

**P02-150 – Starr Residential Unit**

- REQUEST:
- A. Environmental Determination: Exempt 15303(a)
  - B. Special Permit to waive one required parking space within an enclosed garage.
  - C. Variance to reduce the rear yard setback from 15 feet to 6 inches.
  - D. Variance to reduce the interior side yard setback from 5 feet to 0 feet.
  - E. Variance to reduce the 20 foot driveway depth.

LOCATION: 541 41<sup>ST</sup> Street  
APN: 004-0242-009  
Council District 3

<b>APPLICANT:</b>	<b>Kevin Pressey 3108 East Pintail Way Sacramento, CA 95758</b>
<b>OWNER:</b>	<b>Dr. Robert Starr 541 41<sup>st</sup> Street Sacramento, CA 95819</b>
<b>APPLICATION FILED:</b>	<b>October 14, 2002</b>
<b>STAFF CONTACT:</b>	<b>Mark Kraft, (916) 264-8116</b>

**BACKGROUND INFORMATION:**

On April 10, 2003, the Planning Commission heard and considered public testimony regarding the above entitlements. Based on verbal and documentary evidence at said hearing, the Planning Commission indicated their intent to adopt the staff recommendation, with the following exceptions:

- 1) **Entitlement C-** The applicant had requested a variance to reduce the required rear yard setback from 15 feet to 6 inches. Staff had recommended a condition that the project be required to maintain a 5 foot rear yard setback (Condition C-E1.) The Commission passed an intent motion to approve the applicant's request to reduce the rear yard setback to 6 inches.

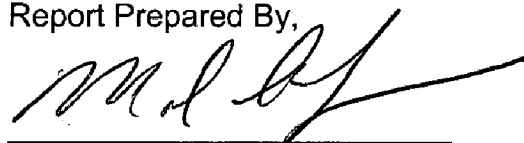
- 2) **Entitlement D-** The applicant had requested a variance to reduce the required interior side yard setback from 5 feet to 0 feet. Staff had recommended approval of this request. The Commission passed an intent motion to deny the entitlement request, thereby requiring a minimum 5 foot interior side yard setback.

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

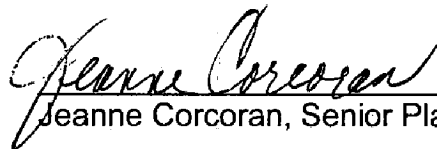
- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15303(a)
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to waive one required parking space, within an enclosed garage.
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Variance to reduce the rear yard setback from 15 feet to 6 inches.
- D. Adopt the attached Notice of Decision and Findings of Fact denying the Variance to reduce the interior side yard setback from 5 feet to 0 feet.
- E. Adopt the attached Notice of Decision and Findings of Fact approving Variance to reduce the 20 foot driveway depth.

Report Prepared By,



Mark Kraft, Associate Planner

Report Reviewed By,



Jeanne Corcoran, Senior Planner

Attachments

Attachment 1      Notice of Decision & Findings of Fact  
Attachment 2      April 10, 2003 Staff Report

**P02-150 – Starr Residential Unit**

REQUEST:           A. Environmental Determination: Exempt 15332  
                      B. Special Permit to waive one required parking space.  
                      C. Variance to reduce the rear yard setback.  
                      D. Variance to reduce the interior side yard setback from 5 feet to 0 feet.  
                      E. Variance to reduce the 20 foot driveway depth.

LOCATION:           541 41<sup>ST</sup> Street  
                      APN: 004-0242-009  
                      Council District 3

APPLICANT:	Kevin Pressey 3108 East Pintail Way Sacramento, CA 95758
OWNER:	Dr. Robert Starr 541 41 <sup>ST</sup> Street Sacramento, CA 95819
APPLICATION FILED:	October 14, 2002
STAFF CONTACT:	Mark Kraft, (916) 264-8116

**SUMMARY/ RECOMMENDATION:**

The applicant is requesting entitlements to develop one additional residential unit on a lot already developed with a single family home in the Standard Single Family (R-1) zone. The additional unit is allowed under existing zoning, as the subject property is a corner lot, and duplexes, either attached or detached, are allowed on corner lots in the R-1 zone, subject to certain development standards. The basic issue of this project is its encroachment into the light and air space of the property to the east.

**Staff recommends approval of the project, subject to conditions.** This recommendation is based upon the projects consistency with General Plan and zoning designations, and consistency with General Plan goals and policies, that promote infill development, provide affordable housing and utilize existing resources.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential
Existing Land Use:	Single Family Residential
Existing Zoning of Site:	Single Family Residential (R-1)

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

Setbacks:	Proposed	Required
Front (west):	35'	Existing
Street Side(south):	17'2"	12'6"
Interior Side(north):	0'	5'
Rear(east):	6"	15'
Property Dimensions:		50' x 126'
Property Area:		0.14± net acres
Square Footage of Buildings:		1,531 sf. house (existing)
		400 sf garage (to be demolished)
		629 sf res. unit (proposed)
		585 sf. garage (proposed)
Height of Building:		19' to plate line
		30'4" to top ridge
Height Limit		35'
Lot Coverage Maximum		40%
Lot Coverage Proposed		40%
Exterior Building Materials:		Stucco and Brick Veneer
Roof Material:		Dimensional Composition
Parking required:		2 spaces
Auto Parking provided:		1 space
Topography:		Flat
Street Improvements:		Existing
Utilities:		Existing

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

P02-150

April 10, 2003

Permit

Building Permit

Off-site improvements

Driveway Variance

Agency

Building Division

Public Works, Plan Check

Public Works

BACKGROUND INFORMATION:

The applicant is proposing to construct a 629 square foot residential unit above a 529 square foot single car garage. The parcel is currently developed with a 1,531 square foot single family unit and a detached one car garage. The applicant proposes to demolish the existing garage and construct the new, larger structure on the east side of the property, in approximately the same location as the existing garage.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The project is consistent with the General Plan designation of Low Density Residential (4-15 DU/NA). Subsequent to the addition of the proposed unit, the site will be at a density of 13.8 units per acre.

The project, in providing a residential infill rental housing unit in East Sacramento is consistent with the following General Plan Goals and Policies:

Sec 1-31 Policy 2-

It is the policy of the City that adequate quality housing opportunities be provided for all income households and that projected housing needs are accommodated.....providing a variety of residential uses near major employment centers...can help insure housing opportunities for all income households employed in those areas.

Section 1-34 Policy 5-

Some neighborhoods are characterized by vacant land skipped over in the process of development. To more fully utilize this resource, efforts to promote infill and remove development constraints will be necessary.

Sec 2-12 Goal B

Provide affordable housing opportunities for all income household categories throughout the city.

Sec 2-13 Goal C

Develop residential land uses in a manner which is efficient and utilizes existing and planned urban resources.

Sec 2-14 Policy 4

Promote infill development as a means to meet future housing needs.

Sec 3-47 Policy 1

Improve the infill incentive program to maximize housing development on urban vacant properties.

B. Zoning Requirements

1. Existing Zoning

The site is zoned Single-Family Residential (R-1). This zone generally allows one unit per parcel, however, attached or detached duplexes are allowed on corner lots in this zone. Therefore the proposed use could be allowed under existing zoning, with no entitlements. The entitlements sought by the applicant involve setback regulations and parking regulations, rather than use.

