

City Planning Commission
Sacramento, California

Members in Session:

Subject: 351 Harding Avenue (P90-256)

On July 11, 1991, the Planning Commission heard public testimony on the above item. The Planning Commission voiced concerns regarding the property being rented as opposed to owner-occupied. The City Attorney has reviewed the legality of an owner occupancy or "no rental" condition. Attached is the memo from Theodore Kobey outlining the conclusions. In summary, the condition is probably valid, however, it would be difficult to monitor and enforce.

If the Planning Commission chooses to recommend such a condition be placed on the project, staff recommends the following language:

Conditions - Special Permit

7. The applicant shall include as part of the CC&Rs that all units are to be owner-occupied; leasing and renting of units is not permitted. Provided, however, that a unit owner, upon showing to the City of undue hardship, may receive permission from the Planning Director to lease a unit until the undue hardship no longer exists.

Conditions - Tentative Map

16. The applicant shall include as part of the CC&Rs that all units are to be owner-occupied; leasing and renting of units is not permitted. Provided, however, that a unit owner, upon showing to the City of undue hardship, may receive permission from the Planning Director to lease a unit until the undue hardship no longer exists.

Respectfully Submitted,



Joy Patterson
Senior Planner

Clara L...



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CALIFORNIA**

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August 5, 1991

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MEMORANDUM

TO: City Planning Commission
FROM: Theodore H. Kobey, Jr.,
Assistant City Attorney
RE: 351 Harding Avenue, P90-256 --
Condition Regarding Owner Occupancy/Rentals

Attached is a memorandum which concludes that an owner occupancy or "no rental" condition on the above project probably would be valid. This conclusion should not be taken as recommendation that such a condition be imposed. The use of the condition would be a policy question which Planning staff and the Commission would address. I do note that it might be difficult to monitor such a condition. Moreover, any breach of the condition would become a code enforcement matter and could be very difficult to enforce in a short period of time. This would be especially true if the unit is occupied by a renter or renters at the time of enforcement.

Theodore H. Kobey, Jr.
THEODORE H. KOBAY, JR.
Assistant City Attorney

THK/jms
Attachment

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August 8, 1991

Item #5



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MEMORANDUM

TO: Planning Commission

FROM: Theodore H. Kobey, Jr.,
Assistant City Attorney

RE: 351 Harding Avenue, P90-256 -- Condition
Regarding Owner Occupancy/Rentals

ISSUE

1. Would a condition to approval of a condominium project requiring the units to be owner occupied be subject to California Civil Code §711, which forbids restraints on alienation of property?
2. Would a condition to approval of a condominium project requiring the units to be owner occupied be a legitimate exercise of the City's police power?

SHORT ANSWER

1. Such a condition is not subject to California Civil Code §711, proscribing restraints on alienation of property.
2. Given the particular facts of Application No. P90-256, such a condition is probably a legitimate exercise of the police power so long as the condition provides for exceptions under unusual circumstances. However, this issue does not appear to have been directly addressed by the courts and is not free from doubt.

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BACKGROUND

The City has received an application to develop a currently vacant, 0.9 (plus or minus) acre parcel, into 11 condominium lots (10 condominium lots and 1 common area lot). The application includes a request for a rezone from Standard Single Family (R-1) to Single Family Alternative (R-1A), a tentative subdivision map, and two special permits. The surrounding land is zoned Standard Single Family (R-1) and uses of the surrounding land includes single family, single and three family, and single and five family. According to the applicant, the units would sell for approximately \$100,000.00 each.

ANALYSIS

1. California Civil Code §711 states: "Conditions restraining alienation, when repugnant to the interest created, are void." Only unreasonable restraints on alienation will be deemed void; reasonable restraints are permissible. City of Oceanside v. McKenna (1989) 215 Cal.App.3d 1420.

Although the California Supreme Court has analyzed §711 in connection with a municipal rent control ordinance, the Court subsequently stated that §711 was not intended to apply to municipal ordinances, and further stated: "Our review of that statute and the many cases that apply it reveals that it addresses only private restraints on alienation, and not government regulations." Fisher v. City of Berkeley (1984) 37 Cal.3d 644, 693.

A special use permit is an entitlement given by a local government agency to an individual, pursuant to local ordinances. Accordingly, a condition on a special permit is the functional equivalent of the ordinance in Fisher, and Civil Code §711 does not apply.

2. This issue appears to be one of first impression. While many courts have considered the validity of restraints on alienation devised by condominium homeowners associations, a city's imposition of similar conditions as part of a permit or other entitlement has not been tested.¹

The courts have determined the validity of private covenants devised by homeowners associations under an unreasonable restraint on alienation theory. Because California Civil Code §711 does not appear to apply to a permit condition, the validity of such a condition would not be tested under an unreasonable restraint on alienation theory. Instead, the validity of such a

¹ See City of Oceanside v. McKenna (1989) 215 Cal.App.3d 1420, in which a city imposed an owner-occupancy condition. This case is distinguishable from the issue here, since the city in McKenna owned the property and imposed the condition through CC&R's, and not through a permit. However, McKenna is relevant and is discussed infra.

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condition would be tested under an abuse of police power theory. Stated simply, the question becomes whether a condition of owner occupancy attached to a special permit for a condominium project is reasonably related to a legitimate state interest. The cases involving an analysis of restraint on alienation, while not directly on point, are valuable, since they indicate the interests protected by such a condition, and because they indicate, in general, what types of conditions the courts have held to be reasonable.

In Laguna Royale Owners Assn. v. Darger, 119 Cal.App.3d 670 (1981), condominium owners sought a declaration that the assignments by a condominium owner of three one-quarter interests in the property were invalid, because the assignments were not made with the consent of the Homeowners Association, as required by a sub-assignment and occupancy agreement. The test applied by the court was whether the Association's reason for withholding approval was "rationally related to the protection, preservation or proper operation of the property and the purposes of the Association as set forth in its governing instruments" and "whether the power [to approve] was exercised in a fair and nondiscriminatory manner." Laguna Royale at 684. The court held that the Association's refusal to approve the assignments was unreasonable, given the circumstances. One of the circumstances was the fact that the Association presented no evidence to support their contention that the new uses would be "inconsistent with the quiet enjoyment of the premises by the other occupants and the maintenance of security." Laguna Royale at 686.

In McKenna, supra (note 1), the city, in a redevelopment project, sought to justify an owner occupancy requirement partly because it fostered the city's goal of providing a stabilized community of affordable owner-occupied units for low and moderate-income persons.

The Laguna Royale and McKenna cases apparently are the only California cases dealing with owner occupancy or similar conditions. However, several other states have dealt with the issue and have upheld similar conditions. (See, generally, 17 ALR 4th 1247, 1250, 1254-1257 [1982]).

In a Wisconsin case, LeFebvre v. Ostendorf, Wis.App. (1979) 275 N.W.2d 154, members of a board of directors of condominiums sought an injunction to prevent an owner of five units from continuing to rent these units. The owner of the units had rented them out despite the fact that the board of directors refused to approve the rentals, as mandated by the condominium bylaws. The trial court in LeFebvre found that the board of directors had a substantial basis for refusing to allow rental of the units. The trial court also found that tenants in a condominium project present unique problems, including limited board control over their conduct, that tenants were ignorant of the condominium bylaws, and that the tenants had refused to participate in voluntary tasks such as watering bushes and shoveling sidewalks. LeFebvre at 157. The Court of Appeal upheld the trial court's findings.

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In a Florida case, Lyons v. King Fla.App., (1981) 397 So.2d 964, the Court held that defendant condominium association's refusal to approve plaintiffs as purchasers, based on evidence that plaintiffs did not intend to occupy the unit themselves for several years, was not an arbitrary or unreasonable application of the condominium association's regulations. The pertinent regulations provided that leases were permissible only with the approval of the Association, and that such a lease could be made only once a year, for a period of six months to a year. See Lyons at 966-967. The evidence before the Court included evidence of the residential nature of the condominiums; and that during its ten years of existence, only four applications for leases had been approved. Two of the lease applications were approved because the owner was unable to sell, due to a depressed market for real estate; the other two leases were simply extensions of the first two. The Court of Appeal also found that "substantial evidence indicated difficulty with tenants who would have no ownership interest in the building." Lyons at 968.

