

P96-075 - 2nd Floor Garage - 5th Avenue

REQUEST:

- A. Environmental Determination
- B. Special Permit to allow additional construction (2nd floor to garage) on an existing non-conforming lot and structure which exceed the 40% total lot coverage, 25% rear yard lot coverage, and setback requirements (rear yard setback from alley and side yard setbacks) on 0.10± developed acres in the Standard Single-Family Residential (R-1) zone.
- C. Variance to allow a second floor on a detached accessory structure (garage) containing 400 square feet (total s.f. to be approx. 800 s.f.) on 0.10± developed acres in the Standard Single-Family Residential (R-1) zone.
- D. Variance to increase the maximum allowed wall height for a detached accessory structure from 10 feet to 17 feet.
- E. Variance to increase the maximum allowed building height for a detached accessory structure from 18 feet to approximately 21 feet 8 inches.

LOCATION:

2441 5th Avenue  
APN: 013-0112-016  
Land Park Community Plan Area  
Sacramento Unified School District  
Council District 5

APPLICANT:	Delia M. Chilgren 2441 5th Avenue, Sacto. CA 95818 (916) 852-4869 or 452-2193
OWNER:	Delia M. Chilgren
PLANS BY :	N/A
APPLICATION FILED:	7/16/96 APPLICATION COMPLETE: 7/31/96
STAFF CONTACT:	Colleen C. Laubinger, 264-5691

**SUMMARY:**

The applicant is requesting approval to construct a second floor on their existing detached garage. This addition is proposed for use as a storage and hobby area. The existing detached garage is a non-conforming structure which exceeds the 25% rear yard lot coverage, side yard, and alley setback requirements. Total lot coverage also exceeds the 40% lot coverage maximum. Therefore, in order to allow this second floor, the project requires the discretionary planning entitlements described on the previous page.

**RECOMMENDATION:**

Staff recommends approval of the project, subject to compliance with the conditions included in the attached Notice of Decision and Findings of Fact. The primary issue relating to the proposed project is a concern that the addition may become a second living unit. Because of the lack of visibility created by its location behind the existing residence, the Police Department is opposed to the second level becoming a residential unit. Recently, the Fire Department has also expressed emergency access concerns against second residential units adjacent to unimproved alleys. This potential has been discussed with the applicant.

Although the proposal includes heating, air conditioning, and a restroom for the additional floor, the floorplan clearly does not include a tub, shower, or kitchen. The applicant does not intend to create a second living unit within this structure. If the applicant later decides to create a second living unit, staff has informed the applicant of the additional approval process required to complete this development. Therefore, the project has been conditioned that it shall not become or be used as a second residential unit unless appropriate discretionary planning entitlements and compliance with residential unit building requirements are approved.

Staff's recommendation for approval of the second floor addition is based upon the project's compatibility with the surrounding land uses and upon the fact that the applicant is not expanding the footprint (lot coverage) with construction of the second level. The project site is completely surrounded by residential development. It is located adjacent to an alley where other two-story structures exist. Therefore, the current proposal is consistent with the designated and existing land uses in the area.

**PROJECT INFORMATION:**

General Plan Designation:	Low Density Residential (4-15 du/na)
Community Plan Designation:	N/A
Existing Land Use of Site:	Single-Family Residential
Existing Zoning of Site:	Standard Single-Family Residential (R-1)

Surrounding Land Use and Zoning:

North: Residential; R-1  
South: Residential; R-1  
East: Residential; R-1  
West: Residential; R-1

Setbacks for Structures on site:

	Required	Provided
Front:	25'	28'
Side(west):	5'	5' to house, 3.5' to garage
Side(east):	5'	4.5' to house, 15' to garage
Rear:	6' (from alley)	4' existing from alley

Property Dimensions: 37.5' x 121.08'  
Property Area: .10± developed acres  
Square Footage of Detached Garage: 400 square feet existing (800± s.f.w/addition)  
Height of Building: proposed to be two stories, 21'8"  
Exterior Building Materials: vinyl siding to match existing residence (lt. aqua)  
Roof Material: Composition Shingle  
Parking Provided: 2 car garage  
Parking Required: 1 space  
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:

<u>Permit/Approval</u>	<u>Agency</u>
Building Permit	Building Division

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The project site is located within the Land Park Community Plan Area which does not include a specific land use designation. The single-family residence located on the site is consistent with the Low Density Residential land use designation of the Sacramento General Plan. The applicant is adding a second level for a storage and hobby work area; however, the total building footprint and lot coverage is not increasing. Therefore, the project is not increasing the existing non-conforming lot coverage.