2. Height and Area Regulations

As described in the project information section, the proposed project requires several variances for setbacks, as well as a driveway length variance. The applicant is requesting a variance to reduce the rear yard setback from 15 feet to six inches, the interior side yard setback from five feet to zero, and the driveway length from 20 feet to 17 feet 2 inches. Although staff is supportive of the project in general, staff is of the position that the rear setback should be increased to five feet, and that the driveway should be increased to at least 18 feet. Staff's position is that the reduction of the interior side yard setback is acceptable, as the proposed structure would abut an existing detached garage on the property to the north.

*Rear Yard Setback Variance*

The City's Zoning Code requirement for fifteen foot rear yard setback is intended to provide adequate open space and to prevent undue intrusion into the rear yards of adjoining properties. With the existing configuration of the project site and the proposed structure (siding onto the parcel to the east, and facing 41<sup>st</sup> Street) the setback from the east property line is in effect, a side yard setback. Therefore staff would support a setback of five feet, in compliance with what would be the side yard setback requirement. However, further reduction of the setback would constitute a visual intrusion to the single family home to the east, particularly in light of the fact that the proposed building is 19 feet tall to the plate line, adjacent to the one story home to the east, which is, itself, only set back five feet from the property line. Attachment 5 shows the existing home adjacent to the proposed project.

The area available for the proposed unit is constrained by the existence of a covered patio in the back yard of the project site. Staff suggested to the applicant that, in order to provide adequate setback area to the east, the project should either be reduced in size, or the patio should be removed to provide adequate space. The applicant was not willing to pursue either of these options, and therefore is opposed to the proposed

condition that the project provide a minimum five foot setback on the eastern property line.

The applicant has obtained a letter from the adjacent property owner (Attachment 4) indicating that they do not object to the proposed project. The property owner indicated that they feel that the proposed project will be more attractive than the current dilapidated structure. However, the reality of a 19 foot solid wall, five feet from their window may not be as attractive an alternative as they now imagine. Staff's position is that, despite the fact that the property owners to the east have no objection to the project, the project still represents an excessive intrusion into to this property.

*Driveway Variance*

The project proposes a 17' 2" deep driveway, as opposed to the 20 foot driveway depth required by City Code. The proposed driveway is 17' 2" x 19' 4". Staff is of the position that an 18 foot driveway, which would provide adequate space for parking one vehicle, would be an acceptable driveway distance. The extra ten inches could be achieved by recessing the garage door, without the necessity of moving the proposed structure to the north. Staff has conditioned the project to comply with this requirement. The project will also require a driveway variance through the Department of Public Works.

3. Special Permit to waive one parking space

The proposed project will result in two units on the project site, and will provide a single-car garage. The zoning code requires that one parking space per unit, within an enclosed garage, be provided for single and two family development. Therefore, the project requires a waiver of one parking space.

Staff supports the applicants request to waive one required parking space for the following reasons 1) the proposed project is providing additional housing units, consistent with existing zoning and General Plan designations and consistent with General Plan policy to provide additional housing units and to provide units available to all income levels; 2) the project site, as developed, is not of sufficient size to provide additional parking on site, within an enclosed garage, without removal of existing improvements; 3) with the proposed condition to increase the driveway to 18 feet, the project will provide sufficient space to allow parking of one vehicle in the driveway, and 4) the project is small in size, and will therefore not result in a significant effect to on street parking in the area.

C. Building Design

The project is constructed with an exterior of stucco and brick veneer, with dimensional composition roof. The structure features bay windows, and dormers provide an interesting roof form. The materials and design of the project are compatible with the existing single family home on the site, and with that of existing surrounding

development in the area. At the suggestion of staff, the applicant revised the project to provide stucco and brick veneer, consistent with the southern and western elevations, therefore providing a more aesthetically pleasing elevation to the adjacent property owner to the east.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15332).

B. Public/Neighborhood/Business Association Comments

Application information was sent to the East Sacramento Improvement Association. Homeowners within a 500 foot radius were also notified of the project. Several calls of inquiry were received, but no written comments or expressions of opposition were received on the project as of the writing of this report. The applicant obtained a letter indicating no opposition to the project from the property owner directly to the east of the project site, which is included as Attachment 4.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. Comments have been incorporated as conditions in the attached Notice of Decision.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny all of the entitlements. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15332
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to waive one required parking space.

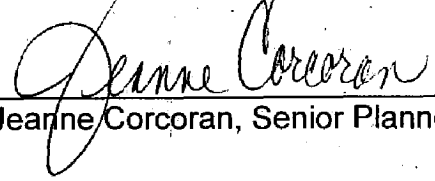
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Variance to reduce the rear yard setback.
- D. Adopt the attached Notice of Decision and Findings of Fact approving Variance to reduce the interior side yard setback from 5 feet to 0 feet.
- E. Adopt the attached Notice of Decision and Findings of Fact approving Variance to reduce the 20 foot driveway depth.

Report Prepared By,



Mark Kraft, Associate Planner

Report Reviewed By,



Jeanne Corcoran, Senior Planner

Attachments

- Attachment 1      Notice of Decision & Findings of Fact
- Exhibit 1A        Applicant's Proposed Site Plan
- Exhibit 1B        Staff's Proposed Site Plan
- Exhibit 1C        Elevations
- Exhibit 1D        Floor Plan
- Attachment 2      Vicinity Map
- Attachment 3      Land Use & Zoning Map
- Attachment 4      Letter from adjacent property owner
- Attachment 5      Photograph of adjacent property to the east
- Attachment 6      Aerial Photograph of project site.

**Attachment 1**  
**NOTICE OF DECISION AND FINDINGS OF FACT FOR**  
**STARR RESIDENTIAL UNIT, LOCATED AT 541 41<sup>ST</sup> STREET, SACRAMENTO,**  
**CALIFORNIA IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONE.**  
**APN 004-0242-0090 (P02-150)**

At the regular meeting of April 10, 2003, 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 actions for the location listed above:

- A. Environmental Determination: Exempt per CEQA 15332
- B. Approved the Special Permit to waive one required parking space.
- C. Approved the Variance to reduce the rear yard setback.
- D. Approved the Variance to reduce the interior side yard setback from 5 feet to 0 feet.
- E. Approved the Variance to reduce the 20 foot driveway depth.

These actions were made based upon the following findings of fact and subject to the following conditions:

**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 #15332 of the CEQA Guidelines.
- B. The Special Permit to waive one required parking space is hereby approved based upon the following Findings of Fact:
  - 1. The project, as conditioned, is based upon sound principles of land use in that it is compatible with surrounding development and promotes infill housing.
  - 2. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
    - a) the proposed project is providing additional housing units, consistent with existing zoning and General Plan designations and consistent with General Plan policy to provide additional housing units and to provide units available to all income levels;
    - b) the project site is not of sufficient size to provide additional parking on site, without removal of existing improvements;
    - c) with the proposed condition to increase the driveway depth to 18 feet, the project will provide sufficient space to allow parking of one vehicle in the driveway, and;

d) the project is small in size, and will therefore not result in a significant effect to on street parking in the area.

3. The project is consistent with the existing General Plan designation and zoning as well as General Plan policy promoting infill residential development, and affordable housing.

