

	Garage-	443 square feet
	Total	1,902 square feet
Height of Accessory Building:	Single Story	
Exterior Building Materials:	Stucco	
Topography:	Flat	
Street Improvements:	Existing	
Utilities:	Existing	

Project Plans: See Exhibit A

Previous Files: None

Background Information: In September, 1996, a complaint was filed with Neighborhood Services regarding the applicant operating a dental lab in the garage of a single family home. The applicant was officially noticed by Code Enforcement that he had to obtain a home occupation permit to conduct business from his home and that manufacturing was not allowed without a specific waiver from the home occupation requirements. A thirty-day Notice of Violation was issued on October 2, 1996. Several visits were made by various building inspectors to review improvements for the garage constructed without building permits. The inspectors indicated that all the work would require permits and reinspection. The applicant filed an application with Planning to waive the home occupation requirements on December 12, 1996.

Additional Information: The applicant requested to continue operating a dental lab from the garage of a single family residence. The two car garage is 443 square feet and the dental lab occupies approximately 150 square feet. However from a Building Code perspective the entire garage area would be considered for the use which equates to 23 percent of the total square footage. The applicant makes dentures and partials, but does no work with metals. The applicant states the hours of operation are 8:00 a.m. to 5:00 p.m with no indication of days of the week. Neighbors have complained that the business operates all days of the week and at hours beyond what was described. The applicant also receives deliveries from UPS two to three times a week. Staff witnessed a UPS delivery on one of the many trips to the site.

The proposed project includes the use and storage of materials that are considered toxic or hazardous in large quantities. A site visit was made by staff with a County Environmental Health Technician, the City's Toxic Program Coordinator, and the Building Division's Fire Prevention Engineer. The amounts used and stored in the home dental lab are very small and are not reportable quantities required to be registered with the County Environmental Management Department. The Uniformed Building Code does not require special storage requirements due to the small quantities of material on the site. There are materials in quarts or one to two gallons and the threshold for additional storage requirements in terms of structure, fire prevention, and ventilation starts in quantities

greater than 50 gallons. Should the applicant significantly increase the quantities stored on the premise then additional building code requirements would have to be met that would reduce any additional potential impacts. A disclosure statement must be filed with the Fire Department.

The Zoning Ordinance has several requirements that apply to this request that includes the following:

- a. No permit shall be issued for a home occupation which involves the repair, manufacture, processing or alteration of goods, materials, or objects;
- b. No home occupation shall be permitted which creates noise, odor, dust, vibration, fumes or smoke readily discernible at the exterior boundaries of the parcel on which they are situated;
- c. No portion of any dwelling shall be used for a home occupation which has direct access thereto other than through the main entrance to the dwelling unit; and
- d. Alterations, additions and remodeling may be allowed provided that the modifications do not exceed 10 percent of the living area in the primary residence.

The applicant requested a waiver of these requirements in order to accommodate his dental lab in the garage. The Zoning Ordinance allows the Zoning Administrator to waive elements of the home occupation permit criteria upon a determination that the application involved a very unusual situation of hardship and that the public health, safety and general welfare will not be adversely affected thereby.

Agency Comments

The proposed project has been reviewed by the City Building Division, the Fire Department, the City Toxics Coordinator, and the County Environmental Health Department (Hazardous Materials). The department comments are summarized below.

1. City Building Division staff comments:

The entire garage would be classified as a "B" occupancy (commercial) according to Building Code and would require additional fire protection on doors and walls. Additional permits would be required for the previously accomplished work without permits as well as the following:

- a. Commercial ventilation system;
- b. Firewalls and Doors;
- c. Plumbing for trapping sediment;

- d. Electrical and Gas lines;
- e. Adequate location for compressor; and
- f. Handicap accessibility.

2. Fire Department staff comments:

The Fire Prevention Engineer reviewed the project and made a site visit. All the submitted Material Safety Data Sheets (MSDS) for all the hazardous materials on the site were also reviewed. The quantities of hazardous materials are very low and does not come close to placing the area in a hazardous occupancy classification. If the site is properly vented (by a mechanical ventilation system) then the project can meet Building and Fire Code requirements.

Neighborhood Comments: The site is located within the Natomas Community Association area. The project plans have been reviewed by the association and they sent a letter to staff indicating their opposition to the waiver. Staff planner Sandra Yope met with three opponents to the project as well as responded to their numerous calls. Their primary concerns are allowing manufacturing in a residential zone, the use of toxic materials in the process that may not be properly stored, vented, or handled, and the impact of the use on the neighborhood from noise of equipment to the deliveries by UPS. They also sent a letter to staff detailing their opposition and concerns. There is also a letter in opposition from the River City Commons Home Owners Association. The applicant has provided 17 letters of support (signed form letters) and two additional letters. Staff did not receive any additional calls beyond the three opponents. All letters received by staff are located in the project file.

ZONING ADMINISTRATOR HEARING:

There were approximately 8 people in attendance at the public hearing. Sandra Yope, staff Planner presented the specifics of the project including the history, site visits, other departmental review, environmental review, and requirements to bring the garage up to legal Building Code requirements.

