



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 203 TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

February 24, 1981

APPROVED
BY THE CITY COUNCIL

FFB 24 1981

OFFICE OF THE
CITY CLERK

*Res. 1
adopted*

Honorable Mayor and City Council
City Hall
Sacramento, CA 95814

Members in Session:

SUBJECT: Appeal of Anthony S. Bokan from the decision of the City
Engineering Department

SUMMARY

Attached is the appeal of Anthony S. Bokan regarding a City Engineer Department right-of-way and street improvement decision as required by Chapter 38.140, Article IX, Sacramento City Code.

Under Sections 2.323 and 2.324 of the City Code, the Council may appoint a hearing examiner to hear the appeal if it finds that "the appeal may involve a lengthy factfinding process which would be more appropriately accommodated by a formal hearing before a hearing examiner."

FINANCIAL DATA

The estimated cost would be \$60.00 per hour and would be available from the City Clerk's budget.

RECOMMENDATIONS

1. If the Council should decide to appoint a hearing examiner, it is recommended the following motion be adopted:

The Council hereby determines pursuant to Section 2.324, City Code, that this appeal will involve a lengthy factfinding process which will be more appropriately accommodated by a formal hearing before a hearing examiner. Therefore, the Council hereby appoints Hermann E. Lorenz Jr., as hearing examiner to hear the appeal on March 6, 1981 at the hour of 9:30 a.m. in the Council Chamber, City Hall, 915 "I" Street, Sacramento, California.

Appeal of
Anthony S. Bokan

Page 2

2. If the Council should decide to consider the appeal itself, it is recommended that the hearing be set for March 3, 1981.

Respectfully submitted,


Lorraine Magana
City Clerk

LM/mm
Atch.

cc: City Engineer
Anthony S. Bokan

NOTICE OF APPEAL

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

DATE: February 5, 1981

FEB 5 11 52 AM '81

Pursuant to Section 2.320, City Code, I wish to appeal the decision of R.H. Parker
City Engineer by Ron Wicky _____ made on January 23, 1981

regarding right of way dedication and street improvements as per
exhibits 1, 2, & 3 attached and made a part hereof.

as required by Chapter 38.140, Article 9, City Code.

My reason for appealing is as follows: Address of building will be 3111--16th
Ave., not 4031 Franklin Blvd. We are majority property owner of
land abutting 16th Ave. between Franklin Blvd. and its deadend
into Freeway 99. The only other property owner on this section
of 16th Ave., Mr. Michael Prinzo, is opposed to sidewalk street
improvements as they would serve no useful purpose. Mr. Prinzo
owns the last 50 feet on the north side of 16th Ave. at the
dead end. Mr. Prinzo is seeking another residence and we have been
advised by the City Engineer that when we own all the property
on both sides of 16th Ave., the City will abandon the street.
to us. Since there is no foot traffic on this street other
than our own employees in the course of their employment; since
we may shortly own all the property on both sides of the street;
since sidewalks and set-backs would be a wasteful use of money
and resources; we respectfully ask that we be granted a variance
and our plans be approved as submitted.

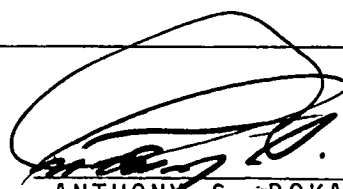
PLEASE PRINT:

NAME: BOKAN BROS.

ADDRESS: 4101 Franklin Blvd.

CITY: Sacramento STATE: California ZIP CODE: 95820

TELEPHONE NUMBER: (916) 451-6541


ANTHONY S. BOKAN
President

EXHIBIT

CITY OF SACRAMENTO
OFFICE OF THE CITY ENGINEER

Room 207, City Hall
Sacramento, California 95814

Spanda Industrial

Date: 1-23-81

Project: Storage Bldg.

Address: 4031 Franklin

Attention: _____

Dear Sir:

SUBJECT: RIGHT OF WAY DEDICATION & STREET IMPROVEMENTS

Article IX of Chapter 38 of the Sacramento City Code requires, with certain exceptions, that before a building permit can be issued for any lot fronting on a dedicated street or streets, provision must be made for dedication of additional right of way and for assurance of construction of required street improvements.

The above project for which a building permit is being sought is subject to the requirements of several sections of this City Code article and chapter. Therefore, before a permit can be issued, it will be necessary for you to:

Dedicate a variable strip of land ? feet to 75+9 feet in width lying along the ? line of your property abutting _____.

