



CITY OF SACRAMENTO

15

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

MARTY VAN DUYN
PLANNING DIRECTOR

September 6, 1984

City Council
Sacramento, California

APPROVED
BY THE CITY COUNCIL

SEP 25 1984

OFFICE OF THE
CITY CLERK

Honorable Members in Session:

SUBJECT: Appeal of Planning Commission Denial of a Special Permit to Construct a 640± Square Foot Lot in the Single Family (R-1) Zone (P84-228)

LOCATION: 1215 7th Avenue

SUMMARY

The application is for a Special Permit to construct a second unit on a single family zoned lot developed with an existing residence. Although a majority of the Planning Commissioners present at the July 26, 1984 meeting voted to approve the request, the project was denied due to a lack of five affirmative votes. The applicant has appealed the Commission's action to the Council.

BACKGROUND

Pursuant to State Law, the City recently adopted Ordinance No. 83-075 which allows application for a Special Permit to construct a second unit on an R-1 zoned lot. The maximum permitted size is 640 square feet. Staff found the proposed project well designed and consistent with the adopted Ordinance and recommended Commission approval subject to conditions. The Planning Commission, after taking testimony in support and in opposition to the project, voted 4 ayes, 2 noes and 3 absent to approve the project. Since five affirmative votes were needed, the project was denied. This action has been appealed to the City Council.

VOTE OF THE PLANNING COMMISSION

On July 12, 1984, the Commission by a vote of 4 ayes, 2 noes and 3 absent, failed to obtain the necessary 5 affirmative votes to approve the project.

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RECOMMENDATION

Should the City Council wish to approve the appeal and grant the Special Permit subject to conditions, the appropriate action would be an intent to approve subject to Findings of Fact due on September 25, 1984.

Should the Council wish to deny the project, the appropriate action is to deny the appeal.

Respectfully submitted,

ART GEE FOR

Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:lr
Attachments
P84-228

September 11, 1984
District No. 4

15

MEETING DATE July 12 1984
 ITEM NO. 21 FILE # 84-228
 M _____

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- LOT LINE ADJUSTMENT
- ENVIRONMENTAL DET.
- OTHER _____

Location: 1215 7th Avenue

Recommendation:

- Favorable *and*
- Unfavorable
- Petition
- Correspondence

<u>PROPOSERS</u>	
<u>NAME</u>	<u>ADDRESS</u>
<i>Michael Krembelj - 5903 Summit Boulevard, Suite A, Rocklin 95677</i>	

<u>OPPOSERS</u>	
<u>NAME</u>	<u>ADDRESS</u>
<i>Diana Bowman - 1180 Perkins Way, Sacramento</i>	
<i>Herman Muller - 1125 7th Avenue, Sacramento</i>	
<i>Richard Heltzer - 2979 Roman Way, Sacramento</i>	

MOTION NO. _____

	YES	NO	MOTION	SECOND
Aucusta		<input checked="" type="checkbox"/>		
Ferris	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Fong	<input checked="" type="checkbox"/>			
Goodin		<input checked="" type="checkbox"/>		
Hunter	<i>absent</i>			
Ishmael	<i>absent</i>			
Ramirez	<input checked="" type="checkbox"/>			
Simpson	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Holloway	<i>absent</i>			

- MOTION
- TO APPROVE
 - TO DENY
 - TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
 - TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
 - INTENT TO ~~APPROVE~~ DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE _____
 - TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
 - TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
 - TO RATIFY NEGATIVE DECLARATION
 - TO CONTINUE TO _____ MEETING
 - OTHER _____

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

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DATE: August 2, 1984

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City
Planning Commission of July 26, 1984 when:
(Date)

 Rezoning Application Variance Application
XX Special Permit Application _____

was: Granted XX Denied by the Commission

GROUNDS FOR APPEAL: (Explain in detail) The application was ap-
proved by the Planning Commission on a 4-2 vote, but was
denied for lack of five affirmative votes. The application
was recommended for approval by the Planning Department.

PROPERTY LOCATION: 1215 7th Ave, Sacramento, Ca.

