

P99-133 - Woods' Rezone

REQUEST: Entitlements to convert an existing 1,166± square foot single family residence into a hair salon on 0.23± developed acres in the Multi-family Executive Airport Overlay zone (R-3-EA-2 and EA-3).

A. **Environmental Determination:** Negative Declaration

B. **Rezone** 0.23± acres of Multi-family Executive Airport Overlay (R-3-EA-2 and EA-3) to General Commercial Review Executive Airport Overlay (C-2-R-EA-2 and EA-3);

C. **Plan Review** to allow conversion of an existing 1,166± square foot single family residence into a hair salon on 0.23± acres in the General Commercial Review Executive Airport Overlay zone (C-2-R-EA-2 and EA-3).

LOCATION: 5471 24th Street
APN: 019-0201-015
Council District 5

APPLICANT:	Timothy Woods, 361-3911 10227 Pistachio Way Sacramento, CA 95827
OWNER:	Timothy and Vernendia Woods 10227 Pistachio Way Sacramento, CA 95827
APPLICATION FILED:	October 19, 1999
APPLICATION COMPLETED:	October 17, 2001
STAFF CONTACT:	Brad Shirhall, 916-264-7483

SUMMARY: The applicant is requesting necessary entitlements to convert an existing vacant single family residence into a neighborhood hair salon. The basic issues include land use compatibility and site design.

RECOMMENDATION: Staff recommends approval of the project. Implementation of the project would result in the positive reuse of an existing vacant structure. The rezone would resolve a land use compatibility issue in that the existing zoning is incompatible with the site's Executive Airport overlays. The airport overlay zones disallow multi-family land uses that would otherwise be allowed by the Multi-family (R-3) zoning. Finally, all of the adjacent parcels are zoned for commercial use.

PROJECT INFORMATION:

General Plan Designation: Community/Neighborhood Commercial and Offices
 Community Plan Designation: N/A
 Existing Land Use of Site: Vacant single family residential
 Existing Zoning of Site: Multi-family Executive Airport Overlay zone (R-3-EA-2 and EA-3)

Surrounding Land Use and Zoning:

North: Vacant; General Commercial Review Executive Airport Overlay zone (C-2-R-EA-3)
 South: Daycare; General Commercial Executive Airport Overlay zone (C-2-EA-2)
 East: Vacant; General Commercial Review Executive Airport Overlay zone (C-2-R-EA-3)
 West: Single family & Commercial; Standard Single Family Executive Airport Overlay zone (R-1-EA-2)

Setbacks:	Required	Provided
Front:	5'	27'
Side(St):	N/A	
Side(Int):	0'	0'
Rear:	0'	0'

Property Dimensions: 148±' x 67±'
 Property Area: 0.23± acres
 Square Footage of Building: 1,166± square feet
 Height of Building: 15 feet, 1 stories
 Exterior Building Materials: Wood and Stucco
 Roof Material: Composition shingle
 Hours of Operation: 8:00 A.M. to 5:00 P.M.
 Parking Provided: 5 spaces
 Parking Required: 5 spaces
 Topography: Flat
 Street Improvements: Existing
 Utilities: Existing

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:

Permit
Building Permit

Agency
Building Division

BACKGROUND INFORMATION: A review of the entitlement history for the site revealed no activity. A single family home was constructed and occupied on the site since the 1950s. It has been vacant but maintained for at least two years. In 1982 the Zoning Ordinance was amended to apply the Executive Airport (EA) Overlay zone thereby placing additional development restrictions on parcels falling within the confines of the overlay. The subject site is partially within the EA-2 and EA-3 overlay zones. Neither the EA-2 or EA-3 overlay zone allow multi-family land uses. However, the underlying zoning (R-3 Multi-family) does allow the restricted land use. The purpose of the overlay zone is to limit concentrations of people in individual structures or uses to fewer than 50 persons.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

General Plan

The subject site is designated as Community/Neighborhood Commercial and Offices by the General Plan. The applicant's proposal would result in a change to the present land use of the site. However, that change would be compatible with the current General Plan designation.

