

MINUTES

OF THE

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

REGULAR MEETING

December 1, 1998

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 7:05 p.m. on the above date in the City Council Chamber located at 915 I Street.

ROLL CALL

Present: Councilmembers Cohn, Fargo, Hammond, Kerth, Pannell, Waters, Yee and Mayor Serna

Absent: None

PLEDGE OF ALLEGIANCE was led by Mayor Serna

9.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

9.1 Resolution in support of "Santa Brings a Lawsuit"

Mayor Serna presented the Resolution to Santa, Mrs. Claus, and a small elf named Carlos.

Saint Nicholas brought a "lawsuit" against the *Ghost of Christmas Past* (who was also present), on behalf of elves because the Ghost fosters a tradition and perception that they must dress as toy-makers all year, including the off season. The elves have inadequate clothing to dress for other employment.

Santa is seeking civil "penalties" against Ghost in the amount of 100-plus "lawsuits" (both male and female), jackets and slacks, jackets and skirts, that might be worn not only by elves, but by all who desire to dress for employment success. In addition, Santa is seeking accessories such as ties, shirts, blouses, belts and shoes. All items should be cleaned, pressed where appropriate, and ready for wearing.

All people of good will who wish to help settle this "lawsuit" by donating suits and other articles of clothing may do so before December 14, 1998 by dropping them off at the Department of Human Assistance, Employment Service Center, 4990 Stockton Boulevard, Sacramento, or by calling Cheryl Davis, (916)875-3611 or Lynette Fuson (916)264-5346.

Santa Claus was pleased to accept the Resolution and presented appropriate chocolate Santas to Mayor and Council. The *Ghost of*

Christmas Past commented that he was disappointed to have been designated a "bad guy", and was looking forward to his day in court.

Mr. Claus advised that when he is not making toys, he moonlights as Sr. Hernandez, Attorney-At-Law; Mrs. Santa also moonlights as Florencia Hernandez, a PERS employee.

Mrs. Claus expressed her thanks for the Council's support; she advised that to date, numerous articles of clothing have been received, but urged people to continue helping until the "trial" on December 14th at the Courthouse. Mrs. Claus advised that the goal is 100 suits.

10.0 PUBLIC HEARINGS

10.1 Cambay Office Building. (P98-098) (D-1)

RECOMMENDATION OF STAFF: CONTINUE TO JANUARY 12, 1999, 7 P.M.
[STAFF REQUEST]

A motion was made by Councilmember Waters, seconded by Councilmember Yee, to continue this item to January 12, 1999, 7:00 p.m. The motion carried with an 8-0 vote.

10.2 43rd Street Parcel Merger - located at 1214 and 1206 43rd Street [third party appeal] (D-3) (Cont. From 10/27/98 item 10.1)
A. Environmental Determination: Exempt; and
B. Appeal of Planning Commission's decision to approve a parcel merger to join two properties into one for the purpose of demolishing one unit on the south and expanding the unit on the north on 0.35± acres in the Single Family (R-1) zone.

RECOMMENDATION OF STAFF: CLOSE HEARING;
A: ADOPT NOTICE OF DECISION
B: ADOPT FINDINGS OF FACT
DENYING THE APPEAL

Mayor Serna urged those present who wished to speak concerning this issue to do so in a concise manner; he noted that the only issue before Council tonight was that of the parcel merger itself, and not the design of the proposed dwelling, etc.

The Mayor established with City Attorney Jackson that it would be proper either to hear the staff comments first or those of the appellants. It was decided to proceed with staff's presentation first.

Sandra Yope, Associate Planner, advised that on September 24, 1998, the Planning Commission denied the appeal of the Zoning Administrator's approval of a parcel merger to merge two residential properties into one property. The East Sacramento Improvement Association (ESIA) appealed the Planning Commission's decision (Attachment 2).

On August 19, 1998, the Zoning Administrator held a public hearing on a request to merge two single family parcels in the Standard Single Family (R-1) zone. The Zoning Administrator approved the parcel

merger request, finding that the proposed merger met all the requirements of the Subdivision Ordinance, the Zoning Ordinance, and was consistent with the General Plan.

