



# REPORT TO PLANNING COMMISSION City of Sacramento

# 6

915 I Street, Sacramento, CA 95814-2671

**PUBLIC HEARING**  
**January 12, 2012**

To: Members of the Planning Commission

**Subject: Bottoms Residence Garage/Studio (P11-092)**

A request to construct a new 2-story, 1,200 square-foot garage/studio at the rear of an existing 0.14-acre residential property in the General Commercial (C-2) zone.

- A. Environmental Determination: Exempt per CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures);
- B. Variance to reduce interior side yard setback to 1'-6";
- C. Variance to reduce rear setback to 4 feet;
- D. Variance to reduce maneuvering distance at an alley to 24 feet;
- E. Variance to reduce setback at interior courtyard between the front door of a residence and the side property line to 5 feet; and
- F. Variance to reduce setback at the courtyard between two residences to 5 feet.

**Location/Council District:**

2420 19<sup>th</sup> Street, Sacramento, CA 95818

Assessor's Parcel Number 010-0211-014

Council District 4

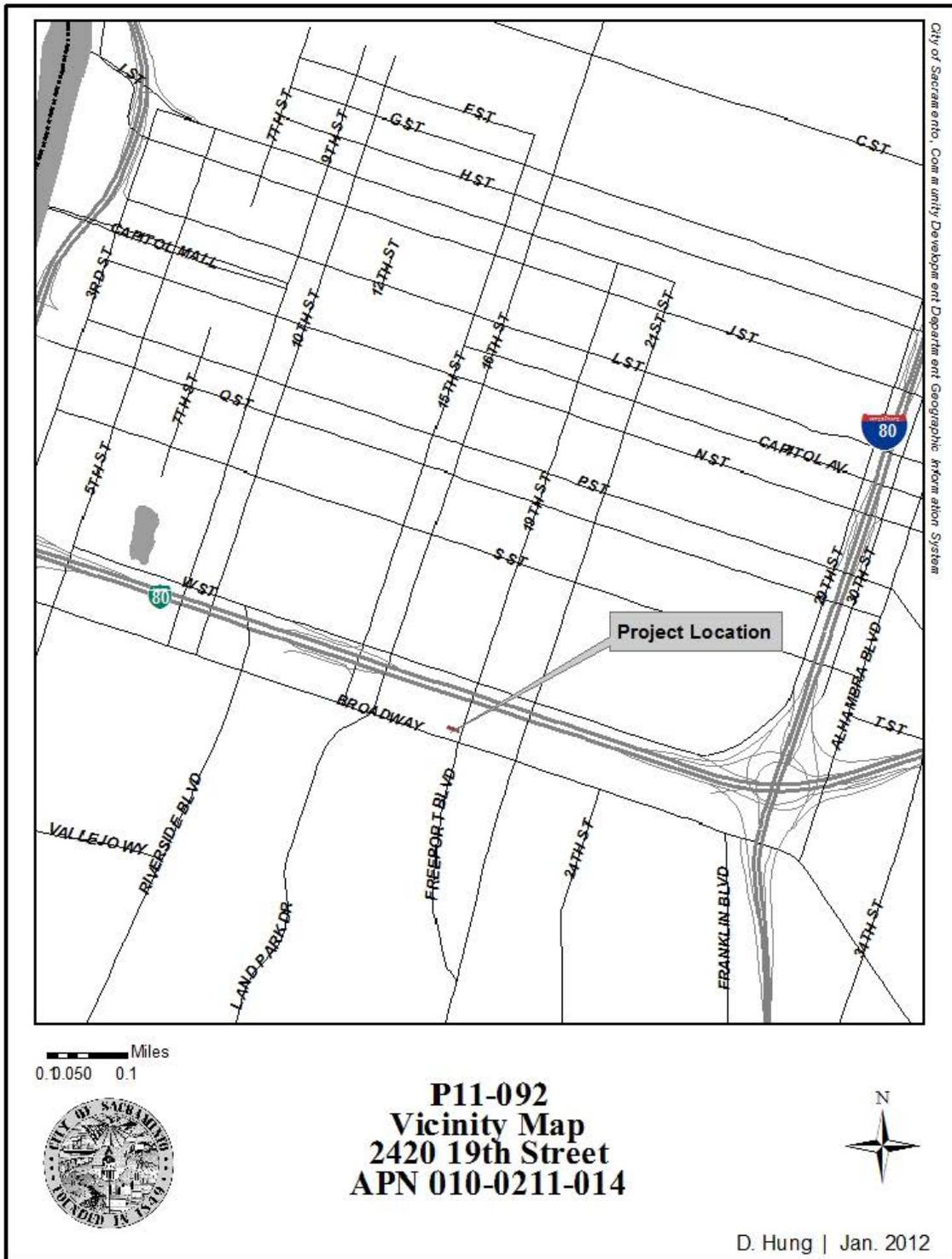
**Recommendation:** Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A-F above, and its decision is appealable to City Council. **An adjacent property owner has expressed concerns regarding the addition of a 3-car garage and a new residential unit at this property.**