The last case to consider is another Florida case, Seagate Condominium Assn. v. Duffy, Fl.App. (1976) 330 So.2d 484, in which a condominium owner sought, unsuccessfully, to have a lease restriction contained in a condominium declaration declared invalid. The challenged restriction stated that it was intended that owners occupy the units, and that "the leasing of units to others as a regular practice for business, speculative, investment or other similar purposes is not permitted." The restriction against leases was not absolute, providing that to avoid undue hardship, the Board of Directors could grant permission to lease for a four to twelve month period. The Court found the restriction to be a reasonable restraint on alienation. The court reasoned that because condominium owners must live in close proximity to one another, and because condominium owners share common facilities, their freedom of choice could be somewhat curtailed. Seagate at 486.

The cases described above give examples of what a court considers reasonable when viewing a restraint on alienation. The City's condition, as described above, is not subject to the rule against restraints on alienation. While these cases are not directly on point, they can be used as guidelines in determining whether Sacramento's condition is reasonably related to a legitimate government interest.

This low-level scrutiny, "reasonably related to a legitimate government interest," is applied in California to economic regulation, including legislation restricting contractual or property rights. Birkenfeld v. City of Berkeley (1976) 17 Cal.3d 129, 158.² Should the City's owner-occupancy condition be challenged, the City would have to show that the condition furthers a legitimate government interest. The condition would be consistent with the City's General Plan goal to

² The Birkenfeld court was examining the validity of a rent control ordinance adopted through the initiative process.

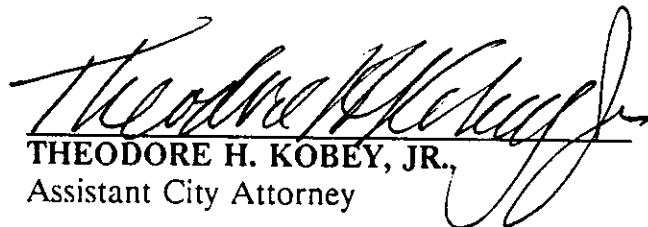
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"[p]rovide affordable housing for all income groups." (1988 City General Plan, Sec. 2-1, Goal B of the Residential Land Use element; Sec. 3-49, Goal D, first goal of the Housing element.) Here there is evidence that units at \$100,000.00 may provide ownership opportunities for moderate-income buyers. Moderate-income buyers constitute one group or segment of the community within the meaning of the above goal, and thus the City could argue that helping to provide moderate-income home ownership opportunities is a legitimate government interest.

If the Commission wants to adopt such a condition, it should provide some flexibility to allow rentals in order to avoid hardship situations (e.g., an owner who must vacate the unit and yet cannot sell it at a fair price because of a depressed real estate market). This might be done through a provision in the condition which allows the Planning Director to allow a rental "for good cause" or "to lessen or eliminate hardship." Such a provision would be very helpful in establishing the reasonableness of the condition.^{3 4}

CONCLUSION

A condition here requiring units to be owner occupied would most likely be upheld.


THEODORE H. KOBAY, JR.,
Assistant City Attorney

THK:dep/jms

³ The Seagate decision suggests that the existence of a provision for exceptions to the general prohibition of leases is important to a court's conclusion that such a prohibition is reasonable.

⁴ For example, if the condition read: "All units are to be owner-occupied; leasing and renting of units is not permitted," a provision should be added, such as, "Provided, however, that a unit owner, upon a showing to the City of undue hardship, may receive permission from the Planning Director to lease a unit until the undue hardship no longer exists." An example of undue hardship is a unit owner who moves due to a job change and who is unable to sell his/her unit due to a depressed real estate market.

AMENDED REPORT 8-8-91
CITY OF SACRAMENTO PLANNING COMMISSION
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	ENTEC, 2817 Garden Highway, Suite 100, Sacramento, California 95833				
OWNER	Robert A. & Carrie J. Sieglitz, 2817 Garden Highway, Sacramento, California 95833				
PLANS BY	ENTEC, 2817 Garden Highway, Suite 100, Sacramento, California 95833				
FILING DATE	June 1, 1990	ENVIR. DFT.	Negative Declaration	REPORT BY	CG
ASSESSOR'S PCL. NO.	274-0161-021				

- APPLICATION:
- A. Negative Declaration.
 - B. Rezone 0.9± vacant acres from Standard Single Family (R-1) to the Single Family Alternative (R-1A) zone.
 - C. Tentative Map to subdivide 0.9± vacant acres into 11 lots (10 condominium lots and 1 common area lot) in the proposed Single Family Alternative (R-1A) zone.
 - D. Special Permit to develop 10 condominium units on 0.9± vacant acres in the proposed Single Family Alternative (R-1A) zone.
 - E. Special Permit to allow an infill 25 percent density bonus in order to construct 10 condominiums.

LOCATION: 351 Harding Avenue

PROPOSAL: The applicant is requesting the necessary entitlements to construct 10 condominium units.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential (4-15 du/na)
South Natomas Community Plan Designation:	Residential (4-8 du/na)
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Vacant

Surrounding Land Use and Zoning:

North:	Single Family; R-1
South:	Single and Three Family; R-1
East:	Single and Five Family; R-1
West:	Single Family; R-1

Property Dimensions:	132' x 310'
Property Area:	0.94± acres
Project Density:	10.6 du/na
Parking Required:	10 spaces
Parking Provided:	4 one-car garages 6 two-car garages 7 guest parking spaces

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Square Footage of Unit A:	849 square feet of living area 288 square foot garage
Square Footage of Unit B:	1,040 square feet of living area 400 square foot garage
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Height of Building:	1 and 2 stories
Exterior Building Materials:	Wood Siding
Roof Materials:	Asphalt Shingles

SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On June 19, 1991, by a vote of 7 ayes and 2 absent, the Subdivision Review Committee voted to recommend approval of the tentative map subject to the conditions below.

PROJECT INFORMATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of 0.94± vacant acres in the Standard Single Family (R-1) zone. The General Plan designates the site Low Density Residential (4-15 du/na). The South Natomas Community Plan designates the site Residential (4-8 du/na). The surrounding land use and zoning includes single family, zoned R-1, to the north; single and three family, zoned R-1, to the south; single and five family, zoned R-1, to the east; and single family, also zoned R-1, to the west.

B. Applicant's Proposal

The applicant is requesting the necessary entitlements to develop a 10 unit condominium project. The requested entitlements include a rezone to the Single Family Alternative (R-1A) zone with a special permit to allow a 25 percent density bonus based upon the infill provisions. Also proposed is a tentative map to subdivide the property into 10 condominium lots and one common area, and a special permit to develop the condominiums.

C. Policy Considerations

The General Plan and South Natomas Community Plan designate the site for Low Density Residential uses. The maximum number of units which would be allowed on the site under the existing plan designations is 8 units. The site is designated infill, however, which allows a 25 percent density bonus (Exhibit F). With a special permit for this density bonus, the 10 proposed units area allowed.

Staff supports the rezone to R-1A and the density bonus. One policy of the South Natomas Community Plan is to encourage use of infill incentives on large parcels in order to use the land more efficiently. The applicant could do the same proposal under the deep lot provisions of the Zoning Ordinance, however, the units would then be rental units. The condominium proposal allows ownership of the individual units. Staff finds this to be a better alternative than the deep lot provisions. The proposal is not incompatible with other developments in the area. There are smaller parcels on the block which contain between one and eight units.

D. Site Plan Design

The site is designed such that there is a 24 foot driveway down the middle with five units on each side. The applicant has worked with the Fire Department in determining the necessary driveway width and turn-around area. The Fire Department has reviewed and approves of the current site design. Within this paved turn-

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around area, the applicant has provided seven guest parking spaces. All the paved driveway area should meet the 50 percent shade requirements of the Zoning Ordinance to reduce the impact of the paving. Staff also suggests the CC&Rs which are to be recorded, include a provision prohibiting parking within the driveways to the garages. These driveways are too short to allow a vehicle to park without obstructing the common driveway. There should also be no parking along the common driveway.