Testimony in support and in opposition to allowing the dental lab to continue its current operations in the garage was heard by the Zoning Administrator. The opposition echoed the previously mention concerns about hazardous materials, manufacturing allowed in a residential neighborhood, and the actual operation of the business. The neighbor in support indicated the applicant conducted his business appropriately and should be allowed to continue.

After listening to public testimony, the Zoning Administrator closed the public hearing, and denied the home occupation waiver. At the public meeting, the Zoning Administrator made the finding that while the dental lab located in the garage area could be legally brought up to Building Code requirements, doing so would reclassify the occupancy of the

garage from a residential occupancy to a commercial occupancy. The intent of home occupation regulations is to allow home-based businesses which result in minimal changes to the residence and surrounding residential neighborhood. The dental lab use would require modifications that would alter the characteristics of the site and the surrounding single family neighborhood.

Environmental Determination: This project, as proposed, will not have a significant impact on the environment and a negative declaration with no mitigation measures has been prepared and filed.

Findings of Fact:

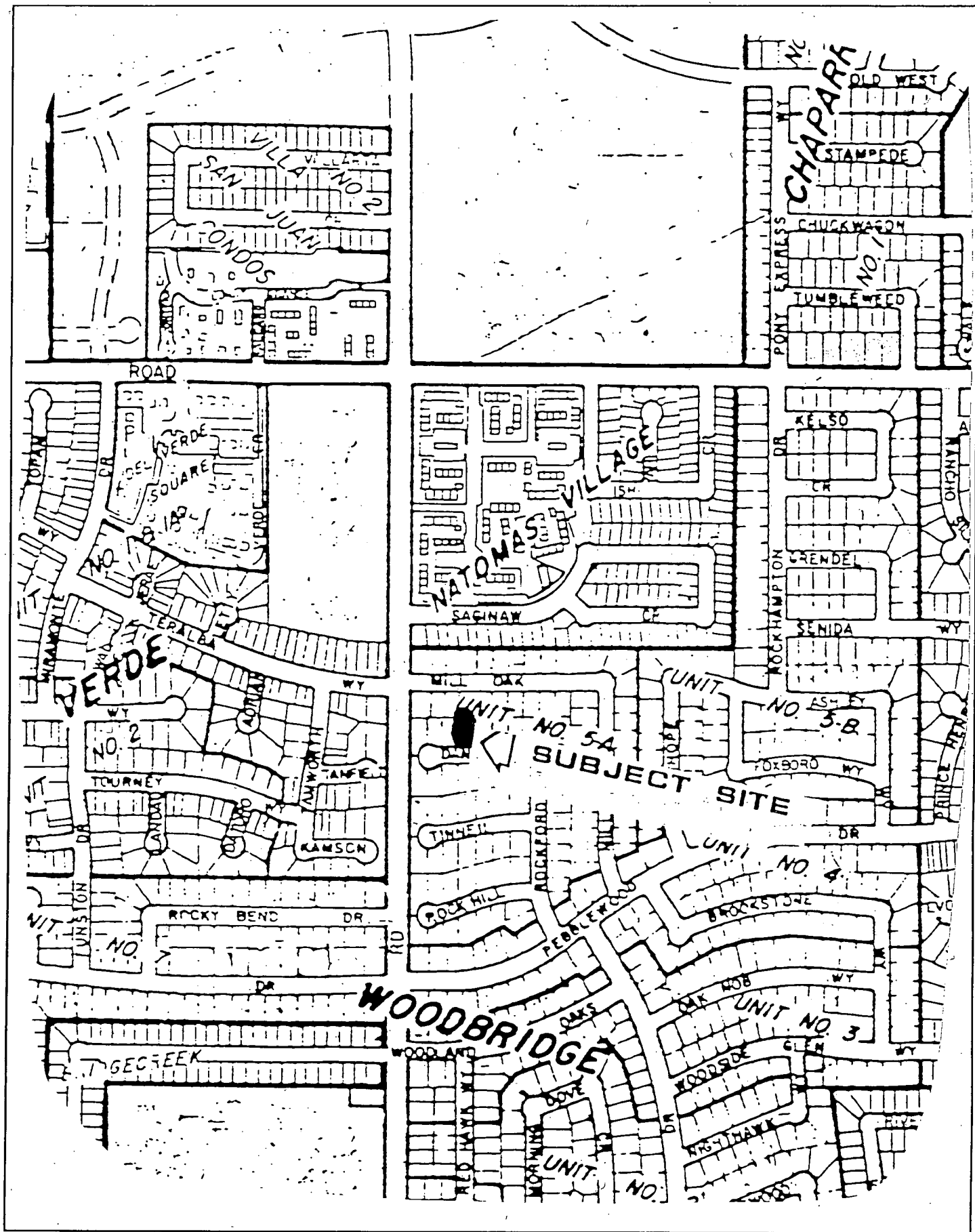
1. Granting the criteria waiver request will be injurious to public health, safety, and welfare and result in a nuisance in that:
 - a. the home occupation regulations are intended to allow home based businesses that can be conducted with minimal changes to a residence and in order to legally conduct a dental lab within a garage then the entire garage area will be considered a commercial occupancy for Building Code compliance;
 - b. allowing a commercial occupancy within the single family structure would in fact create a mixed use which is contrary to the zoning; and
 - c. allowing a dental lab within a garage will require commercial building modifications that may substantially alter the characteristics of the site and the surrounding neighborhood.
2. The applicant's dental lab does not have an unusual situation of hardship in that the applicant could find a suitable commercial location to operate his business.