C-E. The Variances to reduce setbacks and driveway depth are hereby approved based upon the following Findings of Fact:

1. The variances do not constitute a special privilege extended to an individual property owner in that the same variances would be appropriate for other property owners facing similar circumstances.
2. The proposal does not constitute a use variance in that duplexes are allowed on corner lots in the R-1 zone.
3. The project will not be detrimental to the public welfare or result in the creation of a public nuisance in that adequate setbacks and parking will be provided.
4. The project is consistent with the General Plan policies of promoting infill and utilizing existing resources.

#### CONDITIONS OF APPROVAL

B. The Special Permit to waive one required parking space, within an enclosed garage, is hereby approved subject to the following conditions:

B1. A parking pad sufficient in size to accommodate a second car (8' x18') shall be provided in front of the proposed garage (See Exhibit 1A).

C-E. The Variances for setbacks and driveway depth are hereby approved based subject to the following conditions:

#### Planning

C-E1. The project shall be redesigned such that a five foot setback is provided along the eastern edge of the project site.

C-E2. The project shall be redesigned to provide an 18 foot deep driveway.

C-E3. The garage shall be equipped with a roll-up garage door and automatic garage door opener.

Public Works

- C-E4. Minimum driveway length behind the sidewalk shall be 18 feet.
- C-E5. Construct driveway entry to city standards and to the satisfaction of Public Works.
- C-E6. The proposed driveway shall require a driveway variance from the Department of Public Works.

## Advisory Notes:

Utilities

1. The proposed project is located in the 100-year floodplain, designated as an A99 zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective May 22, 2000. Within the A99 zone, there are no requirements to elevate or flood proof.
2. This project is served by the Combined Sewer System (CSS). However, based on the information found in the application, we do not anticipate any significant impacts to the CSS., Consequently no Impact/Mitigation Agreement or mitigation is required.

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CHAIRPERSON

ATTEST:

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SECRETARY TO CITY PLANNING COMMISSION

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DATE (P02-150)

Sacramento City Planning Department  
1231 I Street, Suite 200  
Sacramento, CA 95814

Subject: Dr. Robert Starr Residence  
541 41st Street  
Sacramento, Ca 95819

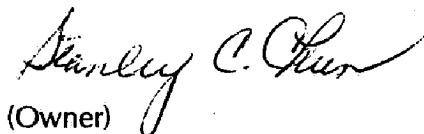
File # Z02-043

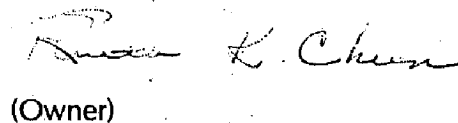
To Whom it May Concern,

We live to the east of Dr. Starr's property at 4125 F Street. Dr. Starr's proposal project is located on the property line that adjoins our 2 properties. We have studied the proposed drawings and discussed them at length with Dr. Starr. We do not have any objections to the location, size or design of the proposed building. We understand that the east wall of the building will be on our adjoining property line. We feel that the architectural treatment of the brick veneer and the cement plaster finish will be more attractive from our side of the property than the current dilapidated structure.

If you have any questions please feel free to give us a call at (phone number).

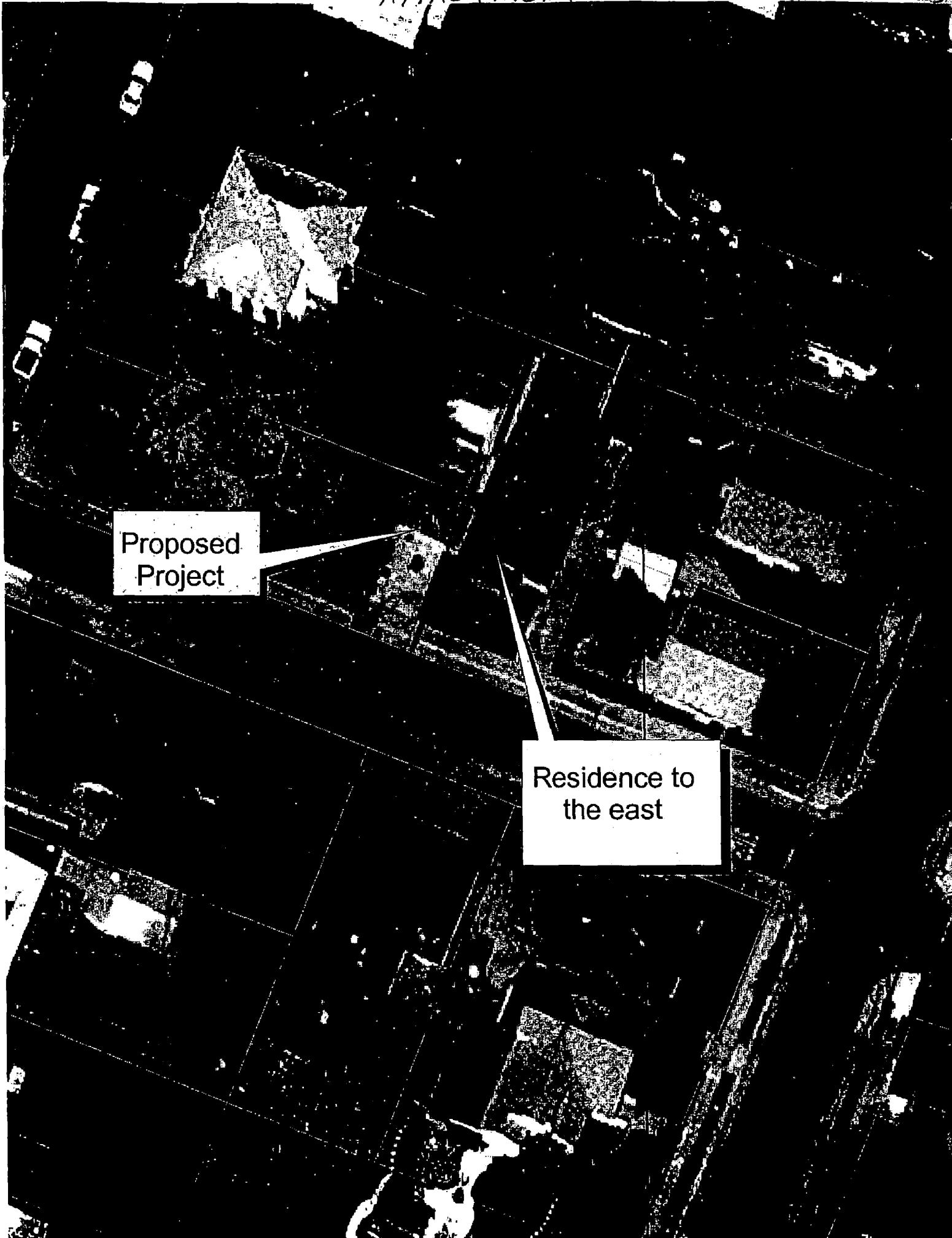
Sincerely

  
(Owner)

  
(Owner)