The site plan indicates a 25 foot landscaped setback along Harding Avenue. The applicant should submit a detailed landscape plan for this 25 feet for review and approval of the Planning Director prior to the issuance of Building Permits. The site plan also indicates 15 feet of rear yard area for each unit except Lot 1 which has a 10 foot setback. This reduction was necessary to allow adequate area for the Fire Department turn-around. Lot 1 does, however, have a larger landscaped front yard than the other units.

Staff is concerned with the impact of the parking and driveway area on the adjacent properties. Staff suggests a six foot high decorative masonry wall be provided along the north property line of Lot 1, Lot 6 and the Common Area. The wall should also be provided along the eastern property line of Lot 1 and the Common Area. The design and location of the wall should be reviewed and approved by the Planning Director prior to the issuance of Building Permits. The perimeter around the remainder of the site should be a wood fence.

The development of the condominiums requires a special permit. Staff has no objection to the development. It allows for single family ownership at an affordable level. The construction of the condominiums, however, should meet all requirements of the Building Code.

E. Building Design

The proposed building materials consist of wood siding and asphalt shingles. Staff suggests revised elevations be submitted for review and approval of the Planning Director prior to the issuance of Building Permits. The applicant should attempt to reorient the building on Lot 5 to have the front door facing Harding Avenue to allow for a more single family appearance. In addition, all windows facing Harding Avenue and the private drive should be gridded as shown on the elevations. The siding should be horizontal 6 inch lap siding on all sides for the two story units. The single story units may use other material on the sides or front, except for Lot 10, which should have the lap siding on the elevation facing Harding Avenue. Fascia boards and gutters should be provided where necessary and all vent should be trimmed in wood. There should be no air conditioning units on the roof. Staff also suggests the roof material be a minimum of 25 year laminated dimensional composition shingles. In addition, the front doors should be wood or metal panel decorative doors as shown on the plans. The garage doors should be metal sections with raised panels as shown on the elevations. The single car garage door should be a minimum of 9 feet wide. Staff suggests the colors be in a pastel range with an accent trim that is not too dark.

F. Residential Building Moratorium

The City is currently under a residential building moratorium in the North and South Natomas areas due to the risk of flooding. The City is currently participating in effort to obtain approval for levee and other improvements to provide a minimum of 100-year flood protection to all of Sacramento. It is anticipated that the City may be able to authorize construction in late 1992. However, there is no assurance that this will occur at this or any other time prior to the actual completion of the levee improvements. The applicant may record his final map, however, Building Permits will not be issued until adequate flood protection is provided.

G. Tentative Map

The tentative map subdivides the property into 11 parcels. One parcel is the common area and the remaining 10 parcels contain the individual units. Each unit parcel contains the building footprint as well as the rear yard

area. Staff has no objection to the tentative map provided the conditions are met.

G. Neighborhood Comments

Two letters in opposition to the project have been received. One letter contains a petition containing 28 signatures. The primary objection to the proposal is the density of the development. The letters are attached Exhibits D and E.

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified effects of to mitigate such effects to a point where clearly no significant effects will occur. The mandatory mitigation measures are listed below.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Ratify the Negative Declaration.
- B. Recommend approval of the Rezone from Standard Single Family (R-1) to Single Family Alternative (R-1A) and forward to City Council.
- C. Recommend approval of the Tentative Map to subdivide 0.9 ± vacant acres into 11 lots (10 condominium lots and 1 common area lot) subject to conditions and forward to City Council.
- D. Approve the Special Permit to develop 10 condominium units subject to conditions and based upon findings of fact which follow.
- E. Approve the Special Permit to allow an infill 25 percent density bonus subject to conditions and based upon findings of fact which follow.

Conditions - Special Permit

- 1. All the paved driveway area shall meet the 50 percent shade requirements of the Zoning Ordinance.
- 2. The CC&Rs shall be reviewed and approved by the Planning Director. The CC&Rs which are to be recorded, shall include a provision prohibiting parking within the driveways to the garages. There shall also be no parking allowed along the common driveway.
- 3. The applicant shall submit a detailed landscape plan for the 25 foot landscaped setback along Harding Avenue for review and approval of the Planning Director prior to the issuance of Building Permits.
- 4. The applicant shall construct a decorative masonry wall along the north property line of Lot 1, Lot 6 and the Common Area. The wall shall also be provided along the eastern property line of Lot 1 and the Common Area. The design and location of the wall shall be reviewed and approved by the Planning Director prior to the issuance of Building Permits. The perimeter around the remainder of the site should be a wood fence.
- 5. The construction of the condominiums shall meet all requirements of the Building Code.
- 6. The applicant shall submit revised elevations for review and approval of the Planning Director prior to the issuance of Building Permits. The revised elevations shall include at a minimum:

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- a. The building located on Lot 10 shall be reoriented to include the front entrance facing Harding Avenue.
 - b. All windows facing Harding Avenue and the private drive shall be gridded as shown on the elevations.
 - c. The siding material shall be horizontal 6 inch lap siding on all sides for the two story units. The single story units may use other material on the sides or front, except for Lot 10, which shall have the lap siding on the elevation facing Harding Avenue.
 - d. Fascia boards and gutters shall be provided where necessary and all vent shall be trimmed in wood.
 - e. There shall be no air conditioning units on the roof.
 - f. The roof material shall be a minimum of 25 year laminated dimensional composition shingles.
 - g. The front doors shall be wood or metal panel decorative doors and the garage doors shall be metal sectionals with raised panels as shown on the elevations. The single car garage door shall be a minimum of 9 feet wide.
7. *The applicant shall include as part of the CC&Rs that all units are to be owner-occupied; leasing and renting of units is not permitted. Provided, however, that a unit owner, upon showing to the City of undue hardship, may receive permission from the Planning Director to lease a unit until the undue hardship no longer exists.*

Conditions - Tentative Map

The applicant shall satisfy each of the following conditions prior to filing the final map unless a different time for compliance is specifically noted:

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
2. Pursuant to City Code Section 40.1302 (parkland dedication), the applicant shall submit to the City an appraisal of the property to be subdivided and pay the required parkland dedication in-lieu fees. The appraisal shall be dated not more than 90 days prior to the filing of the final map;
3. Meet all County Sanitation District requirements;
4. Dedicate the common area as a Public Utility Easement for overhead and underground facilities and appurtenances except for those areas where structures or pools are located;
5. The private driveway shall be designed for refuse vehicles, or residence occupants will be required to place refuse containers adjacent to Harding Avenue;
6. Pursuant to City Code Section 40.319-1, the applicant shall indicate easements on the final map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the City Engineer after consultation with the U.S. Postal Service;

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7. Applicant shall comply with the mandatory mitigation measures required by the Environmental Services Manager on file in the Planning Division Office (P90-256);
8. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition;
9. Applicant shall participate in the Facilities Benefit Assessment (FBA) District. Fees shall be paid prior to issuance of a building permit;
10. A Homeowner's Association shall be formed and CC&R's shall be approved by the City and recorded assuring maintenance of private driveway. The Homeowner's Association shall maintain all private driveways, sewers, drains and water systems;
11. Dedicate right-of-way along Harding Avenue to a 22 foot half street (an additional 2 feet is required);
12. On site water, sewer and drainage shall meet the City standards and shall be inspected to the satisfaction of the Public Works Department;
13. Show reciprocal ingress, egress and parking easements on final map;
14. There shall be no parking provided along the private driveway; and
15. The proposed project is located within the 100-year floodplain, designated as Zone A-99, on the Sacramento Community's official Flood Insurance Rate Map, dated November 15, 1989.

Pursuant to the City's floodplain management regulations, codified in City Code Chapter 9, Articles XXVI and XXVII (Sec. 9.1001 et seq.), no building permit will be issued for the construction of any residential structure in the North and South Natomas Community Plan areas unless the lowest floor of such structure is built at least one foot above the base flood elevation for the project site, as set forth in the January 1989 Working Map of the U.S. Army Corps of Engineers.

