

CITY OF SACRAMENTO

16 ~~31~~

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814  
TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR  
May 7, 1981

City Council  
Sacramento, California

APPROVED *intent to*  
BY THE CITY COUNCIL *grant appeal*  
JUN 2 - 1981 *subject to*  
*conditions*  
OFFICE OF THE *passed on 7-07*  
CITY CLERK *F due 6-16-81*

Honorable Members in Session:

SUBJECT: Appeal of Planning Commission's decision to deny a special permit, lot line adjustment, wall variance and parking variance requests (P-9337)

LOCATION: 4825 "J" Street

SUMMARY

This appeal involves the Commission's decision to deny a request for the necessary entitlements to construct a 7,800 square foot office building and to utilize an adjacent 50' x 55' residential zoned lot for parking purposes. Staff recommended approval of the applicant's request with the one exception that the parking variance request to waive one parking space be denied. The Commission, however, denied the project and it was appealed by the applicant.

BACKGROUND INFORMATION

The subject site consists of two parcels located northwest of the intersection of 49th and J Streets. The southernmost parcel (zoned C-2) fronts on J Street and is currently developed with offices in a residential type structure. No parking is currently provided on the site. The northernmost parcel (zoned R-1) is a small 55' x 50' land-locked parcel which only has alley access. The staff did not object to the proposal to utilize the 55' x 50; residentially zoned property for parking purposes. Because of the small size of this parcel and its location off the alley, it would be difficult to develop the site with a dwelling. However, staff objected to the variance to waive one parking space because no hardship exists and the waiver would increase on-street parking congestion in the area. The project was also reviewed by the East Sacramento Improvement Association. They recommended approval of the applicant's request subject to the condition that the house be relocated if possible.

Page 1

APPROVED *Cont*  
BY THE CITY COUNCIL *to*  
MAY 15 1981 *6-2-81*  
OFFICE OF THE  
CITY CLERK

VOTE OF PLANNING COMMISSION

On April 9, 1981 the Planning Commission, by a vote of seven ayes and two absent, denied the applicant's request. In consideration of their action the Commission determined that the granting of the requested entitlements would create further traffic congestion within the surrounding area and would result in the creation of a nuisance in that it would further complicate the access problems in and out of the alley.

The Commission also reviewed written testimony from an area resident, and, since the meeting, from the adjacent doctor's office in opposition to the proposed project.

RECOMMENDATION

If the Council concurs with the Commission, the proper action would be to deny the appeal.

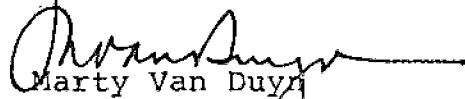
If the Council concurs with staff's recommendation, the proper action would be to:

1. Approve the special permit, subject to the following conditions:
  - a. The applicant shall erect a six-foot solid masonry wall on the north and west property lines prior to issuance of building permits;
  - b. The applicant shall submit a detailed landscaping plan for the review and approval of the Planning Director prior to issuance of building permits;
  - c. Applicant shall offer the house on the site for relocation if the Building Department determines it a sound building.
2. Approve the lot line adjustment subject to conditions:
  - a. The applicant shall submit closure calculation for each parcel and overall boundary of the site. It shall be prepared by a certified licensed land surveyor or civil engineer and reviewed and approved by the City Engineer's office.
  - b. The proposed lot lines are to be monumented.
3. Approval of the variance to waive a portion of the required six-foot wall.

May 7, 1981

4. Denial of the variance to waive one required parking space.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MVD:TM:bw  
Attachments  
P-9337

May 14, 1981  
District No. 3

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

DATE: April 17, 1981

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of April 9, 1981 when:  
(Date)

Rezoning Application  Variance Application  
 Special Permit Application P-9337

was:  Granted  Denied by the Commission

GROUNDS FOR APPEAL: The decision is based on prejudice and  
not on the merits of the project. Furthermore the  
decision ignores the planning staff recommendations  
and is contrary to the best interests of the local  
community and city.