Cc. Dr. Starr



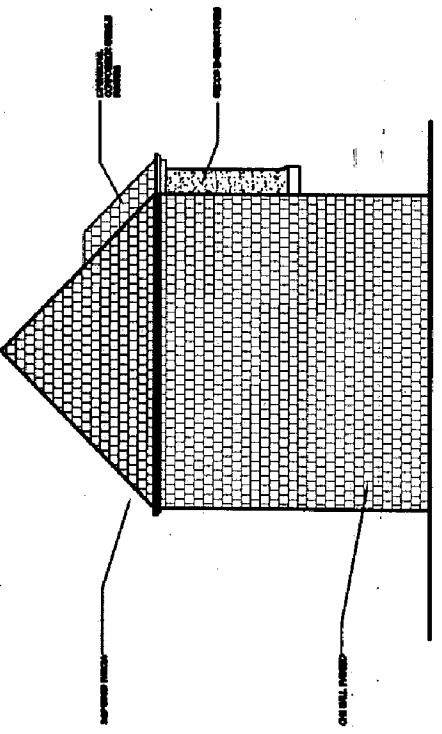
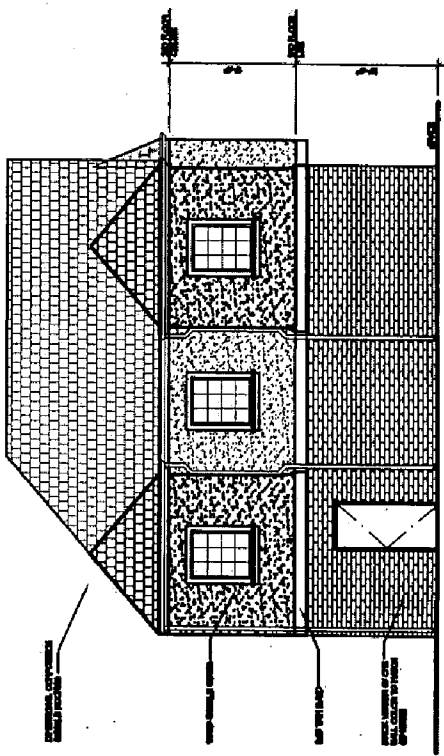
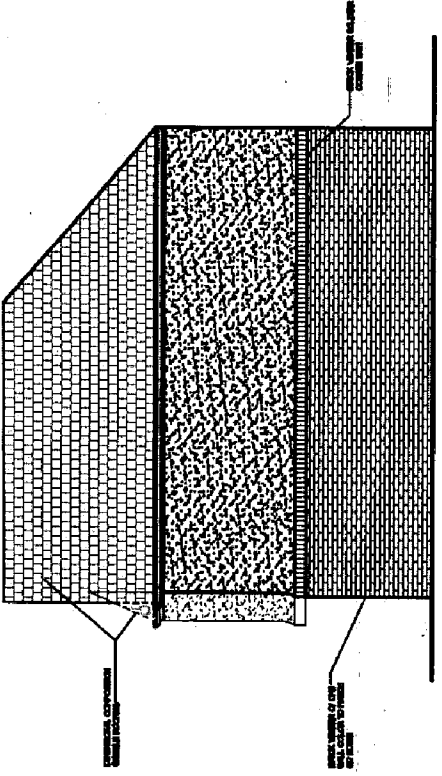
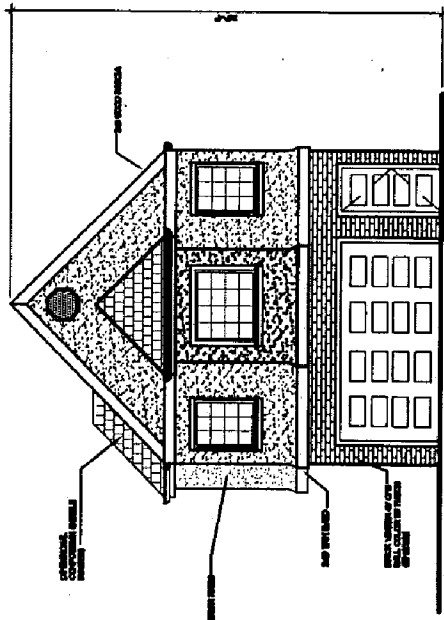


Proposed  
Project

Residence to  
the east

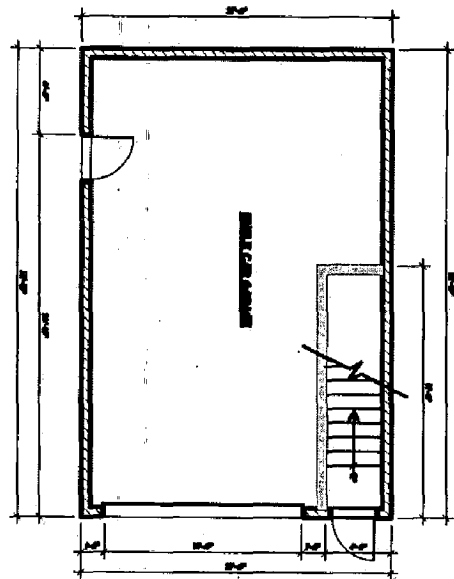
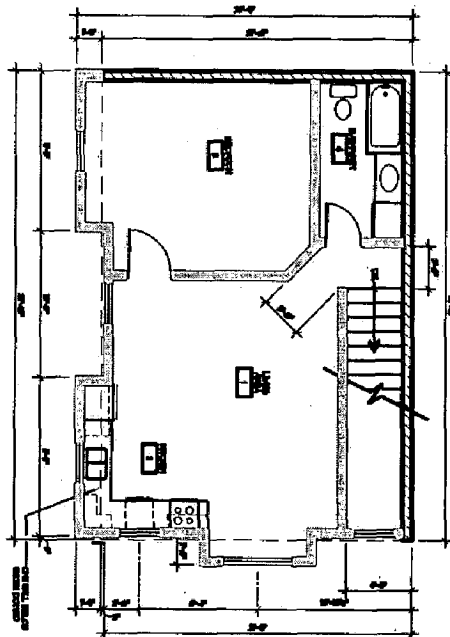