PROPERTY DESCRIPTION: Single family residential lot of 11,000 sq.
ft. including a single family residence

ASSESSOR'S PARCEL NO. 012 - 281 - 29

PROPERTY OWNER: HENRY J. FAITZ

ADDRESS: 1215 7th Ave. Sacramento, Ca. 95818

APPLICANT: HENRY J. FAITZ

ADDRESS: same as above

APPELLANT: (*Henry J. Faitz*) (HENRY J. FAITZ)
(SIGNATURE) PRINT NAME

ADDRESS: 1215 7th Ave, Sacramento, Ca.

FILING FEE:
 by Applicant: \$105.00 RECEIPT NO. 4351
 by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: _____

P- 84-228

CITY PLANNING DIVISION

5/82

AUG 3 1984

(4 COPIES REQUIRED):

RECEIVED

MVD
HY
WW
CP
HMM - (Original)

CITY PLANNING COMMISSION

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

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APPLICANT	Michael Krembely, AIA 5903 Sunset Boulevard, Suite A, Rocklin, CA 95677		
OWNER	Henry & Margaret Faitz, 1215 7th Avenue, Sacramento, Ca 95818		
PLANS BY	Applicant		
FILING DATE	6/8/84	50 DAY CPC ACTION DATE	REPORT BY: JP:lr
NEGATIVE DEC EX.	15303(a)	EIR	ASSESSOR'S PCL NO. 012-281-29

APPLICATION: Special Permit to construct a 640+ square foot second residential unit on a 11,000+ square foot lot in the single family (R-1) zone (Section 2-E-30).

LOCATION: 1215 7th Avenue

PROPOSAL: The applicant is requesting the necessary entitlement to construct a second residential unit on a parcel already developed with a single family residence.

PROJECT INFORMATION:

1974 General Plan Designation:	Residential
1963 Riverside-Land Park Community Plan Designation:	Light Density Residential
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Single Family Residential

Surrounding Land Use and Zoning:

North: Single Family Residential; R-1
South: Single Family Residential; R-1
East: Single Family Residential; R-1
West: Single Family Residential; R-1

Parking Required:	2 Spaces
Parking Provided:	3 Spaces
Parking Ratio:	1 Space/Residence
Property Dimensions:	70+' x 158+'
Property Area:	10,990+ sq. ft.
Square Footage of Building:	640+ sq. ft.
Height of Building:	14+ feet
Street Improvements/Utilities:	Existing
Exterior Building Colors:	White
Exterior Building Materials:	Stucco, Brick Veneer, Shake Roof

STAFF EVALUATION: Staff has the following comments regarding this proposal.

- A. The subject site is a 10,990+ square foot parcel located in the Single Family (R-1) zone. A single family residence, a detached two car garage and a trellis structure are currently located on the site. The applicant is requesting the necessary entitlement to construct a 640+ square foot second residential unit. The proposed residence would be used by an older member of the property owner's family.
- B. The proposal has been reviewed by the City Water and Sewer, Building, Engineering and Traffic Engineering Divisions. They had no objections to the proposed second residential unit. The following comments were received from the Water and Sewer and Building Divisions:
 - o Water and Sewer: Only one water and sewer hook-up is allowed to a single family parcel. Existing services will need to be extended to second unit.
 - o Building: A complete set of building plans must be submitted for building plan check and approval prior to issuance of building permits.
- C. The submitted site plan indicates that a portion of the proposed second residential unit encroaches in the required 15 foot rear yard setback area and is not the required six feet from an existing trellis. The applicant will need to revise the site plan to meet these Zoning Ordinance requirements prior to issuance of buiding permits.
- D. Staff has no objection to the construction of the proposed second residential unit. A parking space for each of the units is provided in the existing two car garage and room for a third automobile is provided in the concrete area adjacent to the main residential unit. The revised site plan should indicate compliance with setback requirements. In addition, the proposed unit is architecturally compatible with the main residential structure and will be constructed out of the same materials (white stucco with a brick veneer and wood shake roof). Staff, therefore, recommends approval of the requested Special Permit.

ENVIRONMENTAL DETERMINATION: The proposed Special Permit is exempt from Environmental Review pursuant to State CEQA Guidelines (Section 15305a).