PROPERTY LOCATION: 4825 J Street

PROPERTY DESCRIPTION: Proposed 7800 sq. ft. office building  
on C-2 Lot with parking on adjacent 50x55 R-1 Lot

ASSESSOR'S PARCEL NO. 008 - 104 - 11 & 16

PROPERTY OWNER: Anthony & Diana Caruso

ADDRESS: 2639 Bridgeport Wy, Sacramento 95826

APPLICANT: Anthony Caruso

ADDRESS: 2639 Bridgeport Wy, Sacramento 95826

APPELLANT: Anthony Caruso

(SIGNATURE)  
ADDRESS: 2639 Bridgeport Wy, Sacramento 95826

FILING FEE: \$60.00

RECEIPT NO. 0011

FORWARDED TO CITY CLERK ON DATE OF: \_\_\_\_\_

CITY OF SACRAMENTO  
PAID-FEE

P- 9337

APR 17 1981

7/80

(4 COPIES REQUIRED)  
PLANNING

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE: April 9, 1981

ITEM NO. 250 FILE NO. P-9337  
M-\_\_\_\_\_

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- EIR DETERMINATION
- OTHER \_\_\_\_\_

Recommendation:

- Favorable
- Unfavorable
- Petition
- Correspondence

LOCATION: 4825 J Street

PROPOSERS

<u>NAME</u>	<u>ADDRESS</u>
<u>Anthony Caruso</u>	<u>2639 Bridgeport Way, Sacramento, CA 95826</u>
	<u>383-1811</u>

OPPOSERS

<u>NAME</u>	<u>ADDRESS</u>
<u>Sidney Pope</u>	<u>1332 40th Street, Sacramento, CA</u>

MOTION NO. \_\_\_\_\_

	YES	NO	MOTION	2ND
Augusta	✓		✓	
Fong	✓			
Goodin		✓		
Holloway		✓		
Hunter	✓			
Larson	✓			
Muraki	✓			✓
Silva	✓			
Simpson	✓			

MOTION:

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO ~~APPROVE~~ DECLINE ~~TO CONSIDER~~ & BASED ON FINDINGS OF FACT DUE 4-23-81
- TO RECOMMEND APPROVAL \_\_\_\_\_ & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO \_\_\_\_\_ MEETING
- OTHER \_\_\_\_\_

CITY PLANNING COMMISSION

915 "I" STREET - SACRAMENTO, CALIFORNIA 95814

APPLICANT	JTS Engineering Consultants, Inc. 811 J Street, Sacramento, Ca. 95814
OWNER	Anthony & Diana Caruso 2639 Bridgeport Way, Sacramento, Ca. 95826
PLANS BY	JTS Engineering Consultants, Inc. 811 J Street, Sacramento, Ca. 95814
FILING DATE	2-24-81
50 DAY CPC ACTION DATE	
REPORT BY:	TM:JUN
NECESSARY DEC.	E 15103c
EIR	
ASSESSOR'S PCL. NO.	008-104-11 & 16

- APPLICATION:**
1. Special Permit to utilize a 50'x55' lot for a parking lot.
  2. Variance to waive portions of the required six (6) foot masonry wall.
  3. Variance to waive one of the required 20 parking spaces.
  4. Lot line adjustment to merge two properties totaling 11,200 ± sq.ft.

**LOCATION:** 4825 J-Street

**PROPOSAL:** The applicant is requesting the necessary entitlements to construct a 7,800 square foot medical office building with part of the required parking located on single family zoned property.

**PROJECT INFORMATION:**

General Plan Designation: Residential  
 1963 East Sacramento Community  
 Plan Designation: Shopping/Offices/Commercial and Light Density Residential  
 Existing Land Use of Site: Offices, storage barn  
 Existing zoning of site: C-2 and R-1  
 Surrounding Land Use and Zoning:  
 North: Single Family: R-1  
 South: Commercial: C-2  
 East: Offices (Residential); C-2, (R-1)  
 West: Commercial (Residential); C-2, (R-1)

Parking Required: 20      Parking Provided: 19  
 Ratio Required: 1:400      Ratio Provided: 1:410  
 Property Dimensions: 50'x224'      Area: 11,200 sq.ft.  
 Square Footage of Proposed Building: 7,800

**STAFF EVALUATION:** Staff has the following concerns and comments regarding this proposal:

1. The subject site consists of two parcels located northwest of the intersection of 49th and "J" Streets. The southernmost parcel (zoned C-2) fronts on "J" Street and is currently developed with offices in a residential type structure. No parking is currently provided on the site.