The project site consists of two 55 foot wide R-1 zoned parcels. The northern parcel is developed with a single family residence. The southern parcel was also developed with a single family residence; however, the house was demolished in early September. The applicant has requested the parcel merger in order to remodel and expand the existing house to the south. Building Code and the Zoning Ordinance do not permit the residence to cross the existing property line; therefore, the parcels need to be merged in order to expand the house. The parcels are not located in a Design Review or Preservation area. Therefore, neither staff, the Zoning Administrator, nor the Planning Commission had the authority to review the demolition of the house on the southern parcel, nor the design of the expanded residence. The remodeled and expanded single family residence is proposed to meet all setback, height and lot coverage requirements of the R-1 zone. No planning entitlements are required for the house remodel, as proposed. **There is no code or ordinance which would have prevented the applicant from demolishing the residence or allows the City to review the design of the expanded single family house.**

According to the City Subdivision Ordinance (Section 40.1022) lots are not to exceed 160 feet in depth, and not to be less than 52 feet wide or 100 feet deep (Attachment 4). **However, there are no requirements or limitations regarding creating lots wider than 52 feet. In addition, the proposed merger satisfies all the required findings pertaining to Subdivision Ordinance (Section 40.505).**

The ESIA sent a letter stating their opposition to the project (see Exhibit C in Zoning Administrator Notice of Decision). Two letters of support and 10 letters in opposition to the project were also reviewed. The focus of the letters of opposition was the proposed demolition of the south house to expand the north house, and the size and style of the house.

Councilmember Cohn asked City Attorney Jackson whether it was within the City Council's discretion to approve or deny the parcel merger, and if so, what guides that discretion? Mr. Jackson responded that it is discretionary, requiring that the City Council, in granting approval of the merger must find that the lot merger is consistent with the General Plan, complies with the Zoning ordinance, and whether there are any other regulatory requirements it must meet.

Mr. Cohn reconfirmed with Mr. Jackson that it is within the City Council's discretion to determine if the parcel merger is within the requirements of the General Plan. Mr. Cohn asked Ms. Yope if there were any restrictions concerning the house as related to setbacks, height, or square footage? Ms. Yope responded that the Zoning ordinance for single-family homes requires a setback of five (5) feet on the sides, twenty-five (25) feet from the front of the property line, fifteen (15) feet from the rear, and the height limit is thirty-five (35) feet.

Mr. Cohn asked, under those restrictions, what is the maximum number of square feet allowable to meet those requirements without a variance? Ms. Yope responded that that did not apply for this lot, saying that 40% coverage is acceptable for this lot. Mr. Cohn established with Ms. Yope and Ms. Patterson that the size of the house would be less than 10,000 square feet. Mr. Cohn stated that he would

withhold comments until further testimony had been received.

Councilmember Fargo commented that the neighbors were concerned as to where this approval may lead; they fear the loss of historic properties in the neighborhood. Ms. Fargo asked if the area could be made eligible as an Historic Preservation area? Joy Patterson, Senior Planner, advised that that would be possible, since the area was old enough (50 years). She added that the current preservation areas were located in the Central City; the City Council could direct that areas outside the Central City be named.

Ms. Fargo inquired as to the policy concerning demolition permits for properties outside of the Central City, to which Ms. Patterson responded that there is presently no demolition review for areas outside of the Central City, but that soon an ordinance would be brought to Council to expand the demolition review process to encompass citywide area. Ms. Fargo commented that if someone goes about the procedures in the proper way, the City Council has no problem with that.

Mayor Serna established with Ms. Yope that the Planning Commission recommendation was to approve denial of the appeal and allow construction to proceed; the proposal meets all subdivision requirements. Ms. Yope added that the General Plan does not address parcel mergers.

Councilmember Waters asked Mr. Jackson whether all the steps and procedures were followed relating to the parcel merger, to which Mr. Jackson responded that no abnormalities were found. Mr. Waters commented that in the same neighborhood, Governor Reagan merged to the property edges between 45th and 46th Streets. Ms. Patterson advised that in that instance, those two separate parcels on 45th and 46th Streets were owned by the same property owner. Mr. Cohn commented that there was no parcel merger on that property, similar to what we have now. As to consistency with the General Plan, Mr. Cohn did not see this as a cut-and-dried issue; no one has done anything wrong procedurally; the issue is merits, the City Council decision whether to deny or grant the appeal, based on whether or not it conforms to the General Plan.

