

P97-105 - MCKEITH GARAGE

- REQUEST:
- A. Environmental Determination: Exempt
 - B. Variance to allow a two story accessory structure that exceeds the 10 foot wall, and 18 foot roof height requirements on 0.13± developed acres in the Standard Single Family (R-1) zone.

LOCATION: 640 39th Street
APN: 004-0283-004
Council District 3

APPLICANT:	Cynthia McKeith, 916-739-6658 640 39th Street Sacramento, CA 95819
OWNER:	Cynthia McKeith 640 39th Street Sacramento, CA 95819
APPLICATION FILED:	September 25, 1997
STAFF CONTACT:	Brad Shirhall, 916-264-7483

SUMMARY: After demolishing an existing dilapidated 60 year old single car garage, the applicant proposes to construct a two story accessory structure on the same 0.13 acre site in the Standard Single Family (R-1) zone. The first floor of the structure would serve as an automobile garage while the second story would act as both a children's play area and an art studio for the homeowner. The size and shape of the existing lot generally prohibit the owner from building an addition to the existing house. The primary issues relate to land use, setbacks, height, and design compatibility.

RECOMMENDATION: Staff recommends approval of the project subject to conditions set forth herein.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential
Community Plan Designation:	Not applicable
Existing Land Use of Site:	Single Family Residential
Existing Zoning of Site:	Standard Single Family (R-1) zone

Surrounding Land Use and Zoning:

North: Single Family Residential; Standard Single Family (R-1) zone
 South: Single Family Residential; Standard Single Family (R-1) zone
 East: Single Family Residential; Standard Single Family (R-1) zone
 West: Single Family Residential; Standard Single Family (R-1) zone

Setbacks:	Required	Provided
Front:	20±'	82'
Side(St):	12½'	12½'
Side(Int):	0'	3'
Rear:	15'	19'

Property Dimensions:	36.84' x 148'
Property Area:	0.13± gross acres 0.11± net acres

Square Footage of Building:	579± sq.ft. including 275± sq.ft. garage
Height of Building:	18± feet, 2 stories
Exterior Building Materials:	Stucco and wood
Roof Material:	Composite asphalt shingle
Parking Provided:	1 space
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</u>	<u>Agency</u>
Building Permit	Building Department

BACKGROUND INFORMATION: Staff found that the project site has no entitlement history. A review of building permits indicated that the original residential structure was constructed in 1924.

STAFF EVALUATION: Staff has the following comments:

A. Site Plan Design/Zoning Requirements

1. Setbacks

Section 5 of the Zoning Ordinance has specific setback requirements for accessory structures. It specifies that if the structure is located more than 60 feet from the front property line, the uses shall have no minimum rear or interior sideyard setbacks. The proposed structure would be located approximately 82 feet from the front property line. Therefore, there are no minimum rear or sideyard setback requirements.

The structure would be approximately 3 feet from the north property line and approximately 23 feet from the south property line. Neither of the property lines is adjacent to a street. The structure will be approximately 19 feet from the rear property line. At its closest distance, the structure would be 6 feet 8 inches from the main building with no structural attachment. Staff's finding is that the proposed structure will meet all setback requirements.

2. Parking

Section 6 of the Zoning Ordinance specifies that one parking space shall be provided for each dwelling unit. The applicant's proposal will not alter the number of dwelling units on the property. The proposal includes construction of a new garage thereby retaining at least one parking space on-site.

Section Five of the Zoning Ordinance requires that at least 20 feet of driveway be provided between the street right-of-way and any accessory garage structures. This proposal complies with this standard.

The location of the structure on-site has been reviewed by the Public Works Department. They have indicated that placement, in relation to the existing driveway, will allow vehicles to maneuver into and out of the proposed garage.

3. Building Height/Design

Section 5 of the Zoning Ordinance has specific height requirements for accessory structures. Such structures, while permitted in the R-1 Zone, are not to exceed 18 feet in height from the grade line. The wall of the structure cannot exceed 10 feet in height, and the building is limited to one floor.

The proposed structure is a two story, 19'8" high accessory building. The wall of the structure would be 16'6" high. The first floor will serve as a detached garage for vehicle storage. The

second floor will serve as a children's play room and art studio. The applicant proposes to install a sink and toilet on the second floor. There are no plans to install a centralized heating and air conditioning system.

