

(Amended by Staff 9/24/98)

CITY PLANNING COMMISSION  
SACRAMENTO, CALIFORNIA  
MEMBERS IN SESSION:

ITEM # 9  
SEPTEMBER 24, 1998  
PAGE 1

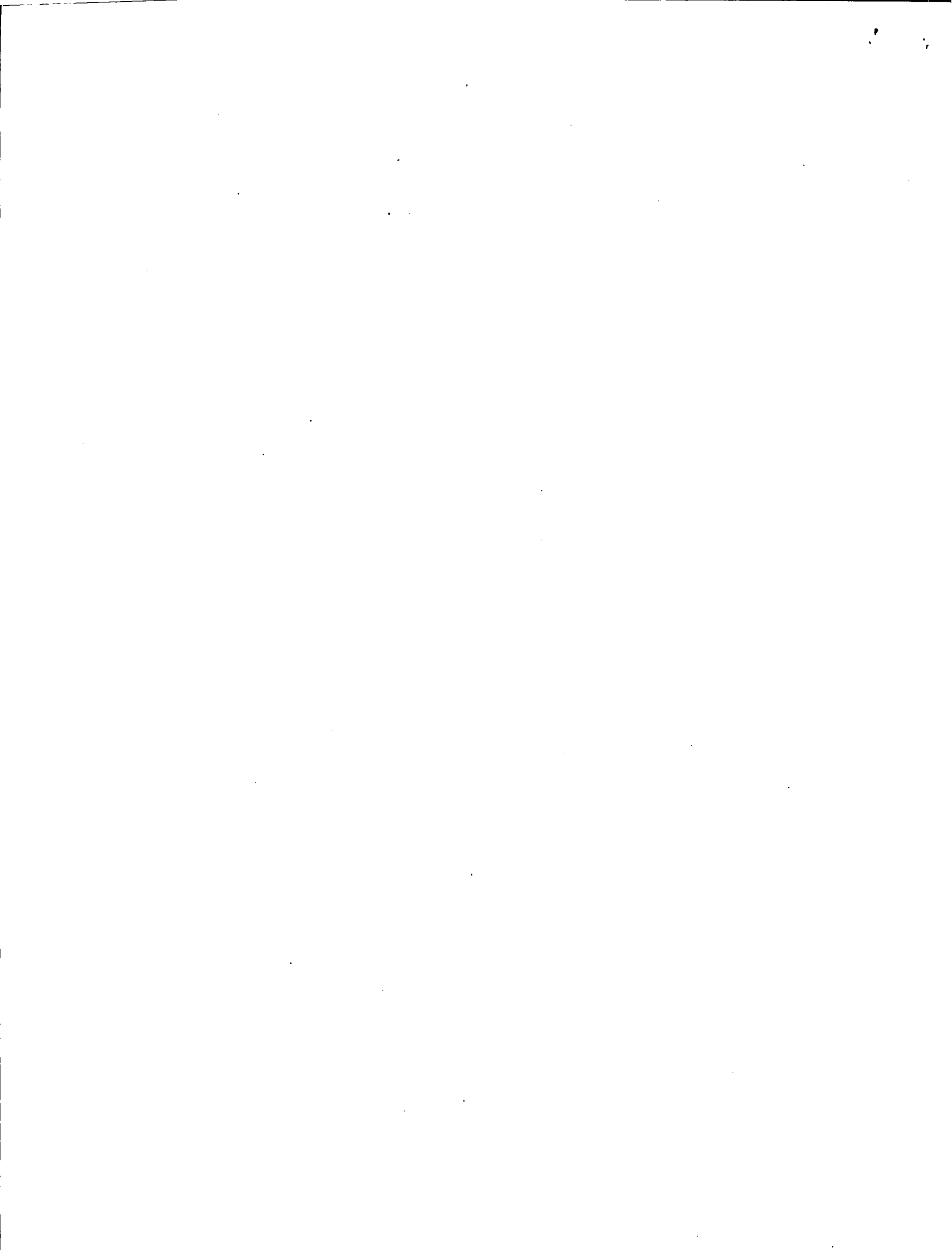
P98-087 2449 CURTIS WAY

- REQUEST:
- A. Categorical Exemption (Section 15301);
  - B. **Special Permit** to allow construction of a 400± square foot second single family residential unit;
  - C. **Special Permit** to waive the lot coverage and setback requirements;
  - D. **Variance** to allow a rear entrance to the second residence;
  - E. **Variance** to reduce the courtyard area between the main house and second residence from 10 feet to ~~4.5~~ 7.5 feet; and,  
(Amended by Staff 9/24/98)
  - F. **Variance** to exceed the six foot high fence height limit to eight feet (for portions of the north and west wall in the rear yard) in the Standard Single Family (R-1) zone.

LOCATION: 2449 Curtis Way  
APN: 013-0204-025  
Council District 5

APPLICANT:	Steven Goldstein, Architect P.O. Box 188544 Sacramento, CA 95818
OWNER:	Dr. John Ballenger 2449 Curtis Way Sacramento, CA 95818
APPLICATION FILED:	August 12, 1998
STAFF CONTACT:	Don Smith, 264-8289

**SUMMARY:** The applicant is seeking the necessary entitlements to allow the construction of a new 400 square foot second single family residence on the second floor above the garage. The applicant is requesting a reduction in the required setback distances between the new construction and property lines; a reduction in the required distance between the second unit and main residence; approval of a rear entrance to the second unit; and, approval to allow the six foot fence height to be increased to eight feet in two locations within the rear yard area.