Councilmember Yee commented that it was his belief we were to restrict the discussion to the lot merger, not demolition. Mayor Serna concurred, saying that the parcel merger was the only thing agendized. Ms. Yope commented that there was a house demolished, but it was not part of anything the City had control over; it was already done.

Referring to some elevation drawings provided by the appellants, Ms. Fargo asked whether a red line on the front elevation was the dividing line between the parcels? Ms. Fargo added that she had driven past the property during the past week, and the drawings did not appear to resemble the property she had seen. It was established that these drawings did not belong to either the applicant or the City staff; the drawings were removed.

Councilmember Pannell asked whether, in the same vicinity, any similar lot mergers had occurred? Ms. Yope responded that there were two in the last year. Ms. Patterson advised that as yet there had been no expansion into the lots merged.

Mayor Serna asked what the discussion was at the Planning Commission? Ms. Yope responded that the focus there was on lot size, house design, etc., that it was not restricted to parcel merger. Mayor Serna stated

that he wanted a narrow focus tonight on the parcel merger, in compliance with the Brown Act provisions as to what issue was agendized.

City Attorney Jackson commented that the issue before the City Council is the lot merger; he felt that some latitude could be allowed. Mr. Jackson added that it was his understanding that Councilmember Cohn may address the issue of conformity, as to whether the merger would be in conformity with the General Plan.

Mr. Cohn commented that, looked at from a policy perspective, the City Council must determine what the policy issues are and what the implications may be of this decision. Mayor Serna commented that he was sensitive about quasi-judicial hearings such as this one.

Councilmember Yee asked for clarification, as to the focus of today's discussion relating to the issue of lot merger and not design consideration.

Mayor Serna asked if there were any violation as to setback requirements, community requirements, etc., and emphasizing that the City Council must establish grounds for denial of approval. The Mayor noted that if the property is consistent with all City laws, etc., design is an art and a personal preference.

Karen Patterson, representing the appellant, East Sacramento Improvement Association, was identified as designated speaker for ESIA.

Gregory Thatch, attorney representing Dr. & Mrs. Gregory Graves, owners of the property in question, advised that the neighborhood is split on the issue; he noted that the City Council must decide based on the legal facts. Contrary to rumors circulating in the neighborhood, Mr. Thatch advised that the proposed expansion would result in a large house, not a mansion, not a castle. Dr. Graves lived next door to his father, who died recently. Dr. Graves' father had urged Dr. Graves to use his adjacent property in order to expand Dr. Graves existing domicile. The Graves are parents of five children, ranging in age from 2-9; they need the additional space.

Mr. Thatch advised that the rules are substantive; the Graves have followed the rules. These issues of lot line mergers are routine; City Council rarely hears them. Further, Mr. Thatch noted that the City Council does not have design/review power; in each case concerning past lot line mergers, the Council found consistently in favor, on a routine basis. Mr. Thatch observed that a lot of this size is not inconsistent with the area. Dr. Graves demolished the existing house due to severe termite problems, after looking at the options, the Graves' were advised not to move the property, as it was believed it would not survive a move.

Mr. Thatch commented that East Sacramento is a strong neighborhood, with good real estate values; it is not a neighborhood at risk, nor is it being jeopardized. He added that this one lot merger would not destroy the image of the neighborhood. The City Council is obligated to make findings based on facts, Mr. Thatch stressed, adding that there is no precedent to find inconsistency here. When the Council looks at procedures for lot line adjustments, they will see no evidence to place conditions on approval; precedence is overwhelming, occurring in many neighborhoods, many times.

Mr. Thatch quoted from the City Attorney: "This Office is not aware of provisions which mandate denial or disallow approval of the lot merger in this instance. Mr. Thatch commented that we must look at the whole of East Sacramento, regarding General Plan consistency. City staff notes that design, demolition, or size issues are beyond the authority for review of a parcel merger.

