

CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:

ITEM #
September 8 22, 1994
PAGE 1

P94-040 - Theta Chi Fraternity Special Permit

- REQUEST:
- A. Special Permit to allow a Fraternity to locate its Chapter housing on .74± developed acres in the Standard Single Family Residential (R-1) zone (5650, 5652, 5654 Broadway and 3041 56th Street).
 - B. Variance to reduce the required setback for a residential structure from five feet to zero feet. (Withdrawn)

LOCATION: South of Highway 50, at 5650, 5652, 5654 Broadway and 3041 56th Street
APN: #015-0061-007; -030; -031; -032
East Broadway Community Plan Area
Sacramento Unified School District
Council District 6

APPLICANT:	Theta Chi Fraternity - Epsilon Omega Chapter Attn: Dan Dawson (707) 449-5148 2513 Albany Avenue Davis, CA 95616
OWNER:	Vivian Smith 5301 7th Avenue Sacramento, CA 95820 (916) 455-3738
PLANS BY :	Dan Dawson
APPLICATION FILED:	4/8/94
STAFF CONTACT:	Colleen Carollo, 264-5691

SUMMARY/RECOMMENDATION:

The City has required a Special Permit for dormitory/fraternity/sorority uses in the Standard Single Family Residential (R-1) zone since 1964. The applicant is proposing to locate the Theta Chi Fraternity at 5650, 5652, 5654 Broadway and 3041 56th Street. In order to meet the applicant's objectives, the project requires the discretionary entitlement described above. **Staff recommends approval of the Special Permit, subject to compliance with the conditions included in the attached Resolution.** This recommendation is based upon the proposal's consistencies with the City's adopted plans and policies.

PROJECT INFORMATION:

General Plan Designation: Low Density Residential (4-15 du/na)
Community Plan Designation: N/A
Existing Land Use of Site: 5650 Broadway - Single Family Dwelling
5652 & 5654 Broadway - Duplex
3041 56th St. - Single Family Dwelling
Existing Zoning of Site: Standard Single Family Residential (R-1)

Surrounding Land Use and Zoning:

North: Single Family Residential (R-1) & Multi-Family Residential (R-4)
South: Single Family Residential (R-1)
East: General Commercial Strip, (C-2)
West: Single Family Residential (R-1)

Setbacks:	Required	Provided
Front:	25'	25'
Sides:	5'	0' & 5' +
Rear:	15'	15' +

Property Dimensions:

#015-0061-007: 60' x 114'
#015-0061-030: 80' x 160'
#015-0061-031: 40' x 160'
#015-0061-032: 40' x 150'

Property Area: .74± developed acres

Square Footage of Building:

#015-0061-007: 1,275 s.f.
#015-0061-030: 2,736 s.f. duplex
#015-0061-031: N/A (vacant)
#015-0061-032: 1,880 s.f.

Height of Buildings: one-story (two-story illegal structure)
Exterior Building Materials: Stucco
Roof Material: Composition Shingle
Parking Provided: 11 spaces
Parking Required: 4 spaces (1 per 3 Occupants)
Topography: Flat
Street Improvements: Existing
Utilities: Existing

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

Permit/Approval

Agency

Variance (if addition is completed

02230

to house at 3041 56th Street)	Development Services
Building Permits (if required per Uniform Building Code)	Building Division
Sign Permit	Building Division

BACKGROUND: On October 12, 1993, the City Council amended the Zoning Ordinance to add a definition for sorority and fraternity uses and to extend the Special Permit requirements to houses located in the R-4, R-5, and C-2 zones in the "Old City". Upon implementing the new ordinance, the Planning Department discovered the existence of several sorority and fraternity uses which have been operating without a Special Permit even though one has been required for these types of uses since 1964. The responsible parties associated with these uses were notified of their non-conforming status and given a deadline in which to apply for the Special Permit or be subject to nuisance abatement procedures. The Theta Chi Fraternity was one of the uses notified of a violation. Subsequently, an application was submitted for the necessary entitlement to legally operate the fraternity housing at the Broadway and 56th Street locations.