The northernmost parcel (zoned R-1) is a small, 55'x40' landlocked parcel with alley access only.

2. Staff does not oppose the special permit request to utilize the 50'x55' residentially zoned property for parking purposes. Staff notes that due to the small size of this parcel and its location off of the alley, it would be difficult to develop the site with a residential type structure. In addition, the utilization of this parcel will provide needed off-street parking and will not significantly alter the characteristics of the area.
3. The applicant is requesting a variance to waive the required solid masonry wall adjacent to the alley and between the two parking lots. Staff finds that the granting of the variance is justified given the inability of the applicant to utilize the site for parking purposes given the strict application of the Zoning Ordinance.
4. The applicant is also requesting a variance to waive one of the required 20 parking spaces. Staff cannot find any basis of hardship for this request. In addition, the applicant has not provided for the 50% parking lot shading requirement. Staff suggests that the applicant reduce the square footage of the office building to provide for the required parking onsite.
5. Staff supports the lot line adjustment request to merge the two properties because the merger will insure that the required parking will be onsite.

The proposed lot line merger was reviewed by the offices of Real Estate, City Water and Sewer Division, and the Planning Department. There was no objection to the request. The City Engineer and Water and Sewer Division recommend the following conditions for the lot line adjustment;

- a. the applicant shall submit closure calculations for the overall boundary of the subject site. It shall be prepared by a Certified Licensed Land Surveyor or Civil Engineer and reviewed and approved by the City Engineer's Office.
- b. The proposed lot lines are to be monumented.

STAFF RECOMMENDATION: Staff recommends the following actions:

1. Approval of the Special Permit subject to conditions and based upon findings of fact which follow;
2. Approval of the Variance to waive portions of the required six (6) foot masonry wall adjacent to the alley and between the two parking areas;
3. Denial of the Variance request to waive one of the required 20 parking spaces based upon findings of fact which follow;

4. The Commission approve the lot line adjustment and adopt the attached resolution;

Conditions - Special Permit

1. The applicant shall erect a six-foot solid masonry wall on the north and west property lines prior to issuance of building permits.
2. The applicant shall submit a detailed landscaping plan for the review and approval of the Planning Director prior to issuance of building permits.

Findings of Fact - Special Permit

1. The proposed project is based upon sound principles of land use in that;
  - a. It will provide for the utilization of a small land-locked parcel;
  - b. The proposed parking lot will reduce the demand for on-street parking.
2. The proposed project is not injurious to the general public nor surrounding properties in that;
  - a. The parking lot will be enclosed by a six-foot solid masonry wall;
  - b. Adequate traffic entrances and exits are provided;
3. The proposal is consistent with the 1974 General Plan and the 1963 East Sacramento Community Plan in that parking lots are permitted in the residential zone with special permit approved by the Commission;

Findings of Fact - Wall Variance

1. The requested variance is not a special privilege extended to one individual in that access could not be provided to the parking area given the wall requirement. In similar circumstances, the Planning Commission would again approve such a request.
2. The project will not be injurious to surrounding properties in that the proposal will not significantly change the characteristics of the area;
3. The variance is in harmony with the general purpose and intent of the Zoning Ordinance in that it will serve to conserve and stabilize the value of the adjacent commercial property without impacting the adjacent properties.



Findings of Fact - Parking Variance

1. The requested variance would constitute a special privilege extended to one property owner as no hardship has been proven.
2. The requested variance would be injurious to surrounding properties in that it would increase the parking congestion on "J" Street and the surrounding residential area.

RESOLUTION NO.