**RECOMMENDATION:** Staff finds the second unit with the proposed architecture, reduced setbacks and greater lot coverage to be compatible with existing structures in the project area. The rear entrance and other entitlements requested would facilitate the project and are acceptable to neighbors. Staff, therefore, recommends approval of the applicant's requests.

**PROJECT INFORMATION:**

General Plan Designation:	Low Density Residential (4-15 DU/NA)
Zoning:	Standard Single Family Residential (R-1)
Existing Land Use of Site:	Single Family Residence
School District:	Sacramento Unified

**Surrounding Land Use and Zoning:**

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

Property Area:	.114 acres
Property Dimensions:	50' X 100'
Lot Coverage:	45% ±

Size of Primary Residence:	First Floor:	989 ± sq.ft.
	Second Floor:	814 ± sq.ft.
	Basement/ Storage:	574 ± sq.ft.
	Total:	2,377 ± sq.ft.

Size of Existing Garage:	400 ± sq.ft.
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Size of Proposed Building:	First Floor Garage:	400 ± sq.ft.
	Second Floor Residence:	400 ± sq.ft.
	Total sq.ft.	800 ± sq.ft.

Height of Primary Residence:	2 stories, approximately 30'
Height of Existing Garage:	1 story, approximately 15'
Height of Proposed Garage with Second Unit:	2 stories, approximately 25'

Materials of Existing Residence:	Stucco and Wood Shingles
Material of Proposed Building:	Stucco and Wood Shingles

Roof Materials Existing Residence:	Synthetic Slate
Roof Materials Proposed Building:	Synthetic Slate

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

<u>Permits</u>	<u>Agency</u>
Building Permit	Development Services Division

**BACKGROUND:** The existing residence on the property and detached garage were constructed in the 1920's. The house was remodeled around 1989. The detached structure was constructed approximately one and one half feet from the side property line which is not uncommon for detached structures in the City of Sacramento.

The applicant is requesting entitlements to allow the construction of a 400 square foot second residential unit above a garage. The structure would have a rear entrance to the second floor unit and would be within the side and rear setback areas. In addition, a patio deck and an eight by sixteen foot swimming pool is proposed in the rear yard area. The deck and pool will exceed 20 inches in height (approximately 24 inches) which require them to be considered in the lot coverage calculations. Therefore, an additional entitlement is required to exceed the lot coverage from 40% to approximately 45%.

**STAFF EVALUATION:** Staff has the following comments:

A. Policy Considerations

If a second unit is: in the R-1 zone, less than 850 square feet and conforms to the setbacks and lot coverage, it may be approved by the Zoning Administrator. The requested second unit and additional work proposed on the site would not meet the setbacks and lot coverage requirements, therefore, approval by the Planning Commission is required.

The proposal has a number of positive features. The buildings on the site, even though close to the property line and main residence, are similar in appearance and will conform to other residences in the neighborhood. Many of the homes in the area have high roofs and two stories. Detached structures are common and are frequently set close to or on the side property lines in the neighborhood. The proposal is considered to be compatible with the overall neighborhood, zoning and residential land use goals of the General Plan.

B. Site Plan

The site plan identifies the location of the main house, 400 square foot detached garage (with second unit above), patio deck and 8'X16' swimming pool. The sideyard

setback would be approximately 1.5 feet between the detached structure and the property line on the east side. In the rear, the setback would be reduced from fifteen feet to ~~10.5~~ 8'2" ± feet. With the deck and pool, lot coverage would increase from approximately 29% to 45%. The distance between the garage and main residence would be ~~4.5~~ 7.5 ± feet, rather than the 10 feet required by the zoning ordinance. *(Amended by Staff 9/24/98)*

**Second Unit:** The applicant proposes to construct a 400 square foot second unit above the garage. The plan also includes enlarging the two car garage to accommodate the owner's vehicles and to provide additional storage space. New construction will need to be consistent with approved plans. Construction will also need to conform to the AR flood zone regulations as administered by the Building Division.

**Setbacks:** The existing garage is approximately 1.5 feet away from the east property line, 13.5 feet from the rear property line and ~~10~~ 13 ± feet from the main residence. The proposed second unit would basically sit on top of the garage. The new stairs for the second will be about ~~10.5~~ 8'2" ± feet to the rear property line. Because of an architectural projection on the second floor of the detached garage and a new deck on the main residence, the upper floors will be approximately ~~4.5~~ 7.5 feet apart. Overall, the setbacks proposed are in keeping with other detached structures in the area. The neighborhood has many detached garages that are located on the side property lines. The new construction will maintain adequate open space and emergency access to the rear yard area. *(Amended by Staff 9/24/98)*

**Lot Coverage:** Along with the construction of the residential unit above the garage, other new construction will also take place in the rear yard area of the property. This additional work will be largely underground and will provide a swimming pool, entertainment room and storage area. A 525 ± square foot deck will be constructed approximately 24 inches above ground. An eight foot wide and sixteen foot long swimming pool with a fountain will be adjacent to the deck and will also extend about 24 inches above ground. The Zoning Ordinance considers anything higher than 20 inches above the ground to be a structure and should be included in the lot coverage calculation.

The deck and pool area will add approximately 750 square feet to the existing 1466 ± square feet of lot coverage of the site. The overall lot coverage would increase from approximately 29% to 45% of the site.

Staff considers the impact of the deck and pool to be minimal as it relates to lot coverage. The impact has been reduced due to past grading activity. The backyard where the pool and deck are located has in the past been graded to a level below the finished grade of the surrounding properties.