Zoning

The site is currently zoned Multi-family (R-3) in Executive Airport Overlay zones 2 and 3. However, neither overlay zone allows multi-family land uses since such land uses tend to concentrate large numbers of people on relatively small amount of land. This in turn exposes large numbers of people to risk from aircraft overflight hazards. The proposed land use is prohibited in the multi-family zone thereby prompting the requested rezone.

Staff supports the rezone request for the following reasons:

- land uses consistent with the current R-3 zone are prohibited by the existing airport overlay zone;
- the proposed use is allowed in the airport overlay zone;

- the zoning on three sides of this relatively small parcel is already General Commercial (C-2);
- the parcel is too small to ever be utilized for multi-family developments.

C. Site Plan Design/Zoning Requirements

The following analysis was conducted under the assumption the subject site is in the General Commercial zone.

1. Setbacks/Trash Enclosure

As indicated on page two of this report each structure (main building, garage, and trash enclosure) will meet or exceed the minimum setback requirements specified by the Zoning Code. The trash enclosure would meet the minimum size and construction standards. The enclosure would be placed at the northeast corner of the parcel.

2. Parking/Circulation

A single two way driveway would be provided off of 24th Street leading into the parking lot. The Zoning Code requires 5 parking spaces for the proposed land use. The applicant proposes to provide five spaces. Two of the spaces would be provided in an existing on-site garage. The remaining three spaces would be outside in the on-site parking lot. One space must meet the dimensional and location requirements for handicapped parking spaces. One such space has been shown but does not meet the minimum width requirement. A condition of approval requiring proper redesign has been incorporated.

3. Landscaping

The site plan indicates that additional landscaping including trees, shrubs, and turf will be placed on the site. The Zoning Code requires that parking lot areas meet a 50 percent shading standard at 15 years of tree growth. The applicants shading plan is incomplete, however, staff is confident that the shading requirement can be met. Therefore, a condition of approval requiring a proper shading plan has been incorporated.

4. Signage

The applicant has provided no signage exhibits. Prior to issuance of any sign

permits the sign plans must be reviewed by Planning staff. This has been incorporated as a condition of approval.

D. Building Design

The applicant proposes to make very few changes to the existing structure. The structure is a one story, single family house approximately 15 feet tall. The structure appears to be well maintained but is in need of paint. The exterior building materials consist of white horizontal lap-board siding and stucco. The roof is composition shingle. The only proposed exterior modification to the structure would be the addition of a handicap ramp placed on the front of the building facing 24th Street. This is necessary to meet California accessibility standards. Staff has requested no modifications to the existing building except for requiring repainting as a condition of approval.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The Environmental Services Manager has determined the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared.

B. Public/Neighborhood/Business Association Comments

Early project notification was provided to the Hollywood Park Neighborhood Association. They provided no response.

C. Summary of Agency Comments

The project has been reviewed by several City departments and other agencies. Only the Public Works Department generated significant comments. These are found below.

1. Public Works

The Public Works Department indicated that 24th Street will eventually be expanded to an 80 foot right-of-way. Currently it is 60 feet across at the subject site. Therefore they are requiring that the applicant dedicate ten feet of right-of-way along the 24th Street frontage. This dedication will exist on paper until such time as the street widening were to occur. There is currently no schedule for the street widening. A twelve and a half foot public utility easement (PUE) must also be dedicated.

The conversion of land use requires an expanded driveway area. The existing driveway is 15 feet wide but must be expanded to 24 feet to allow simultaneous passage of two vehicles.

Additional comments regarding fence and landscape height were also received. Conditions of approval regarding the right-of-way dedication, PUE, driveway width, and landscape and fence height have been incorporated.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny A and C. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action. Item B, below, requires City Council approval.