The City is currently participating in efforts to obtain approval for levee and other improvements to provide a minimum of 100-year flood protection to all of Sacramento. Upon completion of the improvements and a determination that adequate protection against the 100-year flood is provided, elevation should not be required. At some time prior to actual completion of the necessary flood protection improvements and with the approval of Congress, Federal Emergency Management Agency (FEMA) and/or other responsible state or federal authorities, the City may be able to authorize the issuance of building permits for the construction of residential structures without the elevation of the structure one foot above the base flood elevation, provided that the lowest floor of the structure will be at or above the base flood elevation for the project site upon the completion of the approved improvements. It is anticipated that the City may be able to authorize such construction commencing in late 1992. However, there is no assurance that this will occur at this or any other time prior to actual completion of the improvements, and it is dependent upon a number of factors, including but not limited to, the date of approval and financing of flood protection improvements; adequate progress on, or completion of, the flood protection improvements; obtaining approval from appropriate federal and/or state authorities.

16. *The applicant shall include as part of the CC&Rs that all units are to be owner-occupied; leasing and*

renting of units is not permitted. Provided, however, that a unit owner, upon showing to the City of undue hardship, may receive permission from the Planning Director to lease a unit until the undue hardship no longer exists.

Mandatory Mitigation Measures

1. Require construction contractors to implement a dust abatement program that will reduce the effect of construction on local PM 10 levels in the vicinity of construction zones. Elements of this program should include the following:
 - a. Sprinkle all unpaved construction areas with water at least twice per day during demolition and excavation to reduce dust emissions. Additional watering should be carried out on hot or windy days. Watering could reduce particulate emissions by about 50 percent.
 - b. Cover stockpiles of sand, soil, and similar materials with a tarp.
 - c. Cover trucks hauling dirt and debris to reduce spillage onto paved surfaces.
 - d. Sweep up dirt or debris spilled onto paved surfaces immediately to reduce resuspension of PM 10 through vehicle movements over these surfaces.
 - e. Increase the frequency of city street cleaning along streets in the vicinity of construction site.
 - f. Require construction contractors to designate a person or persons to oversee the dust abatement program and to order increased watering, as necessary.
2. If subsurface archaeological or historical remains (including unusual amounts of bone, stone, or shells) are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

Non-compliance with, or deletion of any of the above mitigation measures by any party will require the project to be reprocessed for additional environmental review. If this review determines that there is the possibility for significant adverse environmental impact due to the development of the project, additional mitigation measures may be required, or the applicant may be requested to prepare an Environmental Impact Report if identified impacts cannot be reduced to less than a significant level through mitigation.

Findings of Fact

1. The project is based upon sound principles of land use in that the proposed residential development is compatible with the surrounding single family area and adds an alternative housing type to the area.
2. The proposed project is not detrimental to the public welfare, nor will result in the creation of a public nuisance in that it provides a single family ownership alternative to deep lot development. The density is not inconsistent with other properties in the area.
3. The project is consistent with the General Plan and South Natomas Community Plan, which both are designate the site for residential development. The policies of the plans also promote this type of infill development.



CITY OF SACRAMENTO PLANNING COMMISSION
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	ENTEC, 2817 Garden Highway, Suite 100, Sacramento, California 95833		
OWNER	Robert A. & Carrie J. Sieglitz, 2817 Garden Highway, Sacramento, California 95833		
PLANS BY	ENTEC, 2817 Garden Highway, Suite 100, Sacramento, California 95833		
FILING DATE	June 1, 1990	ENVIR. DET.	Negative Declaration
ASSESSOR'S PCL. NO.	274-0161-021	REPORT BY	CG

- APPLICATION:**
- A. Negative Declaration.
 - B. Rezone 0.9± vacant acres from Standard Single Family (R-1) to the Single Family Alternative (R-1A) zone.
 - C. Tentative Map to subdivide 0.9± vacant acres into 11 lots (10 condominium lots and 1 common area lot) in the proposed Single Family Alternative (R-1A) zone.
 - D. Special Permit to develop 10 condominium units on 0.9± vacant acres in the proposed Single Family Alternative (R-1A) zone.
 - E. Special Permit to allow an infill 25 percent density bonus in order to construct 10 condominiums.

LOCATION: 351 Harding Avenue

PROPOSAL: The applicant is requesting the necessary entitlements to construct 10 condominium units on the property.

PROJECT INFORMATION:

General Plan Designation: Low Density Residential (4-15 du/na)
South Natomas Community Plan Designation: Residential (4-8 du/na)
Existing Zoning of Site: R-1
Existing Land Use of Site: Vacant

see amended report

Surrounding Land Use and Zoning:

North: Single Family; R-1
South: Single and Three Family; R-1
East: Single and Five Family; R-1
West: Single Family; R-1

Property Dimensions: 132' x 310'
Property Area: 0.94± acres
Project Density: 10.6 du/na
Parking Required: 10 spaces
Parking Provided: 4 one-car garages
6 two-car garages
7 guest parking spaces
Square Footage of Unit A: 849 square feet of living area

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Square Footage of Unit B:	288 square foot garage 1,040 square feet of living area 400 square foot garage
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Height of Building:	1 and 2 stories
Exterior Building Materials:	Wood Siding
Roof Materials:	Asphalt Shingles

SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On June 19, 1991, by a vote of 7 ayes and 2 absent, the Subdivision Review Committee voted to recommend approval of the tentative map subject to the conditions below.

PROJECT INFORMATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of 0.94 ± vacant acres in the Standard Single Family (R-1) zone. The General Plan designates the site Low Density Residential (4-15 du/na). The South Natomas Community Plan designates the site Residential (4-8 du/na). The surrounding land use and zoning includes single family, zoned R-1, to the north; single and three family, zoned R-1, to the south; single and five family, zoned R-1, to the east; and single family, also zoned R-1, to the west.

B. Applicant's Proposal

The applicant is requesting the necessary entitlements to develop a 10 unit condominium project. The requested entitlements include a rezone to the Single Family Alternative (R-1A) zone with a special permit to allow a 25 percent density bonus based upon the infill provisions. Also proposed is a tentative map to subdivide the property into 10 condominium lots and one common area, and a special permit to develop the condominiums.

C. Policy Considerations

The General Plan and South Natomas Community Plan designate the site for Low Density Residential uses. The maximum number of units which would be allowed on the site under the existing plan designations is 8 units. The site is designated infill, however, which allows a 25 percent density bonus (Exhibit F). With a special permit for this density bonus, the 10 proposed units area allowed.

Staff supports the rezone to R-1A and the density bonus. One policy of the South Natomas Community Plan is to encourage use of infill incentives on large parcels in order to use the land more efficiently. The applicant could do the same proposal under the deep lot provisions of the Zoning Ordinance, however, the units would then be rental units. The condominium proposal allows ownership of the individual units. Staff finds this to be a better alternative than the deep lot provisions. The proposal is not incompatible with other developments in the area. There are smaller parcels on the block which contain between one and eight units.

D. Site Plan Design

The site is designed such that there is a 24 foot driveway down the middle with five units on each side. The applicant has worked with the Fire Department in determining the necessary driveway width and turn-around area. The Fire Department has reviewed and approves of the current site design. Within this paved turn-around area, the applicant has provided seven guest parking spaces. All the paved driveway area should meet the 50 percent shade requirements of the Zoning Ordinance to reduce the impact of the paving. Staff also suggests the CC&Rs which are to be recorded, include a provision prohibiting parking within the driveways

to the garages. These driveways are too short to allow a vehicle to park without obstructing the common driveway. There should also be no parking along the common driveway.

The site plan indicates a 25 foot landscaped setback along Harding Avenue. The applicant should submit a detailed landscape plan for this 25 feet for review and approval of the Planning Director prior to the issuance of Building Permits. The site plan also indicates 15 feet of rear yard area for each unit except Lot 1 which has a 10 foot setback. This reduction was necessary to allow adequate area for the Fire Department turn-around. Lot 1 does, however, have a larger landscaped front yard than the other units.

Staff is concerned with the impact of the parking and driveway area on the adjacent properties. Staff suggests a six foot high decorative masonry wall be provided along the north property line of Lot 1, Lot 6 and the Common Area. The wall should also be provided along the eastern property line of Lot 1 and the Common Area. The design and location of the wall should be reviewed and approved by the Planning Director prior to the issuance of Building Permits. The perimeter around the remainder of the site should be a wood fence.