An illegal structure currently exists at the north property line of parcel #015-0061-032 (3041 56th Street). In 1990, the owner of the property was issued a "Stop Work Notice" on the illegal structure. To date, no entitlements have been approved to legalize the structure. The proposed Special Permit has been conditioned to require that this structure be made "legal" (entitlements and building code compliance) or be demolished.

STAFF EVALUATION: Staff has the following comments:

A. **Policy Considerations**

The Sacramento General Plan designates the project site for Low Density Residential (4-15 du/na) development. The density of the existing development is 5.5 du/na. The current proposal is consistent with the General Plan Land Use designation of Low Density Residential.

Fraternity uses are allowed in the R-1 zone subject to the granting of a Special Permit. Subject to the conditions of the Special Permit and in compliance with the development standards listed below, Staff recommends approval of the Special Permit. Unless previously approved or modified as part of the Special Permit, the use is required to meet the development standards identified below:

B. Fraternity Development/Site/Zoning Requirements**1. Sleeping Quarters**

The Zoning Ordinance requires that every room used for sleeping purposes have not less than one hundred square feet of floor area and that fifty additional square feet of floor area be provided for each room occupant in excess of one. Each of the single family residences contains three bedrooms. Each duplex unit contains two bedrooms. The current proposal would house one person per bedroom (total of ten inhabitants) on the entire project site. The current project satisfies this Zoning Ordinance requirement.

2. Lounge Area

The Zoning Ordinance requires that a common lounge area be provided in a central location. Since each of the structures are independent residential units (kitchen, living room, etc.), the project satisfies this Zoning Ordinance requirement.

3. On-Site Manager

The Zoning Ordinance requires that a property owner or manager reside at the premises. The applicant's current proposal does not specify an on-site manager. In order to satisfy the need for an on-site manager, staff recommends that this become a condition of approval.

4. Parking

The Zoning Ordinance requires that the facility provide one parking space per three occupants. Based upon a calculated maximum occupancy of ten persons (see "Sleeping Quarters" discussion above), a total of four off-street parking spaces are required. The current proposal includes 11 off-street parking spaces, satisfying the Zoning Ordinance parking requirement.

5. Patio Area

The Zoning Ordinance requires that an outdoor patio area be provided. The patio area shall not face the street. The size of the area of the patio area shall be subject to Planning Commission review and approval. Parcel #015-0061-030 (duplex site) includes a 14' x 64' covered patio area. Therefore, the project satisfies the Zoning Ordinance patio requirement.

6. Setbacks/Fencing

The Zoning Ordinance requires side yard setbacks of 5 feet; front yard setbacks of 25 feet; and rear yard setbacks of 15 feet in the Standard Single Family Residential (R-1) zone. An illegal two-story structure currently exists, within the side yard setback, at the north property line of parcel #015-0061-032 (3041 56th Street). In 1990, the owner of the property was issued a "Stop Work Notice" on the illegal structure. To date, no entitlements have been approved to legalize the structure. The proposed Special Permit has been conditioned to require this structure be made "legal" or be demolished. In order to make the structure "legal", the owner must connect the two-story addition to the existing residence with a continuous hallway (or equivalent), obtain a Variance to reduce the required side yard setback (entitlement), and bring the addition up to Building Code requirements.

The project site is bordered on the east by a solid concrete wall; on the south by chain-link w/slats and wood fencing; and on the west and north by wood fencing. At the Neighborhood meeting held on June 22, 1994, adjacent property owners expressed concerns relating to noise created by the use of yard areas. In order to address this issue, a condition of approval has been included requiring that the applicant construct a 6-foot solid wood fence at the south property lines of parcels #015-0061-031 and #015-0061-032.

PROJECT REVIEW PROCESS:**A. Environmental Determination**

The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act, Categorical Exemption Section #15303(a)(b) and #15305(a).

