

**CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT
ZONING ADMINISTRATOR**
New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

ACTION OF THE ZONING ADMINISTRATOR

On Thursday, January 26, 2006, the Zoning Administrator approved with conditions a Special Permit to enlarge an existing nonconforming residential use in the Standard Single Family (R-1) zone for the project known as **Z05-297**. Findings of Fact and conditions of approval for the project are listed on pages 4-5.

Project Information

Two single family residences are currently located on the subject property. The property is in the Standard Single Family (R-1) zone. The applicant proposes to remove the existing 550± square foot house in front and replace it with a new 1320± square foot two story single family residence. The project requires a public hearing before the Zoning Administrator for the following entitlement:

Zoning Administrator Special Permit to rebuild and enlarge an existing nonconforming 550± square foot single family home with a 1320± (2-story) square foot home on a 0.07± acre lot in the Standard Single Family (R-1) zone.

(Concurrent with DR05-364, Oak Park Design Review)

Location: 3341 20th Avenue (District 5, Area 3)

Assessor's Parcel Number 020-0203-020

Applicant: Angel & Bertha Hermosillo
1716 27th Street
Sacramento, CA 95816

Property Owner: Same as applicant

Project Planner: Robert W. Williams

General Plan Designation: Low Density Residential (4-15 du/na)
Existing Land Use of Site: Single Family Residence
Existing Zoning of Site: Standard Single Family (R-1)

Surrounding Land Use and Zoning:

North: R-1; Single Family Residence
South: R-1; Single Family Residences
East: R-1; Two Family Residence
West: R-1; Single Family Residence

Height and Area Requirements for Single Family Home:			
Regulation	Required	Existing	Proposed
Height:	35' to plate line	(Single Story)	24' to peak
Front setback:	25'	14' to property line, 24' to sidewalk	No Change
West (L) interior side setback:	3'	3'	No Change
East (R) interior side setback:	3'	11'	10'
Rear setback:	15'	33'	35'
Distance between dwellings:	6'	10.67'	10.25'
Overall Lot Coverage allowed (R-1 zone):	Maximum $\leq 40\%$	About 41%	Less than 50%

Property Dimensions: 80' x 33' or 35'
 Property Area: 0.07± acres, 2800 sq. ft.
 Assessor Data of 2614 sq. ft.
 Lot coverage: Under 1350 square feet

Topography: Flat
 Street Improvements: Existing
 Utilities: Existing

Project Plans: See Exhibit A through C.

Concurrent Files: DR05-364 (Design Review for new home),
 IR05-301 (demolition review of existing home),

Previous Files: DR03-310 (Design Review for rehab of second unit),
 Z04-055 (Special Permit for reconstructing the secondary unit),
 IR03-304 (determination of legality of secondary dwelling unit),

Additional Information: Two single family residences exist on this property. County Assessor Data list the primary home as being constructed in 1918. A new secondary unit, behind the existing primary unit, was reconstructed in 2004. The property does not contain a garage, and no records of a previously existing garage have been found.

In 2003 the property owner desired to rehabilitate the former secondary unit (DR03-310). Since the property owner does not reside on the property a second dwelling would be considered a nonconforming use. Planning staff investigated the secondary dwelling at this time and determined that it was legally constructed in 1949 (IR03-304). The secondary dwelling was determined to be an existing legal use when the neighborhood was annexed into the City in 1958.

During the rehabilitation of the secondary unit it was determined that the structure could not be salvaged and had to be demolished. In order to construct a new secondary unit in the same location a Special Permit was required to reconstruct a nonconforming Second Residential Unit, (Z04-055) approved April 28, 2004.

Now the property owner desires to demolish the existing primary home, which is in a deteriorated condition, and reconstruct and enlarge it, adding a second story and increasing the footprint of the home. Since the property contains a nonconforming residential use of two dwellings in the Standard Single Family (R-1) zone, and the applicant is proposing to expand a nonconforming residential use a Special Permit is required to be approved by the Zoning Administrator.