**Contact:** David Hung, Associate Planner, (916) 808-5530; Stacia Cosgrove, Senior Planner, (916) 808-7110

**Applicant:** Anthony Bottoms, (916) 712-7699, 4355 McRoberts Drive, Mather, CA 95655

**Owners:** Bobby Bottoms, (916) 366-9196, 4355 McRoberts Drive, Mather, CA 95655

Vicinity Map



**Summary:** The applicant is proposing to construct a new 2-story, 1,200 square-foot garage/studio at the rear of an existing 0.14-acre parcel. There are currently two single-family residences on the site and the proposal will result in a third unit on the site. The project requires Variances for various setbacks. Staff has sent notices to property owners within a 500-foot radius of the site and various neighborhood groups in the area; staff has received comments from the adjacent restaurant property owner to the south with concerns of the addition of a 3-car garage and a new unit adjacent to the existing commercial building.

<b>Table 1: Project Information</b>
<b>General Plan designation:</b> Urban Center Low (Density 20 to 150 units per acre; FAR 0.4 to 4.00)
<b>Design Review District:</b> Central City
<b>Existing zoning of site:</b> General Commercial (C-2) zone
<b>Existing use of site:</b> Residential
<b>Property area:</b> 0.14 acres

**Background Information:** The subject site is developed with two detached residential dwellings. A detached garage previously existing on the site has been demolished. Preservation review of accessory structure over 50 years old was completed (IR11-286). A carport structure was approved by Design Review in 2011 (DR11-061) but was not built. The applicant is now proposing to construct instead a new studio unit over a 3-car garage.

**Public/Neighborhood Outreach and Comments:** Staff sent early notices to various community groups including Land Park Community Association, Newton Booth Neighborhood Association, Richmond Grove Neighborhood Association, Greater Broadway Partnership, Beverly Way Neighborhood Association and Sierra Curtis Neighborhood Association. Staff has received comments from the adjacent property owner to the south with concerns of the addition of a 3-car garage and a new unit adjacent to the existing commercial (restaurant) building (See Attachment 2). The concerns are: 1) The noise and odor from the existing exhaust fans in the restaurant building may become a nuisance to the new dwelling unit; 2) With its close proximity to the restaurant, there may be an increased risk of fire damage to the dwelling unit should a fire breaks out at the restaurant; 3) With the addition of the dwelling unit, there will be increased traffic at the alley and subsequently more wear and tear at the alley and possibly the restaurant parking lot, which the restaurant patrons will also be using; and 4) Cars parked in front of the garage can block access to the alley.

**Staff Response:** Planning staff has directed the applicant to speak with the restaurant owner's representative (Mr. Clement Kong) to try to resolve these issues. The applicant has indicated to staff that items 1 and 2 above is not of concern to him because prospective residents will be aware that the unit is next to a restaurant and the new structure will be built to current fire and building code standards. Staff from the

Department of Transportation has also spoken with Mr. Kong on items 3 and 4 above regarding traffic in the alley and cars blocking the alley, and Mr. Kong appears to be satisfied with the explanations and the conditions of the project from the Department of Transportation. As a condition of the project, the applicant shall repair any deteriorated portions of the existing alley fronting the subject property to match existing improvements. According to the Department of Transportation, the alley is a public alley; any cars parked in front of the garage within the public alley can be subject to code enforcement action that may involve citation or towing.

