

P96-059 LEMON HILL OFFICE REZONE

REQUEST:

- A. **South Sacramento Community Plan Amendment** of 0.32 developed acres from "Residential" to "Residential-Office" for an office conversion.
- B. **Rezone** of 0.32 developed acres from "Multi-Family" (R-2A-R) to "Residential-Office" (RO) to convert a vacated, 3,894 square-foot residential care facility into an office building.
- C. **Special Permit** to allow an office use in the RO zone.
- D. **Variance** to exceed 40% (for 50%) compact-car parking spaces.
- E. **Variance** to allow the installation of solid wood fencing in-lieu of the required masonry walls.

LOCATION:

5915 Lemon Hill Avenue
APN: 038-0011-027
Council District 6 (Area 3)
South Sacramento Community Plan Area

| | |
|--------------------|---|
| APPLICANT: | Jimmy Sou, 916-556-9922 8273 Summer Sunset Drive, Sacramento, CA 95828 |
| OWNER: | Jimmy Sou, 916-556-9922 8273 Summer Sunset Drive, Sacramento, CA 95828 |
| APPLICATION FILED: | June 6, 1996 |
| STAFF CONTACT: | Mike Dale, 916-264-8309 |

BACKGROUND: At the regular meeting of November 7, 1996, the Planning Commission considered documentary and verbal evidence relating to the above project. The Commission concluded that the project would be beneficial in that it would serve as a low-intensity, commercial buffer between Lemon Hill Avenue (a major roadway) and the single-family residential development located to the north of the site. The Commission also concluded that the project would serve to upgrade both the site and community due to

prolonged and persistent building maintenance and loitering problems. Finally, the Commission concluded that the masonry wall requirement was unnecessary and that a two-sided, wooden wall would be adequate. The Commission therefore ratified a Negative Declaration and adopted an intent motion to: 1) recommend approval of the above Community Plan Amendment and Rezone, and 2) approve the above Special Permit and Variances subject to revised findings of fact and conditions of project approval.


RECOMMENDATION: Staff recommends that the Planning Commission take the following action(s):

- A. **Approve** the Notice of Decision and Findings of Fact (Attachment 1) recommending approval of the **South Sacramento Community Plan Amendment** of 0.32 developed acres from "Residential" to "Residential-Office" for an office conversion.
- B. **Approve** the Notice of Decision and Findings of Fact (Attachment 1) recommending approval of the **Rezone** of 0.32 developed acres from "Multi-Family" (R-2A-R) to "Residential-Office" (RO) to convert a vacated, 3,894 square-foot residential care facility into an office building.
- C. **Approve** the Notice of Decision and Findings of Fact (Attachment 1) approving the **Special Permit** to allow an office use in the RO zone.
- D. **Approve** the Notice of Decision and Findings of Fact (Attachment 1) approving the **Variance** to exceed 40% (for 50%) compact-car parking spaces.
- E. **Approve** the Notice of Decision and Findings of Fact (Attachment 1) approving the **Variance** to allow the installation of solid wood fencing in-lieu of the required masonry walls.

Report Prepared By:


Mike Dale, Associate Planner

Report Reviewed By:


Barbara L. Wendt, Senior Planner

ATTACHMENTS

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|--------------|---|
| Attachment 1 | Notice of Decision and Findings of Fact |
| Exhibit 1A | Site Plan Details |
| Exhibit 1B | Floor Plan and Front Elevation |
| Attachment 2 | Draft Resolution (for Council Approval of Plan Amendment) |
| Attachment 3 | Draft Ordinance (for Council Approval of Rezone) |
| Attachment 4 | Vicinity Map |
| Attachment 5 | Land Use and Zoning Map |

ATTACHMENT 1:

NOTICE OF DECISION AND FINDINGS OF FACT FOR

LEMON HILL OFFICE REZONE @ 5915 LEMON HILL AVENUE

SACRAMENTO, CALIFORNIA
APN: 038-0011-027 (P96-059)

At the regular meeting of November 21, 1996, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Recommended approval** of the **South Sacramento Community Plan Amendment** of 0.32 developed acres from "Residential" to "Residential-Office" for an office conversion.
- B. **Recommended approval** of the **Rezone** of 0.32 developed acres from "Multi-Family" (R-2A-R) to "Residential-Office" (RO) to convert a vacated, 3,894 square-foot residential care facility into an office building.
- C. **Approved the Special Permit** to allow an office use in the RO zone.
- D. **Approved the Variance** to exceed 40% (for 50%) compact-car parking spaces.
- E. **Approved the Variance** to allow the installation of solid wood fencing in-lieu of the required masonry walls.