Make the dedication of a rounded corner having a radius of 20 feet and lying in the S.W. corner of your property.

[] To initiate the dedication procedure, submit one copy of a preliminary title report prepared by a title company to Room 207, City Hall, Sacramento, CA 95814, Telephone 449-5281. Also execute and submit one copy of the enclosed Irrevocable Offer to Dedicate form.

[] Dedication of land for street widening purposes is not required.

Street improvements are/~~are not~~ required on 16th Ave.

[] Execute the enclosed Street Improvement Agreement and submit together with the necessary cash or surety bond in the amount of \$ _____ to guarantee construction of certain street improvements adjoining your property.

A Street Improvement Agreement and Surety Bond will be sent to you for execution upon determination of the bond amount. The amount of the bond will be estimated by the City, based on the construction quantities determined by your engineer or architect.

[] Pay a fee in the amount of \$ 2.00' for surveying and inspecting per lineal feet of street improvement construction.

For information regarding the above improvements and/or dedication, please contact the undersigned in the Office of the City Engineer, Room 207, City Hall, Sacramento, CA 95814, Telephone 449-5281.

The above requirements may be appealed to the City Council. Please contact the City Clerk's Office (449-5426) to obtain the appeal form and amount of the appeal fee.

Very truly yours,

R. H. PARKER
City Engineer

BY Ron Wilby

Plan Checker Team

Project: Storage Bldg.
 Address: 4031 Franklin Blvd.
 Legal Description: _____ Fire Zone: 3
 Contractor: _____ Telephone: _____
 Address: _____ City License: _____
 Architect: R.W. Isaacson Telephone: 488-5622

ENGINEERING (207) - (449-5281) Ron Wicky or Bob Jones
 Approved _____ Disapproved RW 1-23-81
 Total Frontage Length of New Street Improvements _____ L.F. _____
 Remarks: need Street Imp. on 16th Ave
no new paving

REAL ESTATE (207) - (449-5626) Carl Provost or Irv Moraes
 Right of Way Dedication: Yes Approved _____ Disapproved _____
 Public Improvement Agreement: Yes Approved _____ Disapproved _____
 In-Lieu Payment Agreement: Approved _____ Disapproved _____
 Staking and Inspection Fee: _____ \$ _____
 Receipt No. _____ Remarks: _____

PLANNING (308) - (449-5604) Linda Lange or Wil Weitman
 Approved _____ Approved with changes _____ Disapproved _____
 Review Zone _____ Special Permit _____ Variance _____
 Parking Spaces Furnished _____ Parking Spaces Required _____
 Remarks: _____

ARCHITECTURAL ADVISORY COMMITTEE (308) - (449-5604) Wil Weitman or Linda Lange
 Is property located in a Civic Improvement District _____
 MEETING _____ Approved _____ Approved with changes _____ Disapproved _____
 ITEM # _____ Comments: _____
 P # _____

FIRE CHIEF (3) - (449-5416) Dennis Lohelt
 Comments: _____
 Date Called for Pickup: _____

EXHIBIT 2

CITY OF SACRAMENTO
OFFICE OF THE CITY ENGINEER

ROOM 207, CITY HALL
SACRAMENTO, CALIFORNIA 95814

EXHIBIT 3

Spanida Industrial

Date: 1-23-87

Project: _____

Address: 4031 Franklin

Attention: _____

Dear Sir:

Subject: Street Improvements

Article IX of Chapter 38 of the Sacramento City Code requires with certain exceptions, that before a building permit is issued for any lot fronting on a dedicated street or streets, provision must be made for construction or guarantee of construction of any necessary street improvements for the adjoining half of the street across the full width of the lot under development, all in conformity with current City Standards.

The above project for which a building permit is being sought is subject to the requirements of several sections of this City Code article and chapter. Therefore, before a permit can be issued it will be necessary for you to submit plans for the construction of street improvements including

- ~~1~~ Curb and Gutter No. 4 by 3 1/2" P.C.C. sidewalk
- ~~2~~ street pavement consisting of 7" aggregate base 4" asphaltic concrete over
- (?) storm drainage facilities consisting of _____ diameter R.C.P., Standard Manhole No. 3 / Saddle Type Manhole, Gutter Drain No. _____, and 8" diameter V.C.P. gutter drain lead

to the City Engineer for review and approval. The plans shall be in strict conformance with current City of Sacramento Engineering Department design standards and shall show all information required by the City Engineer. All plans must be prepared by a licensed civil engineer or licensed architect familiar with this type of work. When approved, furnish one set of the approved plans on mylar film to the City Engineer for filing.