**Environmental Considerations:** The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15303, New Construction or Conversion of Small Structures, which consists of the construction or location of limited numbers of new, small facilities or structures, including single-family residence, duplexes and apartments in urbanized areas not exceeding six dwelling units.

**Policy Considerations:** The 2030 General Plan Update was adopted by City Council on March 3, 2009. The 2030 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The 2030 General Plan Update designation of the subject site is Urban Center Low which provides for a balanced mix of high-density/intensity single-use commercial or residential development or horizontal and vertical mixed-use development. The 2030 General Plan has identified goals and policies under the Land Use and Urban Design Element and the Housing Element. Some of the goals and policies supported by this project are:

- *Land Use and Urban Design Element (Policy LU 5.5.1) Urban Centers.* The City shall promote the development of a series of urban centers, as designated in the Land Use & Urban Form Diagram, that create significant opportunities for employment, housing, and commercial activity in areas outside of the Central Business District.
- *Land Use and Urban Design Element (Policy LU 5.5.2) Transit-Oriented Development.* The City shall actively support and facilitate mixed-use retail, employment, and residential development around existing and future transit stations.
- *Housing Element. (Goal H-1.2) Provide a variety of quality housing types to encourage neighborhood stability.*
- *Housing Element. (Policy H-1.2.1) The City shall encourage the development and redevelopment of neighborhoods that include a variety of housing tenure, size and types, such as second units, carriage homes, lofts, live-work spaces, cottages, and manufactured/modular housing.*
- *Housing Element. (Goal H-2.1) Provide adequate housing sites and opportunities for all households.*

The proposed project meets the 2030 General Plan goals and policies related to Citywide Land Use and Urban Design and the Housing Element for the Urban Center Low designation. In particular, the project supports goals to provide a variety of housing types and to provide adequate housing opportunities near existing transit stations. The new density of the site with the proposed addition is 21 units per net acre. With the addition of the third unit, the density is now consistent with the density range of the General Plan designation for the site.

### **Project Design:**

#### **Land Use**

#### **Variances**

The project proposes a new residential unit in the General Commercial (C-2) zone. Per Chapter 17.60 of the Zoning Code, the structure is required to comply with height and lot coverage standards for the C-2 zone and setback requirements for the Multi-Family (R-5) zone. While meeting height and lot coverage standards, the structure does not meet the requirements for minimum setbacks and courts. In particular, the interior side setback on the north exceeds 50% of the minimum setback requirement (5'-0" is required but 1'-6" is provided); therefore, the interior side setback requires the approval of a Variance by the Planning Commission per Chapter 17.216 of the Zoning Code. Even though the remainder of the variances can be approved by the Zoning Administrator, the Planning Commission shall act in the event that one or more entitlements of the project require its approval.

The following tables show compliance or non-compliance of the proposal with height, setback and lot coverage requirements:

<b>Table 2: Height and Area Standards (Studio/Garage)</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Deviation?</b>
Height	35'-0"	17'-0"	No
Interior Side Setback (north)	5'-0"	1'-6"	Yes
Rear Setback (west)	5'-0"	4'-0"	Yes
Maneuvering Area (including alley)	26'-0"	24'-0"	Yes
Court between front door and side property line (south)	10'-0"	5'-0"	Yes
Court between two residential structures	10'-0"	5'-0"	Yes

(east)			
Lot Coverage	Special Permit required for gross floor area exceeding 40,000 square feet	Approximately 4,000 square feet	No
Density	20 to 150 units per acre	21	No
Floor Area Ratio	0.4 to 4.00	0.66	No

As shown above, the proposal does not comply with standards for interior side setback, rear setback, maneuvering distance at garage, court between front door and side property line, and the court between two residential structures and requires Variances to all of the above.

**Interior Side Setback:** The north setback is 1'-6" and does not meet the minimum requirement of 5'-0". Even though this is more than 50% of the minimum standard, it should be noted that Existing House #1 also has an interior side setback of 1'-6". From that perspective, the new structure is keeping the same setback as an existing structure on the site.