The City Council must look at whether this property will be consistent with the General Plan; many homes in the East Sacramento area are 6,000 to 9,000 square feet in size. Regarding the demolition, it is done; regarding the jobs-to-housing ratio, Dr. Graves lived there before, and will live there now. There is no change. Regarding new housing and increasing the density, there are additional provisions in the General Plan to provide housing for people of all income levels. Regarding the providing of housing for large families, there is a provision in the General Plan for that. Mr. Thatch stressed that the inconsistencies cited do not relate to this issue. In summary, Mr. Thatch quoted the earlier comment "this is a Granite Bay type house", and urged that we do not ship or force all people out of the city to Granite Bay. Mr. Thatch commented that Dr. Graves is just the sort of professional worker that we need in the city. Mr. Thatch stressed that the City Council must consider the precedents; if the Council wants to declare the "Fab 40s" an historic preservation area in the future, then do so, but do not single out this property.

Karen Patterson, representing the Board of the East Sacramento Improvement Association, advised that the proposed residence is actually 6,800 square feet, that there is some confusion over the size as another figure quoted was 7,400 square feet. Ms. Patterson exhibited elevation drawings of the house; she advised that the red line represented to the right, the current residence and to the left, the proposed addition. (Please see page 37, staff report).

Ms. Patterson expressed concerns about the scale, believing it to be out of scale with the surrounding community. The appeal is based on Section 40.505, re-mergers of parcels; the findings require that the resulting merger must conform to easement requirements, the General Plan, the Comprehensive Zoning Ordinance, and the City's Building Code. Ms. Patterson added that Section 40.503 provides that the Planning Director may require additional information as part of the application when considering the merger.

Ms. Patterson again stressed the relative size of the proposed property to the scale of other neighborhood properties, (ref: Attachment 3). Houses are consistent on each street, and may vary from street to street, not a small house next to a large house. The significance of the comparison has to do with the basic atmosphere of the neighborhood, character, based on the appearance of the neighborhood. Sacramento is a neighborly city, different from West Los Angeles, for example. Ms. Patterson stressed the need to conform to basic scale.

Ms. Patterson referred to the "tear-down syndrome" across the country, wherein old properties are being demolished to make room for the largest homes that zoning ordinances will allow. Property values are rising, she added, and objected to building huge houses which she felt would start a precedent and create a canyon effect, closing in open areas.

Ms. Patterson expressed concerns that approval of this merger would send the message that demolition of older homes is acceptable. She feared it would change the character of the neighborhood, that larger homes would squeeze out more modest homes.

Ms. Patterson pointed out that the petition includes the signatures of 200 people who had been canvassed to determine their sentiments. She stated that she was surprised at the high level of knowledge about the project; people were concerned about the size ratio between existing homes vs. this proposed home, which she/they believed to be out of scale and non-compliant with the spirit of the General Plan.

Councilmember Waters questioned the discrepancy in square footage as shown in Ms. Patterson's elevation drawing for the proposed home. He asked how many people on the petition indicated that they had no problem with this one, but do not want it repeated in the future?

PUBLIC TESTIMONY

Marsha Johnson stated that she had worked for Dr. Graves for 15 years, and that he is a respected surgeon at Sutter Memorial Hospital. Ms. Johnson commented that she was appalled at the debate and the protests; the hospitals where Dr. Graves practices are close to the "Fab 40s", and it makes sense to keep the doctor's residence there.

James Banks, an East Sacramento resident, felt that the City Council has a lot of discretion, that they are not just a rubber stamp for the Planning Commission. He observed that East Sacramento is strong because of the heterogeneous nature of East Sacramento neighborhoods. His family and others became enmeshed in the fabric of the neighborhood, he added, and believed the concerns expressed by 200 people that the nature of East Sacramento will slowly begin to change are legitimate.

Mike Jacino, in support of Dr. Graves, advised that he had lived in East Sacramento since 1977; he has a business on 48th Street. Mr. Jacino commented that the precedents to expanding homes in that area already exist; he urged everyone to try to get along. Mr. Jacino commented that while the East Sacramento Neighborhood Improvement Association (ESIA) has done a good job, he felt that Dr. Graves has a right to build what he pleases.

