

24



CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT  
927 TENTH STREET SACRAMENTO, CA 95814  
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

March 16, 1982

CITY MANAGER'S OFFICE  
**RECEIVED**  
MAR 16 1982

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Request to extend appeal period for a special permit to develop an office complex in the Point West PUD (P-9591)

LOCATION: Northwest corner of Response Road and Challenge Way

SUMMARY:

This is a request to extend the ten-day appeal period for an action taken by the City Planning Commission. The staff recommends against the request.

BACKGROUND INFORMATION:

The subject request involves a proposal to construct a 49,140 sq. ft. office building on a 2.5 acre site. On January 14, 1982, the Planning Commission denied the special permit to allow the office building and the applicant failed to file an appeal within the required ten-day period.

Section 18-K-2 of the Zoning Ordinance permits the City Council to extend the time within which an appeal may be filed. The applicant is requesting that the Council extend the time limit.

Staff does not support the request because the Zoning Ordinance clearly specifies the ten-day period, and the applicant was informed at the Planning Commission meeting of the appeal period. Furthermore, the applicant suggested to the Commission that the project be approved or voted down so that an appeal could be filed to the Council. The applicant indicated he did not want to redesign the project as suggested by the Planning Commission.

RECOMMENDATION

Staff recommends that the request for extension of the appeal period be denied.

APPROVED  
BY THE CITY COUNCIL

MAR 23 1982

OFFICE OF THE  
CITY CLERK

*Request Granted*

City Council

-2-

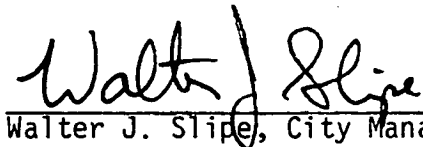
March 16, 1982

If the Council votes to approve the request, they should also direct the City Clerk to set a hearing date for the appeal.

Respectfully submitted,

Marty Van Duyn  
Planning Director

Recommendation Approved:



Walter J. Slipe, City Manager

MVD:HY:cp  
Attachment  
P-9591

March 23, 1982  
District No. 3

NOTICE OF APPEAL OF THE DECISION OF THE  
SACRAMENTO CITY PLANNING COMMISSION

Feb. 19, 1982  
city clerk

DATE: February 10, 1982

\*Notice from City  
February 5, 1982

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of January 14, 1982 when:  
(Date)

         Rezoning Application                               Variance Application  
  X   Special Permit Application                              

was:          Granted   X   Denied by the Commission

GROUNDS FOR APPEAL:         See Attached          
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPERTY LOCATION: Northwest corner of Response Road and Challenge Way

PROPERTY DESCRIPTION: a 2.52+ acre parcel zoned CB-R

ASSESSOR'S PARCEL NO. 277 - 272 - 06

PROPERTY OWNER: Capital Federal Savings & Loan Association

ADDRESS: 2101 J Street, Sacramento, California 95816

APPLICANT: Michael A. Miklaus, Executive Vice President

ADDRESS: 2101 J Street, Sacramento, California 95816

APPELLANT: 

(SIGNATURE)

ADDRESS: 2101 J Street, Sacramento, California 95816

FILING FEE: \$60.00      RECEIPT NO. \_\_\_\_\_

FORWARDED TO CITY CLERK ON DATE OF: \_\_\_\_\_

P- 9591

Attachment  
Notice of Appeal of the Decision of the  
Sacramento City Planning Commission

Our appeal is predicated on the belief that it is extremely important to fully utilize existing land properly zoned for its designated use.

Item No. 1 is a mute issue. It is our recollection that no issue was taken with the traffic or square footage. Capital Federal demonstrated to the Planning Commission that the firm requires 49,100 square feet, as currently designed, for its own use. This footage is appropriate and can be accomplished on the parcel without exceeding the height requirement or overutilizing the parcel. The city's parking, setback, and landscaping requirements can be met and exceeded with the footage currently requested.

Item No. 2 is the issue. The trade off is between landscaping or height. Our current design maximizes landscaping and screens the parking area. Our proposed building, although it exceeds 35 feet, has considerably less impact than a building keeping within the 35 foot limitation. There are currently many precedents of buildings exceeding the PUD 35 foot limitation. In this instance, exceeding the 35 foot height would increase the available street side landscaping from 8,000 square feet to 20,000 square feet. This means an additional 12,000 feet of landscaping not possible at the required height and setback limitations. The building as sited and designed affords setbacks of an average of 40 feet on Response Road which far exceeds the 15 foot requirement. This will maximize the visibility at the intersection, screen the surface parking with mounded landscaping areas, and improve the visual impact of the site improvements.