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

- A. Adopt the attached Notice of Decision and Findings of Fact ratifying the Negative Declaration;
- B. Forward to the City Council a recommendation to Rezone 0.23± acres of Multi-family Executive Airport Overlay (R-3-EA-2 and EA-3) to General Commercial Review Executive Airport Overlay (C-2-R-EA-2 and EA-3);
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Plan Review to allow conversion of an existing 1,166± square foot single family residence into a hair salon on 0.23± acres in the General Commercial Review Executive Airport Overlay zone (C-2-R-EA-2 and EA-3).

Report Prepared By,

Report Reviewed By,



Brad Shirhall, Associate Planner

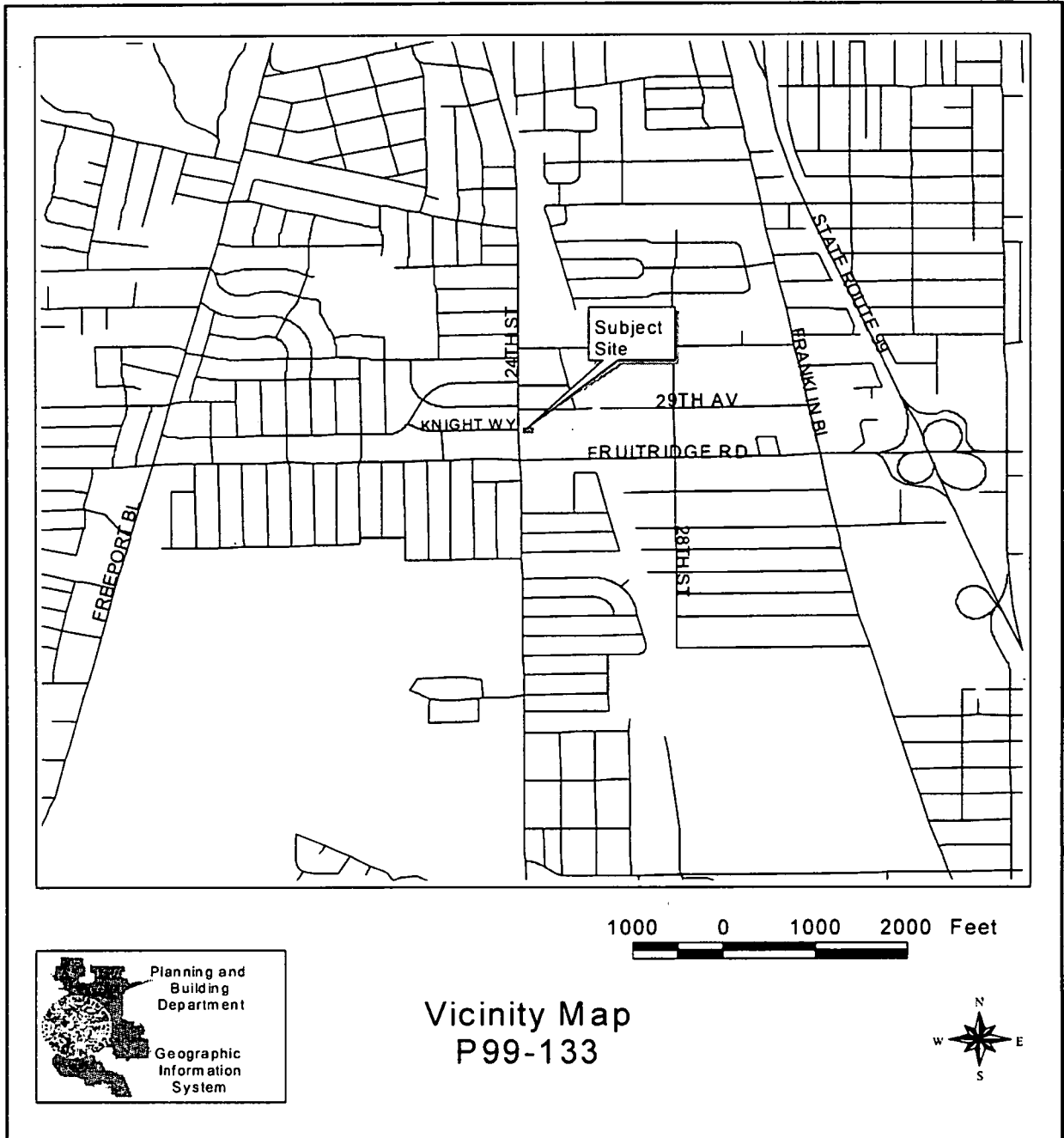


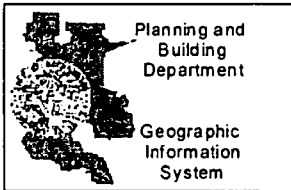
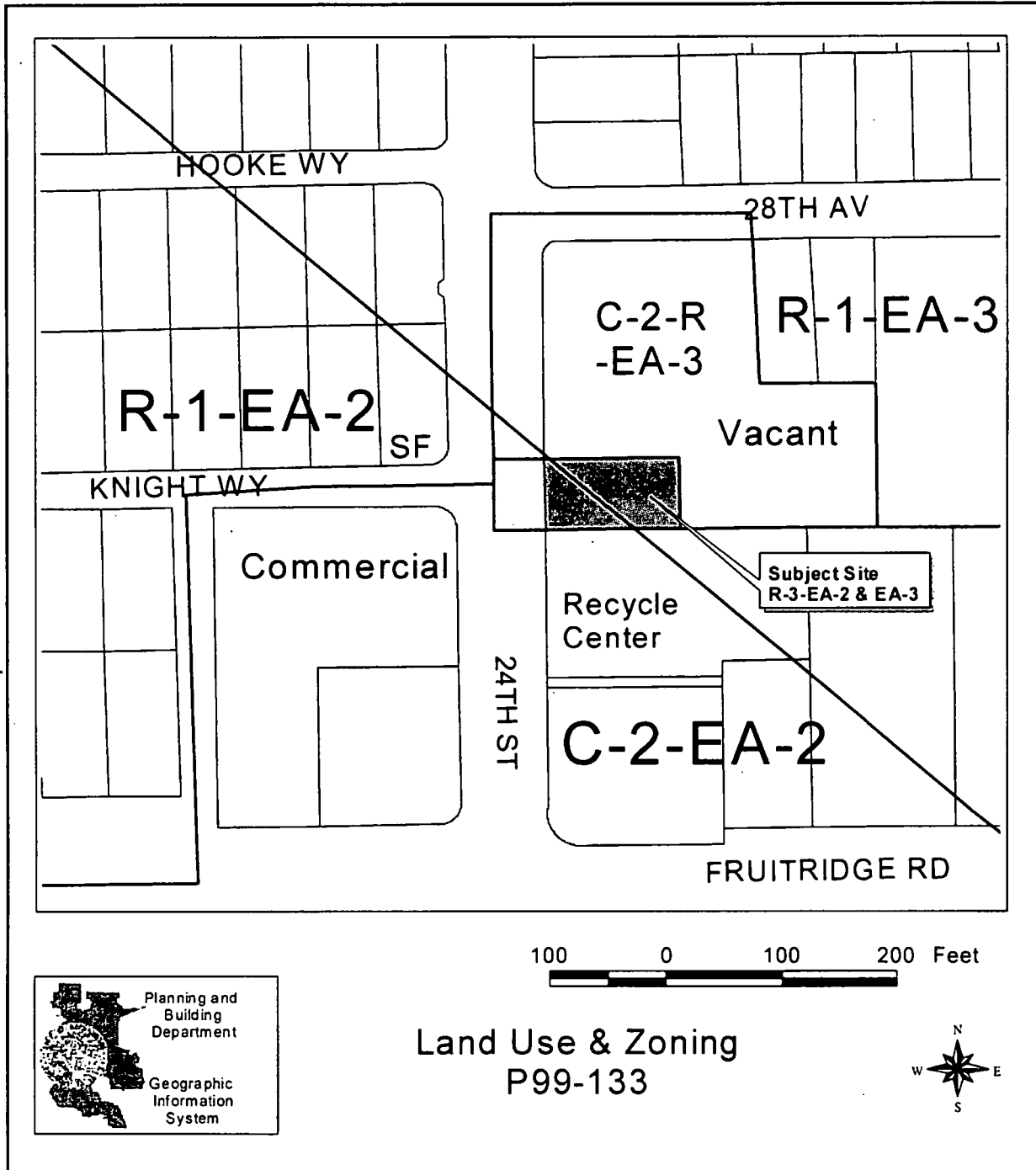
Thomas Pace, Senior Planner