**B. Site Plan Design/Zoning Requirements****1. Setbacks/Lot Coverage**

The project site is located in the Standard Single-Family Residential (R-1) zone. Required setbacks for this zone are: a 25-foot front yard setback; a 5-foot interior side yard setback; a 12.5-foot street-side yard setback; and a 15-foot rear yard setback. Structures on properties abutting a public alley must be constructed a minimum of 6-feet from the right-of-way/property line. The Zoning Ordinance also specifies lot coverage maximums for the Standard Single-Family Residential (R-1) zone. Total lot coverage shall not exceed 40 percent; while only 25 percent of the rear yard setback (15' x width of lot) may contain accessory structures. The Ordinance also allows detached garages to be placed on side and rear property lines, when setback from the street at least 60 feet, provided the rear yard (last 15 feet) lot coverage does not exceed 25 percent.

The existing garage is a non-conforming structure because it does not meet the side yard setback requirements, nor does it meet the 25 percent rear lot coverage requirement. The proposed project is located on a non-conforming lot because the total lot coverage exceeds 40 percent coverage. Because of these existing non-conforming situations, the project requires a Special Permit to add to the existing non-conforming structure and lot. The addition does not expand the footprint of the detached garage thereby increasing any lot coverage or further reducing setbacks (only adds a second level directly above the existing garage). Therefore, staff recommends approval of the Special Permit subject to conditions.

**2. Detached Accessory Structure Requirements**

Section 5 of the Zoning Ordinance outlines the requirements for detached accessory structures. The structures are limited to single story with a maximum building height of 18 feet and a maximum wall height of 10 feet. The proposed building height is 21 feet 8 inches (from grade to the peak of the roof). The proposed wall height, including the addition, is approximately 17 feet. There must be at least six feet between the main house and the detached garage. Currently there is 19 feet from the main house to the detached accessory structure.

The applicant is requesting a variance to allow a second floor on the detached garage for use as a storage and hobby work room. In order to accomplish this, the applicant is also requesting a variance to allow the wall height to exceed the maximum 10 feet and a variance to allow the total structure height to exceed the maximum 18 feet. Staff recommends approval of these variances provided that the proposed second level not be used as a living area. It is only to be used as a storage and hobby work

room for the residents of the existing house. Conditions of approval, listed on the attached Notice of Decision and Findings of Fact, have been included in the project to ensure that the stated use is maintained. If the second level were to be used as a second residential living unit, a Special Permit and perhaps additional Variances would be required.

C. Building Design/Materials

Residences in the area are comprised of both one-story and two-story structures. Building construction materials include stucco, wood siding, and vinyl siding. These structures also include a variety of types and grades of roofing, including tile and composition shingle. There are a few two-story structures located along the proposed project alley and the alley immediately to the east; however, most of the existing garages adjacent to the alley are one-story and in need of repair and maintenance. Fencing along the alley is also in disrepair in several locations. This is an unpaved public alley which is overgrown with trees and weeds in many areas. It is apparent that not all of the residences utilize the alley access to their detached garages. Setbacks of less than the required 6-feet from the alley right-of-way appear to be common.

The applicant is proposing vinyl siding, composition shingle roofing materials, and the same colors as the existing residence. To ensure consistency, the project has been conditioned that final elevations (including details of exterior colors/materials) be reviewed at staff level prior to issuance of any building permits.

The west side of the existing garage and proposed second level are approximately 3.5 feet from the west property line. The applicant is proposing windows on this elevation. In order to prevent viewing into the adjacent residential rear yard area, the project has been conditioned that windows included on the west elevation be located above eye-level. This allows lighting into the structure while helping to ensure privacy of the rear yard area for the adjacent residential property.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act, Categorical Exemption Sections 15303(e) and 15305.

B. Public/Neighborhood/Business Association Comments

The current request for entitlements was routed to the following neighborhood associations: the Sierra Curtis Neighborhood Assoc.; the Maple Park Neighborhood Assoc.; the Freeport Blvd. Business Assoc.; the Hollywood Park Neighborhood Assoc.; the Broadway Business Assoc.; the Oak Park

Neighborhood Improvement Assoc.; the Rosa Del Rio Homeowner's Assoc.; the Med Center Neighborhood Assoc.; the South Sacto. Chamber of Commerce; the South Sacto. Neighborhood Coalition; the Florin Road Community & Business Assoc.; and the Florin Road Partnership. As part of the early neighborhood notification process, a copy of the project application was also sent to adjacent property owners requesting comments or concerns regarding the proposed project.

As of this date, one neighbor has contacted the City by telephone indicating that they would prefer the additional second level include some type of windows on the alley side in order to provide visibility for any activity taking place in the alley. In order to provide additional visibility of the alley, the project has been conditioned to include some type of window/windows on the north elevation adjacent to the alley.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. Because the detached garage is already existing and the proposal is to add a second level directly above the existing structure, most departments and agencies responded that they had no comments or that there were no concerns with the project (PG&E, City Utilities, City Solid Waste, City Public Works/Traffic). The following is a summary of the comments that were received relating to the project:

1. Police Department

Comments received from the Police Department related to lack of visibility and inadequate public safety access (unimproved alley). The Police Department indicated that the proposed use would not create a law enforcement problem; however, they would be opposed to the structure becoming a second residential unit. The project has been conditioned that the structure not be used as a second residential unit. Additional review and discretionary approvals would be required in order to create a second residential unit.