Capital Federal respectfully requests that the City Council reverse the decision of the City Planning Commission and grant a special permit application for this building as submitted.

February 10, 1982



February 16, 1982

City Council  
c/o Howard Yee, Senior Planner  
Planning Commission  
City of Sacramento  
927 10th Street  
Sacramento, California 95814

Re: Findings of Fact  
Capital Federal Savings and Loan  
Special Permit Request (P-9591)

Dear City Council:

Capital Federal respectfully requests that the City Council extend the time period whereby Capital Federal might file an appeal to the above referenced Findings of Fact issued on January 28, 1982, by the Chairman of the City Planning Commission as prepared by the City's planning staff.

On January 14, the City Planning Commission indicated their intent to deny the Special Permit Application Appeal submitted by Capital Federal based on Findings of Fact due January 28, 1982. During the meeting of January 14, it was apparent to both the Planning Commission and to the applicant that the issues were unresolved between that body and the applicant and that it was the applicant's intent to file an appeal. On January 28, a call to the City Planning Department determined that the Findings had been made and would be mailed to us. Having not received said Findings on the second or third of February, calls were again made and a representative of the Planning Department indicated a second copy would be mailed. On Friday, February 5, the applicant physically picked up a copy of said Findings of Fact. On that same day a copy of the Findings were in fact received by Dreyfuss & Blackford, the architects for the applicant. As a result, no preparation could be made by the applicant until the applicant was in receipt of the Findings from which such an appeal must be based.

On February 10, five calendar days and only three working days after the applicant had finally received a copy of the Findings, the applicant attempted to file an Appeal and was informed that such an Appeal would not be accepted because the last day such an Appeal could be received by the City was February 8.

RECEIVED  
Dreyfuss & Blackford  
Architectural Group

In the matter of the decision of )  
the Planning Commission on a )  
Special Permit request (P-9591) )  
to develop an office and commercial )  
building in the OB-R zone within the )  
Point West PUD )

FINDINGS OF FACT

FEB 5 1982

On January 14, 1982, the City Planning Commission indicated an intent to deny the special permit application based on findings of fact due January 28, 1982.

Based on documentary and oral evidence submitted at the public hearing on January 14, 1982, the Planning Commission denied the special permit request to develop an office and commercial building in the OB-R zone within the Point West Planned Unit Development based on the following findings of fact:

1. The granting of the special permit would be detrimental to the public health, safety or welfare in that the current proposal exceeds the designated square footage by almost 50 percent, and the resultant increase in traffic may exceed the capacity of the street system.
2. The granting of the special permit would be contrary to the height limit of 35 feet as specified by the Zoning Ordinance in that the current proposal indicates a height of 49 feet.