The use of two dwelling units on the property has long been established as a legal use on this property. There will still be only two dwellings on the property, only the size of the primary structure will be increasing. The existing primary dwelling is a one bedroom one bath home. The applicant is proposing a new house with three bedrooms and two bathrooms. Since the proposal will help renovate a deteriorated residential property, staff supported the requested entitlement to expand the existing nonconforming residential use.

There is a discrepancy on this property between legal parcel and the physical yard size of the lot. The street right of way along this portion of 20th Avenue is 65 feet wide, but the physical right of way is closer to 45 feet wide. This means that the street right of way actually encroaches into the first 10 feet into the front yard of most of the homes along the 20th Avenue, except for the adjacent corner parcel along the east (left) side property line which received abandonment of right of way along 20th Avenue and 34th Street.

This property is in the Oak Park Design Review District. Design Review staff has reviewed the design of the proposed new home, consulted with any applicable neighborhood groups, and approved the overall design plan, subject to conditions (DR05-364). The site was posted and property owners within 100 feet of the subject site were notified of the public hearing by the Zoning Administrator. The Preservation Director has reviewed the proposal for the demolition of the current home (IR05-301), since the home is at least fifty (50) years old. The Preservation Director is not opposed to the demolition.

Zoning Administrator's Hearing: There were two Zoning Administrator's hearings. The first one was held on January 12, 2006. The property owner of adjacent parcel on the west (left) side was in attendance. He had concerns about how the proposed two-story home would impact his property and the neighborhood. He had concerns about the overall scale of the new home and the newly constructed existing second unit in relation to the small size of the lot. He felt that there would not be adequate yard space for the home and that a garage should be provided. He also had some concerns about drainage onto his property that had been exacerbated by the recent construction of the secondary unit. The Zoning Administrator continued the project for two weeks and the project was re-noticed to more accurately address the entitlements that were required for this proposed project. In addition the Zoning Administrator directed planning staff to do additional research to see what might be done to alleviate some of the drainage concerns of the neighboring property owner.

In the interim, planning staff had met with a representative of the Utilities department to get information on how to address the drainage issues. The representative suggested grading the lot so it drains to the street and to provide a retaining wall along the property line. These suggestions were made into required conditions for the project.

The second hearing was held on January 26, 2006. Besides the applicant, three neighbors were in attendance and Design Review staff members. The project is in the Oak Park Design Review District, and Design Review staff indicated that the design and scale of the proposed structure, with minor modifications, met the criteria for single-family homes in the District. After listening to public testimony, the Zoning Administrator closed the public hearing and approved the Special Permit for the reconstruction and expansion of the home, subject to conditions.

Agency comments: The City Utilities Department and the Building Division have reviewed the proposed project. Any comments received pertaining to the proposed addition to the Single Family home have been included as conditions.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301; Existing Facilities.

Conditions of Approval:**General:**

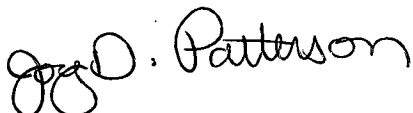
1. The maximum lot coverage allowed shall not be greater than as shown on the submitted site plan. The applicant can construct a one or two story home within the area of this footprint. The final design and massing of the structure is subject to the review and approval of Design Review staff (DR05-364).
2. The lot shall be graded to drain independently to 20th Avenue. A retaining wall will be required along the west (left) side property line to prevent drainage to the neighboring property. Retaining wall plan to be reviewed by Utilities department prior to construction of the home.
3. The existing driveway is deteriorated and is required to be replaced with a fully paved driveway. All fencing and gates across driveways are now required to be in conformance to the current standards of the Wall, Fence and Gate Regulations (Sacramento City Code Chapter 17.76).
4. The applicant shall obtain a building permit prior to commencing construction.
5. No mechanical equipment shall be placed on the roof. Any necessary roof vents shall be painted to match the roof color.