Victoria Benbow, a real estate broker with Coldwell Banker, and member of the Sacramento Association of Realtors, commented regarding the houses now listed in the Fab 40s. She expressed concerns about the cost of the lots, noting that the prices were already higher, which limits the pay scale and the ability to buy. Ms. Benbow commented that it was not relevant to compare housing prices in Sacramento to those in Santa Monica. Regarding the concerns about setting a dangerous precedent, Ms. Benbow felt that the rules must be changed first, adding that personal vendettas are not good business.

Alice Massey advised that she had lived at 1200 43rd Street for 34 years. She objected to the scale of the house in relation to others in the area, fearing it would compromise the air space for existing homes. Ms. Massey observed that there are other large homes on other streets in the 40s, but not on 43rd Street. She expressed concerns about the merger, adding that she had looked into the possibility of moving.

Don Black advised that he resides at 1440 46th Street; he commented that if Dr. Graves had complied with all of the rules, he did not understand why anyone was even present at this meeting.

Keith Coben (Mrs. Massey's son), advised that he had lived for 18 years next to the proposed merger of Dr. Graves property. Mr. Coben commented that when people move into a neighborhood they do not expect drastic changes such as this, over and above normal maintenance and improvements. Mr. Coben objected to the scale of the property as proposed; he urged Council to deny the application.

Fritz Harrold, a resident at 1207 43rd Street, commented that Dr. Graves complied with all of the requirements. Mr. Harrold observed that Dr. Graves applied for everything all at once, or there would have been no protest. Mr. Harrold felt that Dr. Graves' motive was simply to build a place to live with his family. The house that was torn down was in poor condition.

Mr. Waters commented to Mr. Harrold that the David Lubin house on 39th Street, between M Street and Folsom Blvd., resembles a castle.

Algernon Greenlee, III commented that he had moved here 10 years ago from New York; he expressed his opposition to the merger, which he believed to violate the City's General Plan for economic diversity in neighborhoods. Mr. Greenlee felt that this will deny East Sacramento access to smaller homes, that the merger would set a precedent to demolish smaller homes to make space for larger homes that only the wealthy can afford. Mr. Greenlee urged the Council to look carefully at the ordinances in place and then decide, based on the facts. His question to Council was: how confident is Council that this merger, if approved, would not set a precedent in East Sacramento, destroying diversity?

Councilmember Hammond confirmed with Mr. Greenlee that he was not born in California. She commented that she was in Los Angeles in 1969, adding that the Fab 40s is not an affordable neighborhood, and that this seems to her to be a class issue. Ms. Hammond asked how many residents actually bought their homes, and how many inherited them because they couldn't afford to buy them?

Loula Kufasimes commented that she had lived in Sacramento for some time. Thirty-one years ago she and her family did not have to go through this when they wanted to build a large house to accommodate their needs. Mrs. Kufasimes testified on Dr. Graves' behalf, noting that he had treated her husband for cancer and was always there for her, at any hour. She added that he is a wonderful man, and would not injure the neighborhood; she urged Council to support him.

Nadya Andrews, a resident of 1111 43rd Street for 39 years, commented that the Fab 40s was not so fabulous then. People raised families there and did not need two lots to raise five children; that can be done in smaller houses. Ms. Andrews cited examples of other large families who raised them on standard lots. She added that this was not a personal attack on Dr. Graves, that the neighbors are congenial, historically. Regarding the City's attachment of conditions to the proposals, Ms. Andrews expressed concerns regarding the front entry of the design, believing that it sticks out too far (27 ft. instead of 40 ft.). The second issue for her was that there appears to be no proposal for a garage; when the Graves' five children reach their teens, they would probably have cars, which would have to be parked on the street.

Mayor Serna established with Mr. Thatch that there is an existing garage, in use. Mr. Thatch observed that all of the comments seem to address the design issue; the setback is exactly the same as the existing house. Joy Patterson, Senior Planner, confirmed that the required setback is 25 ft. Councilmember Cohn commented that the point is not about the City's ordinance; Ms. Andrews concern was about the existing setbacks of the homes. Mr. Thatch advised that the existing setback is 40 ft.

