

# CITY PLANNING COMMISSION

927 10TH STREET, SUITE 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Rebecca Judge & Kathleen Galvan, 3015 H Street, Sacramento 95816		
OWNER	Emma Kennedy, 3008 H Street, Sacramento 95816		
PLANS BY	Rebecca Judge & Kathleen Galvan, 3015 H Street, Sacramento 95816		
FILING DATE	5-9-85	50 DAY CPC ACTION DATE	REPORT BY: JP:jl
NEGATIVE DEC	Ex. 15301	EIR	ASSESSOR'S PCL NO. 007-051-04

APPLICATION: A. Special Permit to locate a private pre school in the R 0 Zone (Sec. 2 F 21)

B. Variance to waive the required masonry wall between residential and non-residential uses (Sec. 3 D 7 b 1)

LOCATION: 3008 H Street

PROPOSAL: The applicant is requesting the necessary entitlements to locate a Montessori pre school for 24 children in an existing 1,200+ sq. ft. single family structure

### PROJECT INFORMATION:

1974 General Plan Designation: Residential Office  
1980 Central City Community  
Plan Designation: Residential/Office  
Existing Zoning of Site: R 0  
Existing Land Use of Site: Single Family Residence

### Surrounding Land Use and Zoning:

North: Office, Residential, Montessori School; R 0, C 2  
South: Alley, Office, Residential; OB, R-0  
East: Residence, Commercial; R 0, C 2  
West: Office, Residential; C-2, R-0

Parking Required: To be determined by Commission  
Parking Provided: 4 spaces  
Property Dimensions: 40' x 160'  
Property Area: 6400 sq. ft.  
Square Footage of Building: 1200+ sq. ft.  
Street Improvements/Utilities: Existing  
Exterior Building Colors: White with blue trim  
Exterior Building Materials: Brick and wood

	Provided	Required
Setbacks:		
Front	21 ft. to main structure (14 ft. porch)	21 ft. (established set back)
Side	5.5 ft.	5 ft.
Rear	92 ft.	15 ft.

APPLC. NO. P85-207

MEETING DATE June 13, 1985

CPC ITEM NO. 21

PROJECT EVALUATION: Staff has the following comments regarding this proposal:

A. Land Use and Zoning

The subject site is a 0.15 acre parcel located in the Residential-Office (R-O) zone. A 1200+ square foot single family residence is located on the site. Surrounding land uses included a mixture of offices, single family residences, retail, commercial and a Montessori school directly across the street. The site is designated for residential or office uses in the General Plan and Central City Community Plan.

The applicant is requesting a special permit to establish a private Montessori pre-school on the subject site for a maximum of 24 children ranging in age from 2 to 6 years old. Proposed hours are 7:30 a.m. to 6:00 p.m., Monday through Friday. As previously noted, there is an existing Montessori school directly across the street to the north of the subject site. This school is also operated by the applicant. The applicant has indicated that the two schools would be operated separately with different schedules and staff and that there would not be a flow of pedestrian traffic between the two schools. The existing school presently has a waiting list of over 100 people and the applicant believes that there is a need for a second school in the area.

The applicant is also requesting a variance to waive the required masonry wall between residential and non-residential uses. In its place, the applicant proposes a solid wood fence along the east, west and southern property lines (State law requires a minimum 4 foot high fence). A wall is required along the east property line adjacent to a single family residential use in the R-O zone and for 29 feet along the west property line adjacent to a duplex structure (Exhibit A). Staff finds that little noise would be generated between the two structures along the west property line and a wooden fence would serve the same purpose as a masonry wall. The property owner to the east has no objection to the masonry wall being replaced with a solid wood fence (Exhibits B and C). This site to the east has been an office use in the past and has the potential of again converting to an office in the future. The surrounding area is predominately office and commercial uses along H Street and the wooden fence should serve as an adequate noise and visual buffer between the proposed pre-school and two adjacent residential uses.