Attachments

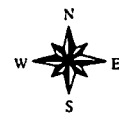
Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Site Plan
Exhibit 1B	Elevations & Floor Plan
Attachment 2	Draft Rezone Ordinance
Exhibit 2A	Rezone Exhibit
Attachment 3	Vicinity Map
Attachment 4	Land Use & Zoning Map

Attachment 3





Land Use & Zoning
P99-133



ATTACHMENT 1

**NOTICE OF DECISION AND FINDINGS OF FACT FOR WOODS' REZONE,
LOCATED AT 5471 24TH STREET SACRAMENTO,
CALIFORNIA IN THE GENERAL COMMERCIAL REVIEW, EXECUTIVE AIRPORT
OVERLAY ZONE (C-2-R-EA-2 AND EA-3). (P99-133)**

At the regular meeting of November 15, 2001 the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. Environmental Determination: Negative Declaration
- B. Forwarded to the City Council a recommendation to Rezone 0.23± acres of Multi-family Executive Airport Overlay (R-3-EA-2 and EA-3) to General Commercial Review Executive Airport Overlay (C-2-R-EA-2 and EA-3);
- C. Approved a Plan Review to allow conversion of an existing 1,166± square foot single family residence into a hair salon on 0.23± acres in the General Commercial Review Executive Airport Overlay zone (C-2-R-EA-2 and EA-3).

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. Negative Declaration: The City Planning Commission approves the Negative Declaration (the Negative Declaration is approved), based upon the following findings:
 - 1. The Negative Declaration was prepared and circulated for the above-identified project pursuant to the requirements of CEQA;
 - 2. The proposed Negative Declaration and comments received during the public review process were considered prior to action being taken on the project;
 - 3. Based upon the Initial Study and the comments received during the public review process, there is no substantial evidence that the project will have a significant effect on the environment.
- C. The Plan Review to allow conversion of an existing 1,166± square foot single family residence into a hair salon on 0.23± acres in the General Commercial

Review Executive Airport Overlay zone (C-2-R-EA-2 and EA-3) is approved based on the following findings of fact:

1. The proposed development is consistent with the general plan and any applicable community or specific plan;
2. Facilities, including utilities, access roads, sanitation and drainage are adequate and consistent with city standards, and the proposed improvements are properly related to existing and proposed streets and highways;
3. The property involved is of adequate size and shape to accommodate the proposed use and required yard, building coverage, setback, parking area and other requirements of this title; and;
4. Approval of the plan review will not be contrary to the public health or safety or injurious to the property or improvements of adjacent properties in that a condition of approval has been incorporated that requires the applicant to expand the driveway width to comply with safety requirements.