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT:

- C. **Special Permit:** The **Special Permit** to allow an office use in the RO zone is **approved** subject to the following finding of fact:
 - 1. The Special Permit, as conditioned, is granted upon sound principles of land use in that the proposed office-use would be compatible with the surrounding land uses.
 - 2. The Special Permit will not be detrimental to the public's health, safety, and welfare, or result in the creation of a nuisance in that the office-use will serve

as a commercial buffer between Lemon Hill Avenue and the neighboring residential uses to the north of the site.

3. The Special Permit is in conformity with the General Plan and South Sacramento Community Plan in that the office-use will serve to upgrade the subject site and community.
- D. Variance: The **Variance** to exceed 40% (for 50%) compact-car parking spaces is **approved** subject to the following finding of fact:
1. The Variance does not constitute a special privilege extended to an individual property owner in that the subject site's size and shape cannot accommodate all standard parking dimensions.
 2. The Variance does not constitute a "use variance" in that compact-car parking spaces are allowable in the RO zone.
 3. The Variance, as conditioned, will not be injurious to the public welfare, nor to property in the vicinity of the project in that the parking stalls will meet City standards.
 4. The Variance, as conditioned, is in harmony with the general purpose and intent of the Zoning Ordinance in that an adequate number of parking stalls will be provided on-site.
- E. Variance: The **Variance** to allow the installation of solid wood fencing in-lieu of the required masonry walls is **approved** subject to the following finding of fact:
1. The Variance does not constitute a special privilege extended to an individual property owner in that the adjacent property owners have not expressed opposition to the proposed construction of a wooden wall in-lieu of a masonry wall.
 2. The Variance does not constitute a "use variance" in that wooden walls are allowed in the RO zone.
 3. The Variance, as conditioned, will not be injurious to the public welfare, nor to property in the vicinity of the project, in that the proposed wooden wall will provide a barrier between the proposed office use and the existing, adjacent, residential land uses.
 4. The Variance, as conditioned, is in harmony with the general purpose and intent of the Zoning Ordinance in that the neighboring residential land uses will be separated from the proposed office use by a two-sided, six-foot tall, solid wooden wall.

CONDITIONS:

- C. Special Permit: The **Special Permit** to allow an office use in the RO zone is **approved** subject to the following conditions:
- C1. Landscaping shall be designed and installed to meet the City's landscape and shading ordinances.
 - C2. The hours of operation shall be limited to the hours between: 8:00 AM and 6:00 PM, Mondays through Saturdays. The office shall not operate on Sundays.
- D. Variance: The **Variance** to exceed 40% (for 50%) compact-car parking spaces is **approved** subject to the following conditions:
- D1. The proposed compact-car parking spaces shall be designed and constructed to have a minimum width of eight feet.
 - D2. All parking stalls shall be designed and constructed to provide a minimum two-foot overhang into the planter areas. The result shall be to maximize the size of the proposed planter areas.
- E. Variance: The **Variance** to allow the installation of solid wood fencing in-lieu of the required masonry walls is **approved** subject to the following conditions:
- E1. The wall shall be designed and constructed to provide two sides of quality, solid-wood materials.
 - E2. The wall shall meet the height and setback requirements of the Zoning Ordinance.

CHAIRPERSON

ATTEST:

SECRETARY TO THE PLANNING COMMISSION

DATE

(P96-059)