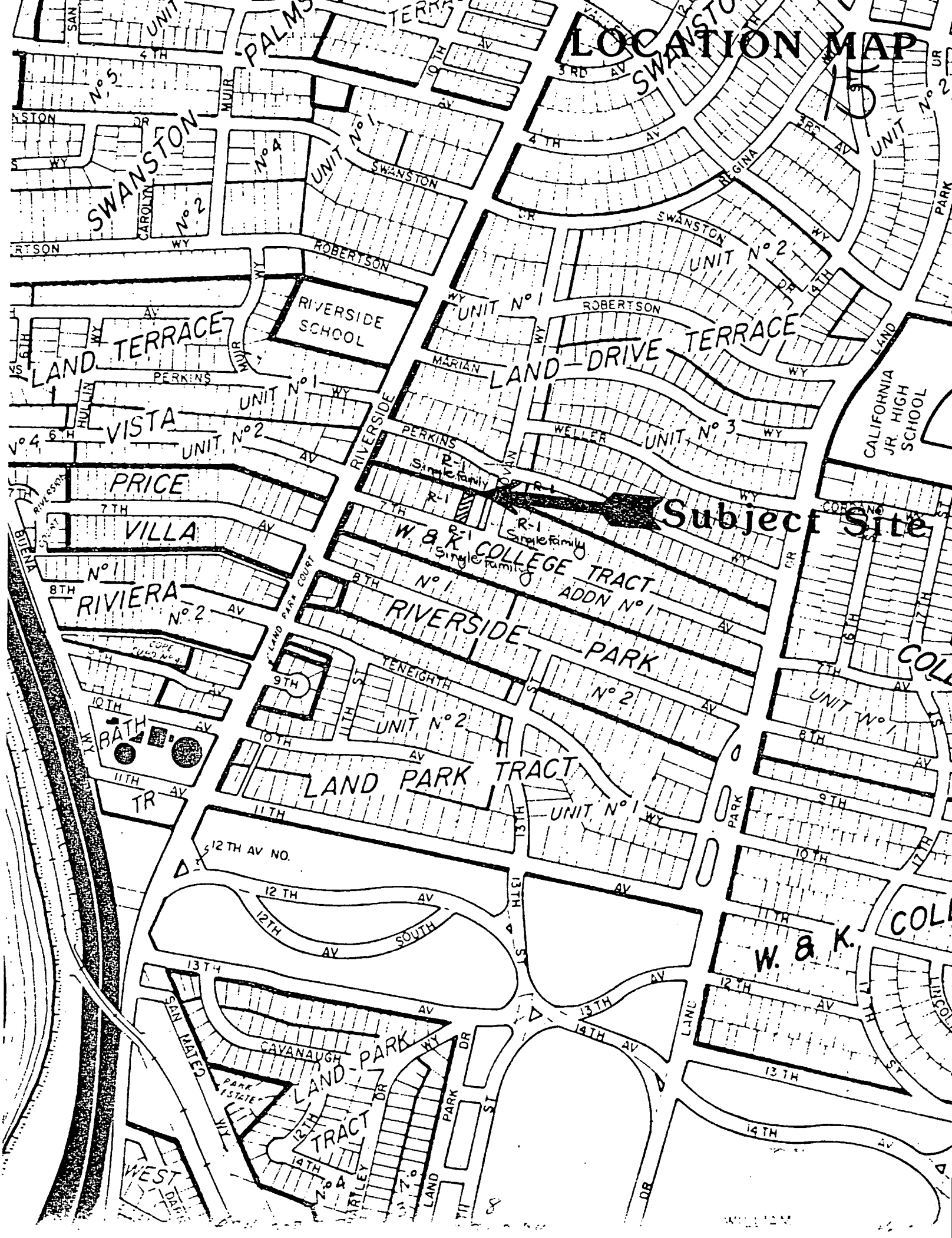
STAFF RECOMMENDATION: Staff recommends approval of the Special Permit, subject to the following condition, and based upon Findings of Fact which follow:

CONDITION: The applicant shall submit a revised site plan indicating compliance with all setback requirements prior to issuance of building permits.

FINDINGS OF FACT:

1. The project, as conditioned, is based upon sound principles of land use in that there is sufficient area on the subject parcel for a second residential unit.
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 parking will be provided.
 - b. The second dwelling will be compatible in materials and design with the main residential structure.
 - c. The proposed dwelling will conform to required building setback, area and height requirements for the single family zone.
3. The proposed project is consistent with the 1974 General Plan and the 1963 Riverside-Land Park Community Plan which designate the site for residential uses.