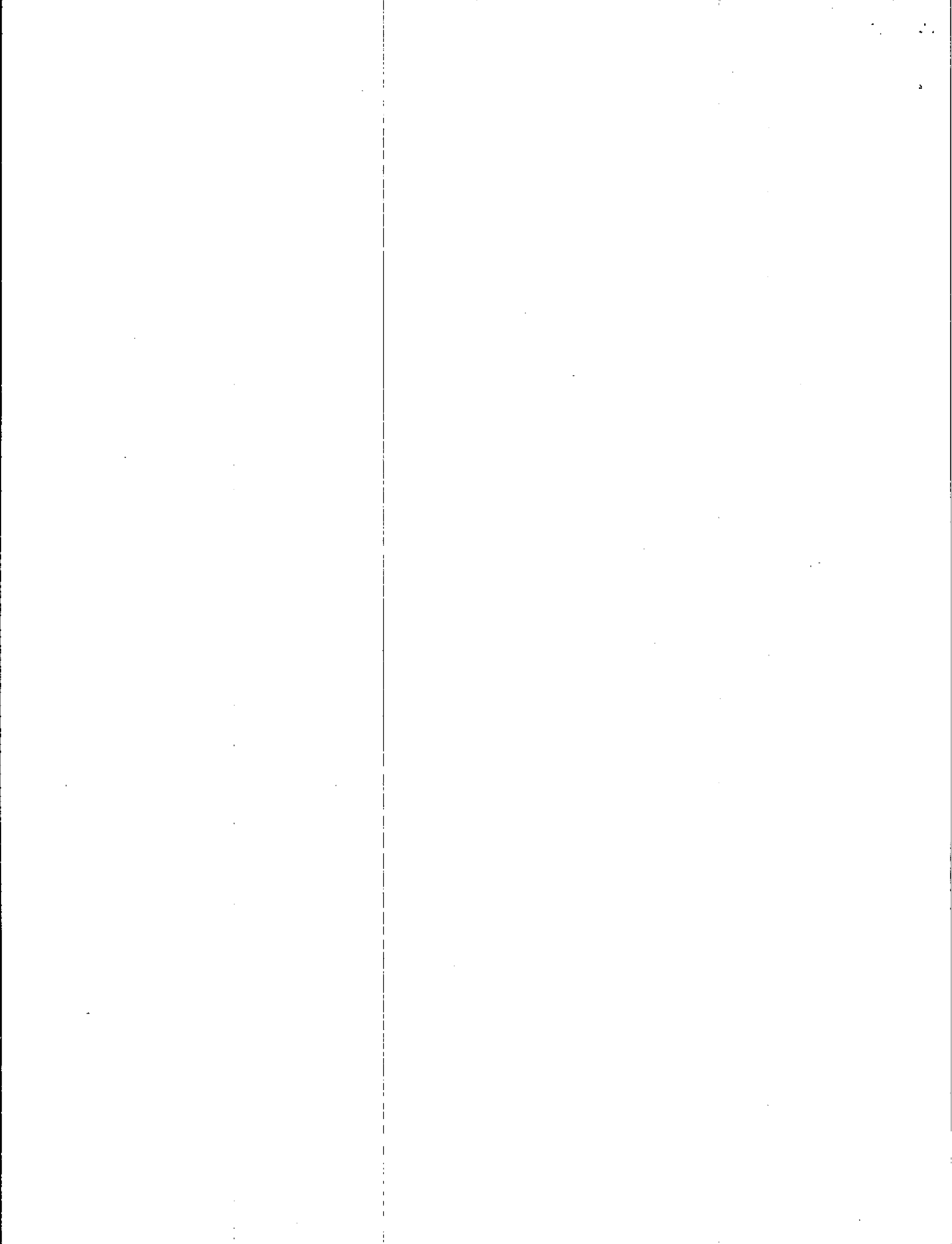
CONDITIONS OF APPROVAL

- C. The Plan Review to allow conversion of an existing 1,166± square foot single family residence into a hair salon on 0.23± acres in the General Commercial Review Executive Airport Overlay zone (C-2-R-EA-2 and EA-3) is hereby approved subject to the following conditions of approval:
- C1. The applicant shall obtain all necessary building permits prior to construction of exterior and interior modifications;
 - C2. Any modification to the project shall be subject to review and approval by the Planning Division staff prior to issuance of building permits;
 - C3. Prior to issuance of any Sign Permits, the applicant shall submit a sign plan for review and approval by Planning staff;
 - C4. Prior to issuance of any Building Permits, the applicant shall submit for review and approval by Planning Staff a shading plan meeting the requirements of the Zoning Code;
 - C5. Prior to issuance of any Building Permits the applicant shall submit for review and approval by Planning staff a site plan that properly indicates a handicap parking space meeting the requirements of the California Accessibility Standards; and a bicycle locker meeting the requirements of the Zoning Code;