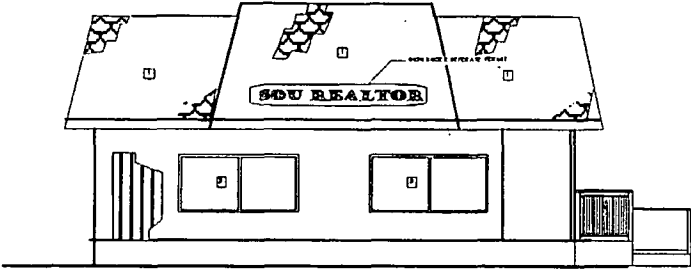
Attachments

Exhibit 1A

Site Plan Details

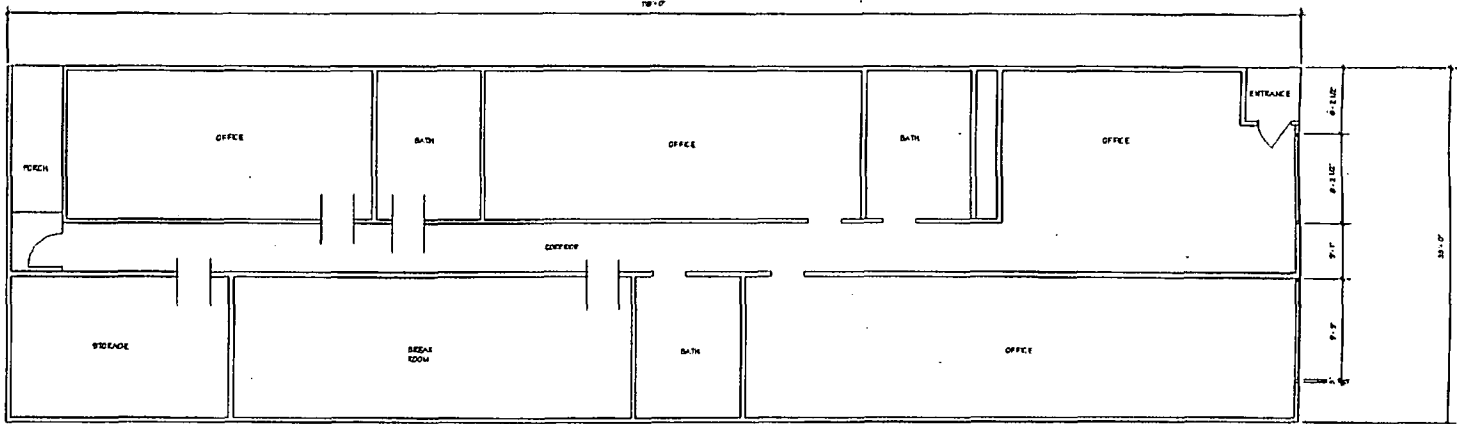
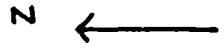
Exhibit 1B

Floor Plan and Front Elevation



FRONT ELEVATION

1. ADD PROJECTION OF AN EAVES AND
 2. PROJECTION AT GUTTER TO BE 18" FROM FACE OF ROOF
 3. ADD NEW SIDING TO OUT EXTERIOR SIDING
 4. ADD BRICK SIDING TO FACE VERTICAL SIDING WITH 18" PROJECTIONS
 5. FINISH IN FLANK OF AN EAVES LID WITH BRICK
 6. FINISH OF F WALLS WITH BRICK MATCHING LINE ON HOUSE SIDE VIEW
 7. NEW FINISH SIDE
- GENERAL NOTES:
1. ALL CONSTRUCTION SHALL CONFORM TO THE SPECIFICATIONS OF THE BUILDING DEPARTMENT AND ALL OTHER APPLICABLE CODES AND REGULATIONS.
 2. ALL NEW WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING DEPARTMENT AND ALL OTHER APPLICABLE CODES AND REGULATIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE BUILDING DEPARTMENT AND ALL OTHER APPLICABLE AGENCIES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE SITE.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ADJACENT PROPERTIES AND STRUCTURES.
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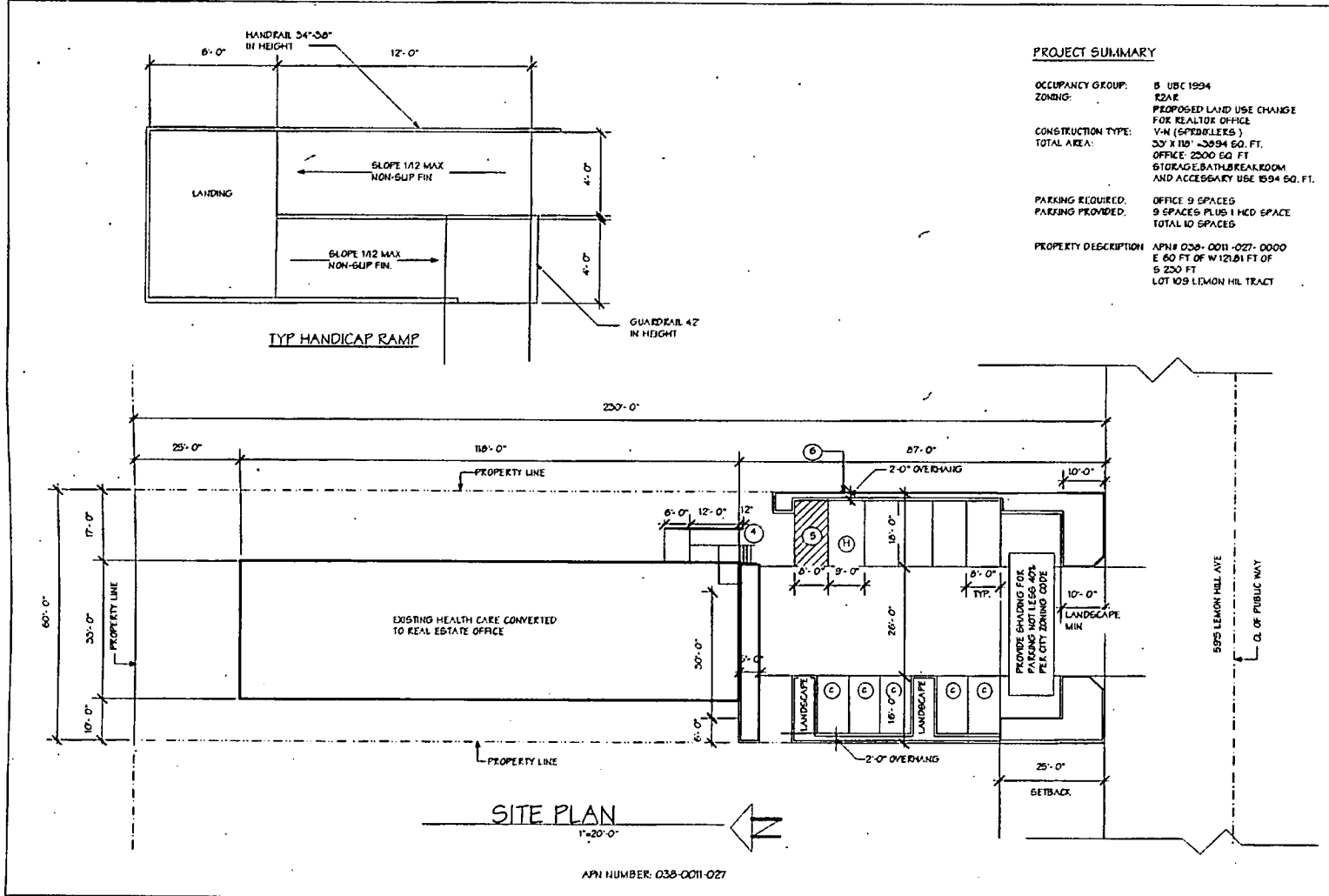
FLOOR PLAN