The development of the condominiums requires a special permit. Staff has no objection to the development. It allows for single family ownership at an affordable level. The construction of the condominiums, however, should meet all requirements of the Building Code.

E. Building Design

The proposed building materials consist of wood siding and asphalt shingles. Staff suggests revised elevations be submitted for review and approval of the Planning Director prior to the issuance of Building Permits. The applicant should attempt to reorient the building on Lot 5 to have the front door facing Harding Avenue to allow for a more single family appearance. In addition, all windows facing Harding Avenue and the private drive should be gridded as shown on the elevations. The siding should be horizontal 6 inch lap siding on all sides for the two story units. The single story units may use other material on the sides or front, except for Lot 10, which should have the lap siding on the elevation facing Harding Avenue. Fascia boards and gutters should be provided where necessary and all vent should be trimmed in wood. There should be no air conditioning units on the roof. Staff also suggests the roof material be a minimum of 25 year laminated dimensional composition shingles. In addition, the front doors should be wood or metal panel decorative doors as shown on the plans. The garage doors should be metal sections with raised panels as shown on the elevations. The single car garage door should be a minimum of 9 feet wide. Staff suggests the colors be in a pastel range with an accent trim that is not too dark.

F. Residential Building Moratorium

The City is currently under a residential building moratorium in the North and South Natomas areas due to the risk of flooding. The City is currently participating in effort to obtain approval for levee and other improvements to provide a minimum of 100-year flood protection to all of Sacramento. It is anticipated that the City may be able to authorize construction in late 1992. However, there is no assurance that this will occur at this or any other time prior to the actual completion of the levee improvements. The applicant may record his final map, however, Building Permits will not be issued until adequate flood protection is provided.

G. Tentative Map

The tentative map subdivides the property into 11 parcels. One parcel is the common area and the remaining 10 parcels contain the individual units. Each unit parcel contains the building footprint as well as the rear yard area. Staff has no objection to the tentative map provided the conditions are met.

G. Neighborhood Comments

Two letters in opposition to the project have been received. One letter contains a petition containing 28

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signatures. The primary objection to the proposal is the density of the development. The letters are attached Exhibits D and E.

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified effects of to mitigate such effects to a point where clearly no significant effects will occur. The mandatory mitigation measures are listed below.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Ratify the Negative Declaration.
- B. Recommend approval of the Rezone from Standard Single Family (R-1) to Single Family Alternative (R-1A) and forward to City Council.
- C. Recommend approval of the Tentative Map to subdivide 0.9[±] vacant acres into 11 lots (10 condominium lots and 1 common area lot) subject to conditions and forward to City Council.
- D. Approve the Special Permit to develop 10 condominium units subject to conditions and based upon findings of fact which follow.
- E. Approve the Special Permit to allow an infill 25 percent density bonus subject to conditions and based upon findings of fact which follow.

Conditions - Special Permit

- 1. All the paved driveway area shall meet the 50 percent shade requirements of the Zoning Ordinance.
- 2. The CC&Rs shall be reviewed and approved by the Planning Director. The CC&Rs which are to be recorded, shall include a provision prohibiting parking within the driveways to the garages. There shall also be no parking allowed along the common driveway.
- 3. The applicant shall submit a detailed landscape plan for the 25 foot landscaped setback along Harding Avenue for review and approval of the Planning Director prior to the issuance of Building Permits.
- 4. The applicant shall construct a decorative masonry wall along the north property line of Lot 1, Lot 6 and the Common Area. The wall shall also be provided along the eastern property line of Lot 1 and the Common Area. The design and location of the wall shall be reviewed and approved by the Planning Director prior to the issuance of Building Permits. The perimeter around the remainder of the site should be a wood fence.
- 5. The construction of the condominiums shall meet all requirements of the Building Code.
- 6. The applicant shall submit revised elevations for review and approval of the Planning Director prior to the issuance of Building Permits. The revised elevations shall include at a minimum:
 - a. The building located on Lot 10 shall be reoriented to include the front entrance facing Harding Avenue.
 - b. All windows facing Harding Avenue and the private drive shall be gridded as shown on the elevations.

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- c. The siding material shall be horizontal 6 inch lap siding on all sides for the two story units. The single story units may use other material on the sides or front, except for Lot 10, which shall have the lap siding on the elevation facing Harding Avenue.
- d. Fascia boards and gutters shall be provided where necessary and all vent shall be trimmed in wood.
- e. There shall be no air conditioning units on the roof.
- f. The roof material shall be a minimum of 25 year laminated dimensional composition shingles.
- g. The front doors shall be wood or metal panel decorative doors and the garage doors shall be metal sectionals with raised panels as shown on the elevations. The single car garage door shall be a minimum of 9 feet wide.

Conditions - Tentative Map

The applicant shall satisfy each of the following conditions prior to filing the final map unless a different time for compliance is specifically noted:

- 1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
- 2. Pursuant to City Code Section 40.1302 (parkland dedication), the applicant shall submit to the City an appraisal of the property to be subdivided and pay the required parkland dedication in-lieu fees. The appraisal shall be dated not more than 90 days prior to the filing of the final map;
- 3. Meet all County Sanitation District requirements;
- 4. Dedicate the common area as a Public Utility Easement for overhead and underground facilities and appurtenances except for those areas where structures or pools are located;
- 5. The private driveway shall be designed for refuse vehicles, or residence occupants will be required to place refuse containers adjacent to Harding Avenue;
- 6. Pursuant to City Code Section 40.319-1, the applicant shall indicate easements on the final map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the City Engineer after consultation with the U.S. Postal Service;
- 7. Applicant shall comply with the mandatory mitigation measures required by the Environmental Services Manager on file in the Planning Division Office (P90-256);
- 8. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition;
- 9. Applicant shall participate in the Facilities Benefit Assessment (FBA) District. Fees shall be paid prior to issuance of a building permit;
- 10. A Homeowner's Association shall be formed and CC&R's shall be approved by the City and recorded

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assuring maintenance of private driveway. The Homeowner's Association shall maintain all private driveways, sewers, drains and water systems;

- 11. Dedicate right-of-way along Harding Avenue to a 22 foot half street (an additional 2 feet is required);
- 12. On site water, sewer and drainage shall meet the City standards and shall be inspected to the satisfaction of the Public Works Department;
- 13. Show reciprocal ingress, egress and parking easements on final map;
- 14. There shall be no parking provided along the private driveway; and
- 15. The proposed project is located within the 100-year floodplain, designated as Zone A-99, on the Sacramento Community's official Flood Insurance Rate Map, dated November 15, 1989.

Pursuant to the City's floodplain management regulations, codified in City Code Chapter 9, Articles XXVI and XXVII (Sec. 9.1001 et seq.), no building permit will be issued for the construction of any residential structure in the North and South Natomas Community Plan areas unless the lowest floor of such structure is built at least one foot above the base flood elevation for the project site, as set forth in the January 1989 Working Map of the U.S. Army Corps of Engineers.

The City is currently participating in efforts to obtain approval for levee and other improvements to provide a minimum of 100-year flood protection to all of Sacramento. Upon completion of the improvements and a determination that adequate protection against the 100-year flood is provided, elevation should not be required. At some time prior to actual completion of the necessary flood protection improvements and with the approval of Congress, Federal Emergency Management Agency (FEMA) and/or other responsible state or federal authorities, the City may be able to authorize the issuance of building permits for the construction of residential structures without the elevation of the structure one foot above the base flood elevation, provided that the lowest floor of the structure will be at or above the base flood elevation for the project site upon the completion of the approved improvements. It is anticipated that the City may be able to authorize such construction commencing in late 1992. However, there is no assurance that this will occur at this or any other time prior to actual completion of the improvements, and it is dependent upon a number of factors, including but not limited to, the date of approval and financing of flood protection improvements; adequate progress on, or completion of, the flood protection improvements; obtaining approval from appropriate federal and/or state authorities.