B. Site Plan Design

The submitted site plan indicates a 2720+ square foot grass play area to the south of the existing structure. This play area appears sufficient, contained in one area and will not alter the existing H Street streetscape. The front yard setback is currently landscaped with shrubs and no changes are proposed for this area.

C. Parking and Circulation

Four parking spaces are proposed off the alley adjacent to the site on the south. An existing wooden garage will be removed to accommodate these spaces. State law requires one adult in attendance for every 12 children enrolled in the school.

The applicant proposes two work shifts with two employees per shift. The proposed four parking spaces should provide sufficient parking for employees and visitors to the school. The parking layout will need to be revised, however, to meet maneuvering and handicapped requirements (Exhibit B), and parking lot landscape, shading and irrigation plans will need to be submitted prior to issuance of building permits and occupancy of the school.

The applicant proposes that parents can drop off and pick up students in the existing alley and not on H Street. The existing school operates in this manner and appears to be working adequately. Staff has inspected the existing school several times during the morning and evening hours and has found no undue traffic congestion resulting from this circulation pattern.

**D. Building Elevations**

The applicant proposes to utilize the existing residential structure for the school (Exhibit D). The Building Inspections Division has reviewed the proposal and determined that, with minor modifications, the existing structure can be used as a day care facility (Exhibit E). If more than 20 children are located in the building additional interior modifications will be required. As the site is located in the Central City area, the applicant should review any required exterior modifications with the City's Design Review/Preservation Director prior to issuance of building permits.

E. Staff finds that the proposed private pre-school is compatible with existing office, commercial, residential and day care uses in the area. Adequate parking and play areas are proposed for the rear of the structure and the proposed school will be run completely separate from the existing school in the neighborhood. The proposed solid wooden fence should provide an adequate buffer between the proposed school and the two adjacent residential uses. Staff, therefore, recommends approval of the requested entitlements.

**ENVIRONMENTAL DETERMINATION:** This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301).

**STAFF RECOMMENDATION:** Staff recommends the following actions:

- A. Approval of the special permit request for a private pre-school, subject to conditions, and based upon findings of fact which follow;
- B. Approval of the variance request to waive the required masonry wall, subject to conditions and based upon findings of fact which follow.

**Condition - Special Permit**

- 1. The pre-school shall be limited to a maximum of 24 children.
- 2. Hours of operation shall be 7:30 a.m. to 6:00 p.m., Monday through Friday. Outdoor play areas are not to be used before 8:00 a.m.

3. The proposed pre-school shall be run completely separate from the existing school located on the north side of H Street.
4. The applicant shall submit a revised site plan indicating the walkway between the structure and the alley, the required maneuvering area for parking stalls and one handicapped space for staff review and approval prior to issuance of building permits.
5. Landscape, shading and irrigation plans for the parking area shall be submitted for staff review and approval prior to issuance of building permits.
6. The existing structure must meet building code requirements for day care centers.
7. Any exterior modifications to the existing structure are subject to the review and approval of the City's Design Review/Preservation Director prior to issuance of building permits.
8. Any proposed sign shall meet sign ordinance requirements for the R-0 zone and require a sign permit.

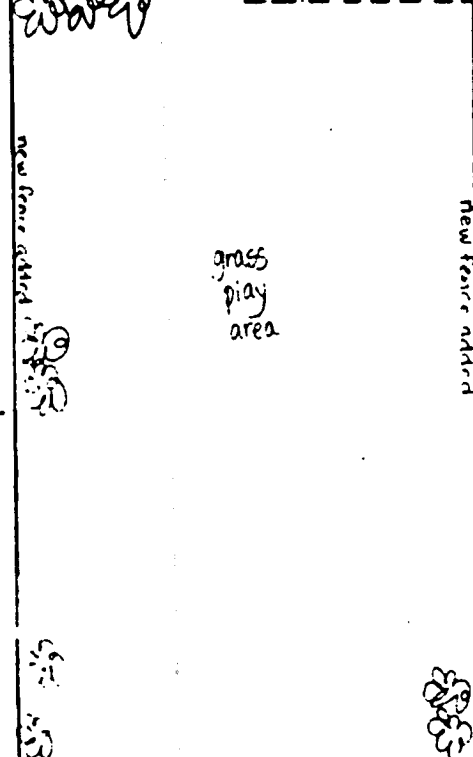
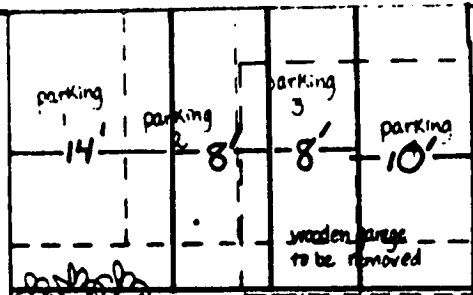
Conditions - Variance