Staff conducted a site visit to confirm that the building's size, massing, and style will be compatible with the surrounding residential land uses, and not compromise the neighbors' privacy. Staff finds that while the structure would exceed the overall roof and wall height requirements, the structure will not be out of scale with neighboring structures as two story residential structures exist in the neighborhood (Attachment 2). Nor will the structure pose any privacy issues for neighboring properties as the proposed window placement is such that on and off-site vegetation shields the view to and from the subject site. Windows are to be installed on the west, south and east wall of the structure. No windows are allowed on the north wall immediately adjacent to the property line as this wall must be one-hour fire-rated.

The building will be ancillary to the on-site one story single family residence. From the street the structure will appear as a tall garage placed behind and to the side of the residential structure. The exterior of the building will be covered in gray stucco with blue-gray trim similar to the existing residential structure. The roof is to be a 5-12 pitch covered in asphalt composite shingles. The subject site is not within any design review districts. However, Design Review staff was asked to comment on the project. Their only indication was that the proposed structure seemed compatible with surrounding structures as long as it was constructed as represented in the elevations.

Given the lot shape and size limitations, the applicant's need for a new garage and additional work and children's play space, granting the variance does not constitute a special privilege. Moreover, other property owners facing similar circumstances could also be granted the same variance. The structure would not be detrimental to public welfare. Nor would it create a public nuisance.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15302 Class 2).

B. Public/Neighborhood/Business Association Comments

The project application was routed to the East Sacramento Improvement Association (ESIA), and the McKinley Elvas Neighborhood Alliance (MENA). Neither has responded with comments. Similarly, in writing, staff contacted property owners directly adjacent to the subject site. They were asked to provide comments on the design and/or voice their opposition to the proposal. To date staff has received no

response.

C. Summary of Agency Comments

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

1. Public Works

No comments.

2. Building Department

The Building Department had originally indicated that the spiral staircase design and roof overhang to the property line were unacceptable. Both these issues have been resolved between the Department and the applicant. The roof overhang has been omitted as indicated on Exhibit 1A, and the Department accepted the spiral staircase design upon further consultation with the applicant.

3. Fire Department

The Fire Department has requested that the applicant verify fire water flow to the site. The applicant has complied with this request.

4. Police Department

The Police Department requested conditions that would prohibit the structure from being used as a dwelling unit. Conditions to this effect have been incorporated.

5. City Council

The City Councilmember representing this district requested a condition prohibiting rental of the proposed structure. Such a condition has been incorporated.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny A and B. 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

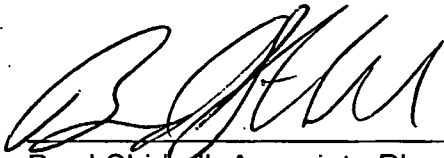
actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15302

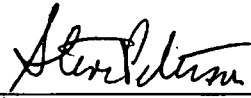
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Variance to allow a two story accessory structure that exceeds the 10 foot wall, and 18 foot roof height requirements on 0.13± developed acres in the Standard Single Family (R-1) zone.

Report Prepared By,

Report Reviewed By,



Brad Shirhall, Associate Planner



Steve Peterson, Senior Planner

Attachments

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

NOTICE OF DECISION AND FINDINGS OF FACT FOR**McKeith Garage, located at 640 39th Street****SACRAMENTO, CALIFORNIA IN THE STANDARD SINGLE FAMILY (R-1) ZONE
(P97-105)****APN: 004-0283-004**

At the regular meeting of January 22, 1998 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: Exempt
- B. Approved the Variance to allow a two story accessory structure that exceeds the 10 foot wall, and 18 foot roof height requirements on 0.13± developed acres in the Standard Single Family (R-1) zone.

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

FINDINGS OF FACT

- A. Categorical Exemption: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section #15302 of the CEQA Guidelines.
- B. The Variance to allow a two story accessory structure that exceeds the 10 foot wall, and 18 foot roof height requirements on 0.13± developed acres in the Standard Single Family (R-1) zone is hereby approved subject to the following findings of fact:
 - 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;
 - 2. granting the variance would not be detrimental to the public welfare and not result in the creation of a public nuisance;
 - 3. granting the variance does not constitute a use variance in that the proposed land use is allowed in the Standard Single Family (R-1) zone;

4. the project is consistent with the General Plan which designates the site for Low Density Residential.