B. Public/Neighborhood/Business Association Comments

The project was routed to the following neighborhood associations: Tahoe Park Neighborhood Association; Oak Park Neighborhood Association; Elmhurst Neighborhood Association; Med Center Neighborhood Association; Franklin Boulevard Neighborhood Association; 21st Area Neighborhood Association; and CARE. As of the date of this report, no written comments have been received from the neighborhood associations. *Written comments have been received from an adjacent property owner stating concerns regarding noise, parking, and devaluation of property. A copy of this letter is included as Attachment E. (AMENDED BY STAFF, 9/9/94)*

02233

A Neighborhood Meeting was held at the proposed project site location on June 22, 1994. Adjacent property owners and a representative of the Tahoe Park Neighborhood Association were present (Attachment C - Sign In Sheet/Neighborhood Meeting). Issues of concern were primarily related to noise, parking, and property maintenance. These concerns have been addressed in the conditions of approval included in the attached Resolution.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following section summarizes the comments received:

1. Building Inspections/Fire Department

Comments received from the Building Division and the Fire Department related to compliance with the Uniform Building Code and the Uniform Fire Code as they relate to changes in occupancy use. A condition has been included requiring smoke detector installation in all sleeping areas and common areas.

2. Police Department

Comments received from the Police Department related to hours of outdoor activities during week nights. Conditions have been included in the attached Resolution restricting hours of activities and the number of persons in attendance at activities held on the project site (Attachment D).

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the project entitlement. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

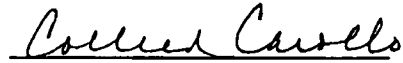
RECOMMENDATION:

Staff recommends the Planning Commission take the following action:

- A. Adopt the attached Resolution approving the Special Permit to allow a Fraternity to locate its Chapter housing on .74± developed acres in the Standard Single Family Residential (R-1) zone (5650, 5652, 5654 Broadway and 3041 56th Street).
- B. Withdrawn.

Report Prepared By,

Report Reviewed By,



Colleen Carollo
Associate Planner



Barbara L. Wendt
Senior Planner

Attachments

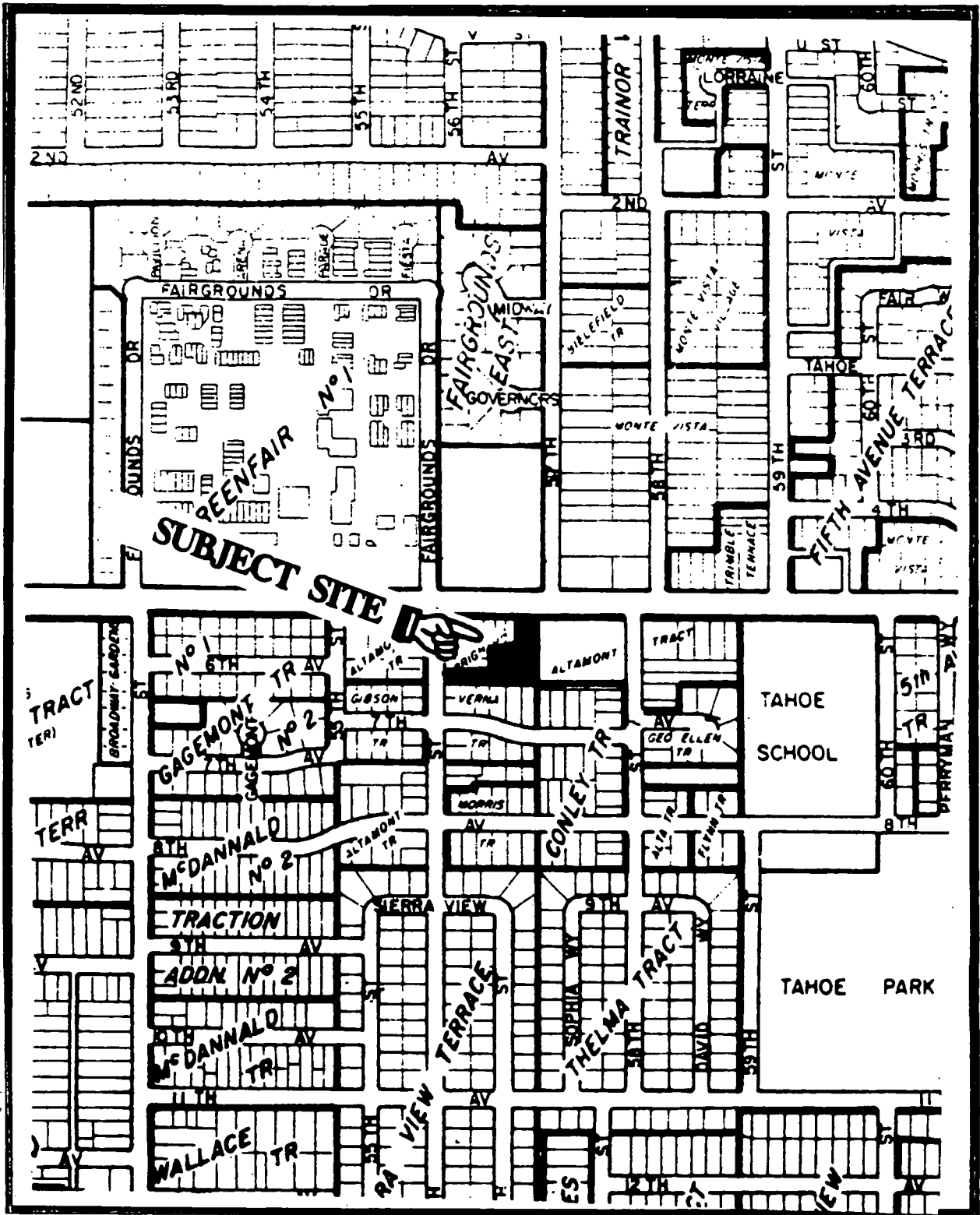
Attachment A	Vicinity Map
Attachment B	Land Use and Zoning Map
Attachment C	Neighborhood Meeting Sign-In Sheet (June 22, 1994)
Attachment D	Resolution Adopting Special Permit
Exhibit D-1	Site Plan
Attachment E	<i>Neighbor Letter from Janice E. Sward (ADDED BY STAFF, 9/9/94)</i>