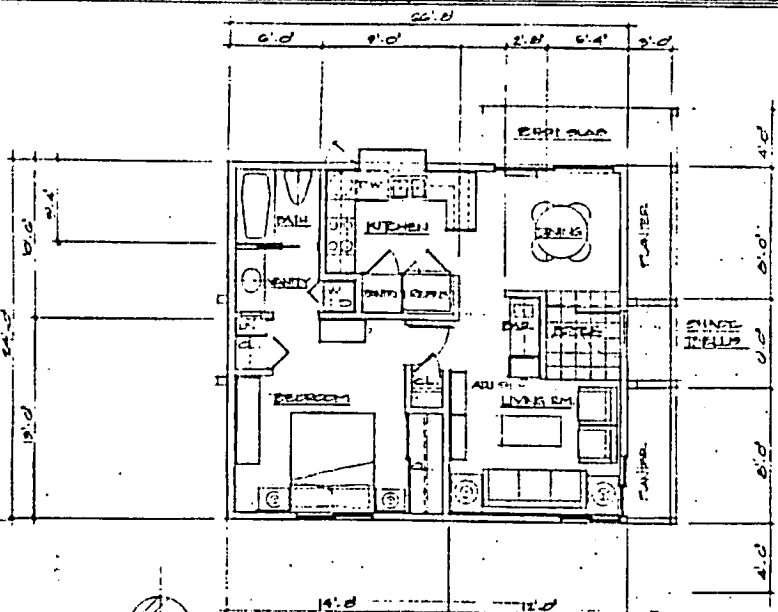
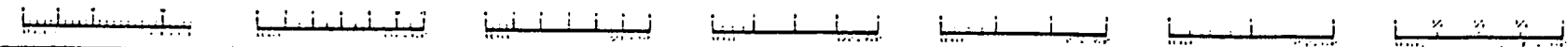
LOCATION MAP



096.250

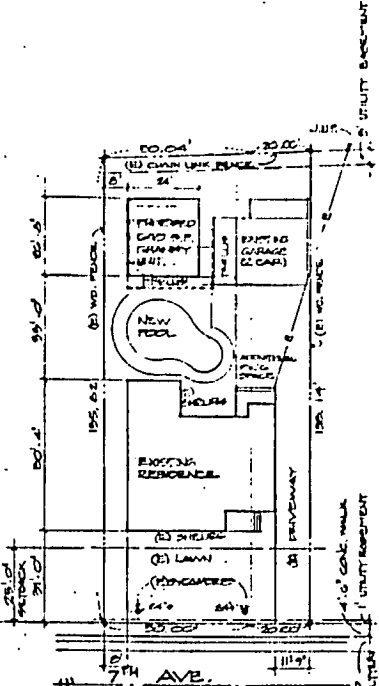
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16.21



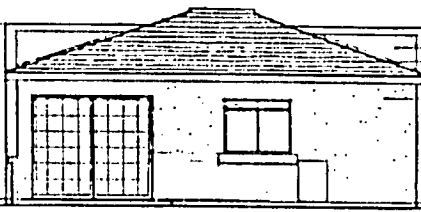
FLOOR PLAN

SCALE: 1/4" = 1'-0"



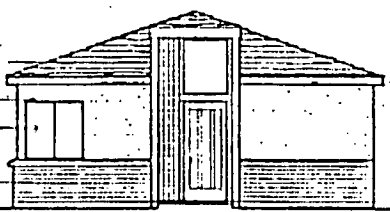
SITE PLAN

SCALE: 1/4" = 1'-0"



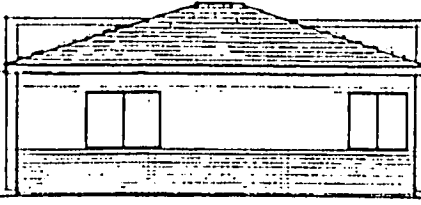
EAST ELEVATION

SCALE: 1/4" = 1'-0"