KEVIN PRESSEY ARCHITECT  
3100 EAST PINTAR WAY  
ELK GROVE, CA 95757  
TEL: 925-785-1111  
WWW.KPA-ARCHITECT.COM

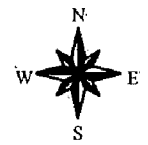
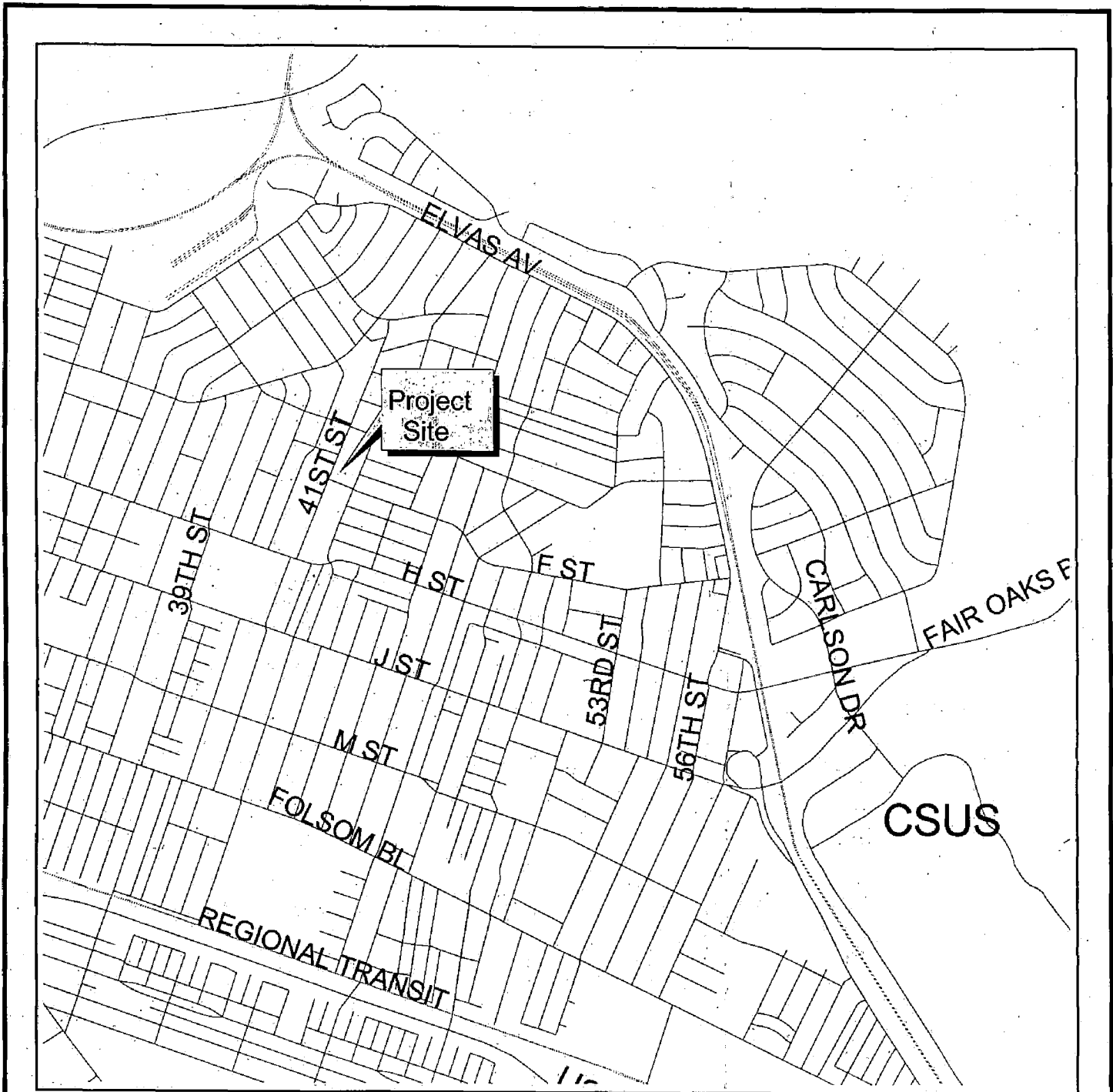
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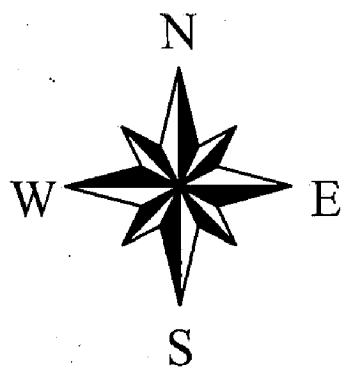
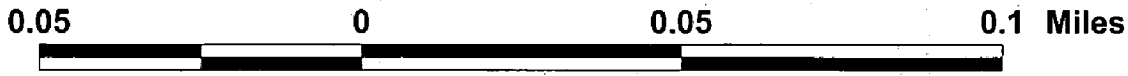
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Attachment 2- Vicinity Map  
P02-150-Starr Residential Unit



Attachment 3- Land Use and Zoning  
P02-150 Starr Residential Unit



**Attachment 1**  
**NOTICE OF DECISION AND FINDINGS OF FACT FOR**  
**STARR RESIDENTIAL UNIT, LOCATED AT 541 41<sup>ST</sup> STREET, SACRAMENTO,**  
**CALIFORNIA IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONE.**  
**APN 004-0242-0090 (P02-150)**

At the regular meeting of April 24, 2003, 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 actions for the location listed above:

- A. Environmental Determination: Exempt per CEQA 15303(a)
- B. Approved the Special Permit to waive one required parking space, in an enclosed garage.
- C. Approved the Variance to reduce the rear yard setback from 15 feet to 6 inches.
- D. Denied the Variance to reduce the interior side yard setback from 5 feet to 0 feet.
- E. Approved the Variance to reduce the 20 foot driveway depth.

These actions were made based upon the following findings of fact and subject to the following conditions:

**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 #15303(a) of the CEQA Guidelines.
- B. The Special Permit to waive one required parking space, in an enclosed garage, is hereby approved based upon the following Findings of Fact:
  - 1. The project, as conditioned, is based upon sound principles of land use in that it is compatible with surrounding development and promotes infill housing.
  - 2. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
    - a) the proposed project is providing additional housing units, consistent with existing zoning and General Plan designations and consistent with General Plan policy to provide additional housing units and to provide units available to all income levels;
    - b) the project site is not of sufficient size to provide additional parking on site, without removal of existing improvements;

c) with the proposed condition to increase the driveway depth to 18 feet, the project will provide sufficient space to allow parking of one vehicle in the driveway, and;

d) the project is small in size, and will therefore not result in a significant effect to on street parking in the area.

3. The project is consistent with the existing General Plan designation and zoning as well as General Plan policy promoting infill residential development, and affordable housing.

C. The Variance to reduce the rearyard setback from 15 feet to 6 inches is hereby approved based upon the following Findings of Fact:

1. The variance does not constitute a special privilege extended to an individual property owner in that the same variances would be appropriate for other property owners facing similar circumstances.
2. The proposal does not constitute a use variance in that duplexes are allowed on corner lots in the R-1 zone.
3. The project will not be detrimental to the public welfare or result in the creation of a public nuisance in that adequate setbacks and parking will be provided.
4. The project is consistent with the General Plan policies of promoting infill and utilizing existing resources.

D. The Variance to reduce the interior side yard setback from 5 feet to 0 feet is hereby denied based upon the following Findings of Fact:

1. The variance would constitute a special privilege extended to an individual property owner in that the same variances would not be appropriate for other property owners facing similar circumstances, since the proposed zero setback would impact the property to the north.
2. The project, as proposed, would be detrimental to the public welfare or result in the creation of a public nuisance in that the proposed zero setback could cause drainage and maintenance problems for the detached garage located on the property to the north of the project site.

E. The Variance to reduce the 20 foot driveway depth is hereby approved based upon the following Findings of Fact:

1. The variance does not constitute a special privilege extended to an individual property owner in that the same variances would be appropriate for other property owners facing similar circumstances.

2. The proposal does not constitute a use variance in that duplexes are allowed on corner lots in the R-1 zone.
3. The project will not be detrimental to the public welfare or result in the creation of a public nuisance in that adequate setbacks and parking will be provided.
4. The project is consistent with the General Plan policies of promoting infill and utilizing existing resources.