Adopted by the Sacramento City Planning Commission

on date of

APPROVING A LOT LINE ADJUSTMENT FOR LOTS 8 and the Eastern 50' of lot 9 as shown on the plot of "J" Street Suburban Tract #1, northwest of the intersection of Folsom Blvd. and "J" Street (APN:008-104-11,16)

WHEREAS, the Planning Director has submitted to the Planning Commission a report and recommendation concerning the lot line adjustment for property located northwest of the intersection of Folsom Blvd. and "J" Street; and

WHEREAS, the lot line adjustment is exempt from Environmental Review pursuant to State EIR Guidelines (CEQA, Section 15105(a)); and

WHEREAS, the lot line adjustment is consistent with the 1974 City General Plan and the 1963 East Sacramento Community Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE Planning Commission of the City of Sacramento:

That the lot line adjustment for property located northwest of the intersection of Folsom Blvd. and "J" Street, City of Sacramento, to be approved as shown and described in Exhibits "A" and "B" attached hereto, subject to the following conditions:

1. The applicant shall submit closure calculation for each parcel and overall boundary of the site. It shall be prepared by a certified licensed land surveyor or civil engineer and reviewed and approved by the City Engineer's office.
2. The proposed lot lines are to be monumented.

ATTEST:

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY TO CITY PLANNING COMMISSION

EXHIBIT "B"

February 20, 1981

#81-015

LEGAL DESCRIPTION FOR THE MEDICAL OFFICE COMPLEX ON 4825 J STREET DESCRIBING THE COMBINED PARCELS.

LOT 8 AND THE EAST 50' OF LOT 9 AS SHOWN ON THE PLAT OF "J" STREET SUBURBAN TRACT #1 RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY ON JULY 1, 1904, IN BOOK 5 OF MAPS, MAP 48.

P-9337

April 9, 1981

ITEM NO. 25



R-1

SUTTER  
MEMORIAL  
HOSPITAL

R-0

R-2

C-2

C-2

C-2

HIDDEN LN

SUBJECT SITE

EL DORADO  
SCHOOL

R-3

C-2

C-2

R-2

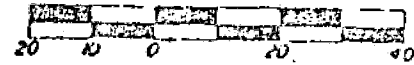
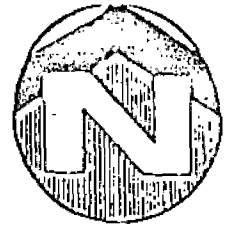
OB

EAST  
PORTAL  
PARK

R-1

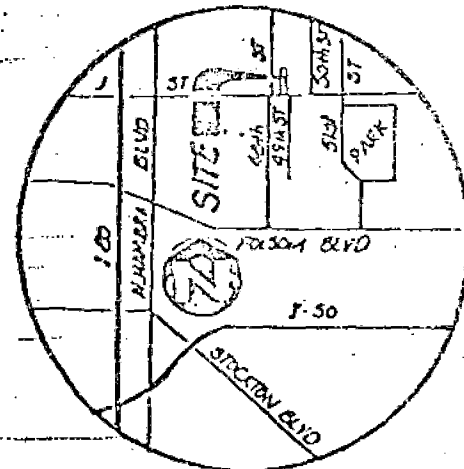
KIT CARSON  
JR. HIGH  
SCHOOL

C-2



### LEGEND

- ▲ EXIST SPRINKLER VALVE
- EXIST SPRINKLER
- EXIST POST
- ○ EXIST (2) JOINT POLE
- ○ ○ EXIST DROPPLET (D1)
- ○ ○ EXIST MANHOLE (MH)
- ○ ○ EXIST WATER VALVE (WV)
- EXIST FENCE
- ▨ EXIST BUILDING