Dr. Ritu Jain spoke in favor of the merger, saying that she had bought a house in East Sacramento nine years ago, and likes the area for its easy access to the hospitals.

John Krizman, an East Sacramento resident, advised that he had moved there in 1970, and can still afford to live there. Mr. Krizman observed that he sees the "same old bunch of anti-development and bicycle advocates" at these meetings. He commented that the East Sacramento Improvement Association does not speak for all of East Sacramento. Regarding the concerns about scale, Mr. Krizman commented dryly on the discrepancy in scale between the new CalePA building and City Hall. He asked what the purpose was of tonight's meeting, noting that there are other more pressing problems demanding attention. Mr. Krizman expressed his support for Dr. Graves.

Neil McAllister spoke on behalf of Dr. Graves and his family as a neighbor and friend. Mr. McAllister commented that the people on 43rd Street are not mad at each other; the issue is the merger. Other families with large families have expanded their homes; the house that was torn down needed to be. Mr. McAllister commented that Dr. Graves is a good person; he saw no problem to allowing the expansion.

Julie Kirrene spoke in support of the merger, saying that when change occurs the rules must be followed, which Dr. Graves did. Ms. Kirrene stated that she did not feel this protest was ESIA's finest hour; she added that Dr. Graves would not bring down the neighborhood. Ms. Kirrene added that the Fab 40s are not a middle class neighborhood; in addition, the majority of the people are not concerned about the issue. Ms. Kirrene recalled to Councilmember Cohn that in Sunday's paper he had suggested making the area an historical area; she urged that it not be this one, and that the appeal be denied.

Dr. Erik London spoke in support of Dr. Graves, saying that he should be allowed to build as he pleases, since it is his own land and he has complied with all of the legal requirements. He commented that it was interesting to see the objections, since he felt that the objections were out of line with the Pledge of Allegiance in the United States.

Dr. Michael Aguilar, Chief Surgical Resident at UC Davis, spoke in favor of the merger, saying he had worked with Dr. Graves and that the location of his residence is important to the patients he cares for at Sutter General, Mercy General, Sutter Memorial, and UC Davis as a professor. In response to an earlier speaker who commented about West Los Angeles, Dr. Aguilar stated that he used to live there; he commented that the architectural diversity there enhanced the area.

Ann Jackson spoke in support of the merger, saying she had lived in Sacramento for 34 years. An addition was made to her father's house, she stated, and if new people are building bigger homes, that was all right with her. Ms. Jackson observed that Dr. Graves was building so that he would be able to maintain his family and practice here.

Perry Georgallis , a Sacramento realtor, spoke in support of Dr. Graves proposal, urging Council's support and saying that the structure would enhance the neighborhood.

Mary Foran spoke on behalf of Dr. Graves, urging Council approval of the merger. She observed that his family is growing, and she believed this is what the City wants.

Perry Georgallis spoke again, this time on behalf of his wife, Katherine Georgallis, who also urged approval of the merger.

Nola Boyer commented that her grandparents built the home in East Sacramento. She noted that the ESIA has done a lot of good things, but she spoke in support of Dr. Graves. Ms. Boyer was concerned about the precedent that could be set here, asking whether, in the event she wished to add on to her home, she would run into as much trouble as the Graves have? Ms. Boyer urged Council's support of Dr. Graves.

CLOSING REMARKS

Karen Patterson commented that she had listened to various speakers, and it is obvious that Dr. Graves is well-liked, and a positive figure in the neighborhood. That is not the issue, she continued, reiterating that ESIA is concerned with the scale of the project, which is larger than the range of other houses on the street. Ms. Patterson's home is smaller; she expressed fears that she may be at risk, along with others like her, that contractors will come in, buy smaller houses, merge, and build larger ones.

Gregory Thatch, Attorney for Dr. Graves, commented that "beauty is in the eye of the beholder". People differ; this issue has to do with a lot merger. If the Graves had not submitted house plans along with the lot merger, the issue would not have arisen. The City Council is limited regarding conditions on the lot merger. Mr. Thatch commented that the fears expressed are unsupportable regarding the buying up of smaller homes to merge and rebuild larger ones; there is no precedent in Sacramento for that. If Design/Review restrictions are to be set as policy, it is not appropriate to do that with this particular application tonight. Mr. Thatch then showed Council an actual rendering of the house.