#### CONDITIONS OF APPROVAL

- B. The Special Permit to waive one required parking space, within an enclosed garage, is hereby approved subject to the following conditions:
- B1. A parking pad sufficient in size to accommodate a second car (8' x18') shall be provided in front of the proposed garage (See Exhibit 1A).
- D-E. The Variances to reduce the rearyard setback from 15 feet to 6 inches, and to reduce the 20 foot driveway depth are hereby approved based subject to the following conditions:

#### Planning

- D-E1. The project shall be redesigned to provide an 18 foot deep driveway.
- D-E2. The garage shall be equipped with a roll-up garage door and automatic garage door opener.

#### Public Works

- D-E3. Minimum driveway length behind the sidewalk shall be 18 feet.
- D-E4. Construct driveway entry to city standards and to the satisfaction of Public Works.
- D-E5. The proposed driveway shall require a driveway variance from the Department of Public Works.

#### Advisory Notes:

#### Utilities

1. The proposed project is located in the 100-year floodplain, designated as an A99 zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map

Revision effective May 22, 2000. Within the A99 zone, there are no requirements to elevate or flood proof.

2. This project is served by the Combined Sewer System (CSS). However, based on the information found in the application, we do not anticipate any significant impacts to the CSS., Consequently no Impact/Mitigation Agreement or mitigation is required.

  
CHAIRPERSON

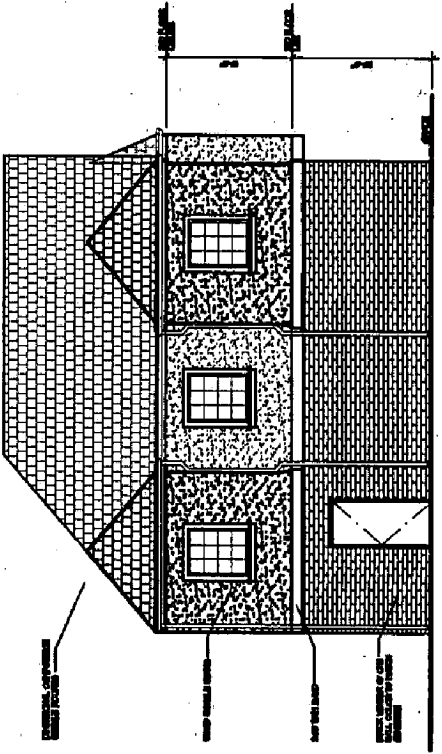
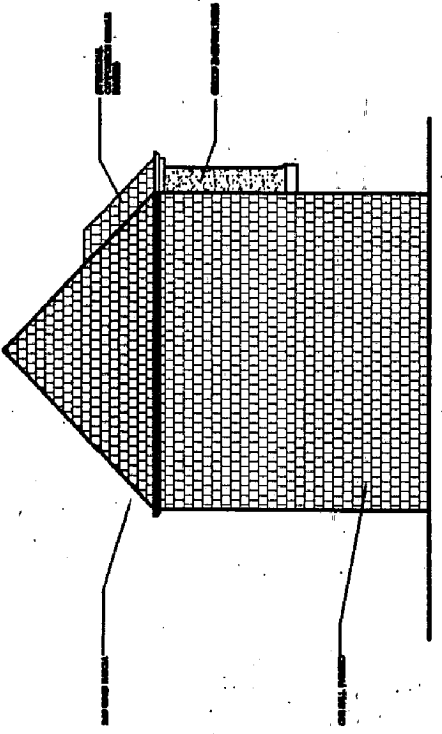
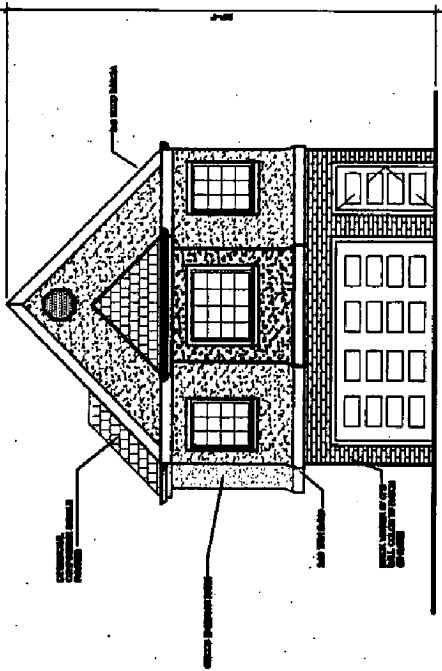
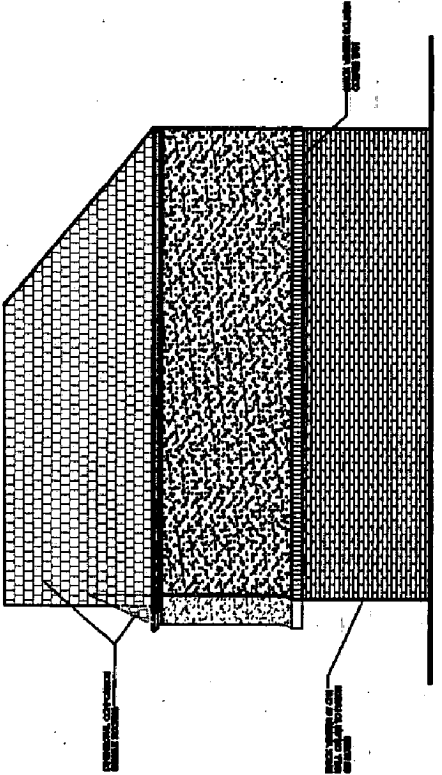
ATTEST:

  
SECRETARY TO CITY PLANNING COMMISSION.

4/24/03  
DATE (P02-150)









**P02-150 – Starr Residential Unit**

**REQUEST:**

- A. Environmental Determination: Exempt 15303(a)
- B. Special Permit to waive one required parking space within an enclosed garage.
- C. Variance to reduce the rear yard setback from 15 feet to 6 inches.
- D. Variance to reduce the interior side yard setback from 5 feet to 0 feet.
- E. Variance to reduce the 20 foot driveway depth.

**LOCATION:** 541 41<sup>ST</sup> Street  
APN: 004-0242-009  
Council District 3

**APPLICANT:** Kevin Pressey  
3108 East Pintail Way  
Sacramento, CA 95758

**OWNER:** Dr. Robert Starr  
541 41<sup>st</sup> Street  
Sacramento, CA 95819

**APPLICATION FILED:** October 14, 2002

**STAFF CONTACT:** Mark Kraft, (916) 264-8116

**BACKGROUND INFORMATION:**

On April 10, 2003, the Planning Commission heard and considered public testimony regarding the above entitlements. Based on verbal and documentary evidence at said hearing, the Planning Commission indicated their intent to adopt the staff recommendation, with the following exceptions:

- 1) **Entitlement C-** The applicant had requested a variance to reduce the required rear yard setback from 15 feet to 6 inches. Staff had recommended a condition that the project be required to maintain a 5 foot rear yard setback (Condition C-E1). The Commission passed an intent motion to approve the applicant's request to reduce the rear yard setback to 6 inches.

- 2) **Entitlement D**- The applicant had requested a variance to reduce the required interior side yard setback from 5 feet to 0 feet. Staff had recommended approval of this request. The Commission passed an intent motion to deny the entitlement request, thereby requiring a minimum 5 foot interior side yard setback.

### RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15303(a).
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to waive one required parking space, within an enclosed garage.
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Variance to reduce the rear yard setback from 15 feet to 6 inches.
- D. Adopt the attached Notice of Decision and Findings of Fact denying the Variance to reduce the interior side yard setback from 5 feet to 0 feet.
- E. Adopt the attached Notice of Decision and Findings of Fact approving Variance to reduce the 20 foot driveway depth.

Report Prepared By,

Report Reviewed By,

Mark Kraft, Associate Planner

Jeanne Corcoran, Senior Planner

### Attachments

Attachment 1 Notice of Decision & Findings of Fact  
Attachment 2 April 10, 2003 Staff Report

**Attachment 1  
NOTICE OF DECISION AND FINDINGS OF FACT FOR  
STARR RESIDENTIAL UNIT, LOCATED AT 541 41<sup>ST</sup> STREET, SACRAMENTO,  
CALIFORNIA IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONE  
APN 004-0242-0090 (P02-150)**

At the regular meeting of April 24, 2003, 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 actions for the location listed above:

- A. Environmental Determination: Exempt per CEQA 15303(a)
- B. Approved the Special Permit to waive one required parking space, in an enclosed garage.
- C. Approved the Variance to reduce the rear yard setback from 15 feet to 6 inches.
- D. Denied the Variance to reduce the interior side yard setback from 5 feet to 0 feet.
- E. Approved the Variance to reduce the 20 foot driveway depth.

These actions were made based upon the following findings of fact and subject to the following conditions:

**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 #15303(a) of the CEQA Guidelines.
- B. The Special Permit to waive one required parking space, in an enclosed garage is hereby approved based upon the following Findings of Fact:
  - 1. The project, as conditioned, is based upon sound principles of land use in that it is compatible with surrounding development and promotes infill housing.
  - 2. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
    - a) the proposed project is providing additional housing units, consistent with existing zoning and General Plan designations and consistent with General Plan policy to provide additional housing units and to provide units available to all income levels.
    - b) the project site is not of sufficient size to provide additional parking on site, without removal of existing improvements.

c) with the proposed condition to increase the driveway depth to 18 feet, the project will provide sufficient space to allow parking of one vehicle in the driveway, and

d) the project is small in size, and will therefore not result in a significant effect to on street parking in the area.

3. The project is consistent with the existing General Plan designation and zoning as well as General Plan policy promoting infill residential development and affordable housing.

C. The Variance to reduce the rear yard setback from 15 feet to 6 inches is hereby approved based upon the following Findings of Fact:

1. The variance does not constitute a special privilege extended to an individual property owner in that the same variances would be appropriate for other property owners facing similar circumstances.
2. The proposal does not constitute a use variance in that duplexes are allowed on corner lots in the R-1 zone.
3. The project will not be detrimental to the public welfare or result in the creation of a public nuisance in that adequate setbacks and parking will be provided.
4. The project is consistent with the General Plan policies of promoting infill and utilizing existing resources.

D. The Variance to reduce the interior side yard setback from 5 feet to 0 feet is hereby denied based upon the following Findings of Fact:

1. The variance would constitute a special privilege extended to an individual property owner in that the same variances would not be appropriate for other property owners facing similar circumstances, since the proposed zero setback would impact the property to the north.
2. The project, as proposed, would be detrimental to the public welfare or result in the creation of a public nuisance in that the proposed zero setback could cause drainage and maintenance problems for the detached garage located on the property to the north of the project site.

E. The Variance to reduce the 20 foot driveway depth is hereby approved based upon the following Findings of Fact:

1. The variance does not constitute a special privilege extended to an individual property owner in that the same variances would be appropriate for other property owners facing similar circumstances.

- 2 The proposal does not constitute a use variance in that duplexes are allowed on corner lots in the R-1 zone
- 3 The project will not be detrimental to the public welfare or result in the creation of a public nuisance in that adequate setbacks and parking will be provided.
- 4 The project is consistent with the General Plan policies of promoting infill and utilizing existing resources.

### CONDITIONS OF APPROVAL

B The Special Permit to waive one required parking space, within an enclosed garage, is hereby approved subject to the following conditions:

B1 A parking pad sufficient in size to accommodate a second car (8' x 18') shall be provided in front of the proposed garage (See Exhibit 1A).

C&E The Variances to reduce the rearyard setback from 15 feet to 6 inches, and to reduce the 20 foot driveway depth are hereby approved based subject to the following conditions:

#### Planning

C&E1 The project shall be redesigned to provide an 18 foot deep driveway.

C&E2 The garage shall be equipped with a roll-up garage door and automatic garage door opener.

#### Public Works

C&E3 Minimum driveway length behind the sidewalk shall be 18 feet.

C&E4 Construct driveway entry to city standards and to the satisfaction of Public Works

C&E5 The proposed driveway shall require a driveway variance from the Department of Public Works

#### Advisory Notes

#### Utilities

- 1 The proposed project is located in the 100-year floodplain, designated as an A99 zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map.

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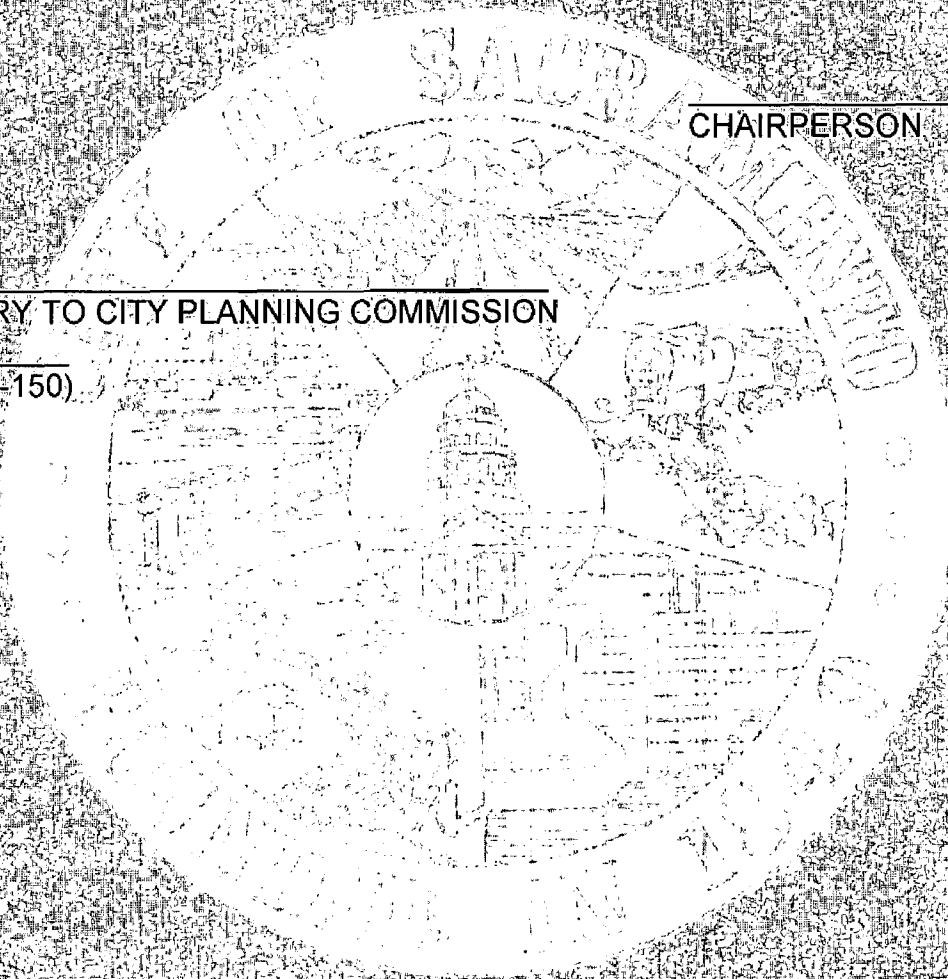
- 2. This project is served by the Combined Sewer System (CSS). However, based on the information found in the application, we do not anticipate any significant impacts to the CSS. Consequently no Impact/Mitigation Agreement or mitigation is required.