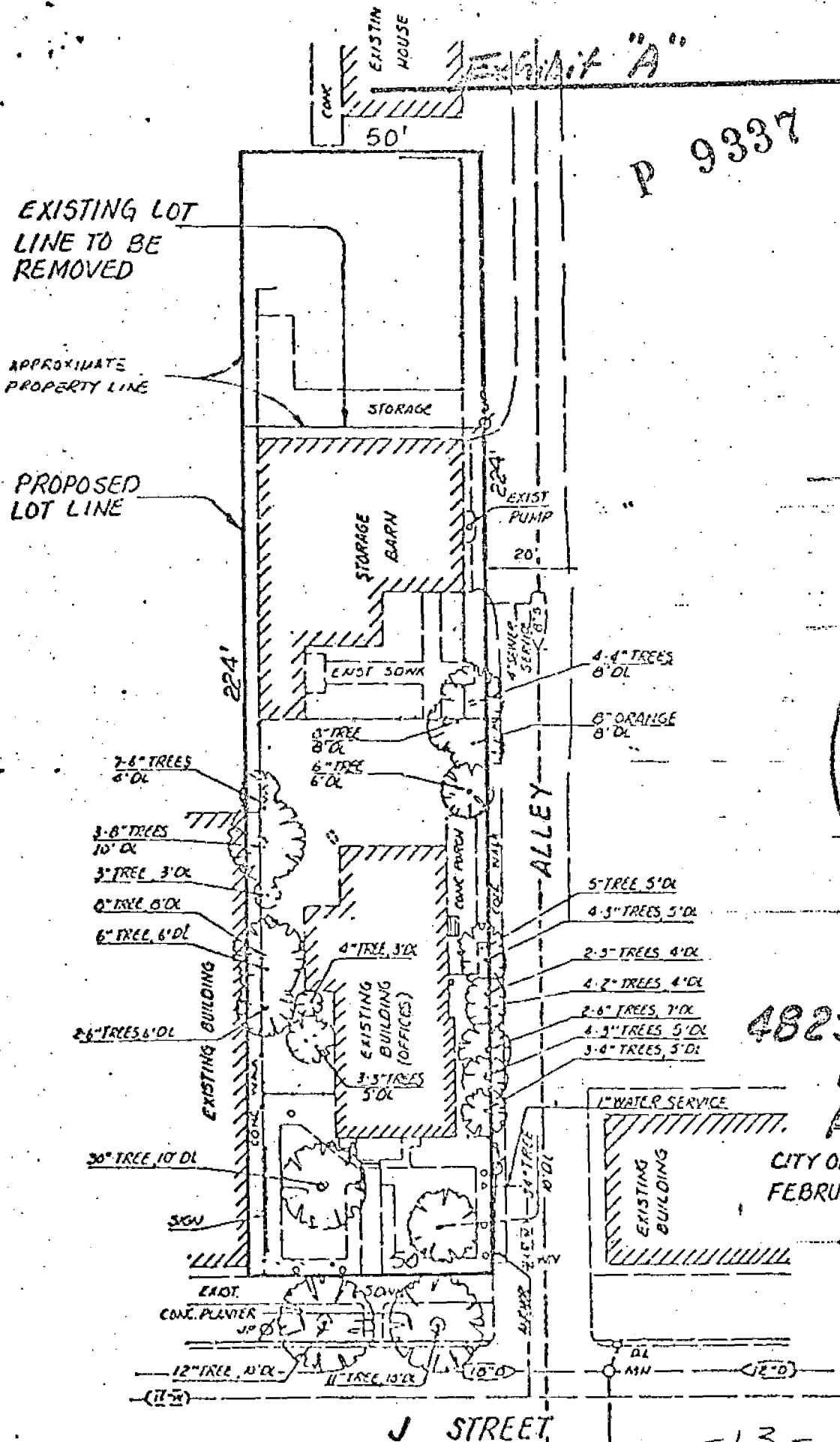
VICINITY MAP  
NO SCALE

# 4825 J STREET LOT LINE ADJUSTMENT

CITY OF SACRAMENTO, CALIFORNIA  
FEBRUARY 1981 SCALE: NOTED

APN: 008-104, 11, 16

**JTS** ENGINEERING  
CONSULTANTS

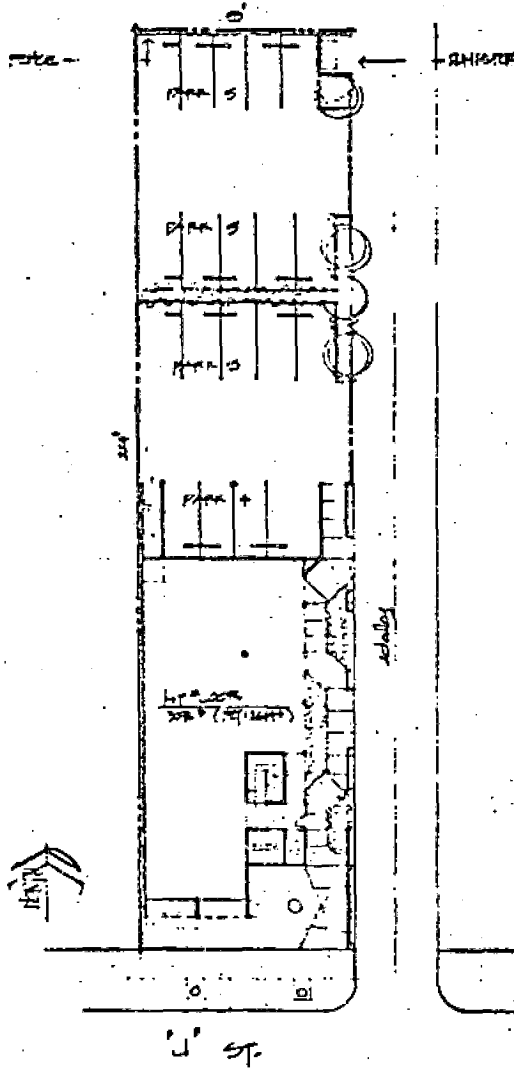


P 9337

81015

# office project

49th & 'J' STREETS, SACRAMENTO, CALIF.  
PMT CARUSO, JOHN JACKSON, DEVELOPERS



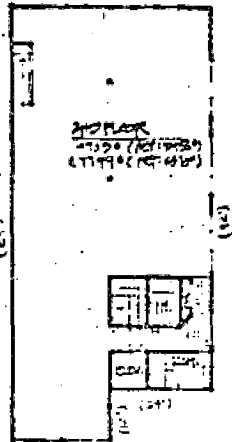