All construction must be performed by a properly licensed contractor.

The above requirements may be appealed to the City Council. The appeal shall be in writing and shall be filed with the City Clerk, clearly stating the grounds for appeal.

Additional information concerning the requirements for and design of street improvements may be obtained in the Engineering Department, Room 207, City Hall, Sacramento, California 95814, telephone 449-5281.

Very truly yours,

R. H. PARKER
City Engineer

By Ron Wilby 449-5281



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET

CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

February 25, 1981

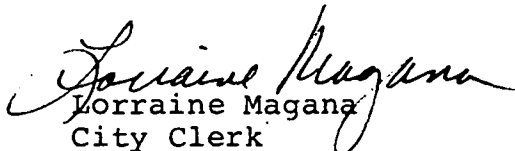
Bokan Brothers
4101 Franklin Blvd.
Sacramento, CA 95820
Attn: Anthony S. Bokan, President

Dear Mr. Bokan:

On February 24, 1981, the City Council determined that pursuant to Section 2.324, Sacramento City Code, your appeal of the decision of the City Engineer regarding right-of-way dedication and street improvements, will involve a lengthy factfinding process which will be more appropriately accommodated by a formal hearing before a hearing examiner.

Therefore, the Council appointed Hermann E. Lorenz, Jr., as Hearing Examiner to hear your appeal on March 6, 1981, at the hour of 9:30 a.m. in the Council Chamber, Second Floor, City Hall, 915 "I" Street, Sacramento, California.

Sincerely,


Lorraine Magana
City Clerk

LM/mm/51

cc: City Engineer
Hermann E. Lorenz

2/24/81
#51

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

MAR 25 4 13 PM '81

HERMANN E. LORENZ, JR.
PROFESSIONAL CORPORATION
ATTORNEY AT LAW
COURT PLAZA BUILDING, SUITE 408
901 H STREET
SACRAMENTO, CALIFORNIA 95814
AREA CODE 916-446-8741

March 24, 1981

Reply to:
P. O. Box 1893
Sacramento, CA 95809

Lorraine Magana, City Clerk
City of Sacramento
915 I Street
City Hall Room 203
Sacramento, CA 95814

RE: APPEAL OF ANTHONY S. BOKAN

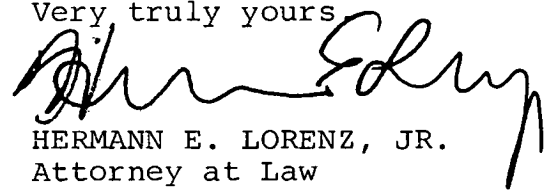
Dear Ms. Magana:

Enclosed herewith are triplicate originals of the decision in the above-entitled matter, together with my statement for services rendered. You will note that the Item No. is blank as I could not locate one.

Under separate cover, I am returning the map and photograph to Mr. Wicky in the office of the City Engineer.

If you have any questions, please do not hesitate to contact me.

Very truly yours



HERMANN E. LORENZ, JR.
Attorney at Law

HEL:jg
Enclosures

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BEFORE THE CITY COUNCIL

CITY OF SACRAMENTO, STATE OF CALIFORNIA

IN RE APPEAL OF

Item No.

ANTHONY S. BOKAN

FINDINGS OF FACT AND ORDER

_____ /
The above-entitled matter came on regularly for hearing on March 6, 1981 at 9:30 a.m. at City Hall, Sacramento, California, before Hermann E. Lorenz, Jr., duly appointed Hearing Officer.

Appellant appeared through his agent, William Bokan. Ron Wicky appeared for the office of the City Engineer.

Oral testimony and written evidence and documents were introduced by both parties and, after further argument by both parties, the record was closed and the matter was taken under submission.

FINDINGS OF FACT

The Hearing Officer, having heard the evidence, makes the following findings:

1. That sometime before January 23, 1981, Appellant, BOKAN BROTHERS, filed with the office of the City Engineer an application for necessary building permits for the improvement of the northeast corner of Franklin Boulevard and 16th Avenue, Sacramento, California.

2. That the office of the City Engineer approved the application with certain conditions, the conditions being that the owner of the property improve the same along Franklin Boulevard and 16th Avenue by the installation of curbs, gutters and sidewalks in accordance with the City Code.

3. That on February 5, 1981, Appellant appealed the



1 action of the office of the City Engineer under the provisions of
2 the appropriate City Code.