2. Neighborhood Services Department - Tree Services

The City Arborist inspected the project site and indicated that although no tree work is proposed, if any tree work becomes involved, the applicant should contact Tree Services prior to commencement of work. The project has been conditioned to include this requirement.

3. Sacramento Municipal Utility District (SMUD)

SMUD has reviewed the project file and indicated that, for safety and health reasons, the project be required to raise the existing weather head and riser or to move the existing electrical panel. This request has been included as

a condition of project approval.

**PROJECT APPROVAL PROCESS:** The Planning Commission has the authority to approve or deny the project entitlements. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

**RECOMMENDATION:**

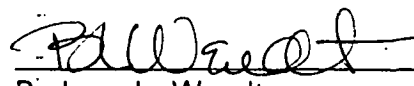
Staff recommends the Planning Commission take the following action:

- A. Adopt the attached Notice of Decision & Findings of Fact with the environmental determination that the project is Exempt pursuant to CEQA;
- B. Adopt the attached Notice of Decision & Findings of Fact approving the Special Permit to allow additional construction (2nd floor to garage) on an existing non-conforming lot and structure which exceed the 40% total lot coverage, 25% rear yard lot coverage, and setback requirements (rear yard setback from alley and side yard setbacks) on 0.10± developed acres in the Standard Single-Family Residential (R-1) zone;
- C. Adopt the attached Notice of Decision & Findings of Fact approving the Variance to allow a second floor on a detached accessory structure (garage) containing 400 square feet (total s.f. to be approx. 800 s.f.) on 0.10± developed acres in the Standard Single-Family Residential (R-1) zone;
- D. Adopt the attached Notice of Decision & Findings of Fact approving the Variance to increase the maximum allowed wall height for a detached accessory structure from 10 feet to 17 feet; and
- E. Adopt the attached Notice of Decision & Findings of Fact approving the Variance to increase the maximum allowed building height for a detached accessory structure from 18 feet to approximately 21 feet 8 inches.

Report Prepared By,

Report Reviewed By,

  
Colleen C. Laubinger  
Associate Planner

  
Barbara L. Wendt  
Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1-A	Site Plan
Exhibit 1-B	Building Elevations & Floor Plan
Attachment 2	Vicinity Map
Attachment 3	Land Use & Zoning Map



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**ATTACHMENT 1****NOTICE OF DECISION AND FINDINGS OF FACT FOR  
2nd FLOOR GARAGE - 5th AVENUE, LOCATED AT 2441 5th AVENUE  
SACRAMENTO, CALIFORNIA IN THE  
STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) ZONE. (P96-075)**

At the regular meeting of September 26, 1996, 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;
- B. Approved the Special Permit to allow additional construction (2nd floor to garage) on an existing non-conforming lot and structure which exceed the 40% total lot coverage, 25% rear yard lot coverage, and setback requirements (rear yard setback from alley and side yard setbacks) on 0.10 $\pm$  developed acres in the Standard Single-Family Residential (R-1) zone;
- C. Approved the Variance to allow a second floor on a detached accessory structure (garage) containing 400 square feet (total s.f. to be approx. 800 s.f.) on 0.10 $\pm$  developed acres in the Standard Single Family Residential (R-1) zone;
- D. Approved the Variance to increase the maximum allowed wall height for a detached accessory structure from 10 feet to 17 feet; and
- E. Approved the Variance to increase the maximum allowed building height for a detached accessory structure from 18 feet to approximately 21 feet 8 inches.

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

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**FINDINGS OF FACT:**

- A. Categorical Exemption: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Sections #15303 and #15305 of the CEQA Guidelines.
- B. Special Permit: The Special Permit to allow additional construction (2nd floor to garage) on an existing non-conforming lot and structure which exceed the 40% total lot coverage, 25% rear yard lot coverage, and setback requirements (rear yard setback from alley and side yard setbacks) on 0.10+ developed acres in the Standard Single-Family Residential (R-1) zone is hereby approved subject to the following findings of fact and conditions of approval:
  - 1. The project is based upon sound principles of land use in that the proposed

uses of a storage area and hobby work area are allowable in the Standard Single-Family (R-1) zone;

2. The project, as conditioned will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project is not proposed for a second residential unit (no residential living area provided) and provides adequate parking area for the existing single-family residence;
3. The proposed use will not adversely affect the peace and general welfare of the surrounding neighborhood because it will be used solely for a storage and hobby work area; and
4. The project is consistent with the General Plan which designates the site for Low Density Residential.