CHINA CABINETS W/ 2 DOOR W/ 2  
SPRING FRONT DOOR

WOODEN WALL  
(OFFICE)

WOODEN SHEETS  
& FLOOR MATS

CASUAL DESIGN

(10)

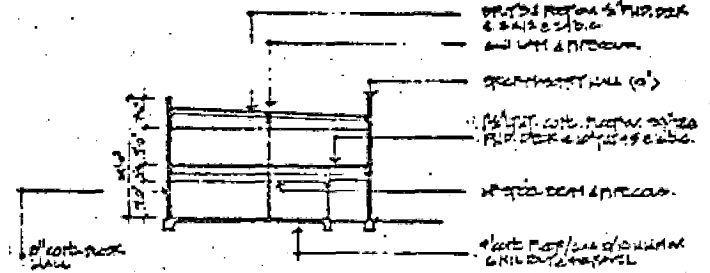


SCALE: 1/8"

SHIELD

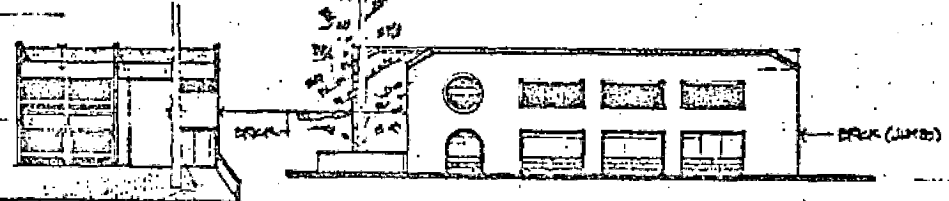
WOODEN  
TYPING

SOUTH



NORTH

SECTION



SCALE: 1/8"

EAST

0000 JULY 1980

SCALE: 1/8"  
WOODEN PARTITION & SHIELD & SHIELD  
WOODEN PARTITION & SHIELD & SHIELD  
WOODEN PARTITION & SHIELD & SHIELD