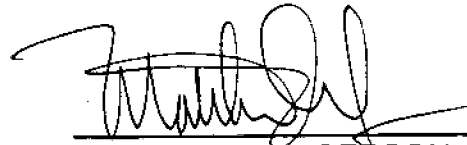
- C6. The "down" direction of the handicap ramp shall be to the south unless otherwise required by the City Building Division;
- C7. Prior to issuance of a certificate of occupancy, applicant shall repaint both the main structure and the garage;
- C8. Prior to issuance of a certificate of occupancy, applicant shall remove cyclone fencing from the property line along 24th Street.

Public Works Conditions:

- C9. Construct standard improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Any public improvement not specifically noted in these conditions shall be designed and constructed to City standards;
- C10. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition;
- C11. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Department of Public Works;
- C12. Dedicate an additional 10 feet of right of way adjacent to 24th Street;
- C13. Dedicate a standard 12.5 foot public utility easement (PUE) for underground facilities and appurtenances adjacent to 24th Street;
- C14. The driveway shall conform to City standards for a commercial driveway and shall be a minimum of 24 feet in width;
- C15. The proposed valley oak in the northeasterly area of the parking lot shall be moved in order to provide a clear back-out maneuvering area for the easternmost parking stall;
- C16. Fences or walls along the north property line and within 10 feet of the street right of way should not be greater than 3.5 feet in height;



C17. Landscape shrubbery along 24th Street southerly of the driveway shall not be greater than 3.5 feet in height in order to provide a 300 foot stopping sight distance.