ATTEST

SECRETARY TO CITY PLANNING COMMISSION

DATE (P02-150)

CHAIRPERSON



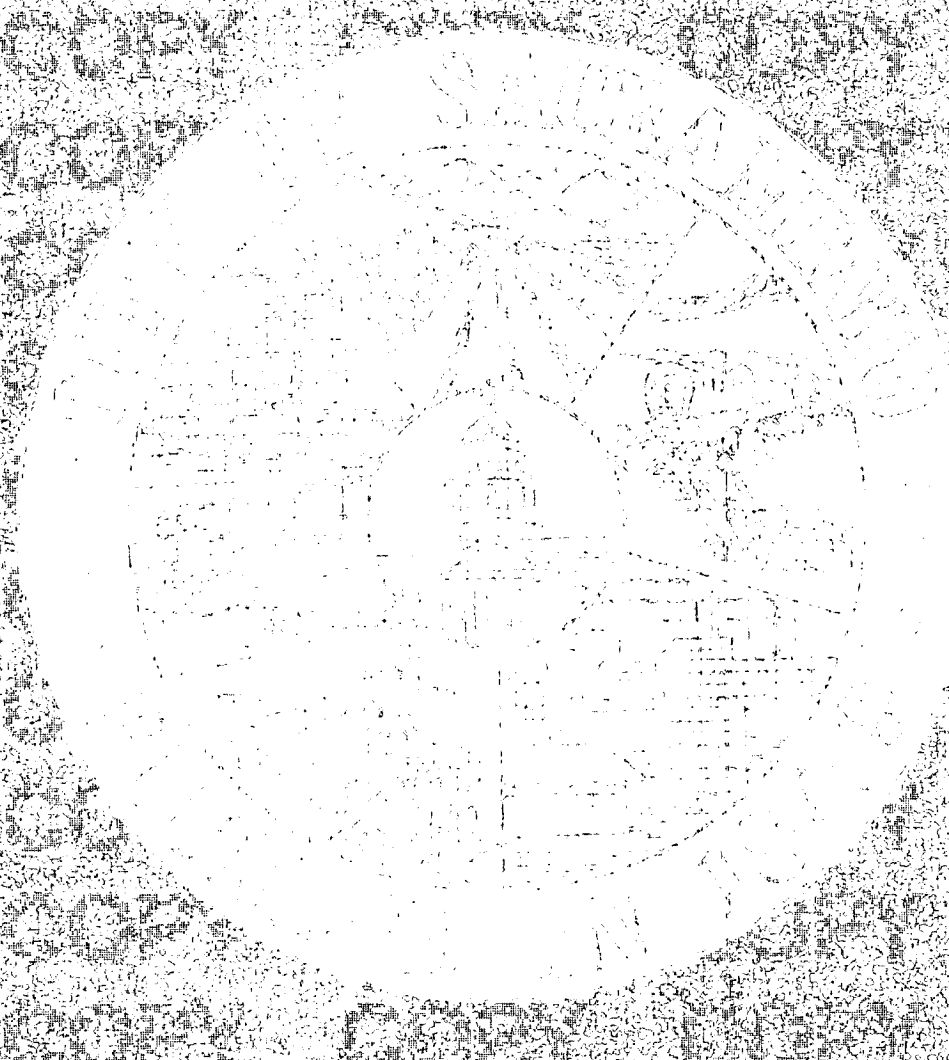


Exhibit 1A  
Site Plan

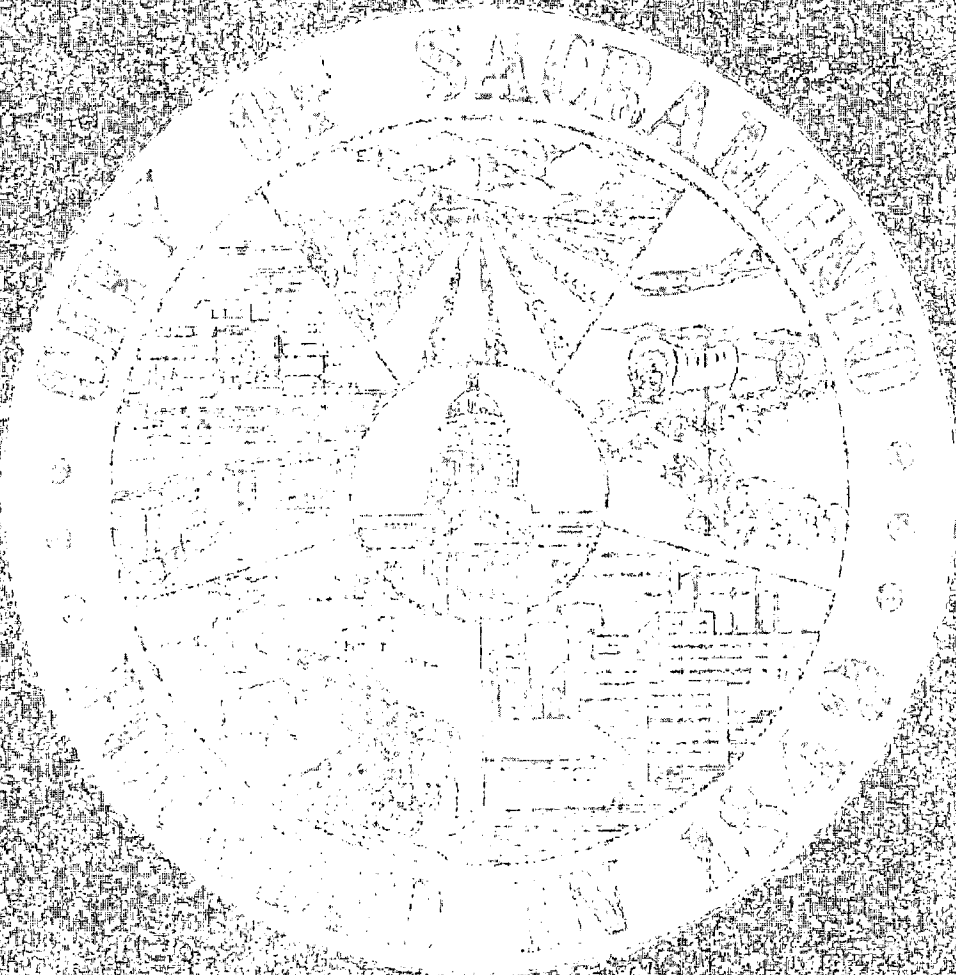


Exhibit 1B  
Rezone Plan