**Rear Setback:** The west setback of the new residential unit at the alley is 4'-0" and does not meet the minimum requirement of 5'-0". The unit is the same setback as the garage on the ground floor. Since a 20-foot alley separates the unit from the parcel across the alley, which contains an existing surface parking lot, and the existing commercial building to the south has a zero-foot setback at the alley, staff does not believe that the variance will be detrimental to the adjacent developments or to residents of the new unit.

**Garage Setback:** The Zoning Code requires garages at an alley to have a minimum of 26'-0" for maneuvering, including the 20'-0" alley, which requires the garage to be setback 6'-0" from the property line at the alley. The project proposes only 24'-0" maneuvering with only 4'-0" setback to the property line at the alley. The City's Transportation Department has reviewed the reduced maneuvering width and has no issues with the proposal.

**Court between the front door of the residence and the side property line:** Since the entrance to the new residential unit is facing the interior property line to the south, the Zoning Code requires a minimum of 10'-0" clear setback. The project only proposes 5'-0" setback to the edge of the exterior stairs to the unit. Excluding the exterior staircase, the setback from the property line to the southern wall at the unit is 8'-6". Staff believes that this setback is adequate to provide access, light, and air to the unit.

**Court between two residential buildings:** The proposed court between the western wall of existing house #2 and the eastern wall of the new residential unit is 5'-0". The Zoning Code requires a minimum court of 10'-0". Since neither of the walls contains a main entrance to the respective units and windows are minimal, staff does not believe the reduced setback will be detrimental to the livability of the units.

The following findings must be made in order to grant a variance:

- A. A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances; Granting the variances does not constitute a special privilege extended to one individual property owner in that due to the existing size of the parcel and existing as-built conditions, any additional units can be expected to create non-standard setbacks.
- B. The consideration of “use variances” is specifically prohibited. These are variances which request approval to locate a use in a zone from which it is prohibited by ordinance; Granting the variances does not constitute a use variance in that the existing and proposed residential use is allowed in the zone.
- C. A variance must not be injurious to public welfare, nor to property in the vicinity of the applicant; Granting the variances will not be injurious to public welfare, nor to property in the vicinity in that the structure will be required to adhere to building and fire code regulations and the structure does not overwhelm surrounding properties in scale and massing.
- D. A variance must be in harmony with the general purpose and intent of the zoning code. It must not adversely affect the general plan or specific plans of the city, or the open space zoning regulations.

The proposal, by adding one dwelling unit to existing two units, meets the minimum density of 20 units per net acre of the General Plan land use designation of Urban Center Low. Furthermore, the project supports General Plan goals to provide a variety of housing types and to provide adequate housing opportunities near existing transit stations.

Staff supports the requested variances due to the land constraints in developing an additional unit on the site with existing constructed residential dwellings. The existing development currently falls below the minimum density for Urban Center Low, but with the addition of the unit, the site will meet the minimum density. Furthermore, the additional unit shall provide housing opportunity near existing light rail station. The new unit will provide “eyes on the alley” to increase safety.

### **Design Review**

The project is located within the Central City Design Review District and the proposed structure requires a staff level Design Review approval. Design Review staff has reviewed the proposal and has conditioned that the following be addressed:

1. Instead of using a double-wide garage door, provide two single-wide garage doors in its place so there is a total of three single-wide doors. Garage doors shall have raised panels on the sections; also provide glazing inserts within all garage doors to allow daylight to penetrate into the interior. Applicant shall submit a cut-sheet for the garage door prior to issuance of building permit.
2. Provide landscape treatment at the wall facing the alley by adding trellising and planters for climbing vines.
3. All windows shall be single or double-hung with grids; provide trim and sill at all windows. 2nd story windows on West Elevation shall be centered over garage doors.
4. All exterior doors shall be decorative panel doors.
5. Gable attic vents on new building shall match the existing ones in House #2.
6. Install belly-band/trim at the midsection of the building.
7. Add siding on the upper walls on the North and South Elevations right under the gable roof.
8. Use ogee gutters at the roof.