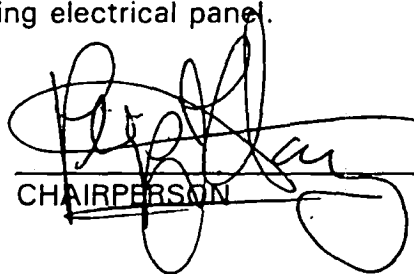
C-E. Variances: The Variance to allow a second floor on a detached accessory structure (garage) containing 400 square feet (total s.f. to be approx. 800 s.f.) on 0.10+ developed acres in the Standard Single Family Residential (R-1) zone; the Variance to increase the maximum allowed wall height for a detached accessory structure from 10 feet to 17 feet; and the Variance to increase the maximum allowed building height for a detached accessory structure from 18 feet to approximately 21 feet 8 inches are hereby approved based upon the following findings of fact:

1. Granting the Variances 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;
2. Granting the Variances would not be detrimental to the public welfare nor result in the creation of a public nuisance in that the garage is existing and the project is not proposing an additional second residential unit, which does not change the land use density on the project site;
3. Granting the Variances does not constitute a use variance in that the variances are for additions to the structure and the height limits; and
4. The project is consistent with the General Plan which designates the site for Low Density Residential.

#### CONDITIONS OF APPROVAL

- B. The Special Permit to allow additional construction (2nd floor to garage) on an existing non-conforming lot and structure which exceed the 40% total lot coverage, 25% rear yard lot coverage, and setback requirements (rear yard setback from alley and side yard setbacks) on 0.10+ developed acres in the Standard Single-Family Residential (R-1) zone is hereby approved subject to the following conditions of approval:

- B1 The second floor of the detached garage shall not be used as a living area/second residential unit. This area is to be used only for a storage and hobby work area. Appropriate planning entitlements must be obtained prior to any use as or conversion to a second residential unit.
- B2 Prior to issuance of any building permits, final elevations (including details of exterior colors/materials) shall be submitted to the Department of Planning & Development for Planning Staff review and approval.
- B3 All windows located on the west side of the proposed addition shall be located above "eye level" so as to prevent visibility into the adjacent residential back yard. Final revised elevations shall be submitted for review and approval by Planning Staff prior to issuance of any building permits. These plans shall be in compliance with Title 24 requirements for energy conservation.
- B4 In order to facilitate visibility of the alley ("eyes on the alley"), the final project design shall include windows on the north elevation. Final revised elevations shall be submitted for review and approval by Planning Staff prior to issuance of any building permits. These plans shall be in compliance with Title 24 requirements for energy conservation.
- B5 If any tree work becomes involved in development the project, the applicant shall contact the City Tree Services (433-6304) prior to commencement of this work.
- B6 The applicant shall coordinate construction of the project with the Sacramento Municipal Utility District (SMUD) regarding either raising the existing weather head and riser or moving the existing electrical panel.



CHAIRPERSON

ATTEST:

Gayle Stonehouse

SECRETARY TO CITY PLANNING COMMISSION

9-26-96

DATE (P96-075)

Exhibit 1-A Site Plan

Exhibit 1-B Elevations &amp; Floorplan

Exhibit 1-A  
Site Plan

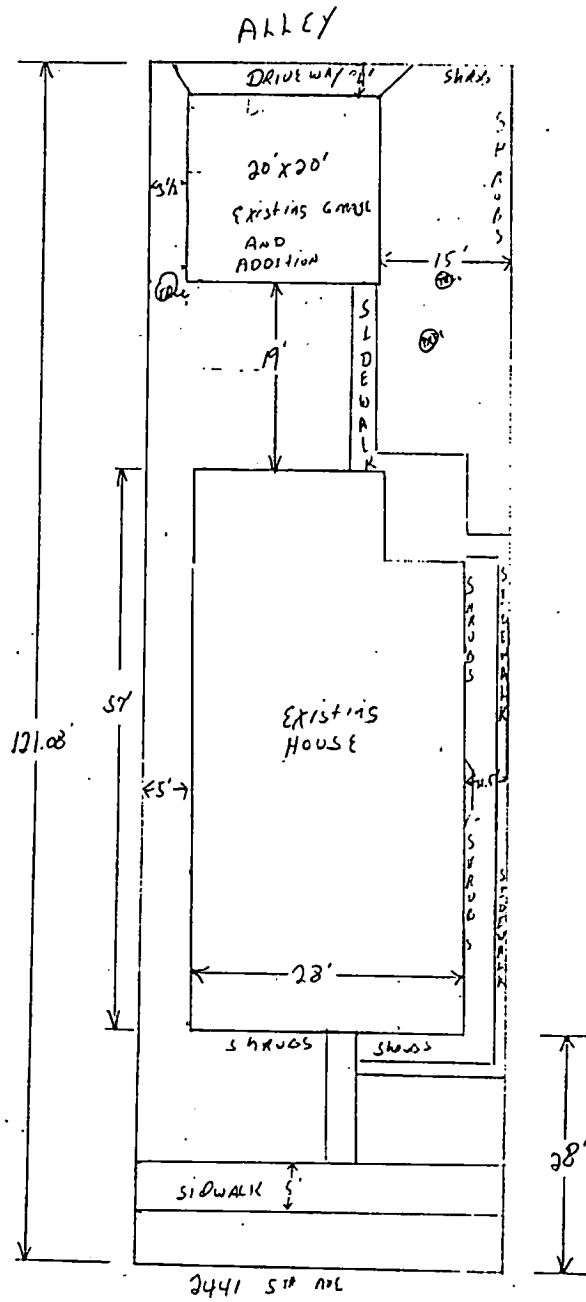
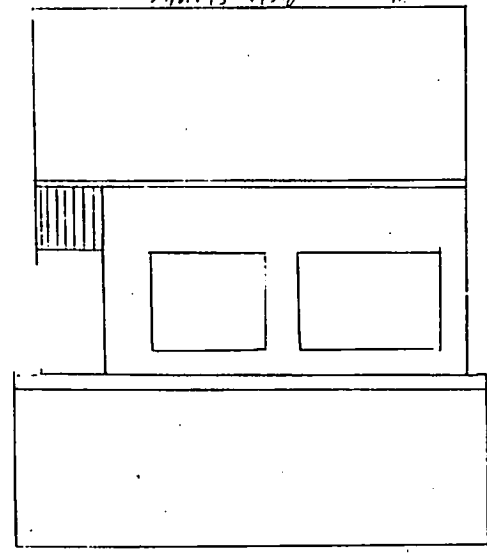
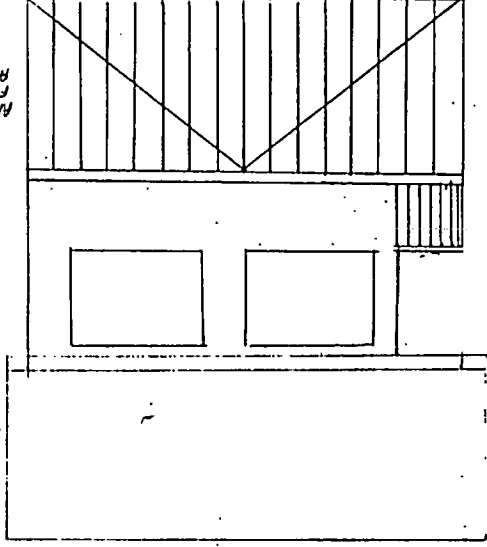


