



**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION**

300 Richards Boulevard, Sacramento, CA 95811

Project Name: **Appeal of Lam Two Unit Addition**
Project Number: ~~Z09-019~~ Z09-018
Project Location: 2212 13th Street
Assessor's Parcel No.: 009-0206-032
Applicant: Sin Lam, (916) 616-1577, 8373 McGray Way, Elk Grove, CA 95624
Action Status: Approved Action Date: July 23, 2009

**REQUESTED
ENTITLEMENT(S):**

- A. Environmental Determination: Categorical Exemption pursuant to CEQA Guidelines Section 15332;
- B. Plan Review to construct a 2,318 square foot, two-unit addition to an existing single-family residence on approximately 0.15 acres in the Multi-Family (R-3A) zone; and
- C. Variance to reduce the required rear yard setback from 15' to 7.5'.

ACTIONS TAKEN: On July 23, 2009, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:
Approved the request, thereby denying the appeal.

Action certified by:


David Kwong, Planning Manager

Sent to Applicant:

By:


Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC 18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC 18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC

18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

PLAN REVIEW: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

APPEALS

This action is not appealable to the City Council.

Findings Of Fact

- A. **Environmental Determination: Exemption;** 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 15332, Infill Exemption of the California Environmental Quality Act Guidelines as follows:

This project consists of a request to construct a 2,318 square foot, two-unit addition to an existing single-family residence on approximately 0.15 acres in the Multi-Family (R-3A) zone.

The proposed project is consistent with the General Plan and applicable zoning designations, is located within the City limits on a site that is not more than five (5) acres in size and is substantially surrounded by urban uses, is located at a site with no habitat value, and can be adequately served by utilities and public services. The project would not have significant effects relating to traffic, noise, air quality, or water quality.

- B. The **Plan Review** to construct a 2,318 square foot, two-unit addition to an existing single-family residence on approximately 0.15 acres in the Multi-Family (R-3A) zone is approved subject to the following Findings of Fact and Conditions of Approval:
 - 1. Granting of the Plan Review is based upon sound principles of land use in that the proposed apartments are a use that is consistent with the Traditional Neighborhood Medium general plan land use designation and applicable policies related to multi-family residential development.
 - 2. The development of the site is consistent with applicable City standards in relation to utilities, access roads, sanitation and drainage.
 - 3. The property involved is of adequate size and shape to accommodate the proposed use and the project will meet applicable building coverage, setback and parking requirements.

4. Granting the Plan Review would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. The project use is compatible with the uses in the vicinity of the project site;
 - b. Adequate landscaping, vehicle circulation, maneuvering and parking are provided; and
 - c. The project is consistent with goals and policies of the General Plan and Central City Community Plan.
 5. The design and location of the facility will not impede access to or exit from the parking lot serving the business, impair normal circulation within the parking lot or impede pedestrian movement, as the drive-through service facility has been located to ensure maximum vehicular and pedestrian access to and from the project site.
 6. The project is consistent with the Central City Design Guidelines.
- C. The Variance** to construct a 2,318 square foot, two-unit addition to an existing single-family residence on approximately 0.15 acres in the Multi-Family (R-3A) zone is approved subject to the following Findings of Fact and Conditions of Approval:
1. Granting the variance does not constitute a special privilege extended to an individual applicant in that the encroachment is not for the entire rear setback area and other variances have been approved under similar circumstances.
 2. Granting the variance request does not constitute a use variance in that apartments are a permitted use in the Multi-Family Residential (R-3A) zone subject to approval of a plan review.
 3. Granting the request will not be injurious to the public health, safety, or welfare nor result in a nuisance in that:
 - a. The reduced rear-yard setback will not negatively impact the neighboring western property owner;
 - b. There is adequate available yard space; and
 - c. The project, as designed, provides adequate rear yard area for all units.

Granting the variance is in harmony with the general purpose and intent of the zoning code and will not adversely affect the general plan or specific plans of the city, or the open space regulations.

Conditions Of Approval

B. The Plan Review to construct a 2,318 square foot, two-unit addition to an existing single-family residence on approximately 0.15 acres in the Multi-Family (R-3A) zone **is approved** subject to the following conditions:

General:

- B1.** The applicant shall obtain all necessary building permits prior to commencing construction.
- B2.** Size, location, and design of the addition shall conform to the plans submitted unless otherwise conditioned below.
- B3.** Any additional changes, additions, or modifications shall require Planning review and approval.

- B4.** The existing patio cover shall be removed per approved plans and no other permanent structures other than those shown on the approved plans shall be constructed on the parcel without additional planning staff review and approval.
- B5.** A portion of the existing concrete driveway located in the front setback abutting the porch and stairs of the existing single family residence shall be removed and replaced with landscaping. East driveway width in the front setback shall be limited to a maximum of 22' wide.