Mandatory Mitigation Measures

- 1. Require construction contractors to implement a dust abatement program that will reduce the effect of construction on local PM 10 levels in the vicinity of construction zones. Elements of this program should include the following:
 - a. Sprinkle all unpaved construction areas with water at least twice per day during demolition and excavation to reduce dust emissions. Additional watering should be carried out on hot or windy days. Watering could reduce particulate emissions by about 50 percent.
 - b. Cover stockpiles of sand, soil, and similar materials with a tarp.
 - c. Cover trucks hauling dirt and debris to reduce spillage onto paved surfaces.
 - d. Sweep up dirt or debris spilled onto paved surfaces immediately to reduce resuspension of PM 10 through vehicle movements over these surfaces.

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- e. Increase the frequency of city street cleaning along streets in the vicinity of construction site.
 - f. Require construction contractors to designate a person or persons to oversee the dust abatement program and to order increased watering, as necessary.
2. If subsurface archaeological or historical remains (including unusual amounts of bone, stone, or shells) are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

Non-compliance with, or deletion of any of the above mitigation measures by any party will require the project to be reprocessed for additional environmental review. If this review determines that there is the possibility for significant adverse environmental impact due to the development of the project, additional mitigation measures may be required, or the applicant may be requested to prepare an Environmental Impact Report if identified impacts cannot be reduced to less than a significant level through mitigation.

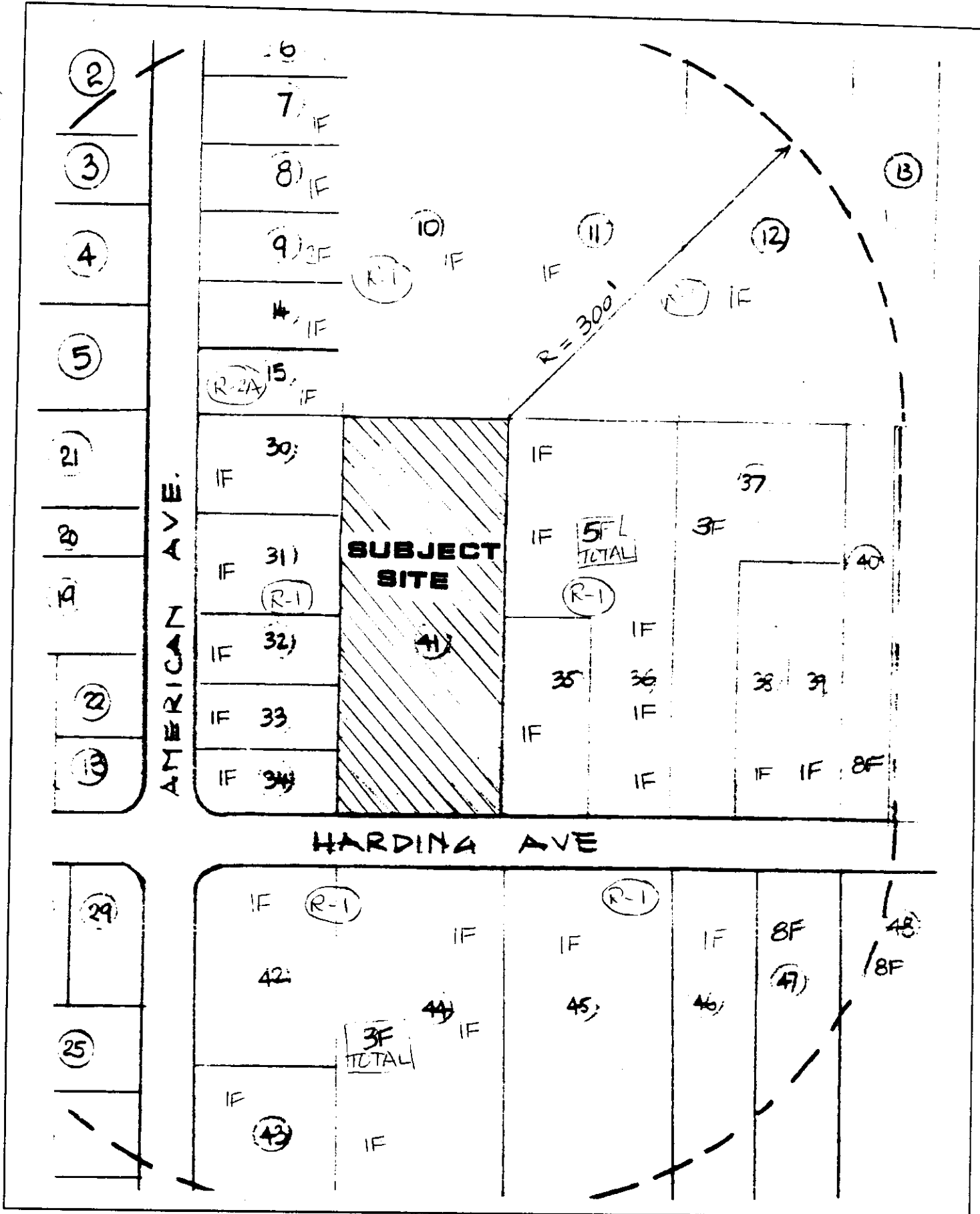
Findings of Fact

- 1. The project is based upon sound principles of land use in that the proposed residential development is compatible with the surrounding single family area and adds an alternative housing type to the area.
- 2. The proposed project is not detrimental to the public welfare, nor will result in the creation of a public nuisance in that it provides a single family ownership alternative to deep lot development. The density is not inconsistent with other properties in the area.
- 3. The project is consistent with the General Plan and South Natomas Community Plan, which both are designate the site for residential development. The policies of the plans also promote this type of infill development.

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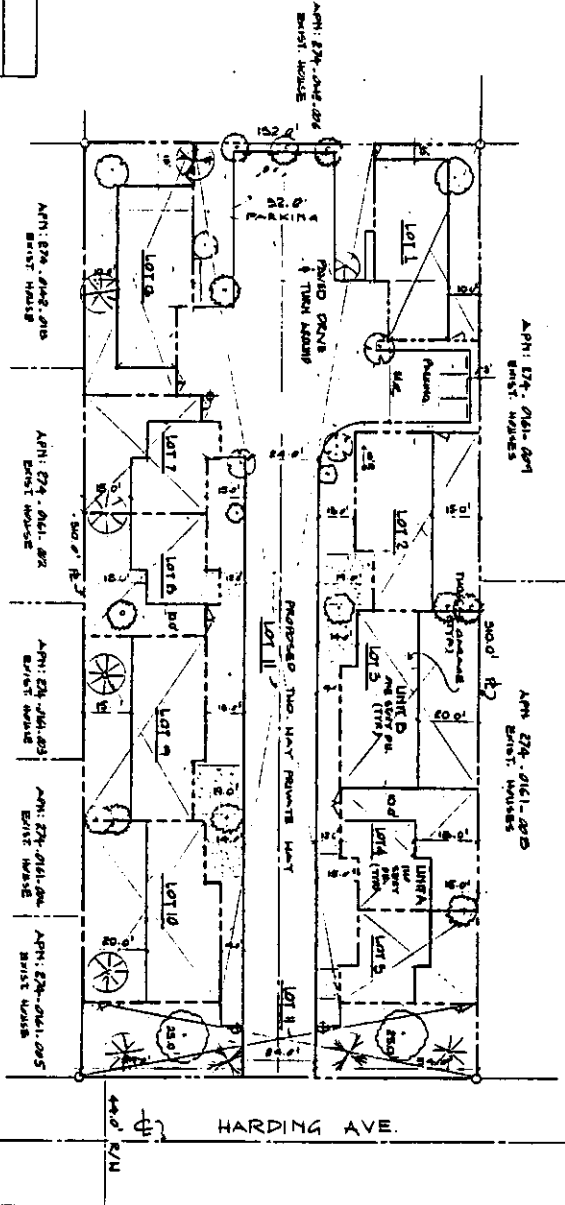
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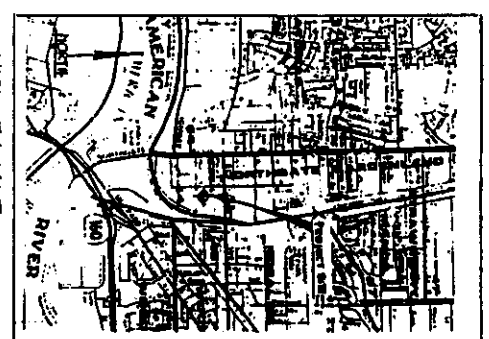
LAND USE & ZONING MAP