Rear Entrance: A rear entrance is proposed for the second unit. The rear entrance restriction for residential units is contained in the Zoning Ordinance. The restriction was intended to discourage entrances off alleys. Over the last few years, alley entrances have been found to be beneficial in providing activity in alleys. The rear entrance restriction has even been eliminated in some areas of the city. In this case, the only impact of the rear entrance might be on neighbors to the rear of the project as it may infringe on their privacy. Neighbors of the project have reviewed the request and are not in opposition to it.

Fence Variance: The applicant proposes to raise two sections of the wall from six to eight feet in the rear yard as a design feature and for privacy. Staff has reviewed the request and supports the variance to exceed the fence height as it will enhance the design of the rear yard area, and will provide privacy for the applicant and neighbors as well. The adjacent neighbors support the proposal.

C. Design

The design of the new garage and second unit is compatible with the main residence and styles of architecture in the neighborhood. The addition is visible from Curtis Way and will be similar to other properties in the neighborhood. Overall, the project would have a tendency to improve the property values in the neighborhood.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The project involves the minor alteration of an existing private structure involving no expansion of the use beyond that currently existing. The project, therefore, qualifies for a Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. No further environmental review is required.

B. Neighborhood Response

Public notice was sent to the Curtis Park Neighborhood Association and properties within 500 feet of the site. ~~No comments have been received.~~ *An adjacent neighbor requested that the detached structure be moved closer to the rear line, instead of closer to the front. The applicant modified the plans to accommodate the neighbor's concerns.* The applicant has discussed the project with adjacent neighbors and found them to be in support of it. *(Amended by Staff 9/24/98)*

C. Summary of Agency Comments

The Building Division indicated that development of the site will need to meet the AR flood zone criteria. Conditions of approval recommended by responding departments have been included on the attached Notice of Decision (Attachment 3).

**PROJECT APPROVAL PROCESS:** The Planning Commission has the authority to approve or deny the requested entitlement(s). The Commission action may be appealed to the City Council within 10 days following the Commission's action.

**RECOMMENDATION:** Staff recommends that the Planning Commission take the following action:

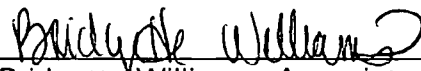
- A. Adopt the attached Notice of Decision and Findings of Fact with the environmental determination that the project is exempt pursuant to CEQA;
- B. Adopt the attached Notice of Decision and Findings of Fact approving the **Special Permit** to allow construction of a 400± square foot second single family residential unit;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the **Special Permit** to waive the lot coverage and setback requirements;
- D. Adopt the attached Notice of Decision and Findings of Fact approving the **Variance** to allow a rear entrance to the second residence;
- E. Adopt the attached Notice of Decision and Findings of Fact approving the **Variance** to reduce the courtyard area between the house and second residence from 10 feet to 4-5 7.5 feet; and, *(Amended by Staff 9/24/98)*
- F. Adopt the attached Notice of Decision and Findings of Fact approving the **Variance** to exceed the six foot high fence height to eight feet (for portions of the north and west wall in the rear yard) in the Standard Single Family (R-1) zone.