Utilities:

6. Only one domestic water service per parcel is allowed. Any new domestic water services shall be metered. Excess domestic water services must be abandoned to the satisfaction of the Department of Utilities.
7. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown on the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Building Department.
8. *ADVISORY COMMENT:* The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.
9. *ADVISORY COMMENT:* Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site domestic, irrigation and fire suppression systems.
10. *ADVISORY COMMENT:* The proposed project is located in the Flood zone designated as X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof.

Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that:
 - a. The proposed project is consistent with the policies of the city to encourage residential uses;
 - b. The proposed project will replace a dilapidated structure;
 - c. The proposed project is compatible in design with the existing home on the property and existing homes on surrounding properties in the neighborhood.
2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. The use will not generate significant impacts to the nearby residential properties;
 - b. Parking will be provided in the existing (repaired) driveway;
 - c. The project is designed to minimize impacts to surrounding properties.
3. The project is consistent with the General Plan which designates the site as Low Density Residential 4-15 du/na.

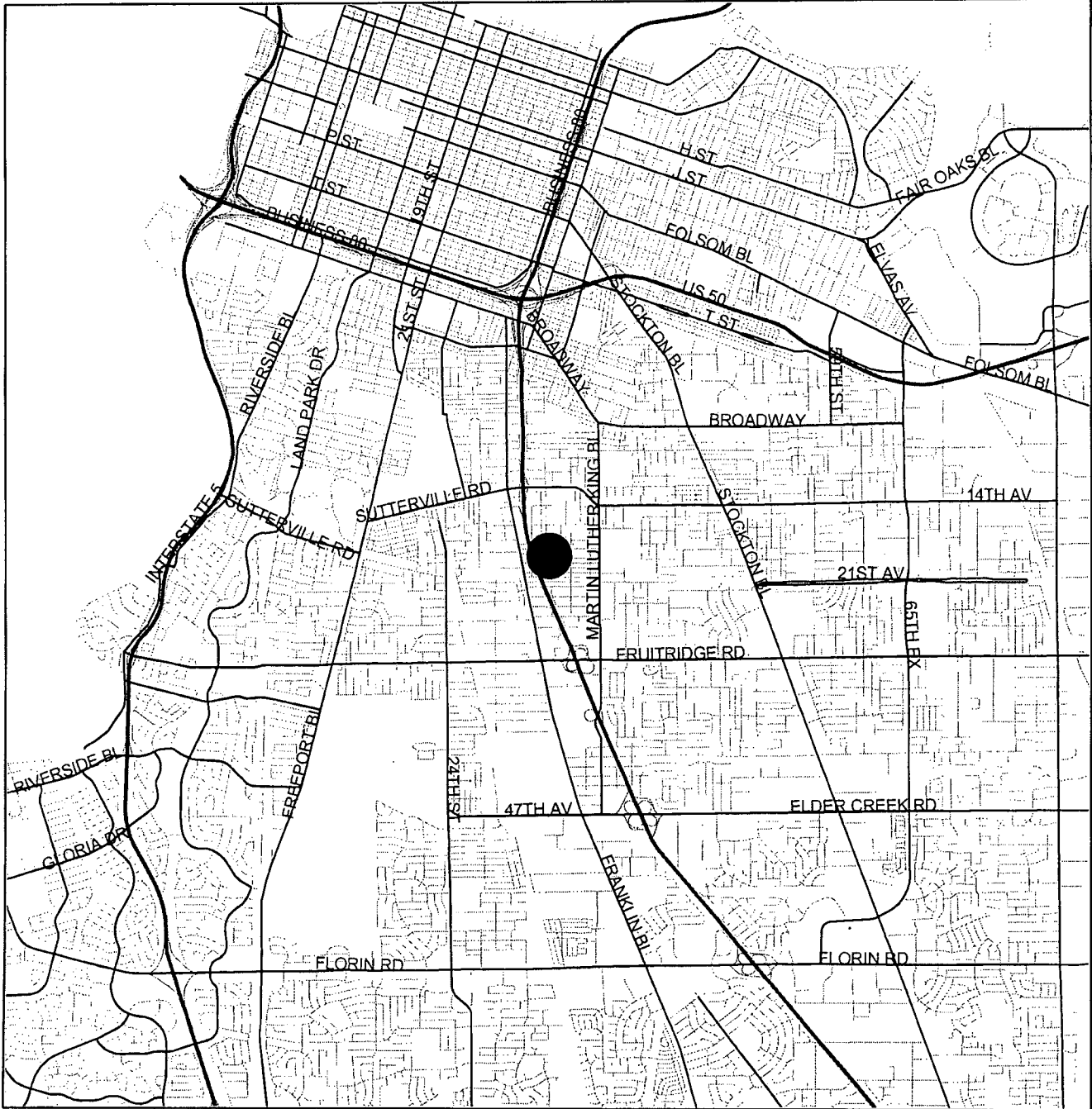


Joy D. Patterson
Zoning Administrator

A use for which a Special Permit is granted must be established within three years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

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: ZA Log Book (original) File Applicant Property Owner



0 0.8 1.6 Miles



Development Services
Department

Geographic
Information
Systems

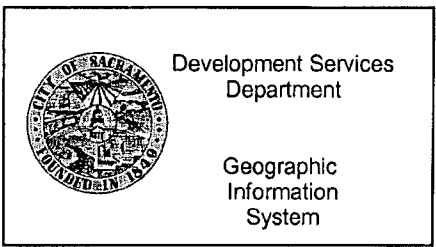
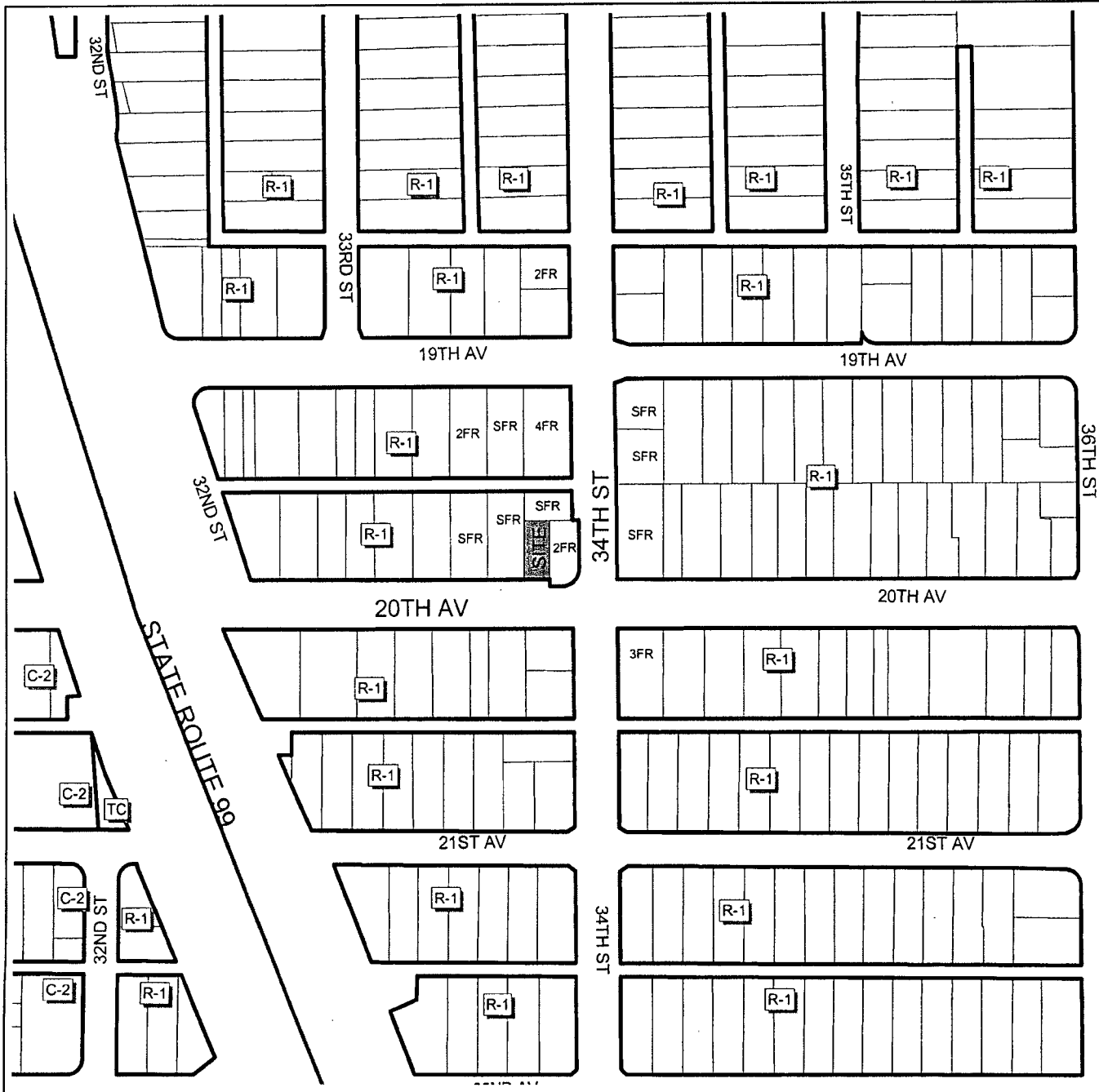
Vicinity Map
3341 20th Avenue
020-0203-020



