



DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
ROOM 200  
SACRAMENTO, CA  
95814-2998

PLANNING DIRECTOR'S  
SPECIAL PERMIT MODIFICATION  
(P90-425)

BUILDING INSPECTIONS  
916-449-5716

PLANNING  
916-449-5604

APPLICATION: Planning Director's Special Permit Modification to add 937± square feet of additional floor area to the existing library facilities at McGeorge School of Law.

LOCATION: 3200 5th Avenue

BACKGROUND INFORMATION:

On May 25, 1971, the Planning Commission approved a Special Permit (P4657) which established a Master Plan for McGeorge Law School Campus. This master plan included the area bounded by Donner Way, 32nd Street, 33rd Street and 5th Avenue as well as the two lots north of 5th Avenue. Since 1971, the Planning Commission has approved several special permits which have expanded the school by adding additional classroom space, housing and parking. In June of 1990, a Planning Director's Special Permit Modification was approved for a 2,594 sq. ft. office space addition to the campus.

SUMMARY:

The applicant is requesting a modification to the master plan (P4657) in order to enclose an existing open walkway/entrance to the library (see Exhibit A). The expansion will include a covered entrance into the library and an area to provide handicapped bathroom facilities.

STAFF EVALUATION:

Staff has no objection to the special permit modification allowing McGeorge School of Law to expand. The existing McGeorge School of Law structures total 162,641 square feet. The Planning Commission has approved all but 2,594± sq. ft. of the development. The Zoning Ordinance permits the Planning Director to approve minor expansions of up to 10% of the square footage approved by the Planning

P90-425

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Commission. The proposed 937 sq. ft. expansion along with the 2,594± sq. ft. expansion which was approved by the Planning Director in June of 1990, will result in a 2.2% increase of what the Planning Commission has approved. The proposed expansion will not encroach into any required setback areas. Additional parking is not required for the expansion since the expansion is less than 15%.

The proposed building materials of brick masonry (variation of red bricks) with a composition roof will match the existing structure. McGeorge School of Law is located in the Oak Park Redevelopment Area and is required to obtain Design Review Staff approval for the proposed expansion.

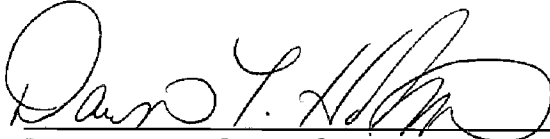
RECOMMENDATION:

Staff recommends the Planning Director approve the Special Permit Modification allowing the 937± sq. ft. expansion to the McGeorge School of Law Library subject to the following conditions:

Conditions:

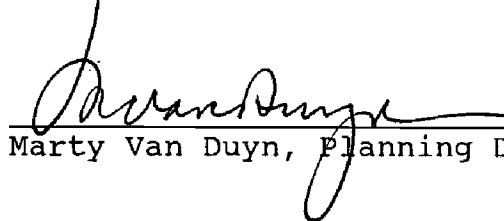
1. The addition shall be subject to review and approval by the Design Review Board; and
2. All necessary building permits shall be obtained prior to construction.

REPORT PREPARED BY:

  
 \_\_\_\_\_  
 Dawn T. Holm, Planner

1-7-90  
 \_\_\_\_\_  
 Date

RECOMMENDATION APPROVED BY:

  
 \_\_\_\_\_  
 Marty Van Duyn, Planning Director

1-8-91  
 \_\_\_\_\_  
 Date

PLANNING DIRECTOR'S VARIANCE  
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT Debra J. Sherman & Arthur Thorne, 1440 40th St., Sacramento, CA 95819  
OWNER Debra J. Sherman & Arthur Thorne, 1440 40th St., Sacramento, CA 95819  
PLANS BY Haag Landscape Architecture, 4755 J Street, Sacramento, CA 95819  
FILING DATE 11-5-91 ENVIR. DET. Exempt 15303(e); 15305(a) REPORT BY Jeanne Corcoran  
ASSESSOR'S PCL. NO. 008-0254-011

- APPLICATION:
- A. Planning Director's Variance to reduce the required street side yard setback for a fence from five feet to two feet on 0.25+ developed acres in the Standard Single Family (R-1) zone.
  - B. Planning Director's Variance to allow an eight foot high fence in the Standard Single Family (R-1) zone.

LOCATION: 1440 40th Street

PROPOSAL: The applicant is requesting the necessary entitlements to construct an eight foot high fence/wall two feet from the street side yard property line.