Report Prepared By,



Don Smith, Associate Planner

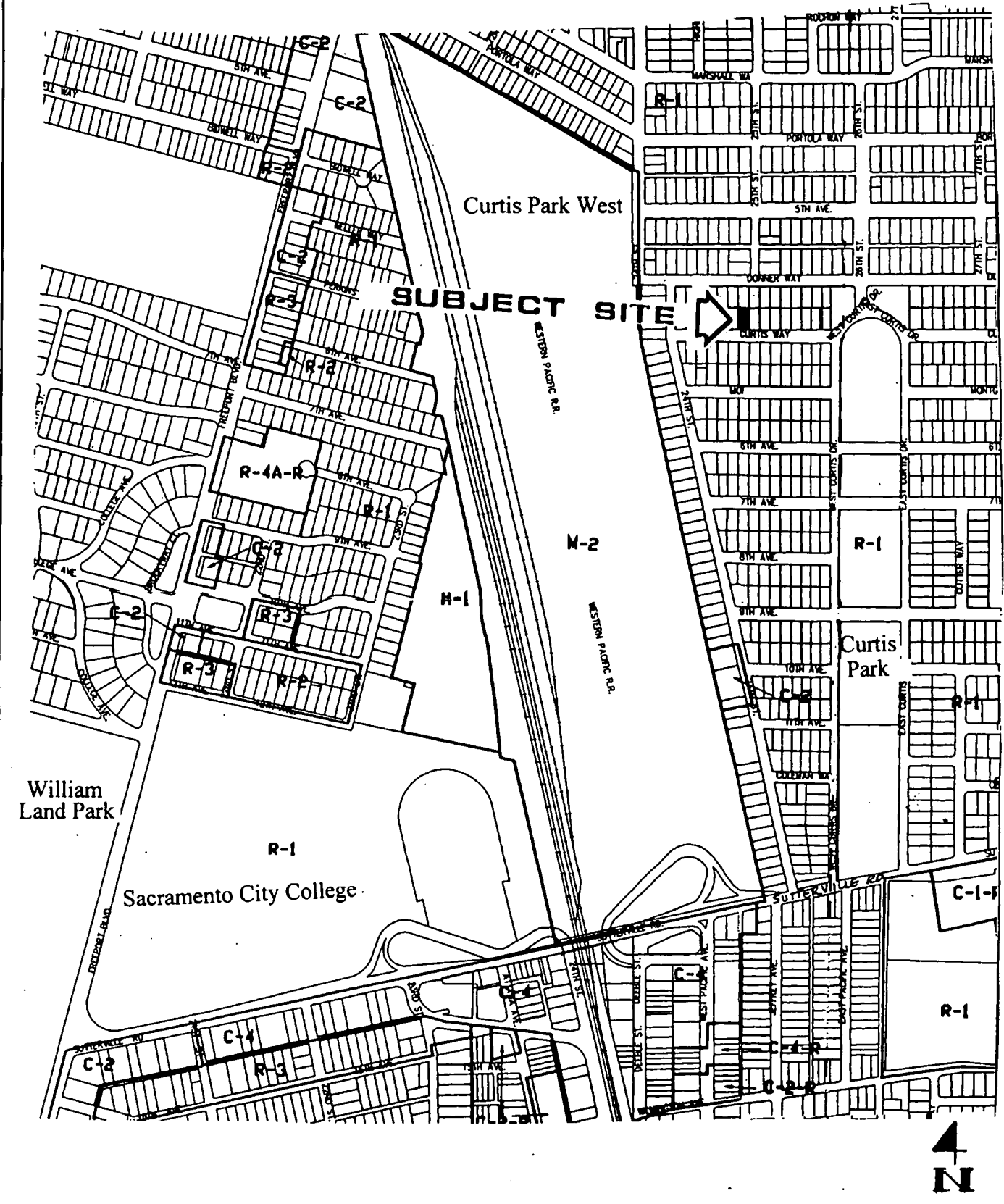
Report Reviewed By,



Bridgette Williams, Associate Planner

**Attachments**

Attachment 1	Vicinity Map
Attachment 2	Land Use and Zoning Map
Attachment 3	Notice of Decision & Findings of Fact
Exhibit 1A	Site Plan
Exhibit 2A	Floor Plan - New Basement and First Level Floor Plan
Exhibit 2B	Floor Plan/ Section - Garage Lower and Upper Level Floor Plan
Exhibit 3A	Elevations

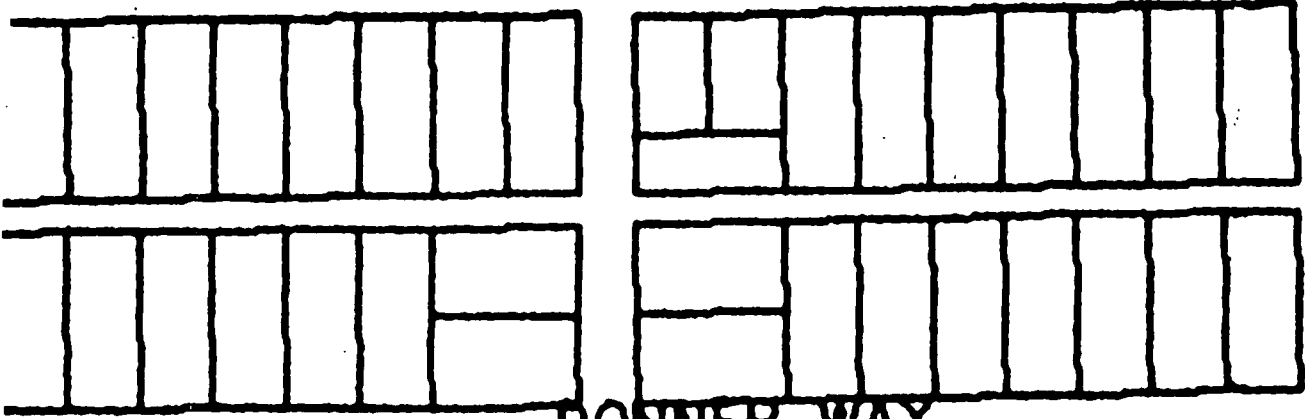


VICINITY MAP

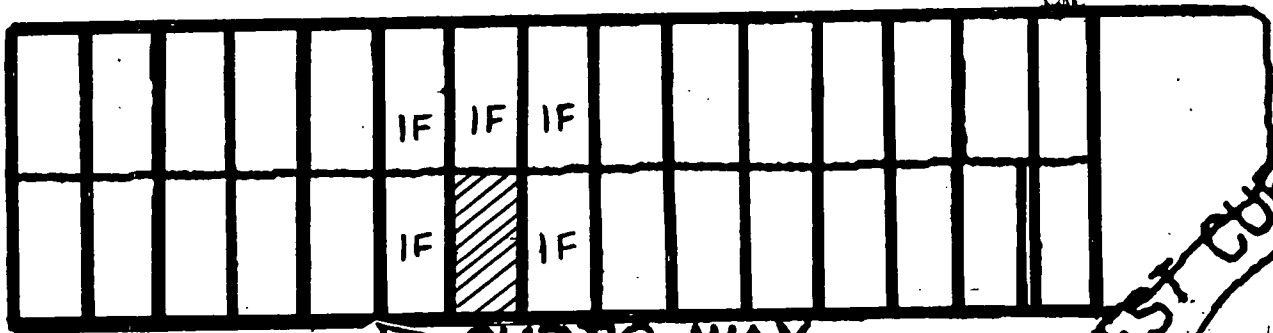


51H AVE.

26TH ST.