The applicant shall prepare building permit plans to reflect the above Design Review conditions. With these improvements, staff believes the project should provide a quality addition to the alley and will complement the existing developments.

**Recommendation:** Staff recommends the Commission approve the requested entitlements based on the findings and subject to the conditions listed in Attachment 1.

Respectfully submitted by: David Hung  
DAVID HUNG  
Associate Planner

Approved by: Stacia Cosgrove  
STACIA COSGROVE  
Senior Planner

Recommendation Approved:

Joy Patterson  
for GREGORY BITTER, AICP  
Principal Planner

Table of Contents:

Page 1	Report
Page 10	Attachment 1: Proposed Findings of Fact and Conditions of Approval
Page 13	Exhibit 1A: Site Plan
Page 14	Exhibit 1B: Floor Plans and Elevations
Page 15	Exhibit 1C: Sections
Page 16	Attachment 2: Letter
Page 18	Attachment 3: Land Use & Zoning Map

**Attachment 1**  
**Proposed Findings of Fact and Conditions of Approval**  
**Bottoms Residence Garage/Studio (P10-092)**  
**2420 19<sup>th</sup> Street, Sacramento, CA 95818**

**Findings of Fact**

**A. Environmental Determination: Exemption**

1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act, as follows:
  - a. The project consists of the construction or location of limited numbers of new, small facilities or structures, including single-family residence, duplexes and apartments in urbanized areas not exceeding six dwelling units.

**B-F. The **Variances** to allow non-standard setbacks and courts are **approved** subject to the following Findings of Fact and Conditions of Approval:**

1. Granting the variances does not constitute a special privilege extended to one individual property owner in that due to the existing size of the parcel and existing as-built conditions, any additional units can be expected to create non-standard setbacks;
2. Granting the variances does not constitute a use variance in that the existing and proposed residential use is allowed in the zone;
3. Granting the variances will not be injurious to public welfare, nor to property in the vicinity in that the structure will be required to adhere to building and fire code regulations and the structure does not overwhelm surrounding properties in scale and massing;
4. The proposal, by adding one dwelling unit to existing two units, meets the minimum density of 20 units per net acre of the General Plan land use designation of Urban Center Low. Furthermore, the project supports General Plan goals to provide a variety of housing types and to provide adequate housing opportunities near existing transit stations.

**Conditions of Approval**

**B-F. The Variances** to allow non-standard building setbacks and lot coverage are hereby **approved** subject to the following conditions:

## Planning

B-F1. The minimum building setbacks and courts are approved as such:

Interior Side Setback (north)	1'-6"
Rear Setback (west)	4'-0"
Maneuvering Area (including alley)	24'-0"
Court between front door and side property line (south)	5'-0"
Court between two residential structures (east)	5'-0"

B-F2. Any deviations from the approved setbacks and courts or modifications to the building shall be subject to further review and approval by the City of Sacramento's Community Development Department.

## Design Review

B-F3. Provide a total of three single-wide doors. Garage doors shall have raised panels on the sections; also provide glazing inserts within all garage doors to allow daylight to penetrate into the interior. Applicant shall submit a cut-sheet for the garage door prior to issuance of building permits.

B-F4. Provide landscape treatment at the wall facing the alley by adding trellising and planters for climbing vines.

B-F5. All windows shall be single or double-hung with grids; provide trim and sill at all windows. 2nd story windows on West Elevation shall be centered over garage doors.

B-F6. All exterior doors shall be decorative panel doors.

B-F7. Gable attic vents on new building shall match the existing ones in House #2.

B-F8. Install belly-band/trim at the midsection of the building.

B-F9. Add siding on the upper walls on the North and South Elevations right under the gable roof.

B-F10. Use ogee gutters at the roof.

#### Department of Transportation

B-F11. The applicant shall repair/reconstruct any deteriorated portions of the curb, gutter and sidewalk fronting the property along 19th Street per City standards and to the satisfaction of the Department of Transportation.

B-F12. The applicant shall repair any deteriorated portions of the existing alley fronting the property to match existing improvements and to the satisfaction of the Department of Transportation.