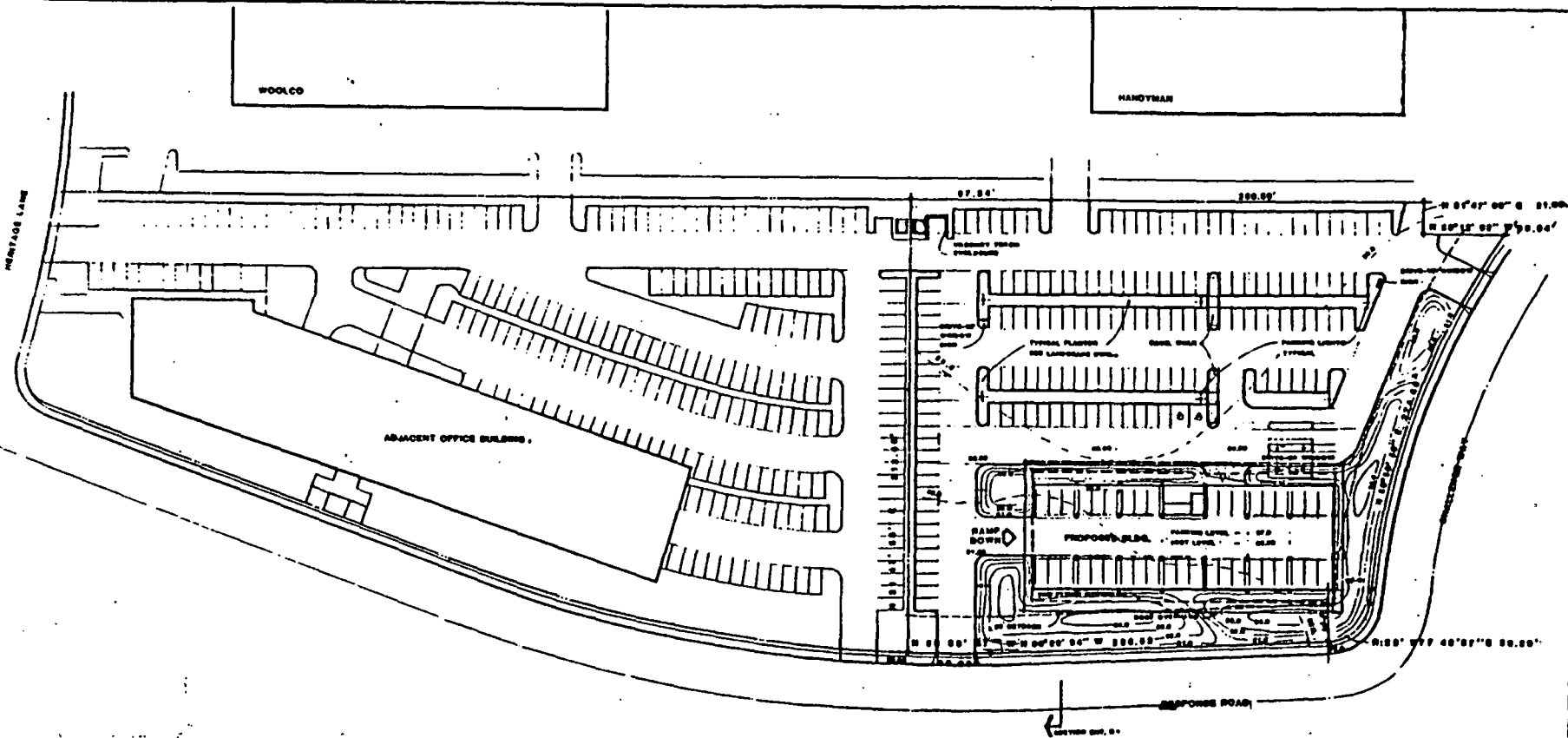
Approved by the Commission on  
January 14, 1982 for the January  
28, 1982 City Planning Commission  
meeting

Chairman, City Planning  
Commission

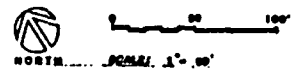








**SITE PLAN**



**SITE DATA:**

|           |                                |
|-----------|--------------------------------|
| AREA:     | 2.22 ACRES                     |
| ZONE:     | OS                             |
| SETBACKS: | 25 FOOT AT STREETS             |
| PARKING:  | REQUIRED                       |
|           | 1 SPACE / 200 SQ FT OFFICE     |
|           | 1 SPACE / 200 SQ FT COMMERCIAL |

**DEVELOPMENT DATA:**

|             |                        |       |
|-------------|------------------------|-------|
| FLOOR AREA: | LOWER LEVEL PARKING    | 15150 |
|             | FIRST FLOOR COMMERCIAL | 6220  |
|             | OFFICE                 | 15990 |
|             | SECOND FLOOR OFFICE    | 15110 |
|             | THIRD FLOOR OFFICE     | 10980 |
|             | TOTAL AREA             | 64250 |
|             | COMMERCIAL             | 21370 |
|             | OFFICE                 | 42880 |

|          |                             |                     |
|----------|-----------------------------|---------------------|
| PARKING: | 4290 S.P. AT 1 CAR/200 S.F. | 81 SPACES           |
|          | 4480 S.P. AT 1 CAR/200 S.F. | 178 SPACES          |
|          |                             | 259 SPACES REQUIRED |
|          |                             | 100 SPACES PROVIDED |

|  |  |
|--|--|
| <p>DATE: 11/21/88<br/>         DRAWN BY: [Signature]<br/>         CHECKED BY: [Signature]<br/>         SCALE: 1" = 50'</p> | <p>CAPITAL FEDERAL SAVINGS &amp; LOAN<br/>         POINT WEST HEADQUARTERS<br/>         RESPONSE ROAD AT CHALLENGE WAY</p> |
| <p>2</p>   |  |



# CITY OF SACRAMENTO

## OFFICE OF THE CITY CLERK

815 I STREET  
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5426

LORRAINE MAGANA  
CITY CLERK

March 29, 1982

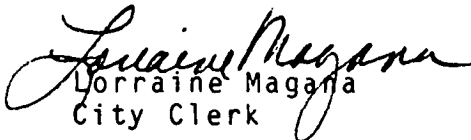
Michael A. Miklaus  
Executive Vice President  
Capital Federal Savings and Loan  
2101 "J" Street  
Sacramento, CA 95816