ATTACHMENT A

P94-040

SEPTEMBER 22, 1994

ITEM #
PAGE 8



VICINITY MAP

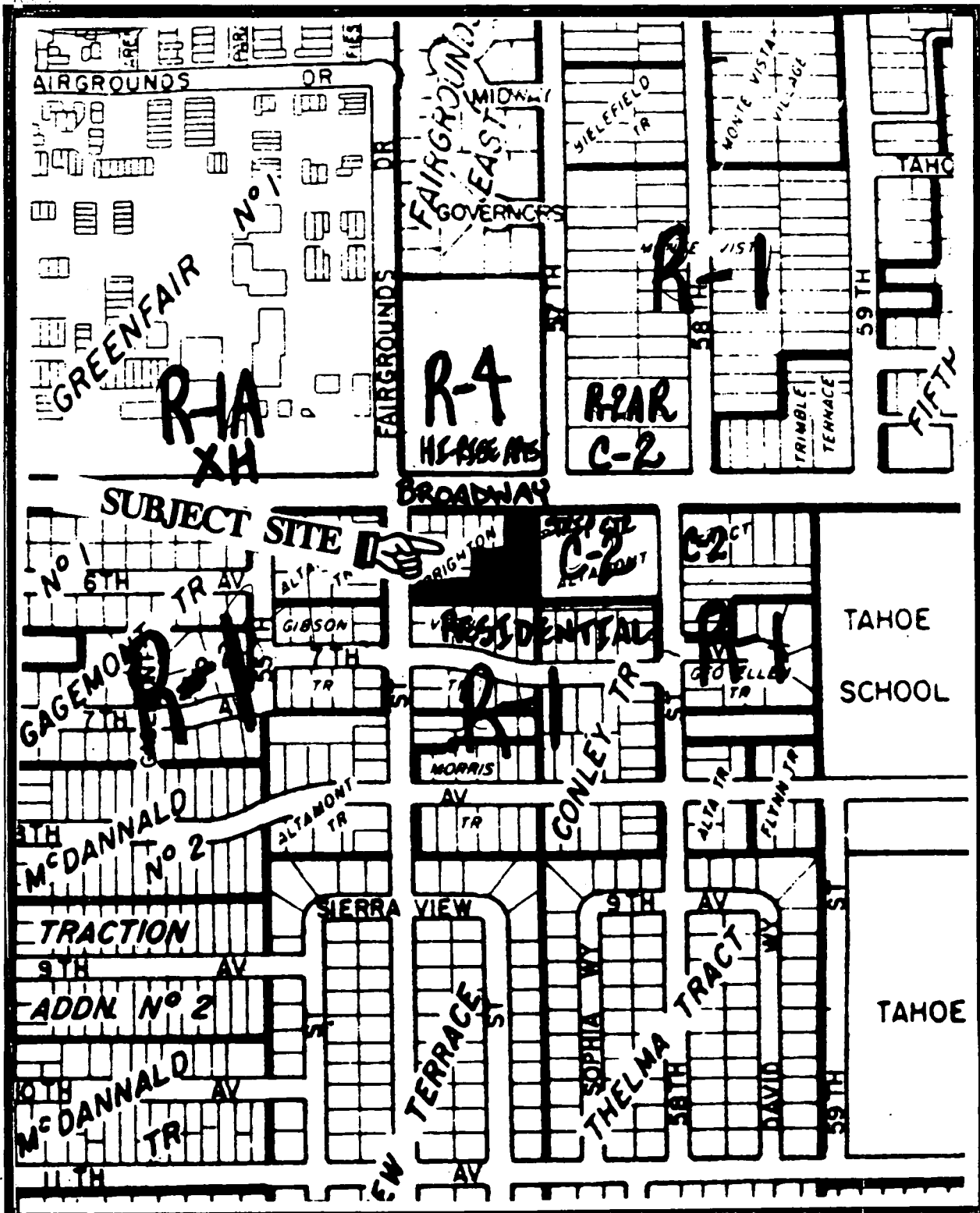
02236

ATTACHMENT B

P94-040

SEPTEMBER 22, 1994

ITEM #
PAGE 9



LAND USE AND ZONING MAP

02237

ATTACHMENT C

P94-040

SEPTEMBER 22, 1994

ITEM #
PAGE 10

Neighborhood Meeting 6/22/94
7:00 P.M.

<u>Name</u>	<u>Organization/Address</u>	<u>Telephone</u>
Colleen Crofts	City of Sacramento	264-5691
Ken Vanderford	5620 7 th Ave	456-0272 <small>Send report</small>
Denise Pitts	5619-7 th Ave.	455-9772
Ed Knight	5619 7 th AVE	455-9772
Joni Placencia	5623 7 th Ave	454-2684
Frank Damigano	T.P.M.A.	737-2496
Cecilia Smith	5301 7 th Ave	455-3738
Vivian Smith	5301 7 th Ave.	455-3738
Kathy Smith-Moreno	5301 7 th Ave	455-3738
Ed/Abel Garske	5639-8 th Ave.	455-3689
Don Dawson		
Scott Torrey		
Susan Edelmyer	3222-58th St.	454-3526

02238

ATTACHMENT D**AMENDED BY STAFF 9/7/94, & 9/8/94****RESOLUTION NO.****ADOPTED BY THE SACRAMENTO PLANNING COMMISSION****ON DATE OF SEPTEMBER 8-22, 1994****A RESOLUTION ADOPTING FINDINGS OF FACT
AND APPROVING A SPECIAL PERMIT FOR
PROPERTY LOCATED AT 5650, 5652, 5654
BROADWAY AND 3041 56TH STREET.****(P94-040) (APN:#015-0061-007; -030; -031; -032)**

WHEREAS, the City Planning Commission on September 8 22, 1994, held a public hearing on the request for approval of a special permit to allow a Fraternity to locate its Chapter housing on .74± developed acres in the Standard Single Family Residential (R-1) zone for property located at the above described location;

WHEREAS, the proposed project is exempt from environmental review pursuant to the California Environmental Quality Act, Categorical Exemption Section 15303(a)(b) & 15305(a);

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

WHEREAS, the Planning Commission adopts the following findings of fact for the special permit to allow a Fraternity to locate its Chapter housing at 5650, 5652, 5654 Broadway and 3041 56th Street.