CHAIRPERSON

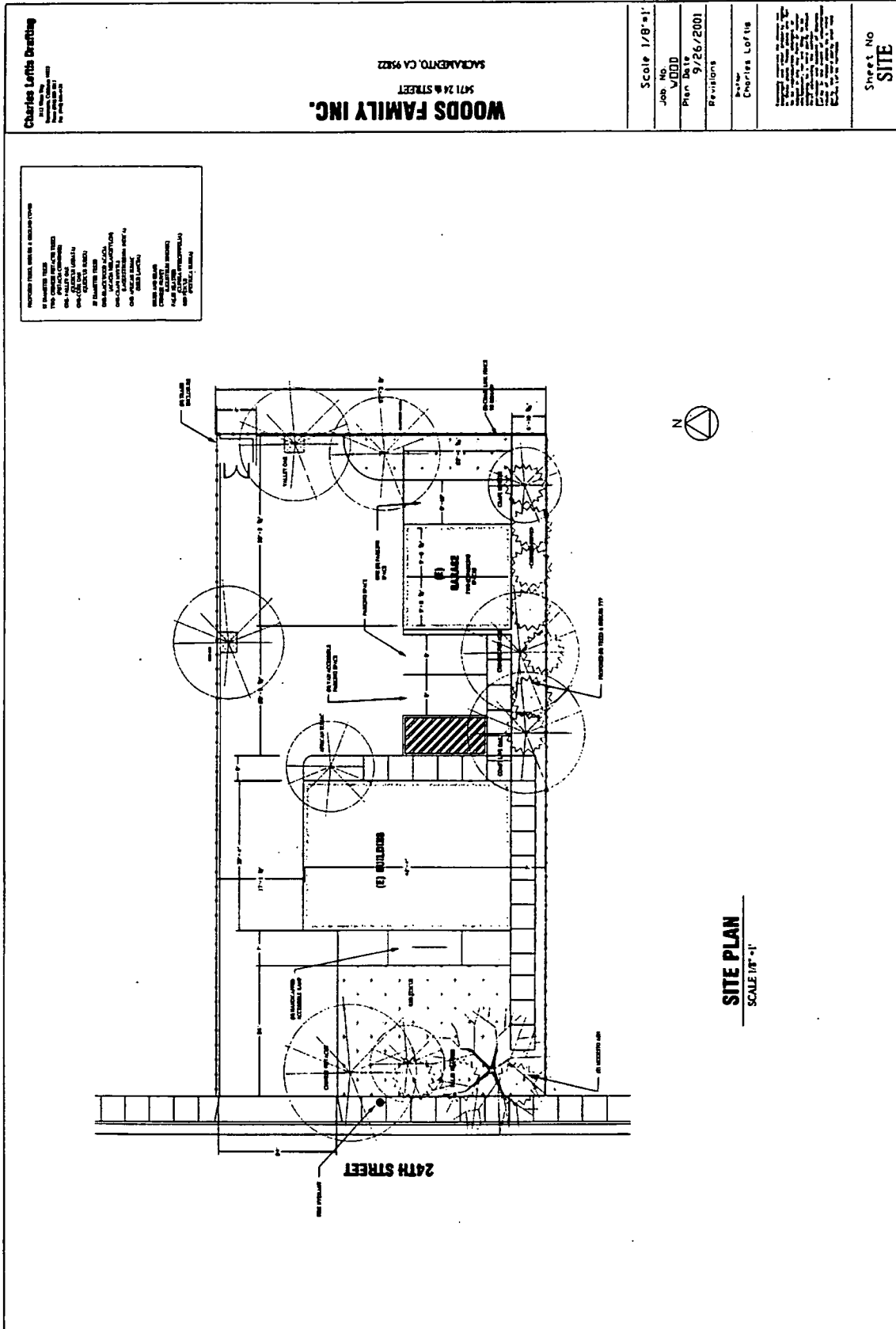
ATTEST:

Will Westman for Gary Stonehouse
SECRETARY TO CITY PLANNING COMMISSION

11-15-01
DATE (P99-133)

Exhibit1A Site Plan
Exhibit1B Elevations/Floorplan

Exhibit 1A - Site Plan



Attachment 2

[FOR CITY COUNCIL APPROVAL]

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 99-015, AS AMENDED, BY REMOVING 0.23± ACRES LOCATED AT 5471 24TH STREET THE MULTI-FAMILY (R-3) ZONE AND REPLACING IT WITH GENERAL COMMERCIAL (C-2-R) REVIEW ZONE. THE EXISTING EXECUTIVE AIRPORT OVERLAY ZONES SHALL REMAIN UNAFFECTED.

(APN: 019-0201-015)**(P99-133)****BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

The territory described in the attached Exhibit 2A, which is located at 5471 24th Street in the (R-3) zone established by zone established by Ordinance No. 99-015, is hereby removed from said zone and placed in the following zone: General Commercial (C-2-R) Review zone.

This action rezoning the property described in the attached exhibit is adopted subject to the following conditions and stipulations:

- a. A material consideration in the decision of the Planning Commission to recommend and the City Council to approve rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of this request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property
- b. If an application for a building permit or other construction permit is filed for said parcels which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the Planning Commission on November 15, 2001, on file in the office of the Planning Division, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Division shall report the matter to the Planning Commission as provided for in Ordinance No. 99-015, as amended.
- c. The existing Executive Airport Overlay zones shall remain unaffected by this ordinance.

SECTION 2

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said zone established by Ordinance No. 99-015, to conform to the provisions of this Ordinance.

SECTION 3

Rezoning of the property described in the attached exhibit by the adoption of this Ordinance shall be deemed to be in compliance with the procedures for the rezoning of property described in Ordinance No. 99-015, as amended, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

P99-133

Attachments:

Exhibit 2A

Exhibit 2A - Rezone Exhibit

