 010-0036-006)

WHEREAS, the City Planning Commission on March 24, 1994, held a public hearing on the request for approval of a Special Permit and Variance to allow a third unit above an existing duplex at 2316 and 2318 S Street.

WHEREAS, the proposed project is exempt from environmental review pursuant to State EIR Guidelines ((CEQA Section 15303(a)(b) and 15305(a)).

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

WHEREAS, the Planning Commission adopts the following findings of fact for the Special Permit and Variance:

1. Granting the variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances.
Granting the project would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. adequate on-site and off-site parking is made available in various locations;
 - b. the project will be subject to City Design Review; and,
 - c. the concrete slabs in front of the building will be removed.
3. Granting the variance does not constitute a use variance in that a bingo hall is allowed in the Multi-Family Residential (R-3A) zone.
4. The project is consistent with the General Plan and Central City Community Plan which designate the site for Industrial uses.

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NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

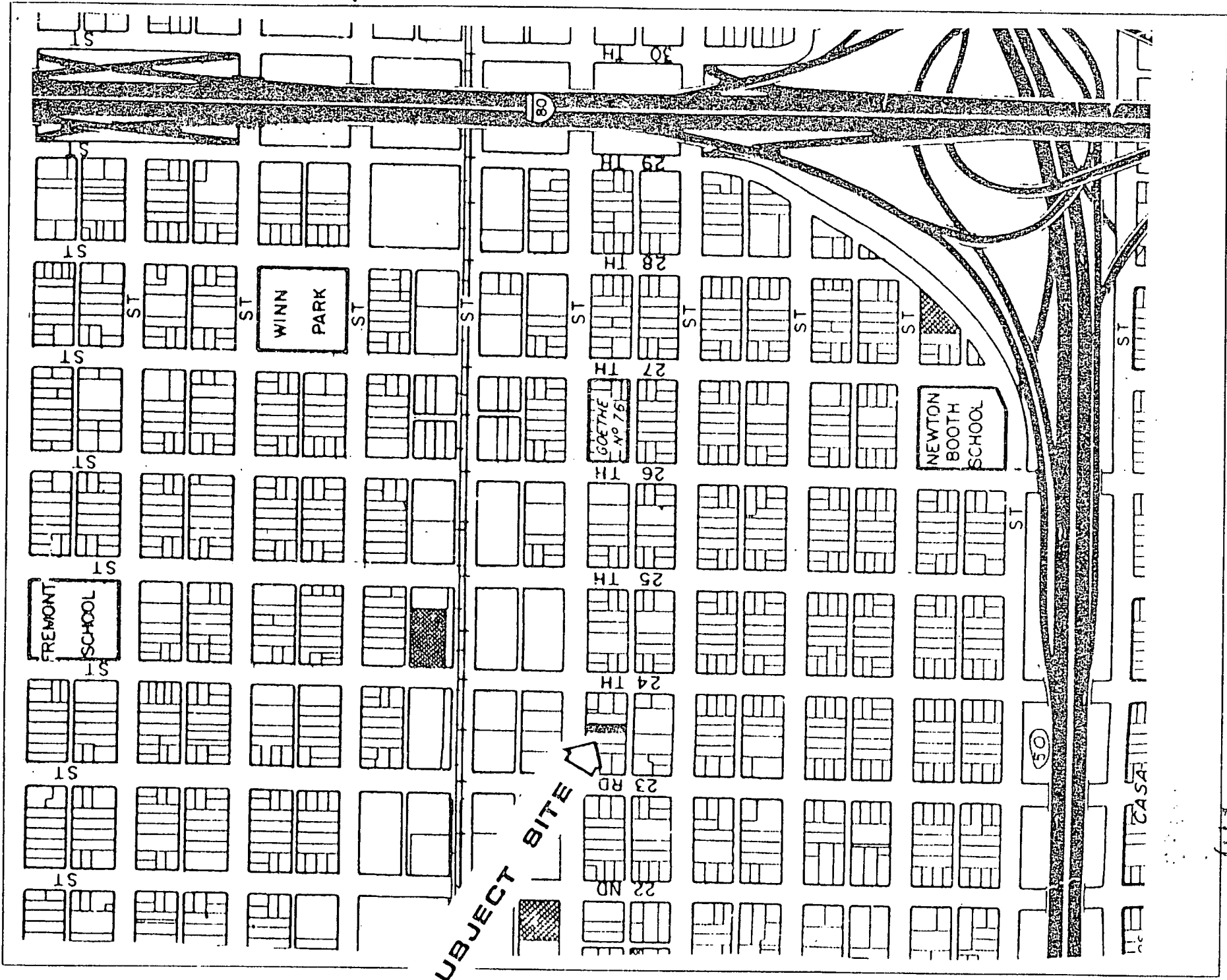
1. The Special Permit and Variance for the third units hereby approved, subject to the following conditions:
 - a. Applicant shall obtain a building permit as necessary from the City Building Division for the expansion.
 - b. Applicant shall obtain approval of the Design Review staff prior to the issuance of a building permit. New windows for the second floor shall be consistent with that of the existing building. It is recommended that the second floor windows be in groupings of two and be separated by posts. The two concrete slabs in front of the existing building shall be reduced to 3'6" walkways. Lawn and/ or other landscaping shall be provided where concrete has been removed. Residents are not allowed to park in the front yard.
 - c. The uncovered parking space shall be set back six feet from the alley to provide 26 feet of maneuvering area.
 - d. Notice: This property 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 U.S. 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 Tenth Street.
 - e. Only one water service is allowed per parcel. If a larger service is required for increased demands, then a new larger metered device may be purchased.
 - f. Applicant shall replace existing curb and gutter that has been destroyed or is missing. Applicant shall obtain an encroachment permit for the Public works Department and provide replacement curb and gutter.