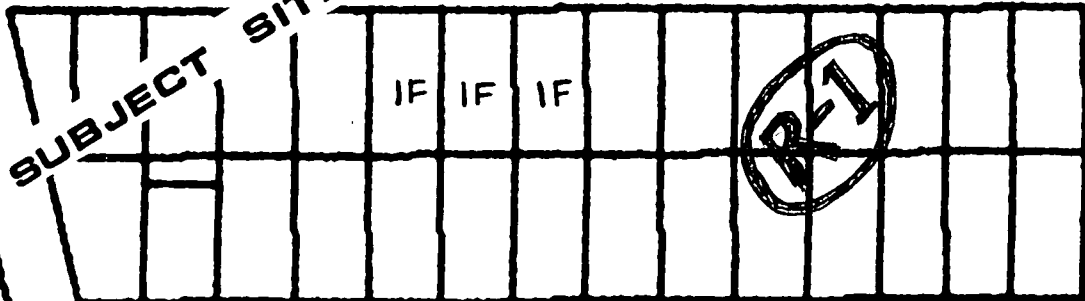
DONNER WAY



CURTIS WAY

WEST CURTIS

SUBJECT SITE



MONTGOMERY WAY

CURTIS PARK

24TH ST.



LAND USE AND ZONING MAP

(Amended by Staff 9/24/98)  
**ATTACHMENT 3:**

**NOTICE OF DECISION AND FINDINGS OF FACT FOR  
A SPECIAL PERMIT AND VARIANCE TO ALLOW CONSTRUCTION OF  
A 400± SQUARE FOOT SECOND SINGLE FAMILY RESIDENTIAL UNIT  
IN THE STANDARD SINGLE FAMILY RESIDENTIAL (R-1) ZONE.  
AT 2449 CURTIS WAY, APN 013-0204-025, SACRAMENTO, CALIFORNIA,**

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At the regular meeting of September 24, 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 action for the location listed above:

- A. Categorical Exemption (Section 15301); and,
- B. Adopted the attached Notice of Decision and Findings of Fact approving the **Special Permit** to allow construction of a 400± square foot second single family residential unit;
- C. Adopted the attached Notice of Decision and Findings of Fact approving the **Special Permit** to waive the lot coverage and setback requirements;
- D. Adopted the attached Notice of Decision and Findings of Fact approving the **Variance** to allow a rear entrance to the second residence;
- E. Adopted the attached Notice of Decision and Findings of Fact approving the **Variance** to reduce the courtyard area between the house and second residence from 10 feet to ~~4.5~~ 7.5 feet; and, (Amended by Staff 9/24/98)
- F. Adopted the attached Notice of Decision and Findings of Fact approving the **Variance** to exceed the six foot high fence height to eight feet (for portions of the north and west wall in the rear yard) in the Standard Single Family (R-1) zone.

These actions were made based upon the following findings of fact:

**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 15301 of the CEQA Guidelines.
- B. Granting the Special Permit to allow construction of a 400± square foot second single family residential unit and to waive the setbacks and lot

coverage is granted upon sound principles of planning in that:

1. The second unit is consistent with the Standard Single Family Residential (R-1) zone.
  2. The second unit is compatible with other development in the area.
- C. Granting the Special Permits are not detrimental to the public health, safety or welfare in that:
1. The second unit is compatible with other residential uses in the area.
  2. grade of the site is lower than the surrounding properties.
  3. The detached structure will be constructed in a similar location as the existing unit.
- D. Granting of the Special Permits will not create a nuisance in that:
1. Adequate parking is provided.
  2. The second unit will meet the provisions of the Uniform Building Code.
- E. Granting of the Special Permits comply with the objectives of the General Plan for the area in that:
1. The second unit is permitted in the Standard Single Family Residential (R-1) zone in which it is located.
  2. The second unit is consistent with the promotion of "granny" units per the policies of the General Plan.
- F. Granting of the Variances to allow the rear entrance, increased wall height and reduced courtyard are:
1. not a special privilege extended to one individual property owner, and
  2. the same Variances may be appropriate for any property owner facing similar circumstances.
- G. Granting of the Variances is not considered a use variance in that

residential uses are permitted in the residentially zoned area.

- H. Granting of the Variances will not be injurious to the public welfare, nor to property in the vicinity of the project.
- I. The Variances are in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Sacramento General Plan.

These actions were made based upon the following conditions of approval:

**CONDITION OF APPROVAL** The requested Special Permits are hereby approved subject to the following condition:

1. Applicant shall obtain necessary building permit(s) from the Building Division. Construction plans shall be in conformance with the approved site plan and elevations. Any modification to the project shall be subject to review and approval by Planning staff prior to the issuance of building permits.
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\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
SECRETARY TO CITY PLANNING COMMISSION

\_\_\_\_\_  
DATE (P98-087)

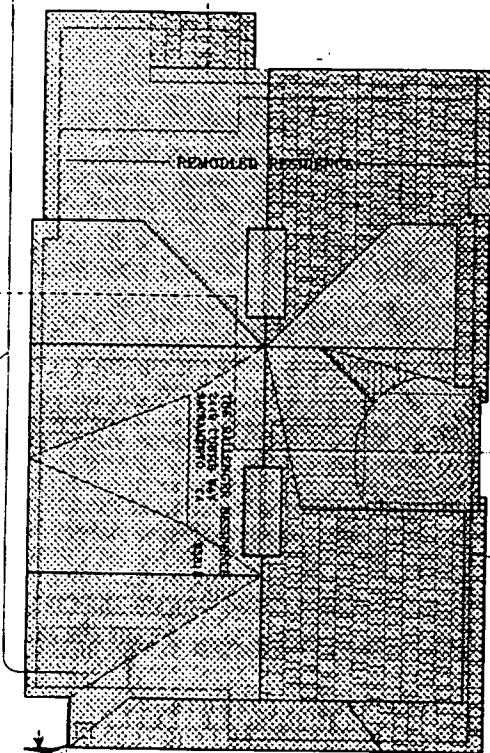
**Attachments**

Exhibit 1A	Site Plan
Exhibit 2A	Floor Plan - New Basement and First Level Floor Plan
Exhibit 2B	Floor Plan/ Section - Garage Lower and Upper Level Floor Plan
Exhibit 3A	Elevations