EXHIBIT - A

GENERAL INFORMATION
 APN: 274-061-021
 ACREAGE: 09 ACRES
 EXIST. USE & ZONE: VACANT, R1
 PROPOSED USE & ZONE:
 151 CONDOMINIUMS,
 R1A
 WATER SUPPLY: CITY OF SACRAMENTO
 SEWER: DIAPHRAGM CITY OF SACRAMENTO
 SUBDIVIDER & BUILDER: ENTIC
 CIV. ENGINEER: SAC. CIV. 15883
RECORD OWNER:
 KENNETH S. SHERIDAN & CLARA M. SHERIDAN
 2517 HARDEN HWY. SAC. CA 95833
PAVING REQUIRED: 15 UNITS
PAVING PROVIDED: 23 UNITS



SITE PLAN
 INFILL DEVELOPMENT F&R
 THE HARDING CONDOMINIUMS



THE HARDING CONDOMINIUMS
 PROJECT NO. 151-056
SITE PLAN

- LEGEND**
- GINKGO, DECIDUOUS
 - JAPANESE MAPLE, DECIDUOUS
 - OLIVE, EVERGREEN
 - GARDEN PINE, EVERGREEN
 - WYBRANDEN PALM, EVERGREEN
 - STREET LIGHTS

NOTES

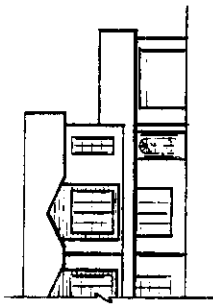
8-8-91
 25
 July 11, 1991

WZM

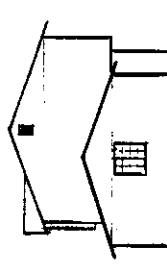
151-056
 336
 330

Item # 33

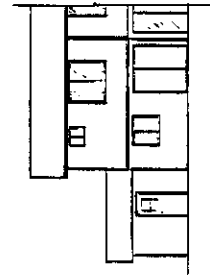
P90-256



WEST ELEVATION FRONT SCALE: 1/8" = 1'-0"



SOUTH ELEVATION OR NORTH ELEVATION REVERSED SCALE: 1/8" = 1'-0"



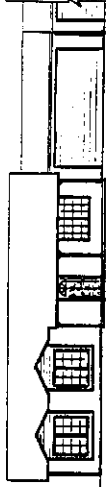
EAST ELEVATION REAR SCALE: 1/8" = 1'-0"

TYPICAL TYPE A UNIT, ELEVATION SCALE: 1/8" = 1'-0"

8-8-91
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July 4, 1991

Mem # 36

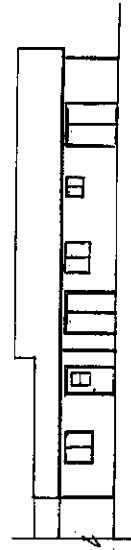
EXHIBIT - B



WEST ELEVATION FRONT SCALE: 1/8" = 1'-0"

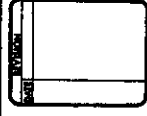


NORTH ELEVATION OR SOUTH ELEVATION REVERSED SCALE: 1/8" = 1'-0"



EAST ELEVATION REAR SCALE: 1/8" = 1'-0"

TYPICAL TYPE UNIT B, ELEVATIONS



THE HARDING CONDOMINIUMS

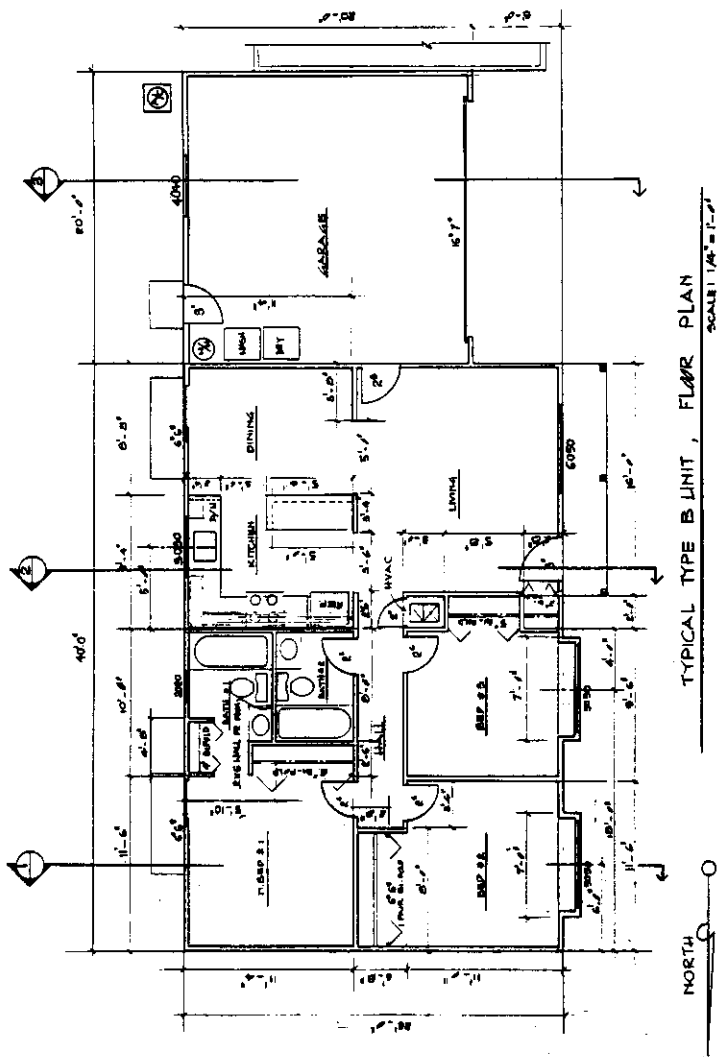
ELEVATIONS

DATE: 8-8-91
PAGE: 2
OF: 3

EXHIBIT - C



DATE: 8-8-91
 SHEET: 3 OF 3

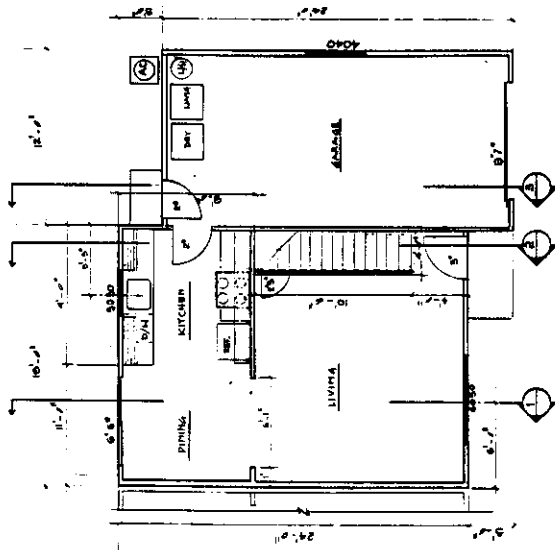


TYPICAL TYPE B UNIT, FLOOR PLAN
 SCALE: 1/8" = 1'-0"

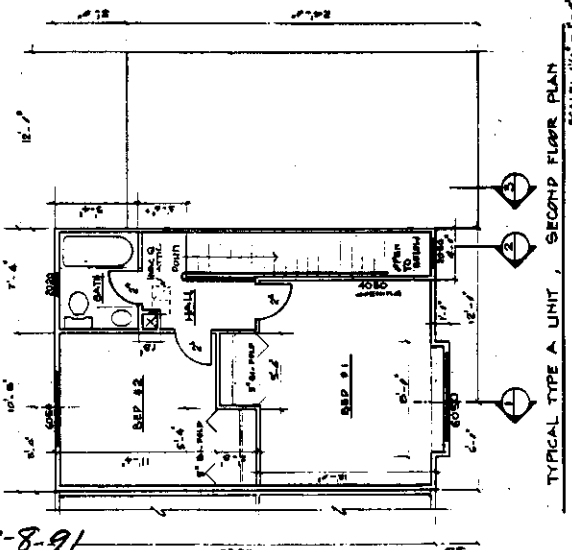
GENERAL NOTES	
UNIT A:	452 SQ. FT.
FIRST FLOOR	417 SQ. FT.
(OR REVISION)	438 SQ. FT.
AREA	
UNIT B:	640 SQ. FT.
FLOOR	400 SQ. FT.
(OR REVISION)	
AREA	