Exhibit 1-B  
Elevations & Floor Plan

WALLS FROM RISE

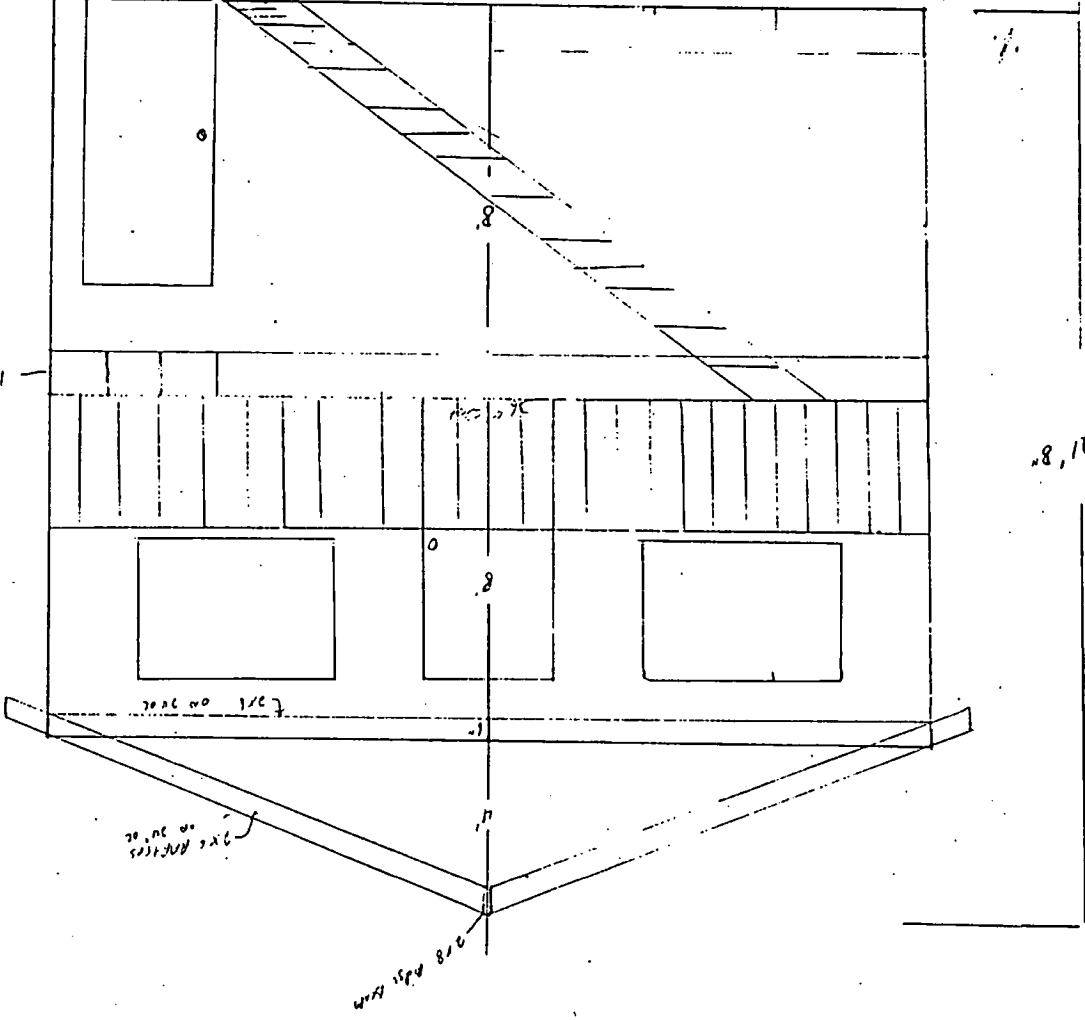


Arch. Elevation



Arch. Elevation

SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"

12'-0"

12' Floor

2' x 2' RISES

2'-0" RISES

1'-0"

2'-0"

8'

8'

11'

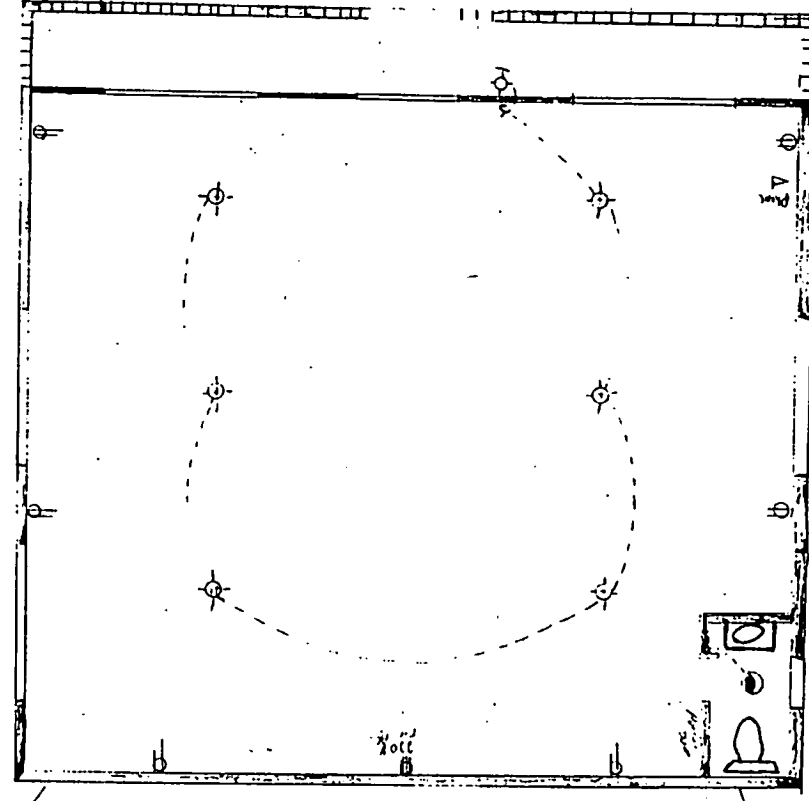
1/4"