Design Review:

- B6.** New windows on proposed addition shall match windows on existing structure in size, style, type, material, frame width, color and grid pattern. Window trim on new residence shall match window trim on existing structure.
- B7.** Shutters shall be provided on the two small windows on the first floor of the south elevation which match the character of the existing and proposed shutters on the front elevation.
- B8.** Roofing shall be minimum 30-year dimensional composition shingle, matching in color to existing single family residence, per approved plans.
- B9.** New stucco shall be finished and painted to match existing, per approved plans.
- B10.** All second floor elevations shall have lap siding per approved plans.
- B11.** Lap siding shall be painted one tonal color darker and of the same color family as the stucco paint.
- B12.** Shingle siding at existing and proposed gable ends shall be provided per approved plans.
- B13.** All wood shall be smooth finish, painted, no rough sawn.
- B14.** No roof mounted mechanical equipment is allowed.
- B15.** Vent detail at front and rear gables of new addition shall match that of the vent detail at front gable of existing single-family residence. The new vents shall be painted to match the vent on the existing single family residence.
- B16.** Window and door trim, gutters and downspouts, gable vents, and porch railings shall be painted accent color of residence.
- B17.** Provide a wing wall at the southwest corner of the building rather than the cantilever in the corner, and center the garage door in the resultant opening.
- B18.** The applicant shall submit a fence plan and elevations or cut-sheet to Design Review staff for review and approval of the design prior to construction if a fence is proposed to be located along the southern property line.

Development Engineering:

- B19.** The applicant shall repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property along 13th Street per City standards and to the satisfaction of the Department of Transportation.

Fire:

- B20.** 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.

- B21.** Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4
- B22.** An automatic fire sprinkler system shall be installed in any portion of a building when the floor area of the building exceeds 3,599 square feet.
- B23.** Provide at least 5' setback for second story bedroom windows to allow for fire ladder rescue operations. Provide clear access to buildings openings, free to landscaping and other obstructions. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the Fire Department. CFC 504.1

Parks:

- B24.** Maintenance District: The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project into an existing parks maintenance district. The applicant shall pay all city fees for formation of or annexation to a parks maintenance district. (Contact Planning Department, Special Districts, Project Manager. In assessment districts, the cost of neighborhood park maintenance is equitably spread on the basis of special benefit. In special tax districts, the cost of neighborhood park maintenance is spread based upon the hearing report, which specifies the tax rate and method of apportionment.)

Building:

- B25.** Per CBC 310.1, the occupancy group for this structure is R-2.
- B26.** At the horizontal separation between dwelling units, provide a one hour rated horizontal assembly per CBC 419.3, see CBC Section 711. At the vertical separation between dwelling units, provide a one hour rated fire partition per CBC 419.2, see CBC Section 708.
- B27.** Provide exterior wall protection per CBC Table 602.
- B28.** Provide opening protection per CBC Table 704.8
- B29.** Provide an emergency escape and rescue opening as defined in CBC Section 1026 in the existing bedroom adjacent to the new stairs.
- B30.** In the lower unit, provide compliance with CBC Section 712.4.1.2 for membrane penetrations of the horizontal assembly due to recessed fixtures.
- B31.** In the lower unit, provide compliance with CBC Section 716.6.2 for membrane penetrations of the horizontal assembly due to ducts and air transfer openings.

The **Variance** to reduce the required rear yard setback from 15' to 7.5' **is approved** subject to the following conditions of approval:

General

- C1.** The project shall be constructed in accordance with the attached plans (Exhibits 1A-1D). Any modification to the project shall be subject to review and approval by Planning Division staff prior to the issuance of building permits.

ADVISORY NOTES:

Utilities:

- C1.** Only one domestic water service is allowed per parcel.
- C2.** This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of building permit. The Combined Sewer System fee at time of building permit is estimated to be \$159.75 plus any increases to the fee due to inflation. The fee will be used for improvements to the CSS.

Parks:

- C3.** As per City Code, the applicant will be responsible to meet his/her obligations regarding Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at \$3,414. This is based on 2 duplexes at the residential infill rate of \$1,707 per unit. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

City Arborist:

- C4.** Prior to pruning of lateral limbs of the City street tree extending above the proposed addition the applicant must obtain a City street tree pruning permit. Street tree pruning permits are conditioned to meet ISA (International Society of Arboriculture) standards. Applicant and or project tree care contractor must meet on site with the City arborist (808-4996) to review the proposed clearance pruning of City trees.