Z06-297

January 26, 2006

Item 06



Land Use & Zoning
 3341 20th Avenue
 020-0203-020



HERMOSILLO RESIDENCE

SCOPE OF WORK

A RESIDENTIAL 2 STORY DWELLING CONSISTING OF 4 BEDROOMS, 1 1/2 BATH, BREAKFAST ROOM, BATH, 1500.00 SQ. FT.

OWNER: <u>ANGEL & BERTHA HERMOSILLO</u>
ADDRESS: <u>334 20TH AVENUE</u>
<u>SACRAMENTO</u>
<u>CA. 95801</u>
APN: <u>020-0203-020</u>
BUILDING DATA
APPLICABLE CODES - 2001 CBC, CBC, CPC AND CED
OCCUPANCY GROUP R-3
BUILDING USE - RESIDENTIAL
CONSTRUCTION TYPE V-N

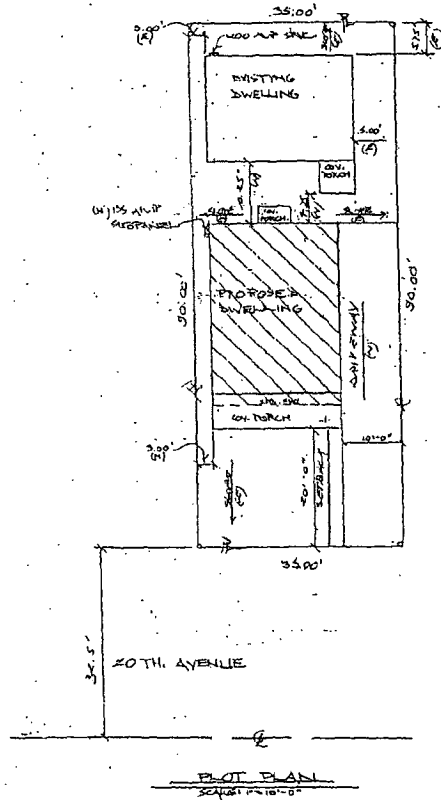


EXHIBIT A

Item 06

January 26, 2006

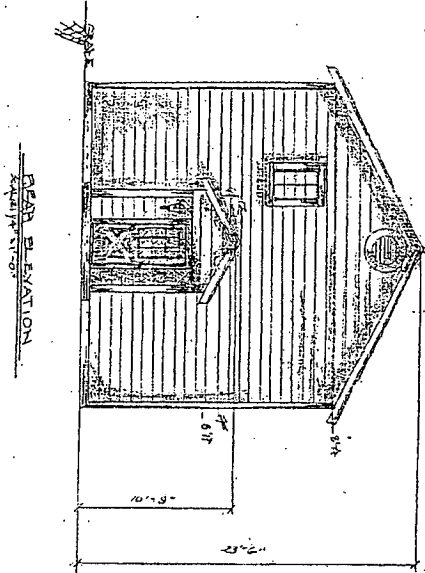