September 26, 1996

P96-075

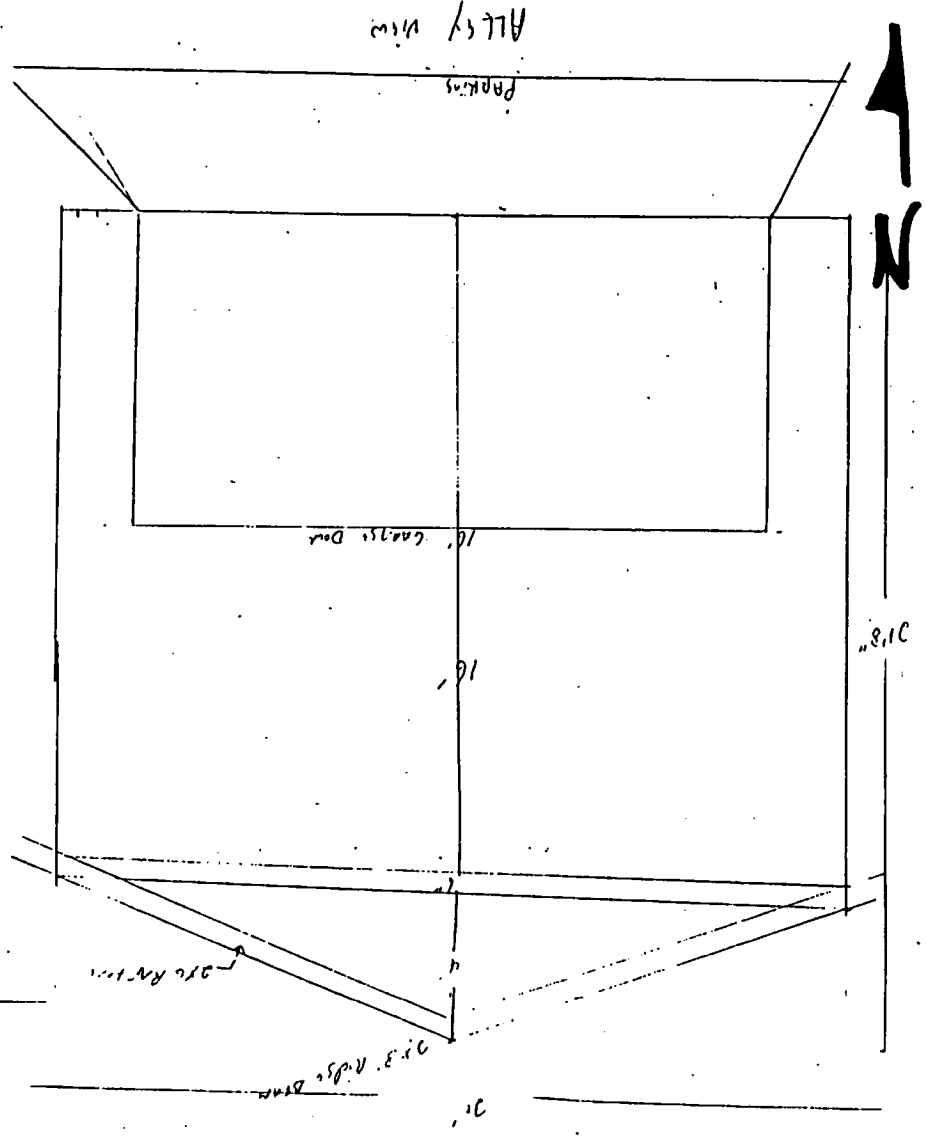
ELECTRICAL LEGEND