The applicant shall construct a solid wooden fence along the east and west property lines as indicated in Exhibit B.

Findings of Fact - Special Permit

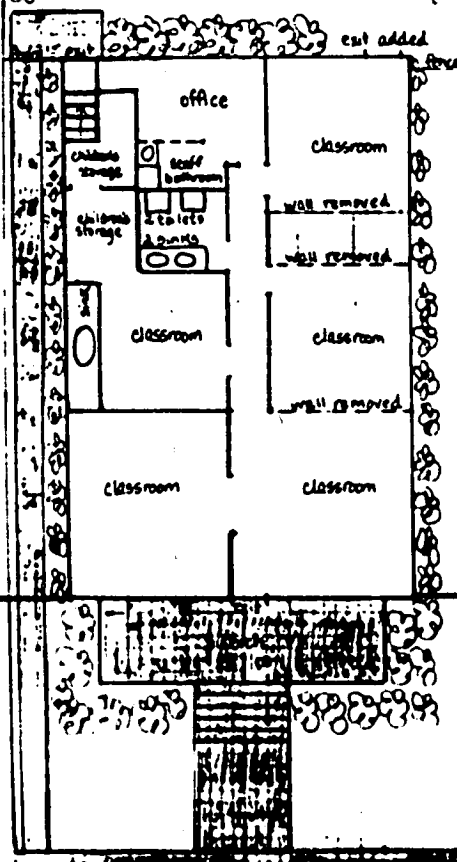
1. The project, as conditioned, is based upon sound principles of land use in that:
  - a. the proposed school is compatible with adjacent land uses;
  - b. the project is located on a major street and will not significantly increase traffic congestion in the area.
  - c. the day care facility will provide a needed service in the surrounding community.
2. The project, as conditioned, will not be detrimental to the public health, safety or welfare or result in the creation of a nuisance in that:
  - a. adequate on site parking and landscaping are provided;
  - b. the proposed use would not significantly alter the characteristics of the existing residential office neighborhood.
3. The proposed project is in conformance with the 1974 General Plan and 1980 Central City Plan which designate the site for Residential-Office uses. Private schools are allowed in the R 0 zone with special permit approval.

**EXHIBIT B**  
**REVISED PLAN**  
**STAFF EXHIBIT**



138'  
 Recommend  
 Wood  
 Fence  
 In  
 This  
 Area

Recommend  
 Wood  
 Fence  
 In 138'  
 This  
 Area



- Key:**  
 □ = one square foot  
 one inch = ten feet  
 ☼ = shrubs  
 exit = existing exits  
 exit = proposed exit  
 --- = proposed renovations or improvements  
 --- = proposed parking  
 [ ] = concrete arms  
 ○ = tree