(N) SITE PLAN

7.5'

NEW GARAGE



1/4\"/>

Approx Location of 8' wall Section

Approx Location of 8' wall Section

8'2\"/>

SCALE: 1/4\"/>

5' 3\"/>

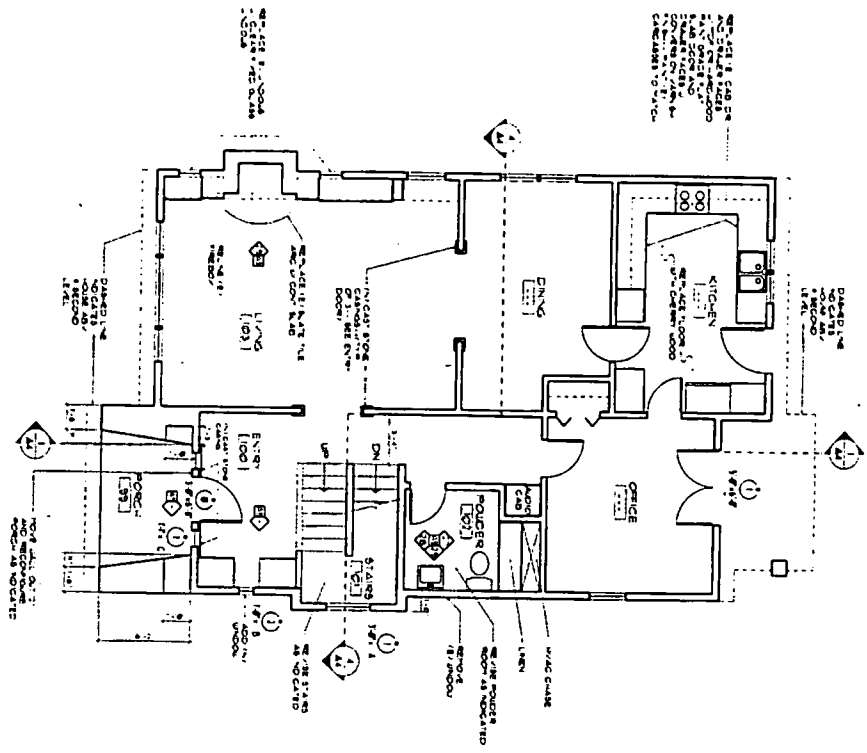
A1

THE BALLENGER RESIDENCE  
2448 CURTIS WAY  
SACRAMENTO, CA 95818

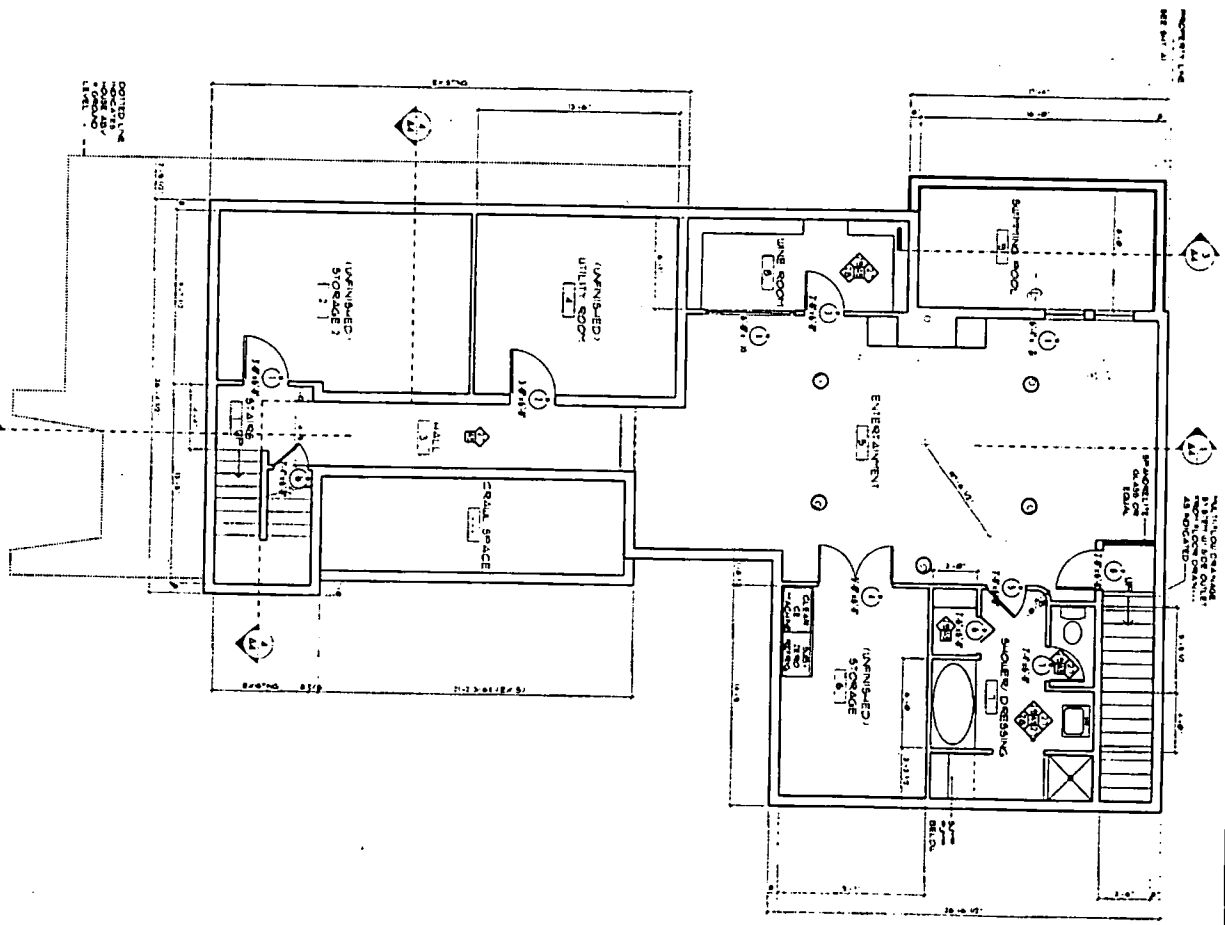
(N) SITE PLAN

STEVEN GOLDSTEIN, ARCHITECT  
P.O. BOX 188544  
SACRAMENTO, CA 95818  