1/4

JOSEPH LASH, JR., M.D.  
PAUL N. CLONINGER, M.D.  
JAMES E. CULBERTSON, M.D.  
PROFESSIONAL CORPORATION

Allergy and Clinical Immunology  
Telephone: (916) 452-3161

Midtown Allergy Clinic

4801 J Street, Suite B  
Sacramento, California 95819

April 7, 1981

CITY PLANNING COMMISSION

Sacramento City Planning Commission  
Attention: Suzanne Glimstad  
725 J Street  
Sacramento, CA 95814

APR - 8 1981

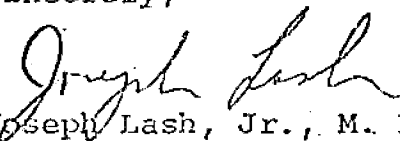
RECEIVED

Dear Ms. Glimstad:

I am writing in regards to special permit request to utilize a 50 foot by 55 foot R-1 lot for ten parking spaces, and the variance to waive one of 20 required parking spaces for a 7,000 square foot office building.

We presently have a 6,800 square foot office building on the corner of 48th and J Street. We find the parking situation critical at the present time. We have 40 parking spaces for a 6,800 square foot development and still find cars parked in front of neighbors' homes. Also, the drug-store which is sandwiched between our development and the P-9337 development has no provided parking. Therefore, to avoid the antagonism that developed in the Sutter Memorial residential area, I would advise scaling down the development to less than 6,000 square feet to provide a better balance to the available parking.

Sincerely,

  
Joseph Lash, Jr., M. D.

JL/tm

APR 30 1981

RECEIVED

JOSEPH LASH, JR., M.D.  
PAUL N. CLONINGER, M.D.  
JAMES E. CULLETON, M.D.  
PROFESSIONAL CORPORATION

Allergy and Clinical Immunology  
Telephone: (916) 452-3164

Midtown Allergy Clinic

4801 J Street, Suite B  
Sacramento, California 95819

April 29, 1981

Sacramento City Planning Department  
725 J Street  
Sacramento, CA 95814

Dear Sirs:

This is regarding the appeal to the City Council by Anthony and Diana Caruso concerning property located at 4825 J Street.

In their appeal, they are asking for a variance to waive one of 20 required parking spots for a new building that they are proposing to erect. I am a physician that owns property at 4801 J Street. We have more than two times the required number of parking spaces for our office building and I noticed that the Carusos are planning to put up a building 1000 square feet larger with less than half the parking spaces. I have observed over the last few years that our parking lot is completely filled with overflow parking onto the surrounding streets. I think this is detrimental to the neighborhood and I think Mr. Caruso's plans are tremendously lacking in parking places. I think for an office building that size, he should have probably at least 40 parking spaces rather than the 19 he is asking for. It is also interesting to note that some of the new businesses in the area such as All State Savings have no parking lots which is further causing increased parking on the streets.

It is my opinion that in order to eliminate tremendous parking problems on the neighboring streets for the people who live in this neighborhood that you deny this request to waive these parking spaces. In fact, I would request that they double their parking spaces for a building of the size they are planning to erect.

Thank you for hearing me.

Sincerely,

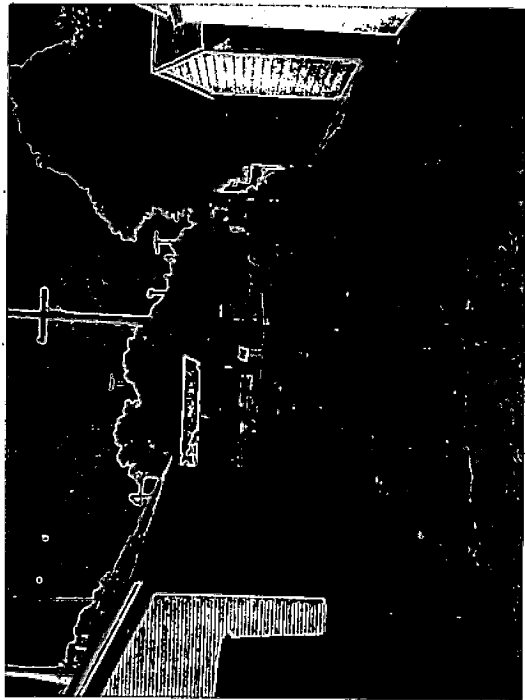


Paul N. Cloninger, M. D.