#### Fire

B-F13. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. CFC 501.4

B-F14. Provide a water pressure test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4

B-F15. Per the newly adopted 2010 California Residential Code, all new residential construction including 1 and 2 family dwellings and townhouses shall be provided with an approved NFPA 13 D sprinkler system.

#### Sacramento Area Sewer District

B-F16. The subject property is outside the boundaries of the SASD but within the Urban Service Boundary and SRCSD shown on the Sacramento County General Plan. SRCSD will provide ultimate conveyance and treatment of the sewer generated from this site, but the Sacramento City Utilities Department's approval will be required for local sewage service.

B-F17. Improvements to the property will require payment of SRCSD sewer impact fees. Impact fees shall be paid prior to issuance of Building Permits. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

#### Advisory Notes

1. The first full-sized sheet of the project's Building Permit plans set shall include: 1) A Zoning Affidavit signed by the applicant that affirms the plans submitted for building permit comply with all conditions of approval and approved exhibits; and 2) The project's conditions of approval and all approved exhibits. (Planning)



Exhibit 1B: Floor Plans and Elevations

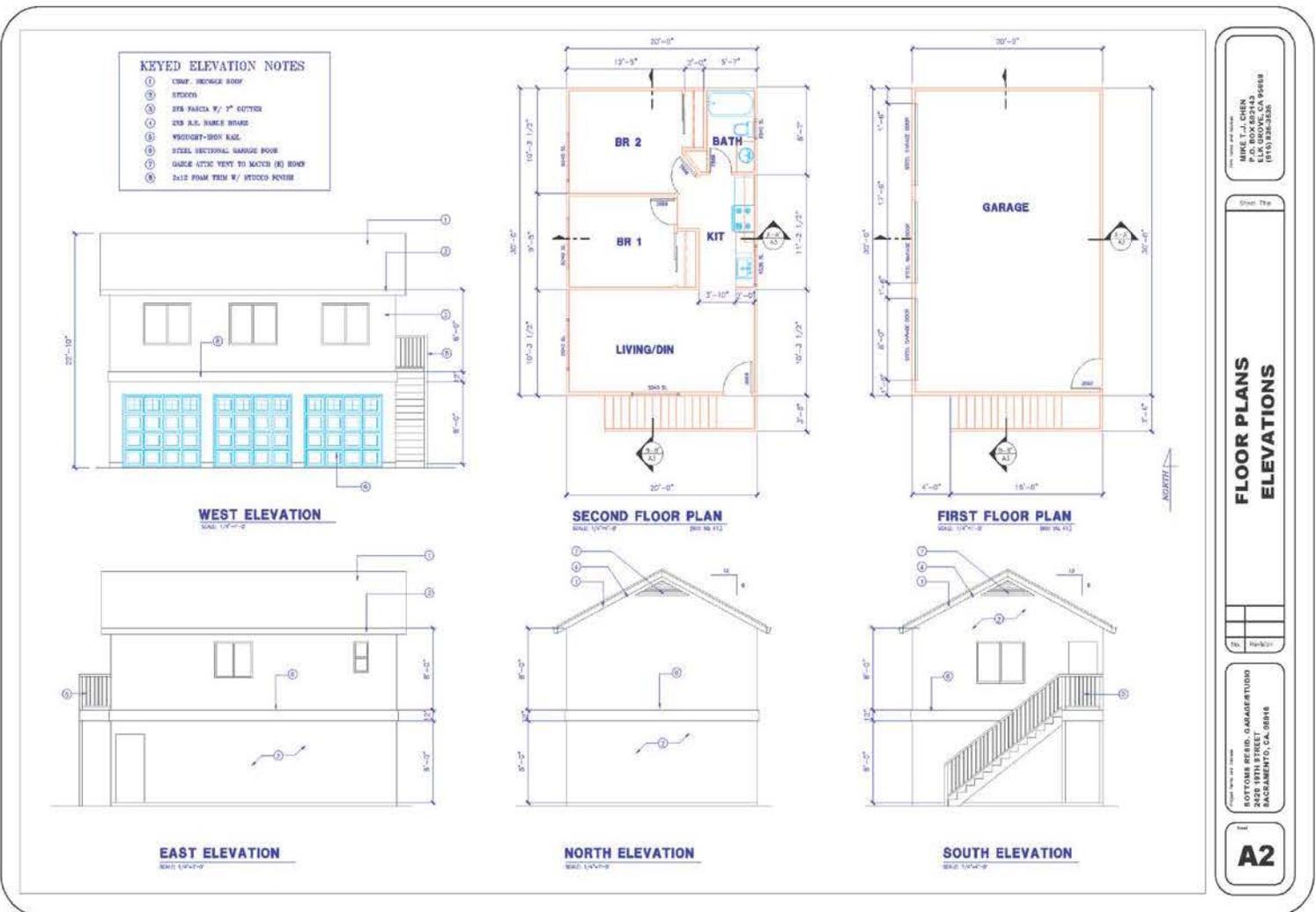


Exhibit 1C: Sections

SECTIONS & DETAILS

A3

SECTIONS & DETAILS

814818  
 BOYD ARCHITECTS  
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December 8, 2011

VIA U.S. MAIL & E-MAIL

City of Sacramento  
Community Development Department  
300 Richards Boulevard, 3<sup>rd</sup> Floor  
Sacramento, CA 95811-0218

Attention: David Hung

Re: Project No. Z11-114  
2420 19<sup>th</sup> Street/Bottoms Residence Garage/Studio  
Parcel 010-0211-014-0000

Dear Mr. Hung:

At the outset, I want to thank you for taking the time to discuss this project with me. As I indicated to you over the telephone, I represent Mr. Wing Chan Fung, the owner of the property located at 1827 Broadway which is currently leased to the Pho Bac Restaurant along with the adjacent parking lot.