Exhibit 1A
Site Plan Details

November 21, 1996

P96-059

Exhibit 1B
Floor Plan and Front Elevation



| DATE | DESCRIPTION |
|---------|-------------|
| 9-21-96 | PLANNING |
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JIMMY SOU REALTOR OFFICE
 5915 LEMON HILL AVE
 SACRAMENTO, CA 95824

OWNER: JIMMY SOU
 ADDRESS: 8275 SUMNER GUNSET DR
 SACRAMENTO, CA 95829
 PHONE: 916 383 6100

| | |
|------|--------------|
| DATE | JULY 19 1996 |
| BY | AS NOTED |
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**Attachment 2
DRAFT Resolution
for Council Approval
of Community Plan Amendment**

**RESOLUTION AMENDING THE SOUTH SACRAMENTO
COMMUNITY PLAN TO REDESIGNATE 0.32± DEVELOPED
ACRES FROM "RESIDENTIAL" TO "RESIDENTIAL-OFFICE" FOR
AN OFFICE CONVERSION LOCATED AT 5915 LEMON HILL
AVENUE.**

(APN: 038-0011-027) (P96-059)

WHEREAS, the Planning Department has reviewed the project for potential environmental impacts and has prepared a Negative Declaration with no mitigation measures.

WHEREAS, the City Planning Commission, at a regularly noticed public hearing on November 21, 1996, considered public testimony on the Community Plan Amendment and Negative Declaration.

WHEREAS, the City Council received the recommendation of the City Planning Commission on the Community Plan Amendment and Negative Declaration and held a public hearing thereon on _____.

WHEREAS, the City Council finds:

1. The Community Plan Amendment is consistent with the General Plan which designates the site as "Medium-Density Residential" and which allows the establishment of limited amounts of office uses.
2. The Community Plan Amendment is consistent with the South Sacramento Community Plan which promotes the establishment of residential-office uses along major streets and in commercial areas where mixed-use is appropriate.
3. The Community Plan Amendment is compatible with the concurrent rezoning of the site to "Residential-Office (RO)" which allows office development.

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

- A. The South Sacramento Community Plan is amended such that the subject site is designated for "Residential-Office" development.

Attachment 3
DRAFT Ordinance
for Council Approval
of Rezone

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE BY THE CITY OF SACRAMENTO (ORDINANCE NO. 2550, FOURTH SERIES AS AMENDED) BY REZONING 0.32± DEVELOPED ACRES FROM "MULTI-FAMILY (R-2A-R)" TO "RESIDENTIAL-OFFICE (RO)" TO CONVERT A 3,894 SQUARE-FOOT RESIDENTIAL CARE FACILITY, LOCATED AT 5915 LEMON HILL AVENUE, INTO AN OFFICE BUILDING.