Dear Mr. Miklaus:

On March 23, 1982, the Sacramento City Council took the following action(s) for property located at the northwest corner of Response Road and Challenge Way (P-9591):

Granted your request to extend the ten day Planning Commission appeal period for a special permit to develop an office complex in the Point West PUD

Sincerely,

  
Lorraine Magana  
City Clerk

LM/mm/24  
Enclosure

cc: Planning Department



February 16, 1982

City Council  
c/o Howard Yee, Senior Planner  
Planning Commission  
City of Sacramento  
927 10th Street  
Sacramento, California 95814

Re: Findings of Fact  
Capital Federal Savings and Loan  
Special Permit Request (P-9591)

Dear City Council:

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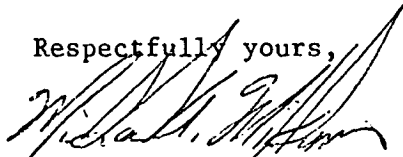
On February 10, five calendar days and only three working days after the applicant had finally received a copy of the Findings, the applicant attempted to file an Appeal and was informed that such an Appeal would not be accepted because the last day such an Appeal could be received by the City was February 8.

City Council  
February 16, 1982  
Page Two

Due to the fact that we did not receive a copy of the Findings until February 5, together with the fact that the late receipt of the Commission's Findings occurred through no fault or negligence on the part of the applicant, we trust the Council will consider our request for an extension of time in order that we might have an opportunity to appeal the Planning Commission's decision.

As supporting evidence to our request, you will find attached a copy of the Findings of Fact date stamped when they were received from Dreyfuss & Blackford, a calendar, color coded to show the timeliness of Capital Federal's response upon receipt of said Findings, and four copies of said Appeal with the appropriate fees, exactly as it would have been submitted had it been accepted on February 10.

Respectfully yours,



MICHAEL A. MIKLAUS  
Executive Vice President

MAM:rb

Attachment

50103  
**RECEIVED**  
Droyfoss & Deekford  
Architectural Group

In the matter of the decision of )  
the Planning Commission on a )  
Special Permit request (P-9591) )  
to develop an office and commercial )  
building in the OB-R zone within the )  
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FINDINGS OF FACT

FEB 5 1982

On January 14, 1982, the City Planning Commission indicated an intent to deny the special permit application based on findings of fact due January 28, 1982.