Mr. Fung wants to be a good neighbor but has already relocated, at great expense, the back door of the restaurant to accommodate the project. Because English is his second language, Mr. Fung asked that I write to the Community Development Department to voice his concerns over the project. He respectfully asks that notice is taken of the following:

1. There are two large exhaust fans on the side of Mr. Fung's building that will face the proposed addition. Those fans are noisy and extract smoke and heat from the kitchen. Any studio that will be used as a dwelling will be constructed under this existing environment.
2. Although he has never had any fire in 30 years of ownership, the proposed addition will be in close proximity to his building, thereby, increasing the risk of fire spreading should there be one.
3. There will be an increase in traffic through the alley and consequently, more wear and tear. He anticipates that the Bottoms will be using his parking lot when they

David Hung  
December 8, 2011  
Page 2

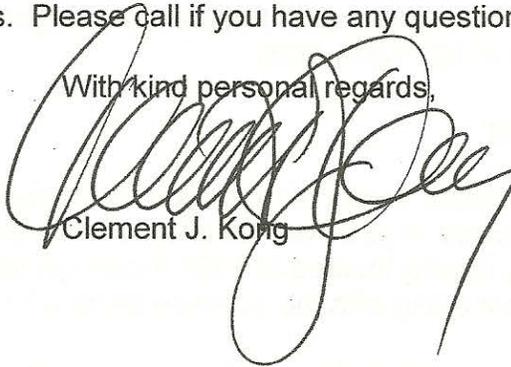
back out their vehicles. He would like to see a pro-rata allocation of any repair expenses. Mr. Fung said that he was told by the City that he was responsible for the repairs to the alley when he asphalted his lot less than 4 years ago. He does not remember who he talked to at the City. I understand that you will research whether this is a private or public alley way and so advise us.

4. He is concerned that cars will be parked in front of the garage, causing inconvenience for customers and interfering with the access to the alley way. We both discussed that parking in front of the proposed garage would not be lawful and a code violation. Perhaps the approval of any permit could be conditioned on a requirement that no cars can be parked in front of the garage.

The above are the issues that Mr. Fung articulated and wanted me to convey to the Community Development Department.

Thank you for your courtesies. Please call if you have any question.

With kind personal regards,

A large, stylized handwritten signature in black ink, appearing to read 'Clement J. Kong'.

Clement J. Kong

CJK:mv

cc: Wing Chan Fung  
FUN001.001 (10080448)

Attachment 3: Land Use & Zoning Map