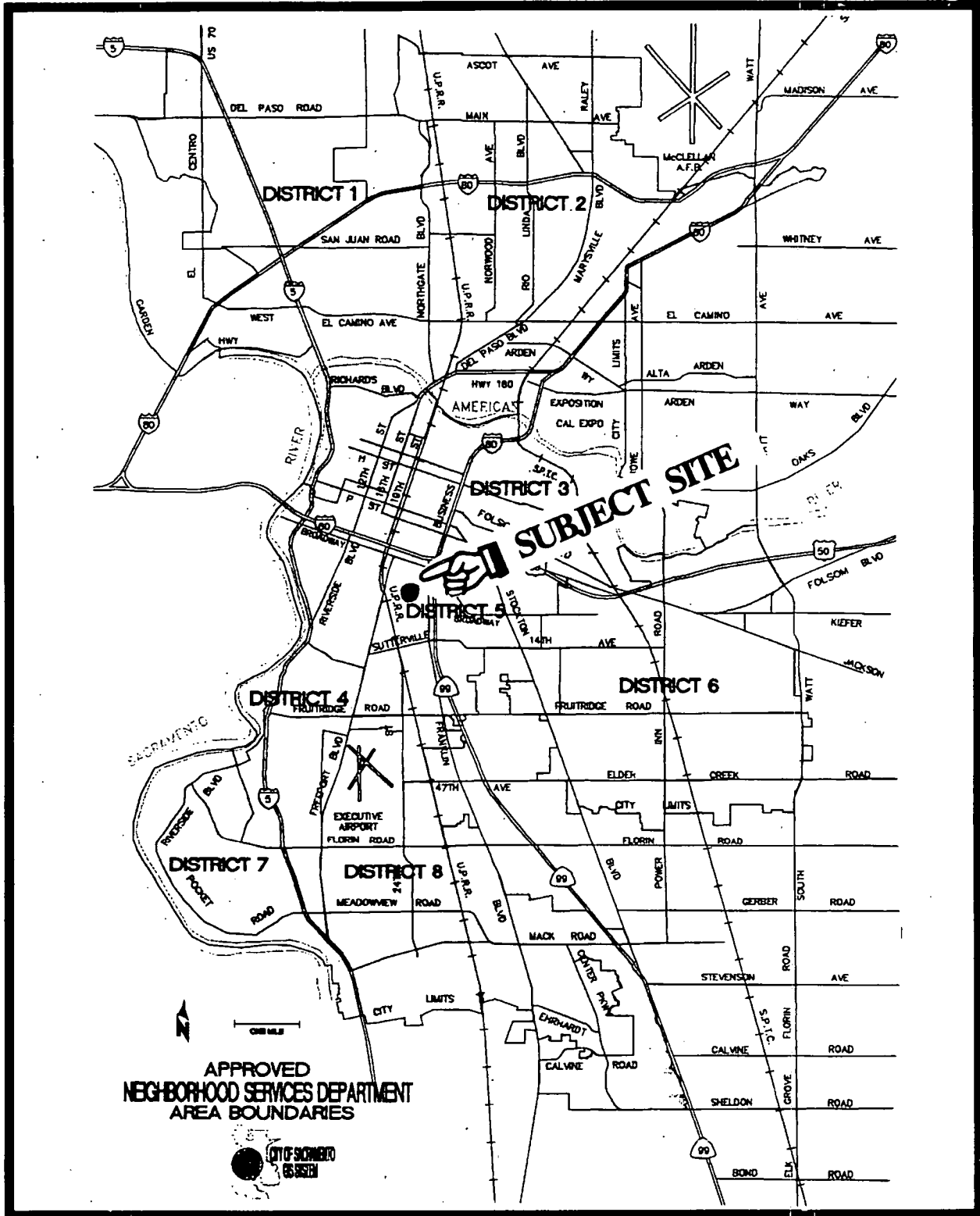
- 110 outlet
- ⊕ 220 outlet
- ⊕ ceiling light
- ⊕ wall light
- ⊕ fan + light combo