A motion was made by Councilmember Cohn, seconded by Councilmember Kerth, to close the hearing. The motion carried with an 8-0 roll call vote.

Councilmember Cohn commented that he was lucky to live in a neighborhood where there are so many fights, where people feel so strongly. On the one side, Dr. Graves wanted to build a house; why this issue? On the other side, people fear that the evolution of an exclusive enclave for wealthy families which will price out others. Mr. Cohn commented that there is no question this issue has brought into question "what is the basic nature of the East Sacramento neighborhood known as the Fab 40s". There is a lot more to East Sacramento than the 40s; there are many price ranges for homes, small businesses, schools, parks, hospitals, doctors and lawyers in the neighborhoods. There are Little Leagues and neighborhood associations; everything can be done right there, people can exist right there, without having to leave the area.

Mr. Cohn observed that this was a difficult decision, with much being made about a possible precedent. He felt that Council did need to look at the preservation of the area, as well as those of Land Park, Curtis Park, etc. which are also historic preservation areas. Mr. Cohn proposed a demolition ordinance for early 1999, recognizing that better guidelines may be needed for the future, but for this particular application, he felt there was a middle ground for both parties. He asked if conditions could be placed?

City Attorney Jackson advised that once findings are made that all are in conformance with the Zoning Ordinance and the General Plan, it would be difficult. Mr. Cohn asked what the case would be if we felt that certain conditions were necessary in order to assure compliance with the General Plan? Mr. Jackson advised that if it could be articulated that a proposal was not in conformance with the General Plan, then such conditions could be itemized. Mr. Cohn felt there was space for a middle ground, but there may need to be an up or down decision; he wanted additional time to consider the testimony that was given.

A motion was made by Councilmember Cohn, seconded by Councilmember Kerth, to continue this item to January 5, 1999.

Councilmember Hammond commented that some of the testimony had to do with a possibly excessive number of cars in the future, which she deemed to be a specious argument. Ms. Hammond noted that she was one of five children; if parents are able to provide each child with his or her own room, who would begrudge that? Ms. Hammond supported the Planning Commission's findings, observing that the City tortures people through process. Ms. Hammond recalled a case that was never resolved in her district, in which no compromise was possible. She urged that a ruling be made tonight on this issue.

Councilmember Kerth commented that in the end, this was a gentrification issue in a wealthy community. He felt that this issue may divide the neighborhood. The worry that this was a watershed issue was not relevant, he stated, adding that the City Council can fix that issue at any time.

Councilmember Yee commented that ordinarily he would support a continuance, but he also recalled an attempt to reach a compromise through continuance several weeks ago and consensus couldn't be reached; there was no new information. Mr. Yee supported the denial of the ESIA appeal, and supported Dr. Graves' parcel merger.

Councilmember Waters commented that normally we bow to fellow City Councilmembers, but he could see no point in delaying for two weeks, since there had been strong testimony on both sides. Dr. Graves has already been delayed, he added; the lot merger is the only issue. Mr. Waters expressed his support of Dr. Graves and the denial of the ESIA appeal.

Councilmember Pannell agreed with Dr. Graves position, and was in favor of denial of the ESIA appeal. Ms. Pannell noted that Dr. Graves had followed all of the rules; she felt that his home would enhance the neighborhood and increase its value.

Councilmember Fargo observed that Councilmember Cohn had spent more time on the issue than the rest of the Council, and that he believed the issue is more about the character of the neighborhood. Ms. Fargo felt that no compelling reasons had been brought forth regarding the merger itself; if Mr. Cohn believed the neighborhood would reach

accord in a few weeks, she indicated she would support a continuance. She felt it would be a good idea for the Council to look at long-term preservation of the character of the neighborhood.

Mr. Cohn clarified that the purpose of the continuance was not to expect a settlement by January, but to determine whether there are appropriate conditions that could be placed upon it in order to assure conformity with the General Plan.

The motion to continue the item to January 5, 1999 failed by a 5-3 roll call vote, with Councilmembers Cohn, Fargo, and Kerth voting yes and Councilmembers Hammond, Pannell, Waters, Yee, and Mayor Serna voting no.