A.A.S. & ASSOCIATES

205-297

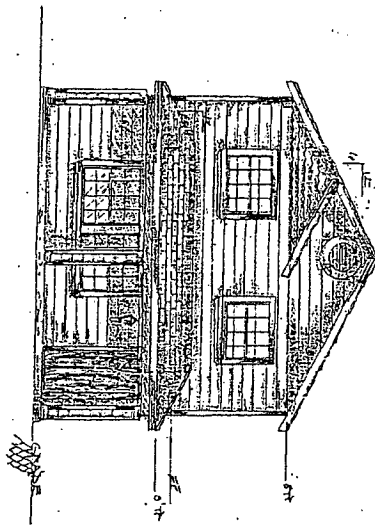
NO.	DATE	DESCRIPTION
1	10/01/05	ISSUE FOR PERMITS
2	11/01/05	REVISED PER COMMENTS
3	12/01/05	REVISED PER COMMENTS
4	01/26/06	REVISED PER COMMENTS

03

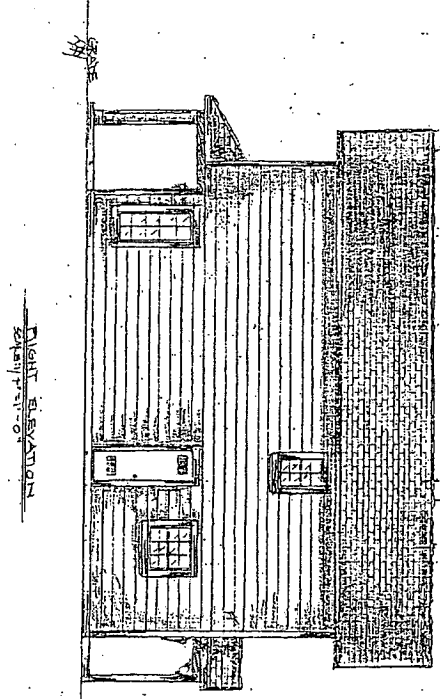
EXHIBIT C



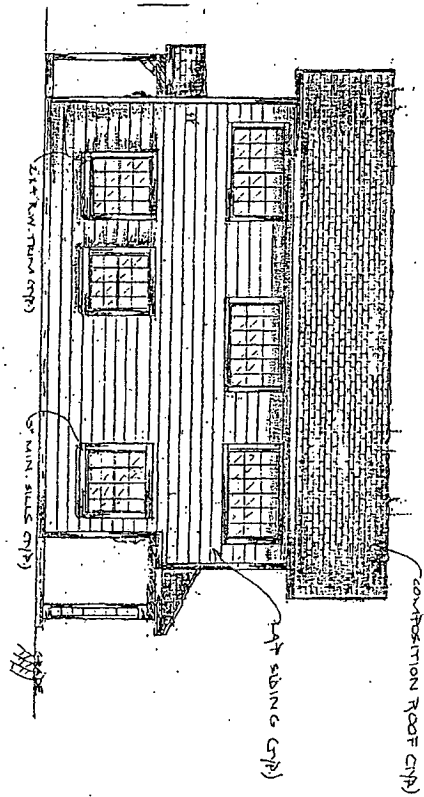
REAR ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

Z05-297 ASSOCIATES

A January 26, 2006 FIRM (916) 951-6226

Item 06

PLAN: ELEVATIONS

CLIENT: ANGEL & BERTHA HERMOSILLO

2841 24TH AVENUE SAN DIEGO, CALIF. 92106

DATE: 10-28-06
BY: J. S. J.
SCALE: 1/8" = 1'-0"
NO. 52405