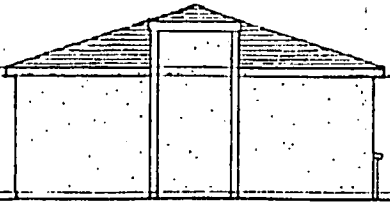
SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



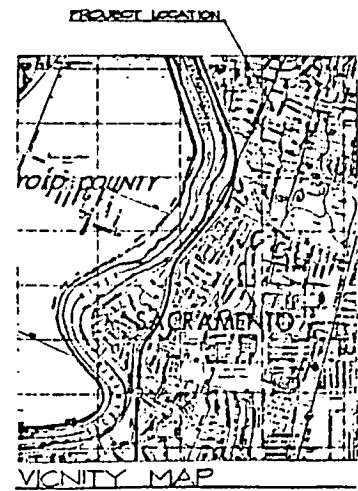
WEST ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



VICINITY MAP

EXHIBIT A

 MEHADI LAMIN & SIMPLY AIA ARCHITECTS & ENGINEERS <small>1000 S. 10TH ST. SUITE 100 SACRAMENTO, CA 95811</small>	
PROJECT NO. 02-281-29 PARCEL NO. 02-281-29 ZONING R-1 RECORD MAP REF. NO. 28	
SHEET NO. 01 TOTAL SHEETS 01 DATE 04-00 DRAWN BY J.S.	

Handwritten initials 'J.S.' in a box.

RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO

SEP 5 1 31 PM '84

1215 7th Avenue
Sacramento, Ca. 95818
Septmeber 5, 1984

City Clerk
City of Sacramento
915 I St.
Sacramento, Ca. 95814

Re: P-84228 Appeal


Dear Madam:

The above appeal is presently set for hearing on September 11, 1984 at 7:30 p. m..

I am informed that Councilwoman Robie, in whose district the subject property is located, will not be present at the meeting due to her vacation.

I therefore respectfully request that the matter above referenced be continued to the meeting of Septmeber 25, 1984 and heard on that date.

Very truly yours,


Henry J. Faltz

cc: Councilwoman Robie
Michael Krempley, AIA

DIAGRAM - IMMEDIATE NEIGHBORHOOD
 7TH AVE., GOVAN WAY, PERKINS WAY, AND RIVERSIDE BLVD.

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RIVERSIDE BLVD.

DUPLEX ***
*
FREDENBURG
*
MONOKTON
KASTORAS
RUEPPEL
MARKSON
SASANO
CORTON
GIANNOTTI
SORENSEN
*
SMITH
HIXON
CORNELL
BECKSTEAD

DUPLEX ***	REYNOSO
BULLFINCH	GORDON
MULLER	SHERWOOD
OKAMOTO	FINLEY
WALLACE	WARREN
BABICH	PADLEY
McCURRY	CHRISTIANSON
JEFFREY	McDONALD
ANASTASIOU	WALKER
FAITZ	BOWMAN
INOUE	MacDONALD

FORRAR*
TASHIGIANS
CLARK
KRESS
FRAWLEY
**
GRAY
CARLSON
CAPARIS
LYNN

GARIBAY	JOSWIG
WILCOX	RICHARDS
BURNHAM	***
SMITH	WHITE

HELTZEL

KEY 1-COLORED AREAS DENOTE THOSE WHO SIGNED LETTER PETITIONING TO DENY PROPOSED PROJECT P84-228
 2-* Home owner gone when visited
 3-** Home in the process of sale
 4-*** No attempt made to contact
 5-ONLY THOSE WHITE SPACES DECLINED TO SIGN LETTER

September 28, 1984

Henry J. Faitz
1215 7th Avenue
Sacramento, CA 95818

Dear Mr. Faitz:

On September 25, 1984, the Sacramento City Council heard your appeal from City Planning Commission's denial of a Special Permit to construct a second residence on 11,000 square feet at 1215 7th Avenue.

The Council adopted, by motion, its intent to deny your appeal contingent on Findings of Fact which are due October 9, 1984. In addition, this item has been referred to the Planning & Community Development Committee for review of Ordinance 83-075.

Sincerely,

LORRAINE MAGANA
CITY CLERK

Anne Mason
Assistant City Clerk

LM/kmn/15

cc: Planning Department