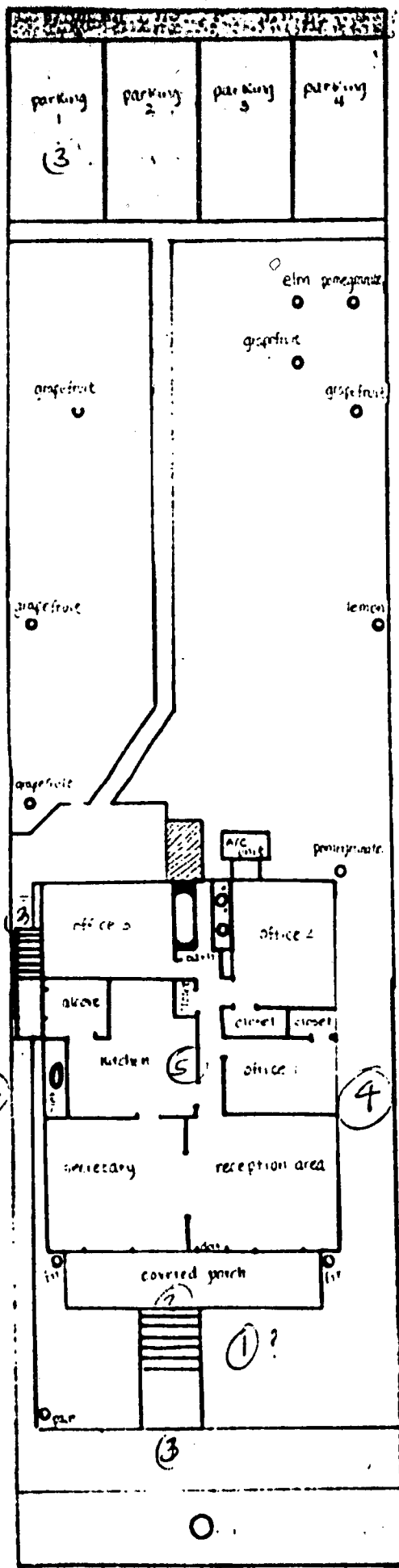
general information  
 lot size 40x160  
 sq. ft. footage 6,400 (interior)  
 roof composition

**Site Plan:**  
 3008 K Street  
 apr # 007-051-04  
 applicants Kathleen Galvan  
 and Rebecca Judge  
 special permit application  
 to convert 3008 K St. to

P85-207

6-13-85

172207  
 #21



propose 1 period work

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approximate building width  
200 ft  
approximate building length  
100 ft

to be  
200 ft  
100 ft  
100 ft



3. On a recent inspection, staff noted that the setback and yard areas have not been maintained in good order. As a condition of approval, staff requests that the applicant improve the landscaping, particularly the large rear yard area and the landscaping strip between the street curb and sidewalk. Staff requests that the applicant submit a detailed landscape and irrigation plan for the subject site prior to the issuance of a building permit.
4. Pursuant to the City's fence ordinance, the applicant is required to construct a six-foot high solid masonry wall along the west property line in that the adjacent building is in residential use.

**STAFF RECOMMENDATION:** Staff recommends approval of the special permit subject to the following conditions and based on the Findings of Fact which follow.

Conditions

- a. The applicant shall relandscape the front, side and rear yard area and install an irrigation system. A detailed landscape, irrigation and 50% shading plan for the parking area shall be submitted to planning staff for review and approval prior to the issuance of a building permit, ~~within 30 days~~ <sup>within 30 days or by October 12, 1982.</sup>
- b. The applicant shall provide for an enclosed and screened trash bin in the rear yard area.

Findings of Fact

- a. The project is based upon sound principles of land use in that the proposed office use is compatible with surrounding commercial and office uses;
- b. The project as conditioned will not be detrimental to the public health, safety and welfare in that:
  - 1) adequate off-street parking is provided on site;
  - 2) the yard and setback areas shall be upgraded with additional landscaping and an irrigation system installed.
- c. The project is in harmony with a goal in the 1980 Central City Plan which states, "Identify areas in transition and determine a desired direction for future development of the area."

**STAFF RECOMMENDATION:** The applicant has not complied with the required conditions of the special permit by the stated deadline. Furthermore, the applicant has not indicated to staff any intent to attempt to comply with the special permit conditions in the future. Staff, therefore, recommends that the special permit for the subject site be revoked. In addition, the current office user should be required to vacate the subject structure and property within 30 days or by September 9, 1984 or legal action will be taken by the City Attorney's office.