CHAIRPERSON

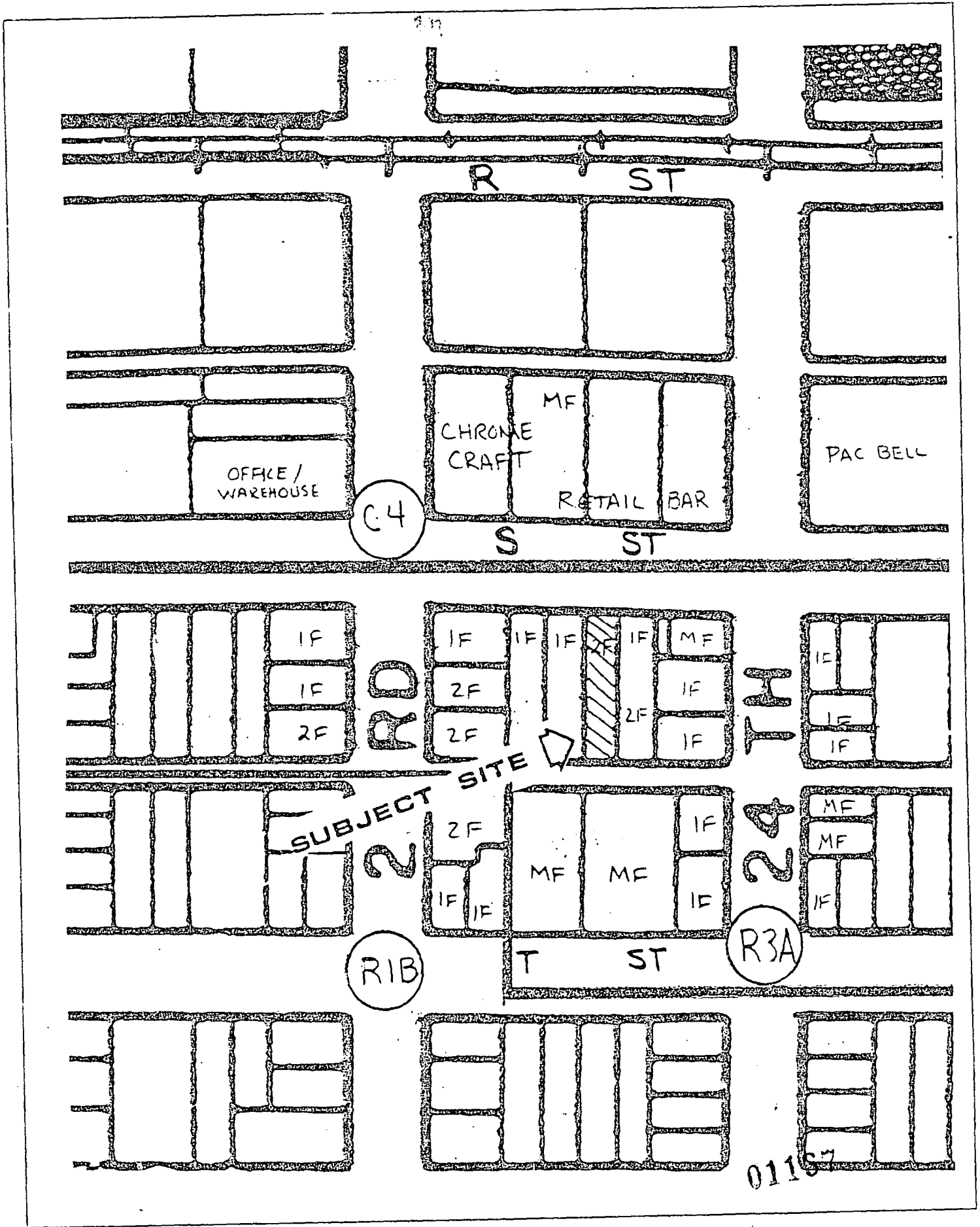
ATTEST:

SECRETARY TO PLANNING COMMISSION
P94-007

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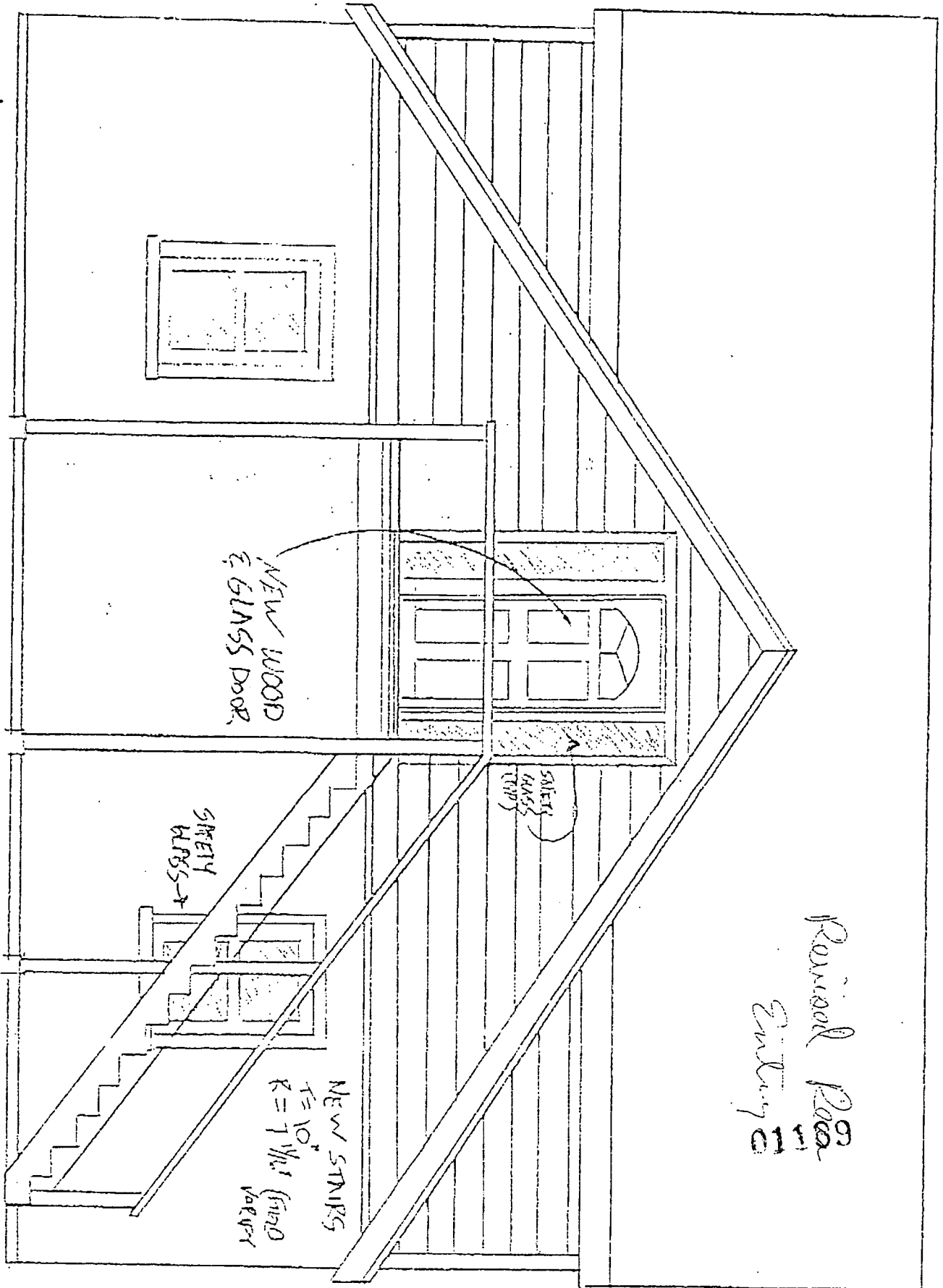
VICINITY MAP



LAND USE & ZONING MAP

D.F.S. PRECISION
TILE & CONSTRUCTION

TILE & MARBLE FABRICATION • KITCHEN & BATH REMODELING • ROOM ADDITIONS



Removal Pool
Entry 110

ATT: DON SMITH FROM STEVE CARZOLI 3/11/91 1/4" = 1'-0"