PNC/tm



Item #16



16  
RECEIVED  
CITY CLERK'S OFFICE  
CITY OF SACRAMENTO  
MAY 5 4 41 PM '81

851 48 Street  
Sacramento, CA 95819  
May 1, 1981

Ms. Lorraine Magana, City Clerk  
Office of the City Clerk  
915 I Street  
Sacramento, CA 95819

Dear Ms. Magana:

This letter concerns an Appeal to be heard on May 14 by the City Council regarding a proposed project (P-9337), which was denied by the City Planning Commission.

The property involved borders on an alley located at 4825 J Street. A lot line adjustment is proposed to change R-1 zoned property into C-2 property by eliminating a common property line. This adjustment would allow for parking behind a proposed 7,800 sq. ft. office building. The parking lot could be reached only by the alley which is 20 feet wide and dead-ends.

I own property on 48 Street and live in a house on the alley. My garage is located at the point where the alley dead-ends. Several other garages are located on the alley. Because the alley is too narrow to turn around in, it is necessary for me and for others to back down it. People who turn in by mistake add to the problem. There is a doctor's office bordering on the alley, and the cars of people waiting for patients sometimes block the alley. Any more traffic in the alley would cause residents an unbearable hardship.

I hereby register a protest against changing the R-1 zoned property to C-2 property. Additional commercial property in this block would add to the general congestion already present. I vehemently protest the use of the alley as an access to an office building.

Sincerely yours,

*Robert H. Folsom*

Robert H. Folsom

16  
NORMAN F. SCHWILK, JR., M.D., INC.  
EYE PHYSICIAN AND SURGEON  
4925 J STREET  
SACRAMENTO, CALIFORNIA 95819  
TELEPHONE 452-8105

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF SACRAMENTO  
MAY 7 1 15 PM '81

May 5, 1981

Sacramento City Council  
Lorraine Magana  
City Clerk, City Hall  
Room 203  
Sacramento, California 95814

Re: P 9337 Appeal of Planning Commission  
Date of Hearing: May 14, 1981

Dear Council Members:

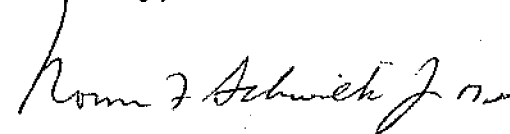
I am a property owner directly adjacent to the property located at 4825 J Street under appeal.

The property at the present time is a hodge podge of substandard structures, trash and weeds. It has a very narrow frontage on J Street qualifying it for commercial development but it's long narrow shape makes such development difficult. The requested variances seem to be minor in nature and certainly justified in order to make this property a proper development.

I strongly urge all members of the council to reverse the decision of the Planning Commission and thus allow the minor variances requested by the property owners.

I would be available for further discussion if any council members require more information.

Sincerely,



Norman F. Schwilk, Jr., M.D.



# CITY OF SACRAMENTO

## OFFICE OF THE CITY CLERK

915 I STREET  
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5428

LORRAINE MAGANA  
CITY CLERK

June 3, 1981

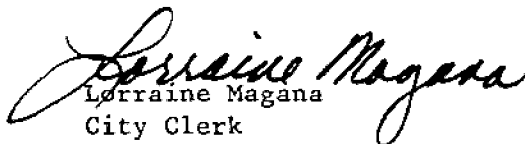
Anthony and Diana Caruso  
2639 Bridgeport Way  
Sacramento, CA 95826

Dear Mr. and Mrs. Caruso:

On June 2, 1981, the City Council heard your appeal from City Planning Commission action denying various requests for property located at 4825 J Street (P-9337).

The Council adopted by motion, its intent to grant the appeal subject to conditions contingent on Findings of Fact due on June 16, 1981.

Sincerely,

  
Lorraine Magana  
City Clerk

LM:sj  
cc: Planning