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BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

- A. The zoning designation for the above property, which constitutes 0.32± developed acres, is changed from "Multi-Family R-2A-R" to "Residential-Office (RO)."

This action of rezoning the above described property is adopted subject to the following condition:

- a. Residential development shall be limited to a maximum density of 17 dwelling units per net acre.

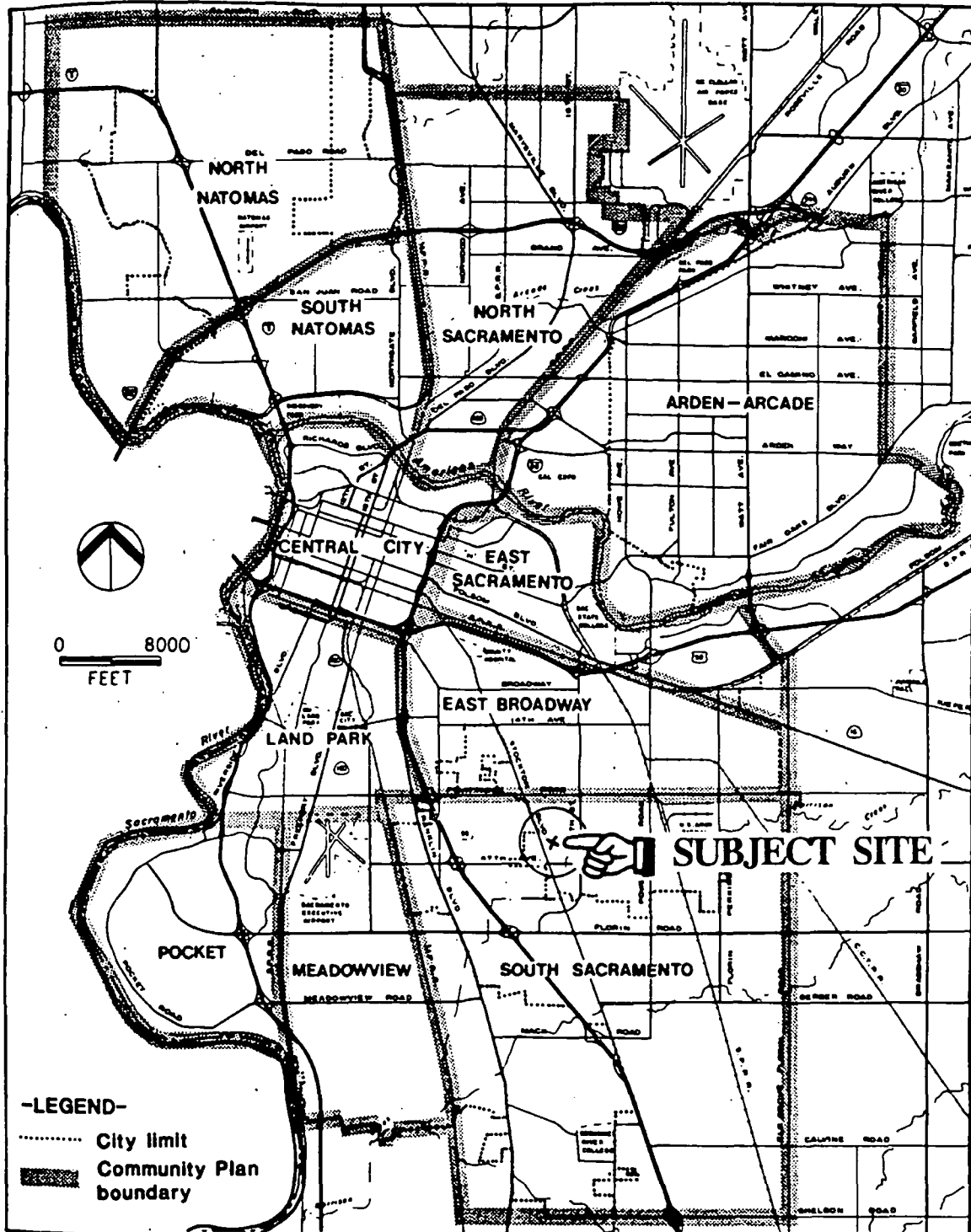
SECTION 2

The City Clerk of the City of Sacramento is directed to amend the maps which are part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this Ordinance.

SECTION 3

Rezoning of the property by the adoption of this Ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

Attachment 4
Vicinity Map



Attachment 5
Land Use and Zoning Map