Joy D. Patterson
Zoning Administrator

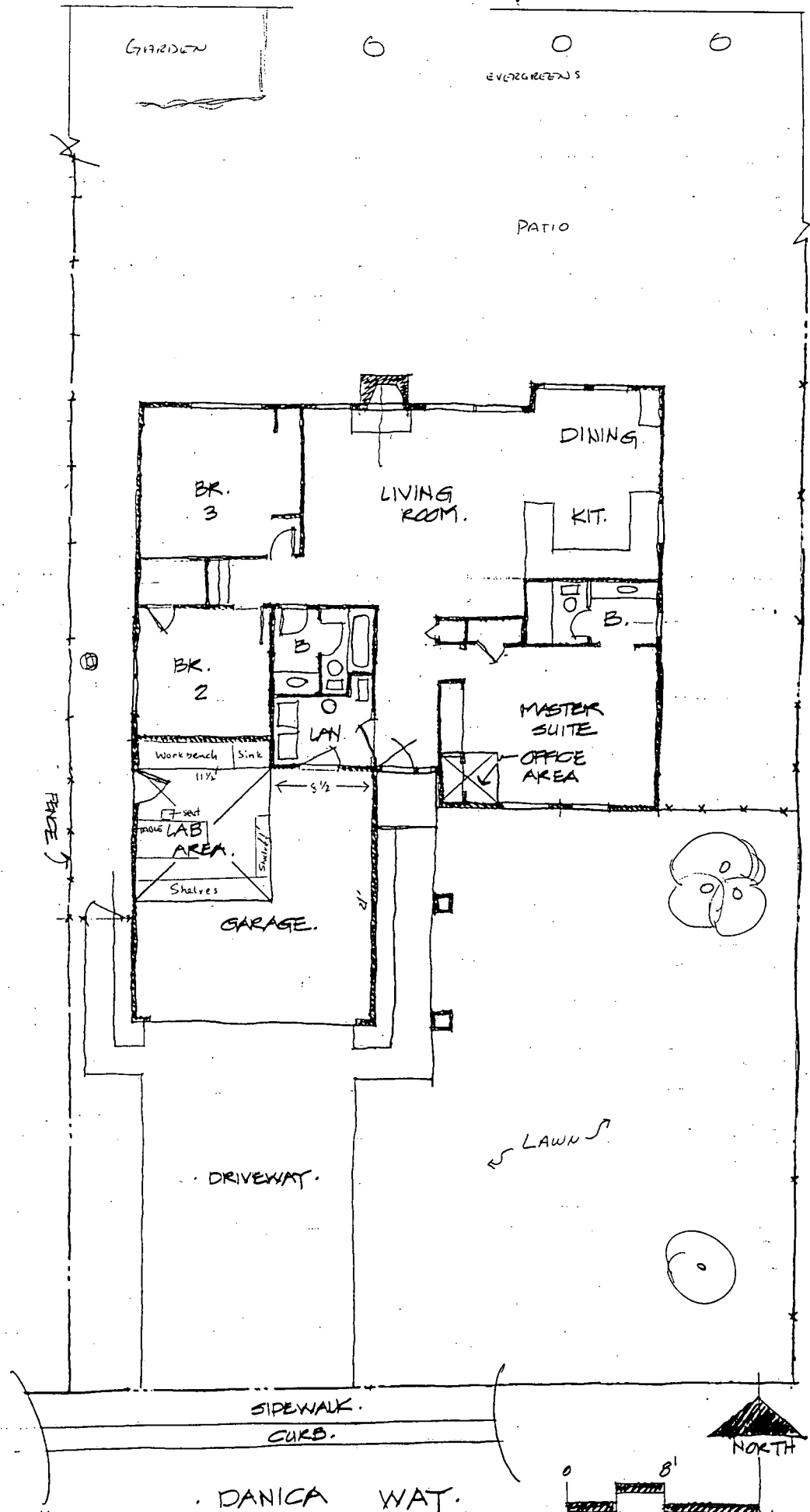
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File
Applicant
ZA Log Book
Scott Mitchell, Neighborhood Services
Ann Buck; 1575 Danica Way; Sacramento, CA 95833
Doug and Lorie Park; 1570 Danica Way; Sacramento, CA 95833



VICINITY MAP

EXHIBIT A



Z96-167

89A-767

MAY 28, 1997

ITEM 4