THE HARDING COPPERMINIUMS

FLOOR PLANS



TYPICAL TYPE A UNIT, FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"



TYPICAL TYPE A UNIT, SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

P90-256

8-8-91
 25
 July 1, 1991

Handwritten notes and numbers: 5, 4, 8, H.m.#

EXHIBIT -D

CITY OF SACRAMENTO
CITY PLANNING DIVISION

APR 18 1991

RECEIVED

Department of Planing and Development
City Planning Division
Attn: Cindy Gnos

RE:P90-256

To Whom it may concern;

We hereby request that our family be recorded in opposition to the proposal to put 10 condominiums at 351 Harding Ave. We have lived on this property since 1946 and in our opinion it has reached a density that is hard to live with at present. We have watched an apartment building with 8 units, directly across the street from us, be built and occupied, then in a few months deteriorate and turn into a crack house with several old inoperative vehicles cluttering its parking area. The structure was thoroughly trashed.

Something else to consider is the noise factor. People who live in the structures seem to be addicted to boom boxes in their cars, loud rap music on their radios and even trying to give them the benefit of the doubt it seems they play the loud music solely for the purpose of its aggravation effect on the general population.

Lots of space is needed for the children to play, that has been a problem with the apartment dwelling. Kids overflowing into neighborhood yards, houses and garages where they are not appreciated.

There never seems to be enough parking space anymore. A family used to get by with one vehicle now a family seems to need 3 or 4 cars to survive. Apartment dwellers seem to have lots of friends. Some come from out of town and move in for weeks or months at a time. Now these people are sly and will do such things as park their car down the street in front of some one else's property so their friends landlord will not be aware that company is there.

Motorcycles are noise problems at best, have observed one rider who left about 4 AM every morning. He kept the cycle in his apartment and at 4 AM rolled it out through the door cranked it up and headed for work, being quite sure everyone within a quarter mile knew he had left.

I feel sure we have reached a maximum density. If it gets any worse, my wife and I will have to start looking for some way out.

Virginia Howard
Lloyd Howard

Mr and Mrs L. H. Howard
301 Harding Ave
Sacramento, Ca 95833

Telephone: 925-7029

8-8-91

July 11, 1991

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P90-256

EXHIBIT -E

April 22, 1991

Planning & Development
Attn Cindy Gnos
1231 I Street
Sacramento, Ca. 95814

Dear Ms. Gnos

Re P90-256
Location 351 Harding Avenue
Parcel 274-0161-021

We, property owners adjacent to the above described property, oppose the proposed project as recorded in your office on June 1, 1990.

Primarily, our objection to the proposed plan for development is in the density of the plan. This calls for an influx of an approximately 30-35 additional residents and the related traffic congestion problems.

Concern has also been expressed by some of the current residents that the street fronting the property would be used as a play ground by the youngsters within the proposed project plan. This danger should be avoided.

All of the neighborhood would be greatly in support of a development at this location if it consisted of no more than six or possibly seven one-story homes, including a two-car garage with each unit. We recommend your consideration of such a plan of development and suggest your office work with the owner/developer to implement these alterations to his proposal.

Attached are the signature sheets showing names and addresses of the concerned property owners.

P90-256

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July 11, 1991

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NAME AND ADDRESS

Rosa Gonzales 2340 Sacramento, CA 95833
American Ave.

Chloie Ethel Miller, 2350 American Ave. Sacramento Ca.
95833

Harvey Gene Miller 2350 American Ave. Sacramento, Ca. 95833

Margaret Fitzsimmons 2360 American Ave. Sacto. Ca. 95833

Maria Stewart 2399 American Sacto 95833

Nellie Blodsoe 405 Harding Ave Sacto 95833

Lee Hollingshead 400 Harding Ave. Sacto. 95833

Kristy Hollingshead 400 Harding Ave. Sac. 95833

Loretta Blann 2330 - American Ave. 95833

Georgia Ekeby 2373 American Ave 95833

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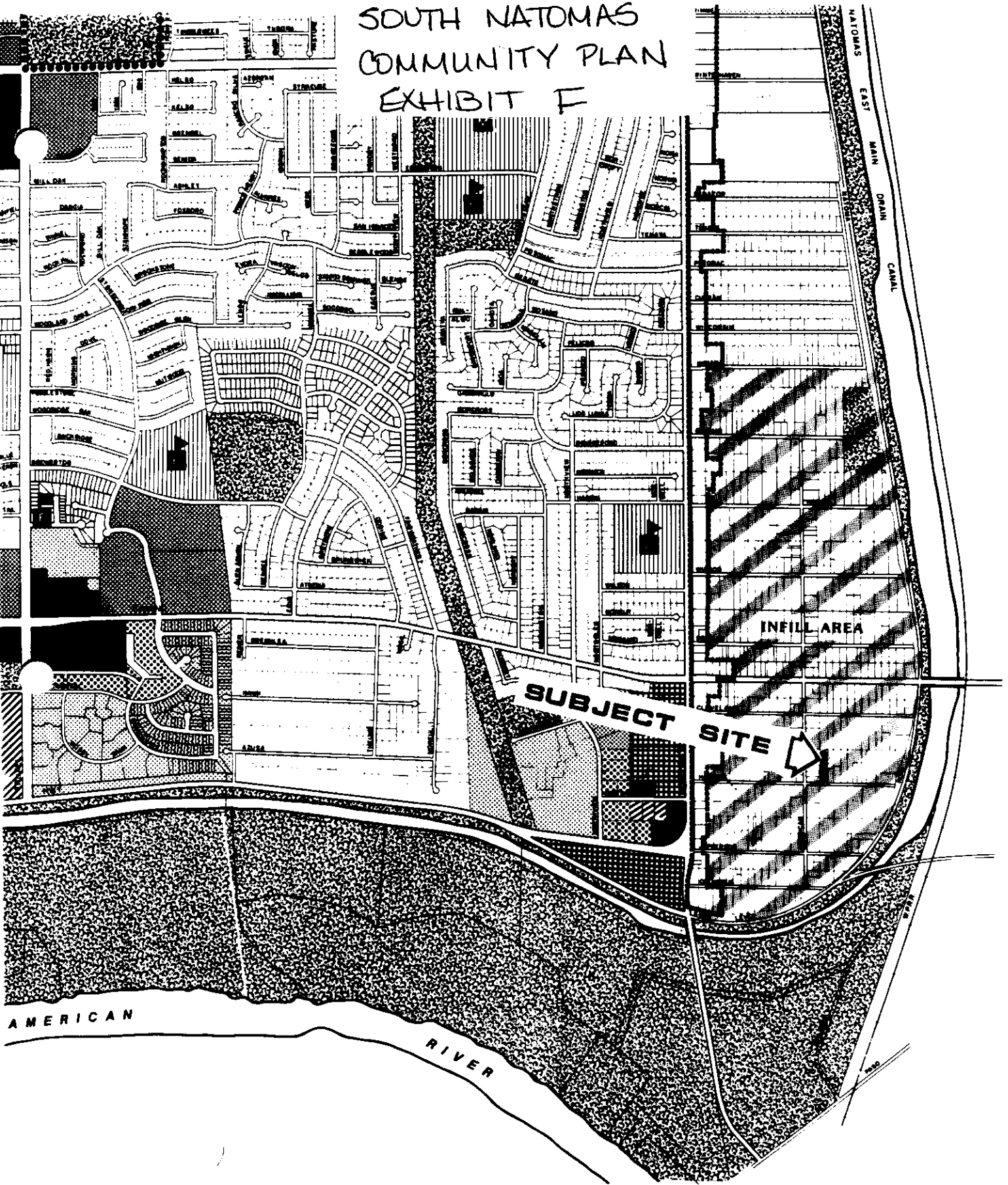
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SOUTH NATOMAS
COMMUNITY PLAN
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