

MINUTES

OF THE

SACRAMENTO CITY COUNCIL
REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO
HOUSING AUTHORITY OF THE CITY OF SACRAMENTO
ECONOMIC DEVELOPMENT COMMISSION
PARKING AUTHORITY OF THE CITY OF SACRAMENTO
SACRAMENTO CITY FINANCING AUTHORITY

REGULAR MEETING

NOVEMBER 4, 1997

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 7:03 on the above date in the City Council Chamber located at 915 I Street.

ROLL CALL

Present: Council members Cohn, Fargo, Hammond, Kerth, Waters, Steinberg, Yee and Mayor Serna

Absent: None

PLEDGE OF ALLEGIANCE was led by Boy Scout Troop #1

9.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

- 9.1 Recognition of Rubicon Brewing Company for ten years of commendable service in the business community.
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The resolution was presented by Mayor Serna to Ed Brown, who thanked the Council for recognizing him as a small business in the area.

10.0 PUBLIC HEARINGS

- 10.1 Councilmember Call Up of Portola Way Second Unit appeal, located at 2728 Portola Way: (Z97-026) (Cont'd from 10-7-97, item 10.1 [applicant]) (D-5)
- A. Environmental Determination (Exemption)
 - B. Councilmember Call Up of Planning Commission's Approval of an Appeal of a Zoning Administrator Special Permit Denial to allow a converted 620 square foot detached garage (400 square feet of living space) to remain a second residential unit on 0.14± developed acres in the Standard Single Family (R-1) zone.
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Sandra Yope, Associate Planner, said the applicant was requesting allowance for a second residential unit which was illegally converted from an existing garage with an artist studio. The detached garage structure totalled 620 square feet, with 400 square feet of living space, and was located behind an existing single family residence in the Standard Single Family (R-1) zone. There was still a single car garage in the structure that has access from the alley. The structure is two feet from the west property line and on the rear property line.

This issue was called up by Council member Hammond for Council review. Ms. Yope said there was strong neighborhood opposition for the applicant's request.

Councilman Waters asked what the conditions of the building permit were?

Ms. Yope referred Council to page 5 of the staff report which listed the conditions of approval.

Mayor Serna asked if this second residential unit was a rental unit; Ms. Yope replied yes, it was.

Mayor Serna stated the original permit was for a garage, and the applicant made it into living quarters. He said he did not want to reward someone for disobeying the law.

Councilwoman Fargo asked if "granny units" were allowed by right with a permit.

Joy Patterson, Zoning Administrator, replied that granny units needed set backs, parking and a special permit. The Planning Commission felt the setbacks on this unit were inadequate. She added that new construction required setbacks, but not older structures.

Ms. Fargo asked when the unit was built; Ms. Patterson replied sometime in the 1930's.

Councilman Cohn asked staff what they were recommending.

Ms. Patterson replied she had denied the special permit; the Planning Commission had overturned this decision on appeal.

Brian Halloway, representing James Lenau, the applicant, argued that this was a good location for a second unit. The structure still had a garage in it, and it was located on a fully paved alley which was gated. In addition, the front unit was owner occupied.

Councilman Waters asked about the required permits.

Mr. Halloway replied that when Mr. Lenau purchased the property, the second unit had an artist's studio. He called Council's attention to the handout he distributed and the listed chronology of events that occurred relative to his client's work on the unit.

According to Mr. Halloway, after several inspections and sign-offs by the City's building inspectors, Mr. Lenau was given permission to move a tenant in on October 18, 1996. Then, on October 23, 1996, he was informed by the Planning department that a special permit was now required. This was submitted to the Zoning Administrator in March, 1997 and was denied by her at a June 4, 1997 hearing.

Mr. Lenau appealed the Zoning Administrator's decision, and a special permit was approved by the Planning Commission on August 28, 1997.

Councilman Pannell asked if the applicant had met with his district representative.

Mr. Halloway replied that they had met with Ms. Hammond.

Mayor Serna stated that Council thought this issue should be taken back to the neighbors for settlement.

Mr. Halloway said his client would like that, but that the neighbors had refused to meet.

Ms. Hammond said that it would be better if the two sides could meet and settle this issue, and added that she felt it was highly unlikely that a building inspector would have signed off on a project that was illegal.

Councilman Kerth confirmed that there was no garage or driveway for the front unit.

Mr. Halloway replied there was a parking pad, or parking on the street.

Public Testimony:

Teir Zimmerman, spokesperson for some of the neighbors, argued that Mr. Lenau owned other units for rent in the City, so he knows the rules. Mr. Lenau allowed a tenant to move into the unit, even though he knew it was illegal.

Ms. Zimmerman informed the Council that she, and other residents, had worked very hard to get the alley behind their homes gated. Any tenant in the second unit on Mr. Lenau's property would have to use the alley. This frequent opening/closing of the gates would not only be a nuisance but would exacerbate the problem with the criminal element that the neighbors had worked so hard to curtail.

Ms. Zimmerman added that Mr. Lenau had broken the existing zoning laws, and requested that the Council deny the special permit.