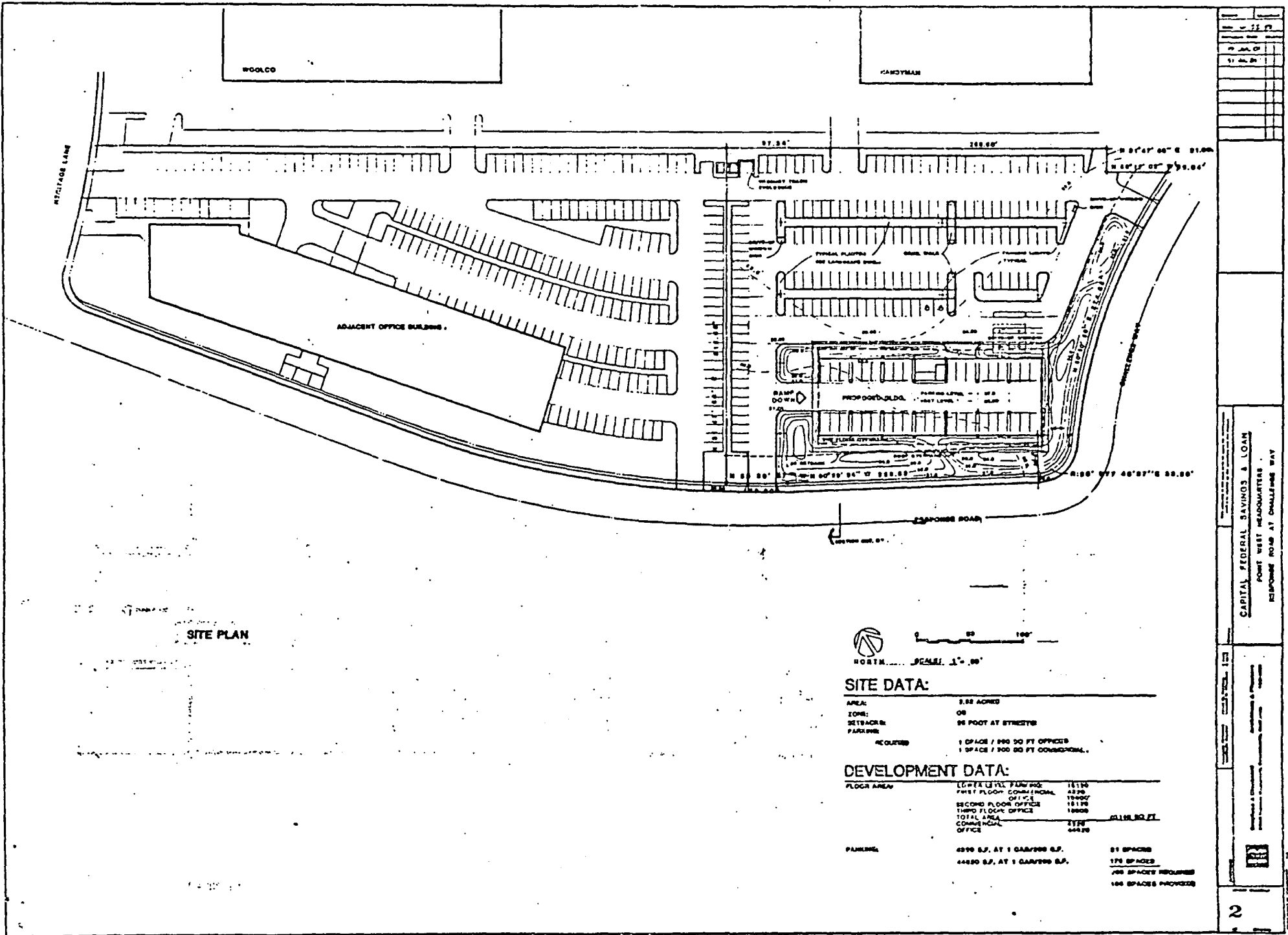
Based on documentary and oral evidence submitted at the public hearing on January 14, 1982, the Planning Commission denied the special permit request to develop an office and commercial building in the OB-R zone within the Point West Planned Unit Development based on the following findings of fact:

1. The granting of the special permit would be detrimental to the public health, safety or welfare in that the current proposal exceeds the designated square footage by almost 50 percent, and the resultant increase in traffic may exceed the capacity of the street system.
2. The granting of the special permit would be contrary to the height limit of 35 feet as specified by the Zoning Ordinance in that the current proposal indicates a height of 49 feet.

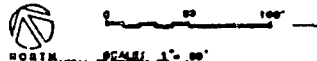
Approved by the Commission on  
January 14, 1982 for the January  
28, 1982 City Planning Commission  
meeting

Chairman, City Planning  
Commission





**SITE PLAN**



**SITE DATA:**

|           |   |
|-----------|---|
| AREA:     | 3.88 ACRES  |
| ZONE:     | OR  |
| SETBACKS: | 25 FOOT AT STREETS  |
| PARKING:  |   |
| REQUIRED: | 1 SPACE / 100 SQ FT OFFICES<br>1 SPACE / 200 SQ FT CONVENTIONAL |

**DEVELOPMENT DATA:**

|             |                             |               |
|-------------|-----------------------------|---------------|
| FLOOR AREA: | 1ST FLOOR COMMERCIAL OFFICE | 18100         |
|             | 2ND FLOOR COMMERCIAL OFFICE | 18100         |
|             | 3RD FLOOR COMMERCIAL OFFICE | 18100         |
|             | TOTAL AREA                  | 54300 SQ. FT. |
|             | CONVENTIONAL OFFICE         | 2120          |
|             |                             | 42180         |

|          |                             |                     |
|----------|-----------------------------|---------------------|
| PARKING: | 4250 S.P. AT 1 CAR/200 S.P. | 51 SPACES           |
|          | 4420 S.P. AT 1 CAR/200 S.P. | 178 SPACES          |
|          |                             | 229 SPACES REQUIRED |
|          |                             | 106 SPACES PROVIDED |

|  |  |
|--|--|
| <p>DATE: 11/27/80<br/>         DRAWN BY: [Name]<br/>         CHECKED BY: [Name]<br/>         APPROVED BY: [Name]</p> | <p><b>CAPITAL FEDERAL SAVINGS &amp; LOAN</b><br/>         POINT WEST HEADQUARTERS<br/>         RESPONSE ROAD AT CHALLENGER WAY</p> |
|  |  |
| <p>2</p>   |  |