Respectfully submitted,

*Wilfred Weitman*  
Wilfred Weitman  
Senior Planner

WW:bw

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City Planning Commission  
Sacramento, California

Members in Session:

SUBJECT: Revocation or Modification of a Special Permit, based on non-compliance with required conditions to accommodate the establishment of an office use in the Residential-Office (R-O) zone (Sec. 15-F-2) (P83-350).

LOCATION: 3014 'H' Street

BACKGROUND INFORMATION: On August 12, 1982 the Planning Commission approved, subject to conditions, a special permit to use the residential structure on the subject site as a law office (P82-170). Prior to the granting of this permit, the structure was being used as law office without benefit of the necessary planning entitlements nor a building permit allowing the conversion of a residential building to an office. One of the conditions of the approved special permit was that the applicant/owner submit a detailed landscape, irrigation and shading plan by October 12, 1982. The applicant, however, did not meet this condition.

Subsequently, the applicant revised the original plans for the site requiring a new special permit application. On December 1, 1983 the Planning Commission approved, subject to conditions, a special permit to establish an office use in the Residential-Office zone and a variance to waive a portion of the required six-foot high masonry wall (P83-350). (See attached staff report.) A condition of approval for the special permit was that the applicant enter into an agreement with the City to insure that all required shading, landscaping, irrigation and paving were completed within 180 days of approval, or by May 28, 1984. If these improvements were not completed by this deadline, a hearing date was to be set to consider the revocation of the special permit.

As of May 28, 1984, the applicant had not entered into an agreement with the City, nor had begun any of the required improvements. In addition, the subject site is currently for sale.

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As mentioned in the Background Information, the owner continued to use the residential structure as an office without complying with the special permit conditions or obtaining the necessary building permits. The applicant waited almost one year before submitting an application for a redesign of the office use. To insure that the conditions of this new special permit are performed, staff recommends that the applicant post a bond or certificate of deposit with the City. Furthermore, staff recommends that all conditions of this permit be met and all improvements completed within 180 days of approval, or May 28, 1984. If the improvements are not completed by this date, a hearing will be scheduled for the revocation of this special permit.

STAFF RECOMMENDATION: Staff recommends the following:

1. Ratification of the Negative Declaration;
2. Approval of the Special Permit to establish an office use in the R-0 zone, subject to conditions and based upon Findings of Fact which follow;
3. Approval of the Variance to waive a portion of the required six-foot high masonry wall, subject to conditions and based upon Findings of Fact which follow.

Condition - Variance

A six-foot high solid masonry wall shall be constructed along the western property line of the subject site as shown in Exhibit B.

Conditions - Special Permit

- X a. The necessary building permits shall be obtained to convert the existing residential structure into an office use; *(CPC added: Granting of this special permit shall not be deemed to excuse or postpone immediate compliance with the requirement to obtain such building permits.)*
- b. The applicant shall submit revised shading, landscape and irrigation plans for the parking area to the Planning staff prior to the issuance of building permits;
- X c. Prior to issuance of a building permit the applicant shall <sup>shall enter into an</sup> post a bond or <sup>agreement and</sup> certificate of deposit with the City to insure that all improvements <sup>are</sup> completed. *///XVI/ required /improvements and/conditions/ for this application shall /be/ completed /by/ May 28, /1984/. If they are not completed by this date, a hearing shall be scheduled for revocation of the special permit. \* (shading, landscaping, irrigation, and paving) shall be completed by May 28, 1984. (amended by CPC)*

Findings of Fact - Special Permit and Variance

- a. This project is based upon sound principles of land use in that the proposed office use is compatible with surrounding commercial and office uses;
- b. This project, as conditioned, will not be detrimental to the public health, safety and welfare in that:
  - 1) adequate off-street parking is provided on site;
  - 2) the site will be upgraded with additional landscaping and an irrigation system will be installed.

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