916.739.6468 FAX- 916.739.1841

(N) FIRST LEVEL FLOOR PLAN  
SCALE 1/8" = 1'-0"



(N) BASEMENT LEVEL FLOOR PLAN  
SCALE 1/8" = 1'-0"

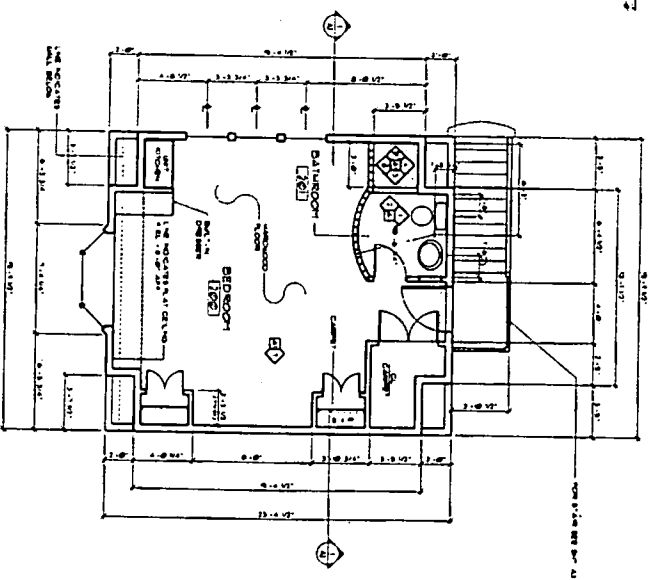
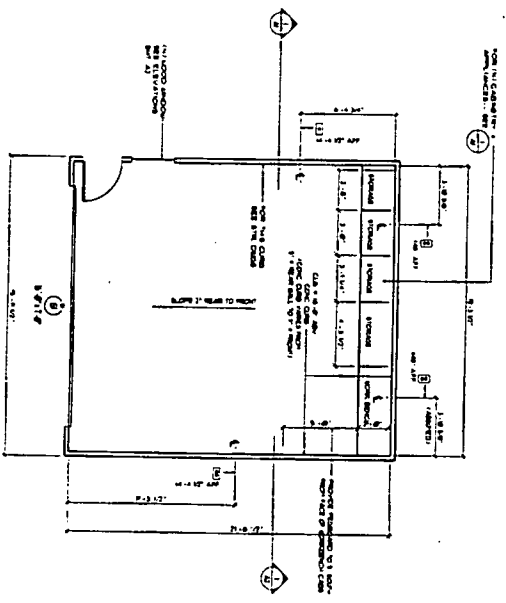
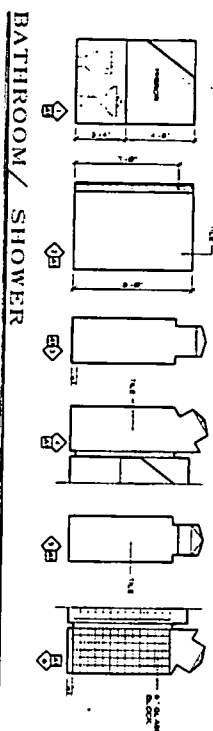
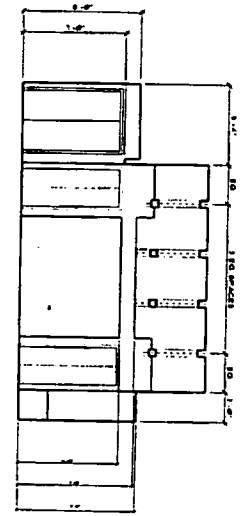
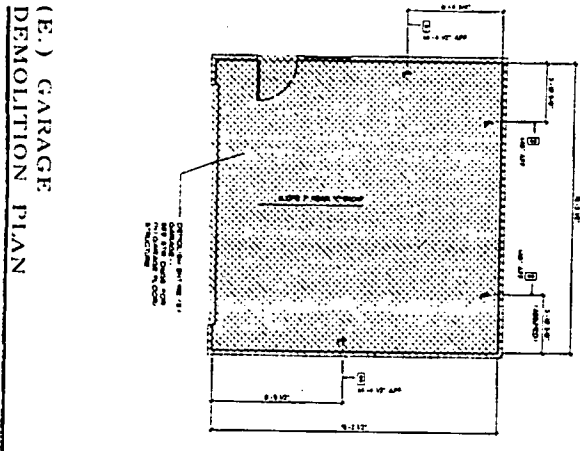
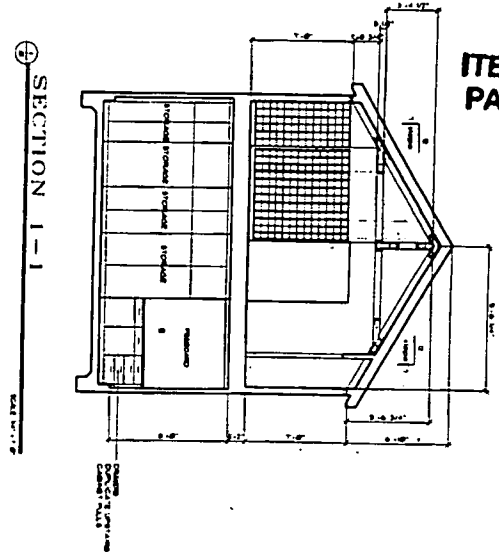