3 4. That at a regular meeting of the Sacramento City
4 Council, on February 24, 1981, the City Council appointed Hermann
5 E. Lorenz, Jr. as Hearing Examiner and directed a hearing to be
6 held on March 6, 1981 at 9:30 a.m.

7 5. That Franklin Boulevard and 16th Avenue are within
8 the City of Sacramento. That Appellant owns and has control of
9 the parcels of property on the north side of 16th Avenue and
10 Franklin Boulevard, extending east to the U. S. 99 freeway, save
11 and except a parcel owned and controlled by Michael Prinzo. Appel-
12 lant owns all the property on the south side of 16th Avenue from
13 Franklin Boulevard to Highway 99. 16th Avenue is paved with
14 blacktop, but does not contain any curbs, gutters or sidewalks.
15 16th Avenue is used primarily for vehicular traffic and foot
16 traffic between the buildings on the north side and south side of
17 16th Avenue used by Appellant, as well as access to the parcel
18 owned by Michael Prinzo.

19 6. Appellant is attempting to purchase the Prinzo
20 property, after which Appellant would request the City of Sacra-
21 mento to abandon 16th Avenue wherein the whole parcel would be
22 totally under the control of Appellant. It is contemplated that
23 Appellant would erect a gate along Franklin Boulevard and close
24 off 16th Avenue.

25 7. Approximately 80 feet north along the east side of
26 16th Avenue does not contain curbs, gutters or sidewalks. To the
27 north of said portion, along and affront other property owned by
28 Appellant, there are curbs, gutters and sidewalks.



1 8. Appellant and other property owners along Franklin
2 Boulevard are considering the formation of a street assessment
3 improvement district which process, if accepted by all property
4 owners, would be formed on or before November 1, 1981.

5 9. That Article IX, Section 38.140(c) of the City Code
6 provides as follows:

7 "The city council may make such
8 modifications in the requirements
9 of this article or may grant such
10 waivers or modifications of the
11 determinations which are appealed
12 to them hereunder as it shall de-
13 termine to be required in order
14 to prevent an unreasonable hardship
15 under the facts of each case; provided,
16 however, that each such modification
17 or waiver shall be in conformity with
18 the general spirit and intent of the
19 requirements of this article.
20 (Ord. No. 5053 §1)."

21 10. That it would be an unreasonable hardship and in the
22 best interests of the City of Sacramento and to the Appellant,
23 that the requirements of the installation of curbs, gutters and
24 sidewalks along and upon 16th Avenue be waived.

25 11. That it is in the best interests of the City of
26 Sacramento that Appellant be required to install curbs, gutters
27 and sidewalks along and upon the east side of Franklin Boulevard
28 in front of the improved property. It would be in the best
interests of all parties concerned, however, that such requirement
be deferred until December 31, 1981 in order that the Appellant
may, with other property owners, participate in the formation of
a street assessment district and that Appellant follow the process
required by Sections 38.125 - 38.132 of the City Code wherein
Appellant would execute the necessary contracts and security



1 agreements.

2 CONCLUSIONS OF LAW

3 Based on the foregoing findings of fact, Appellant is
4 entitled to a waiver of the requirements to install curbs, gutters
5 and sidewalks along and upon 16th Avenue and that the requirement
6 for the installation of curbs, gutters and sidewalks along the
7 eastern side of Franklin Boulevard in front of Appellant's property
8 is to be deferred to December 31, 1981, as provided for by Sections
9 38.125 - 38.132 of the City Code.

10 O R D E R

11 It is hereby ordered that the appeal be granted as
12 follows:

13 1. The requirement for the installation of curbs,
14 gutters and sidewalks along and upon 16th Avenue is hereby waived.

15 2. That Appellant shall forthwith execute and deliver
16 to the office of the City Engineer a written agreement to be pre-
17 pared and approved by the City Attorney and City Engineer which
18 shall provide that in the event an assessment district is not
19 formed for improvements in front of Appellant's property along
20 Franklin Boulevard on or before December 31, 1981, that Appellant
21 shall install the curbs, gutters and sidewalks along Franklin
22 Boulevard in front of Appellant's property as required by law. In
23 order to insure the performance of said agreement, Appellant shall
24 execute and deliver to the City of Sacramento, a written agreement,
25 bonds and other security instruments as required by Sections
26 38.125 - 38.132 of the City Code, under the terms and conditions

27 //

28 //

1 approved by the office of the City Engineer.

2 DATED: MARCH 24, 1981.

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4 
5 HERMANN E. LORENZ, JR.
6 Hearing Officer

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