Mr. Waters asked if the neighborhood was against this second unit because of an uncooperative neighbor.

Ms. Zimmerman replied no, but said cooperation goes a long way to keeping a "fringe" neighborhood liveable.

Mr. Waters asked if the neighbors had been burglarized; Mr. Zimmerman replied not since the gates were installed.

Nancy Vickers asked the Council not to reward someone who had been dishonest.

Gilbert Lopez spoke against the special permit saying that he would like to help preserve the neighborhood.

Jean Bradley spoke in favor of the project. She said she and her husband had been denied a special permit for their property for over four years because they lived in the overflight zone of the Executive airport.

Tom Capaletti also spoke in favor of the permit. He said some of the neighbors were making much ado about nothing and were creating bad feelings in the neighborhood.

Vince Damyanovich spoke in favor of the permit.

Mr. Pannell asked the speaker what was the problem. Mr. Damyanovich replied that he felt it might be a personal thing.

Ms. Hammond stated that she had wanted to hear all of the testimony before she spoke. She said she had previously spoken to all parties involved, and was convinced that the applicant, Mr. Lenau, had not been forthright. She added that she did not believe in rewarding someone for being dishonest and said she would not support the special permit.

Mayor Serna asked Ms. Zimmerman what her main objection was to the special permit.

Ms. Zimmerman replied the security issues related to the gated alley.

Mayor Serna asked what if there were access through Portola Way; Ms. Zimmerman replied that was not possible.

Mr. Waters asked Mr. Damyanovich if Mr. Lenau was an uncooperative neighbor; Mr. Damyanovich replied that Mr. Lenau was a great neighbor.

Councilman Steinberg stated that this was an issue of credibility. He said his concern was the relationship of the applicant and his neighbors.

Mr. Halloway replied that although Mr. Lenau did not initially follow the letter of the law; once noticed, he complied. The testimony of some of the neighbors was simply rumor and innuendo.

Ms. Fargo said she had sympathy for both sides. She felt it was very likely that Mr. Lenau was incorrectly told that he could have a tenant in the second unit.

Ms. Fargo asked Ms. Zimmerman the difference between this second unit or having a room mate. Ms. Zimmerman replied the room mate would be in the main unit.

Ms. Fargo asked about the other neighbors access to their garages from the alley. Ms. Zimmerman replied we don't use our garages; we park on the street.

Ms. Hammond made an intent motion to deny the appeal and to have staff return with findings of fact. The motion was seconded by Mr. Steinberg.

Mr. Pannell made a substitute motion, which was seconded by Mr. Waters to close the hearing and to have this issue sent back to staff and the district representative for mediation efforts.

Councilman Cohn said the substitute motion was a good idea, as both parties should try to settle this issue themselves.

Councilman Kerth stated that the alley seemed to be the issue. He said it reminded him of Opal Lane in his district.

Ms. Hammond said if she could have two people from each side, she would do her best to mediate the issue.

Mr. Pannell said he was concerned with the health and welfare of this neighborhood.

The substitute motion passed with a 9-0 roll call vote.

11.0 **STAFF REPORTS**

None

12.0 **SHRA**

None

13.0 CITIZENS ADDRESSING COUNCIL AGENCY OR AUTHORITIES BY PERSONAL APPEARANCE OR TELEPHONICALLY ON MATTERS NOT ON THE AGENDA

- 13.1 Bill Snyder called to say the City needed to enforce its codes.
- 13.2 Deborah called about problems with her condominium in the County of Sacramento. Mayor Serna referred her to the Board of Supervisors.

14.0 COUNCIL IDEAS AND QUESTIONS

- 14.1 Councilwoman Fargo made the following announcements: the grand re-opening of the Natomas Library would be taking place on Wednesday evening from 4-7 p.m.; the grand opening of the new expansion of the Crest Theater was scheduled for Thursday evening; Natomas High School would be dedicating its football stadium on Saturday between the Jr. Varsity and Varsity games; and the ice rink was open for skating in the downtown area from 10-8 daily.
- 14.2 Councilman Cohn announced that McKinley playground had received an award from the California's Governor's Committee for the best in universal design and technology because of its accessibility by disabled and non-disabled alike.
- 14.3 Councilman Steinberg announced the opening of a 12th Late Night Sacramento site at Wilson Wood school, Friday evening at 6:00 p.m.
- 14.4 Mayor Serna requested a report back from the City Manager about co-mingling recyclables.

15.0 ANNOUNCEMENTS

None

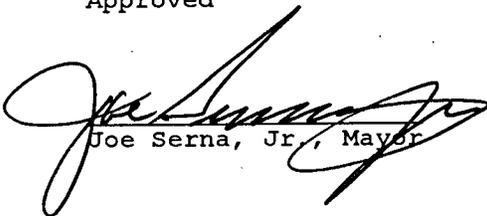
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:10 p.m.

Submitted


Valerie A. Burrowes, City Clerk

Approved


Joe Serna, Jr., Mayor