PROJECT INFORMATION:

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

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Single Family; R-1	Front:	25'	46'
South: Single Family; R-1	Side(Int):	5'	5'
East: Single Family; R-1	Side(St.):	12.5'	28'
	(Fence):	5'	2'
West: Single Family; R-1	Rear:	15'	42'

Parking Required: 1  
Parking Provided: 2  
Property Dimensions: 80' X 139'  
Property Area: 0.25+ acres  
Height of Fence: 8 feet  
Topography: Flat  
Street Improvements: Existing  
Utilities: Existing  
Building Materials: Wood with stucco finish capped with tile

APPLC. NO. P91-309

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Project Evaluation: Staff has the following comments:

A. Land Use and Zoning:

The subject site is 11,129 square foot corner lot located in the Standard Single Family (R-1) zone. The site is developed with a single family residence and located on the northwest corner of 40th Street and Folsom Boulevard. The General Plan designates the site as Low Density Residential (4-8 du/ac.). Surrounding land uses and zones are single family, R-1 to the north, south, east and west.

B. Applicant's Proposal

The applicants are requesting the necessary variances to construct a wall on the street side yard of their lot. The wall will be constructed along a 64 foot portion of the street side yard. The proposed setback area will be landscaped. The applicant indicates that the wall is necessary to buffer noise from Folsom Boulevard and provide a safety and privacy from traffic on Folsom Boulevard.

C. Staff Evaluation:

Staff has evaluated the proposal as it relates to the City's fence regulations for maximum height requirement, street side yard setback and clear vision.

The maximum height for a fence or wall in a residential area is six feet. However, planning staff has supported fence variances up to eight feet in height along Folsom Boulevard due to the noise and traffic generated by the street. Staff, therefore, recommends that the variance be approved for the eight foot high fence.

The Zoning Ordinance requires a five foot street side yard setback for fences. The applicant is requesting to construct the wall two feet from the property line. However, the wall will be setback three feet from the sidewalk. The applicant is proposing to landscape this area. Staff has no objections to the applicant's request. The two foot setback will allow for landscaping to be planted which will soften the appearance of the wall.

The fence regulations require a Clear Vision Zone for streets and driveways. Clear Vision Zones establish areas free of visual obstructions over three feet in height. The fence regulations describe the clear vision zone adjacent to driveways as a triangular area determined by measuring a distance of 20 feet along the curb line in each direction from the edge of the driveway then measuring along the edge of the driveway a distance equal to the required street side yard setback (12.6') of the lot. Finally, a diagonal line joins these two points creating the triangular shaped clear vision zone. The applicant's plans indicate that the wall will not encroach into the clear vision zone.

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D. Agency Comments:

The proposed plan has been reviewed by Traffic Engineering, Engineering Division - Development Section, Electrical Engineering, Flood Control & Sewer Division and East Sacramento Improvement Association. The following comments were recieved:

Engineering - Development Section

Note: Existing combination sewer and water mains exist along the westerly property line. No structures shall be built within the easements for these public facilities.

Traffic Engineering

Proposed eight feet high wall five feet to two feet from the right of way will create a visibility problem for vehicles backing out of the driveway. Driver is unable to see pedestrians on the sidewalk. Recommend that a fence no higher than three feet be built within twelve feet of Folsom Boulevard right of way.

Environmental Determination: The project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15303(e) and 15305(a)).

Recommendation: Staff recommends the Planning Director take the following action:

- A. Approve the variance to reduce the required street side yard setback for a fence from five feet to two feet subject to conditions and based upon findings of fact which follow.
- B. Approve the variance to allow an eight foot high fence subject to conditions and based upon findings of fact which follow.

Conditions

1. The proposed wall shall not exceed eight feet in height from the sidewalk grade along Folsom Boulevard.
2. The proposed wall shall be set back two feet from the property line. This area shall be landscaped, irrigated and maintained.
3. The applicant shall obtain a building permit for the construction of the wall.

Findings of Fact

1. The project, as conditioned, will not be detrimental to the public health, safety or welfare, nor to surrounding properties in that:
  - a. landscaping in front of the wall will be provided,
  - b. clear vision zones at the driveway are provided, and;

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- c. the wall does not create a visual barrier for pedestrians and vehicles.
2. The variances, as conditioned, are not a special privilege extended to one property owner in that:
  - a. Folsom Boulevard is a heavily traveled street and variances for fences/walls to be used as visual and noise barriers have been granted to other property owners facing similar circumstances.
3. The variances are not a use variance in that single family residences and fences/walls are allowed in the R-1 zone.
4. The project is consistent with the General Plan in that the site is designated for Low Density Residential uses.

Report Prepared By:

Jeanne Corcoran  
Jeanne Corcoran, Assistant Planner

12/30/91  
Date

Recommendation Approved:

Gary Stonehouse  
Gary Stonehouse, Planning Director

12-30-91  
Date

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