- A. The project, as conditioned, is based upon sound principles of land use in that:**
- 1) the subject site is appropriately planned and zoned for the proposed use, and the proposed use is allowed subject to the granting of a Special Permit;**
 - 2) the proposal is compatible with the adjacent established neighborhood in that parking, on-site manager, and site development standards are met for the proposed use.**

- B. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
- 1) the number of persons on site will be limited;
 - 2) social activities which may generate excessive noise will cease at a designated hour;
 - 3) enhanced litter pick-up will occur within a designated area; and
 - 4) parking on the sidewalk will be prohibited.
- C. The project is consistent with the General Plan which designates the site as Low Density Residential (4-15 du/na).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The special permit to allow a Fraternity to locate its Chapter housing on .74± developed acres in the Standard Single Family Residential (R-1) zone is hereby approved, subject to the following conditions:
 - a. The maximum residency of the houses shall be limited to one person per sleeping room. If more than one person will be allowed per sleeping room, the applicant shall comply with the Zoning Ordinance requirements for Sorority/Fraternity/Dormitory sleeping areas. At no time shall more than 100 persons be allowed on the entire project site (25 persons per residential unit).
 - b. Social activities constituting more than 10 persons shall not be permitted except on Fridays, Saturdays and Holiday evenings and then only between 8:00 a.m. and 10:00 p.m. Business activities constituting more than 10 persons shall only be permitted between 8:00 a.m. and 10:00 p.m. Not more than two such business activities shall be permitted during any week. "Holiday" as used herein means Holidays recognized by the City of Sacramento. The Planning Commission, after a hearing, shall have the authority to interpret what activity or types of activity constitute a business activity and what constitutes a social activity. The applicant shall comply with all applicable provisions of Chapter 66 of the Sacramento City Code (Noise Ordinance) including but not limited to amplified music.
 - c. Residents shall be responsible for all garbage clean-up within the site's vicinity; to the extent such garbage is generated by residents or guests of the site.

- d. ~~Residents, visitors, and guests shall only be permitted to park within the garage areas, driveways, or along the street frontages (where permitted) abutting the subject site. (DELETED BY STAFF, 9/7/94)~~
- e. Neither residents, visitors, nor guests shall be permitted to park their vehicles upon the sidewalk.
- f. The property owner or a "House Manager" shall reside at the subject site while the fraternity houses are in operation.
- g. Smoke detectors shall be installed in all sleeping areas and common areas.
- h. Signage shall comply with the City Sign Ordinance regulations.
- i. Banners and posters shall be permitted only on the college campus, subject to proper approval.
- j. The owner/applicant shall, ***within 45 days of approval of the Special Permit (AMENDED BY STAFF 9/7/94)***, construct a solid 6-foot wooden fence at the south property lines of parcels #015-0061-031 and #015-0061-032.
- k. ***With reference to the existing illegal two-story structure***, the owner/applicant shall, ***within 45 days of approval of the Special Permit***, either:
- 1) ***Apply for a demolition permit; OR***
 - 2) ***Apply for the appropriate entitlements necessary to make the existing two-story structure "legal".***

In the event a demolition permit is obtained or applied for, demolition shall be completed within 30 days of the date of issuance of the demolition permit.

If the appropriate entitlements are applied for but denied, demolition of the structure shall occur. The applicant shall apply for a demolition permit within 10 days of the final decision of the entitlements and demolish the structure within 30 days of issuance of a demolition permit. If the entitlements are approved, the applicant shall comply with all conditions of the entitlements in order to make the structure lawful, including but not limited to the obtaining of appropriate building permits. ~~demolish the existing illegal~~

~~two story addition located along the northern property line of parcel #015-0061-032 or make the existing illegal addition "legal". This structure shall not be used as a storage or living area until all required entitlements and permits are obtained. Making the structure legal would involve the following, including but not limited to:~~

- ~~1) Within 90 days of approval of the Special Permit, the applicant/owner shall obtain required entitlements (i.e. variance for side yard setback);~~
- ~~2) Connect the illegal addition to the existing residence with common walls at least 8 feet in width (including obtaining appropriate building permits for the connection); and~~
- ~~3) Obtain appropriate building permits for existing addition (including compliance with all building code requirements).~~

(AMENDED BY STAFF 9/7/94)

CHAIRPERSON

ATTEST:

SECRETARY TO PLANNING COMMISSION
P94-040

02242