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NEW BASEMENT & FIRST LEVEL FLOOR PLANS

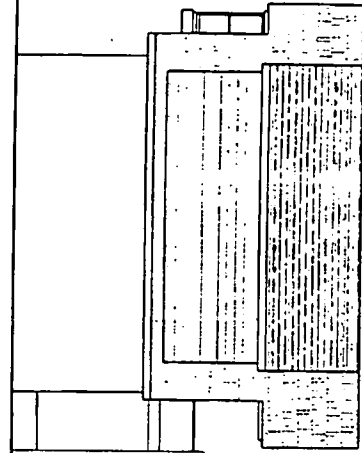
STEVEN GOLDSTEIN, ARCHITECT  
P.O. BOX 188544  
SACRAMENTO, CA 95818  
916.739.6188 FAX - 916.739.1411

A2



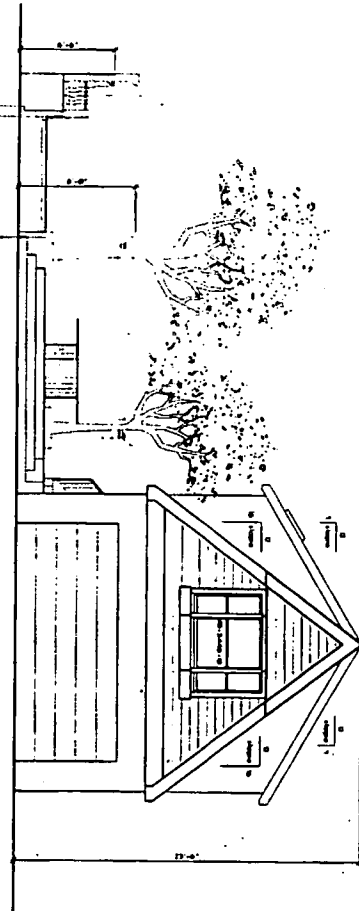
EAST ELEVATION

SCALE 1/8" = 1'-0"



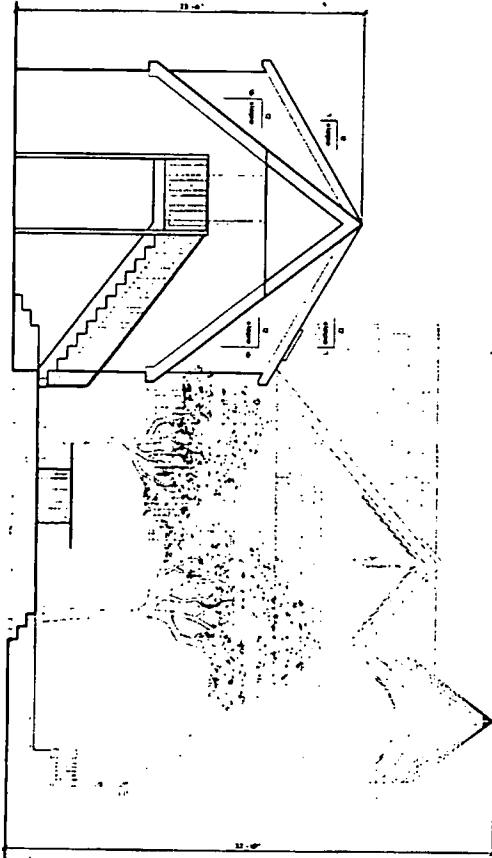
SOUTH ELEVATION

SCALE 1/8" = 1'-0"



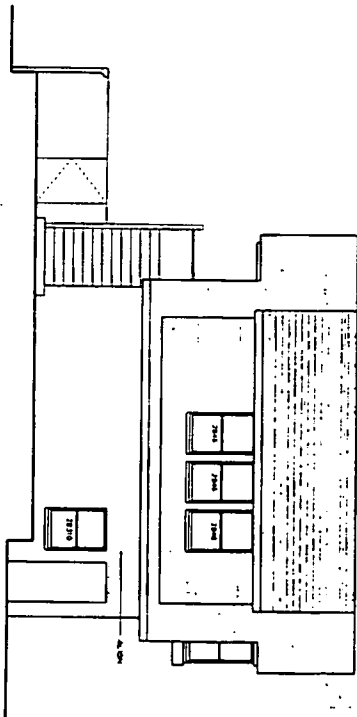
NORTH ELEVATION

SCALE 1/8" = 1'-0"



WEST ELEVATION

SCALE 1/8" = 1'-0"



EXTERIOR ELEVATIONS

STEVEN GOLDSTEIN, ARCHITECT  
P.O. BOX 186544  
SACRAMENTO, CA 95818  
916.739.6488 FAX - 916.739.1841