Councilmember Yee noted that tonight's discussion was two hours long, with strong points on both sides. He commented that in his own experience, he knew what it was like to be a member of a family with six children who shared a house with an uncle, eleven children in all. Mr. Yee added that if a person can afford a large house, it was a good thing to do so. Mr. Yee's own choice was either to expand the house or move; he chose to add on. Three expansions later, he finally got the house he needed for his own six children. Mr. Yee observed that there were diverse styles of homes in his neighborhood, Land Park; East Sacramento is similar to that. Mr. Yee supported Dr. Graves, noting that he complied with all of the rules.

Mr. Cohn wanted a friendly amendment: that the condition be imposed on the approval that the project go through staff-level Design/Review in order to assure compliance with the General Plan. Mr. Waters, the maker of the motion, asked for advice from City Attorney Jackson before agreeing with the requested amendment to the motion. City Attorney Jackson indicated that there would be a problem putting this through Design/Review. He conferred with Gary Stonehouse, Planning Director, who agreed that this would present a Design/Review issue. Mr. Waters then refused to accept the amendment to the motion.

Mr. Cohn established with Mr. Thatch that his client would not be willing to alter his house plans voluntarily.

Mr. Stonehouse advised that the parcel merger is part of the Subdivision Map Act, adding that we do condition subdivision maps, but in all cases, they are conditions that must occur prior to finalization of the map. They are not conditions that carry on, once the map is final. In this case, once parcels are merged, and conditions have been met, there is little to do. Mr. Cohn asked how this could be accomplished? Mr. Stonehouse responded that this was consistent with the General Plan. Mr. Cohn pressed, asking whether this City Council could not deny a parcel merger? Mr. Stonehouse agreed that a parcel merger could be denied by the City Council if it were possible to make findings to deny it. The issues described tonight do not appear to support that conclusion; Mr. Stonehouse deferred to Joy Patterson, Senior Planner, who commented that conditions are mainly placed on industrial mergers, not residential. Mr. Stonehouse noted that some conditions were already placed on this merger, relative to having one water tap, easements, etc.

The motion to adopt the staff recommendation to deny the ESIA appeal and allow the parcel merger carried with a 7-1 roll call vote, with Councilmembers Fargo, Hammond, Kerth, Pannell, Waters, Yee, and Mayor Serna voting yes and Councilmember Cohn voting no.

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11.0 STAFF REPORTS

None

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12.0 SHRA

None

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13.0 COUNCIL IDEAS AND QUESTIONS

13.1 Councilmember Waters advised that he had toured the Towe Auto Museum recently, and was impressed with how much it had changed since it used to be essentially a Ford Museum. From the variety of exhibits now there, it can be seen that the Museum is currently developing into an auto-related museum, beginning with horse-and-wagon days and on through the evolving phases of the automobile. In addition, Mr. Waters observed that the museum is becoming a real museum of Sacramento, with replicas of various local establishments such as Vic's Ice Cream Parlor, old gas stations, old cafes, Merlino's Orange Freeze, etc.

Mr. Waters advised that on December 6, 1998, at 1 p.m. and 3 p.m., the Sacramento Capitolaires, a 50-man Barbershop Chorus, will perform two concerts at the Towe Auto Museum.

Councilmember Fargo added that the Towe Museum also has a great gift shop.

13.2 Councilmember Fargo requested assistance from the City Manager to look into potentially unsafe conditions at the intersection of West El Camino and Orchard Lane, where there has been some construction recently. Ms. Fargo wanted proper signage, striping, and reflectors installed.

13.3 Councilmember Kerth extended an invitation to all to attend the North Sacramento Christmas Tree Lighting event this Thursday, December 3rd, at 6:30 p.m., behind Station 20, in the Police and Sheriffs Memorial Park. Santa will be there, children will decorate the tree, and the event will be held, rain or shine.

Mayor Serna commented that this year the lighting of the City tree on K Street was held in the rain.

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

None

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15.0 ANNOUNCEMENTS

None

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ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:07 p.m.

Submitted


Valerie A. Burrowes, City Clerk

Approved


Joe Serna, Jr., Mayor