CONDITIONS OF APPROVAL

- A. The Variance to allow a two story accessory structure that exceeds the 10 foot wall, and 18 foot roof height requirements on 0.13± developed acres in the Standard Single Family (R-1) zone is hereby approved subject to the following conditions:
 - A1. The applicant shall obtain all necessary building and encroachment permits prior to commencing construction.
 - A2. Any modification to the project shall be subject to review and approval by Planning staff prior to the issuance of building permits.
 - A3. Applicant shall be prohibited from using the structure as a living quarters.
 - A4. Applicant shall be prohibited from using the structure as a rental property.
 - A5. Prior to Final Inspection by the Building Department, applicant shall have on-site driveway clear of shrubbery and planters so as to facilitate on-site vehicle movement between the street and the garage structure.

CHAIRPERSON

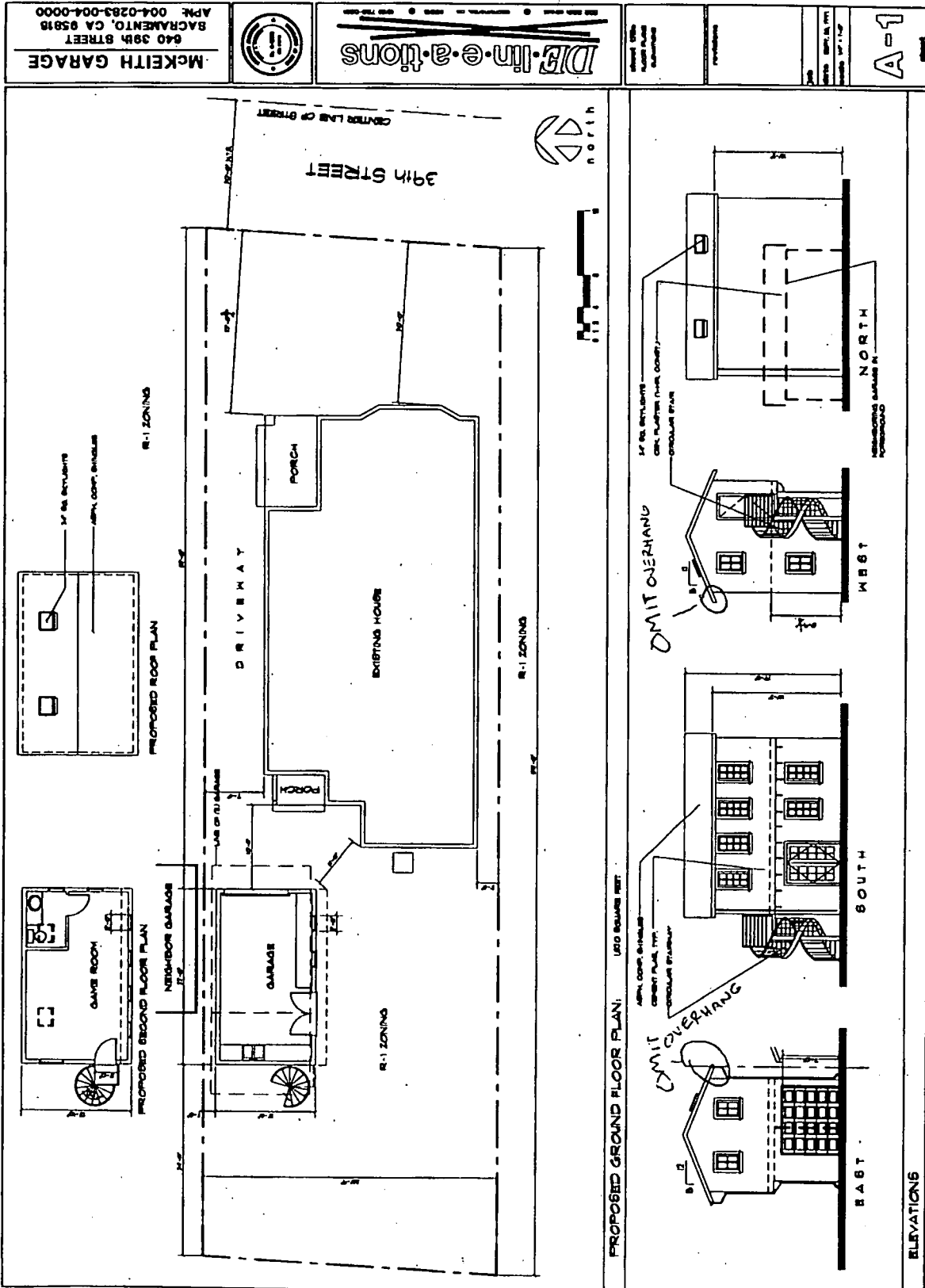
ATTEST:

SECRETARY TO CITY PLANNING COMMISSION

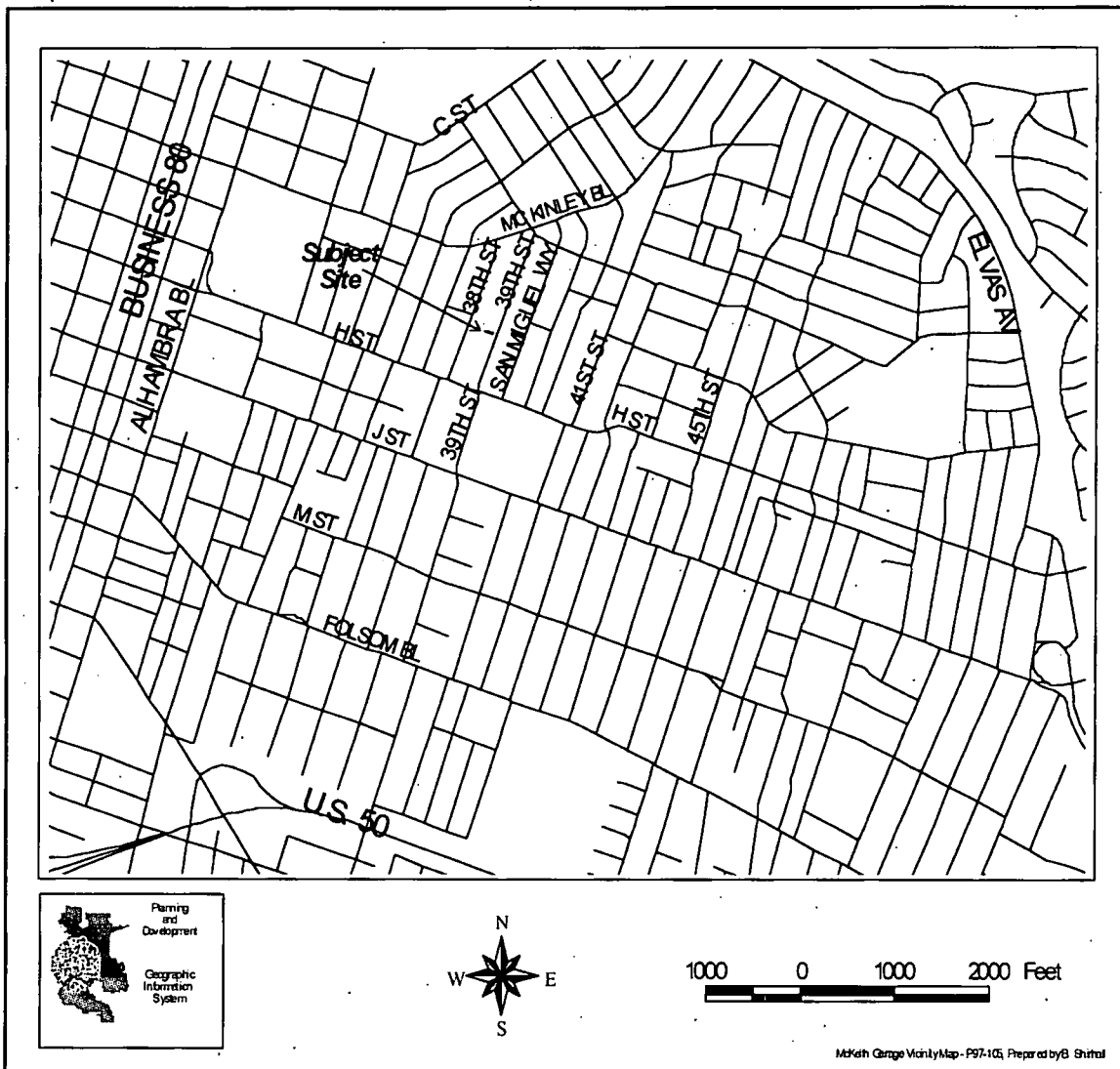
DATE (P97-105)