SCALE: 1" = 2'

Alley behind cross





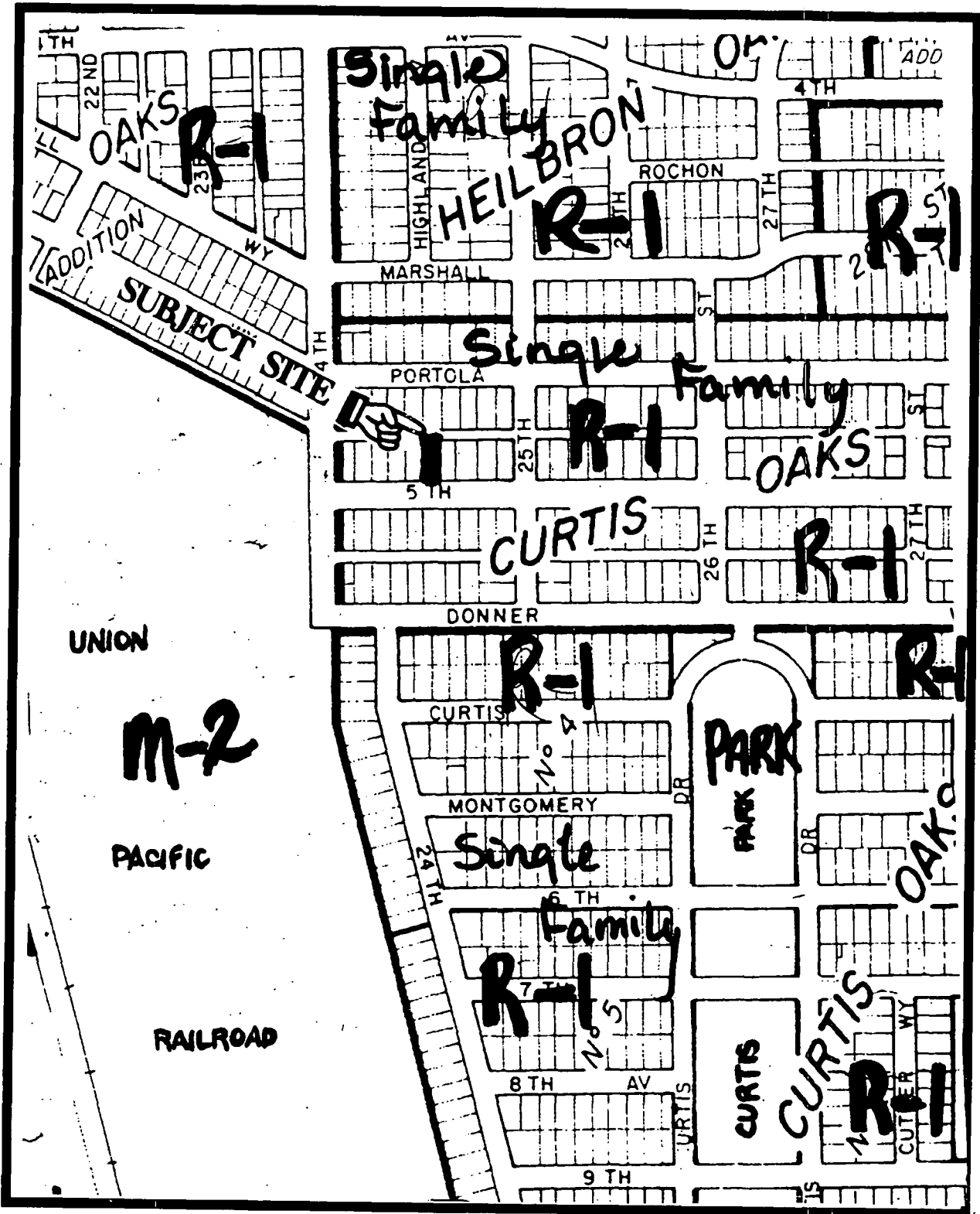
VICINITY MAP

ATTACHMENT 3

P96-075

September 26, 1996

ITEM #8  
PAGE 16



LAND USE AND ZONING MAP