Exhibit 1A Site Plan and Elevations

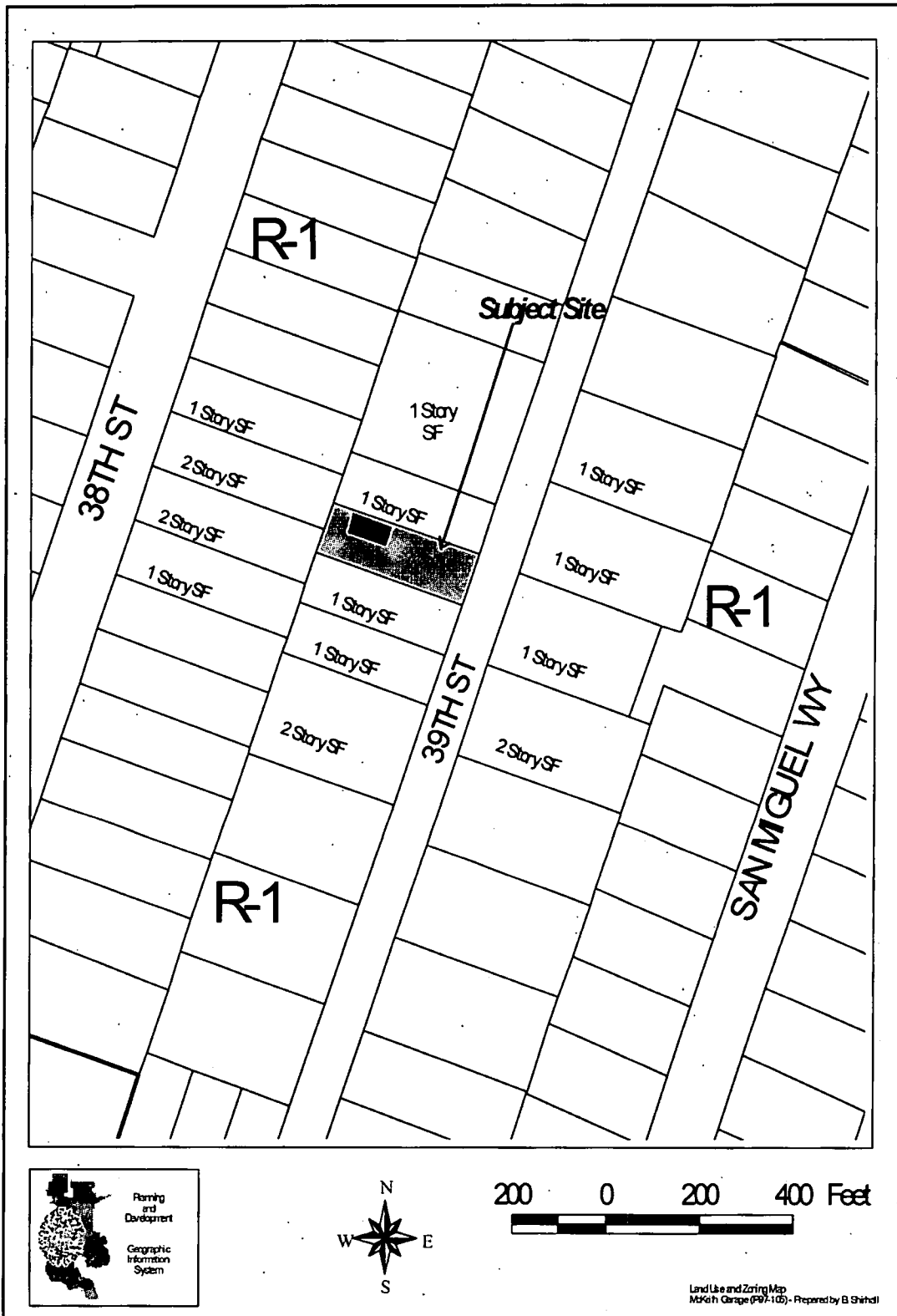
Exhibit 1A
Site Plan & Elevations



**Attachment 2
Vicinity Map**



**Attachment 3
Land Use & Zoning Map**



CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS OF SESSION:

ITEM #6
January 22, 1998
PAGE 1

Subject: P97-108 Continental Plaza

This item is being continued to the City Planning Commission meeting of February 12, 1998.