



DEPARTMENT OF LAW

812 TENTH STREET  
SUITE 201

SACRAMENTO, CA 95814  
TELEPHONE (916) 449-5346

CITY OF SACRAMENTO  
**APPROVED**  
BY THE CITY COUNCIL

MAR 3 1987

OFFICE OF THE  
CITY CLERK

March 3, 1987

17

JAMES P. JACKSON  
City Attorney  
THEODORE H. KOBAY, JR.  
Assistant City Attorney  
SAMUEL L. JACKSON  
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Deputy City Attorneys

City Council  
City Hall  
Sacramento, CA

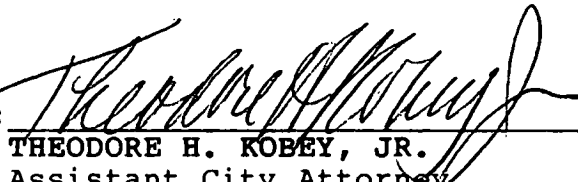
SUBJECT: Item 17 - Development Moratorium

Honorable Members in Session:

At Councilman Bradley's request, attached is a moratorium ordinance which is identical to the one that is before the Council now, except that it would allow permits to be granted where the permit applications were filed before October 30, 1986. This would allow the Council to consider and grant, if it chooses, the permits listed on the Council Agenda Items 17B and 17C.

JAMES P. JACKSON, City Attorney

By:

  
THEODORE H. KOBAY, JR.  
Assistant City Attorney

THK/jmv  
Attachment

# ORDINANCE NO. 87-019

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF *as Amended*

AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS, SPECIAL PERMITS, VARIANCES AND OTHER ENTITLEMENTS FOR USE, AND DECLARING THIS ORDINANCE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

**APPROVED**  
BY THE CITY COUNCIL

(PORTION OF AREA WEST OF McCLELLAN AIR FORCE BASE)

MAR 3 1987

OFFICE OF THE  
CITY CLERK

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

## SECTION 1. Findings.

(a) The Council finds that there exists, in the area covered by this ordinance, residential uses with which development under the M-1, M-1S and M-1SR zones may be incompatible.

(b) The City Planning Commission has formally instructed the City Planning Division to investigate and report on whether the land uses allowed in the above-mentioned zones are appropriate in the area and compatible with the residential uses. The Commission further instructed that if the uses allowed in the zones are inappropriate, the Planning Division should report on methods of dealing with the problem. The Council concurs with the Planning Commission's instruction to the Planning Division. For the period of this ordinance, it is appropriate to prohibit development which may be inconsistent with the results of said investigation and report.

## SECTION 2

60

For a period of ~~120~~ 60 days after the effective date of this ordinance, no building permit, special permit, variance, plan review approval or any other entitlement for use under any provision of the City Code or City Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) shall be issued by the City of Sacramento for any building, structure or use in the area shown on Exhibit "A" and described on Exhibit "B". The provisions of this section shall not apply to any building permit, special permit, variance or any other entitlement for use, the application for which was filed with the City Planning Division on or before October 30, 1986.

SECTION 3. Emergency.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are the need to immediately prohibit the issuance of any entitlement for use which might result in development which is inconsistent with the investigation and report being undertaken by the Planning Division.

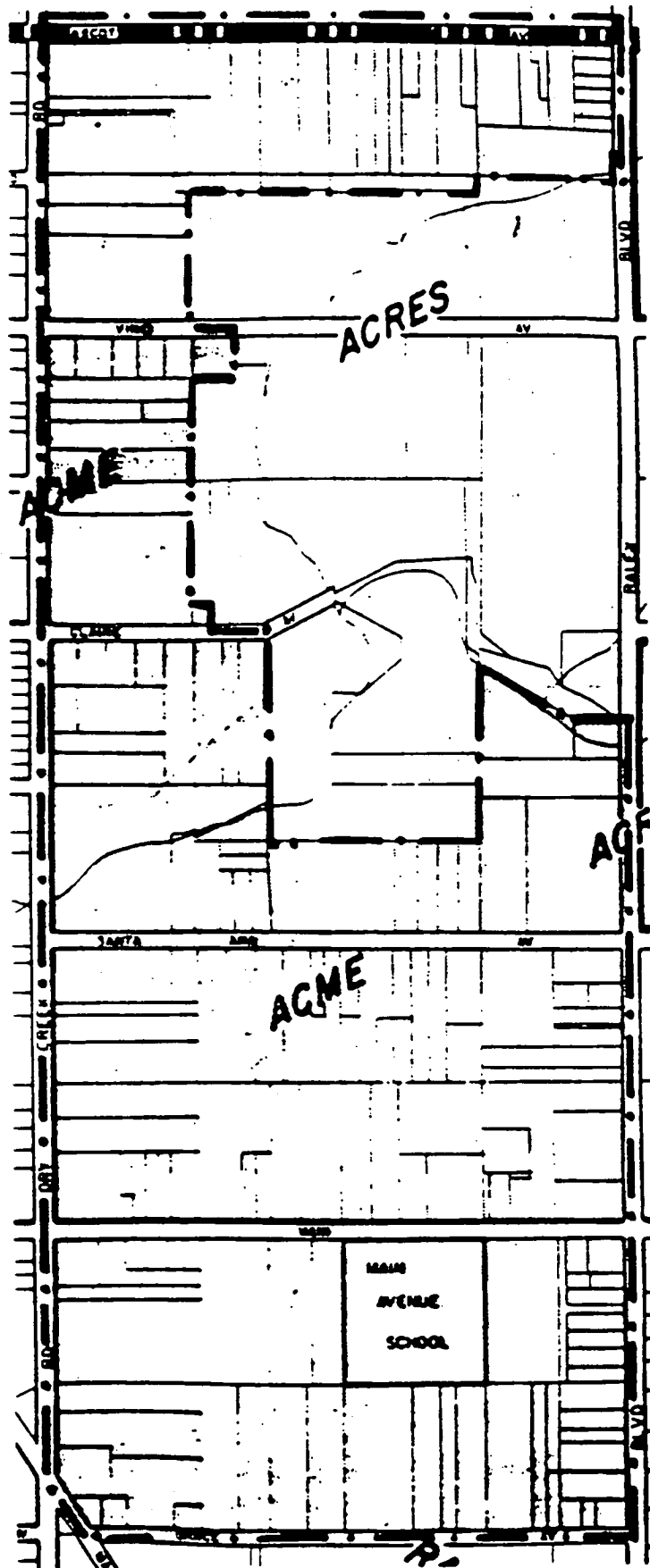
ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK



--- boundary of moratorium area

ASSESSOR PARCEL NUMBERS

Proposed Moratorium West-of-McClellan

215-230-40, 19, 20, 21, 22, 23, 24, 15, 51, 50, 56, 57  
 215-230-36, 37, 09, 08, 07, 06, 05, 04, 03, 39, 38, 35  
 215-230-65, 64, 63, 62, 49, 53, 52, 33, 32, 58, 59, 60, 61  
  
 215-250-01, 02, 03, 04, 31, 32, 40, 42, 39, 43, 20, 26, 28, 27  
 215-250-18, 17, 16, 15, 36  
  
 215-260-56, 55, 02, 58, 57, 41, 04, 05, 06, 07, 08, 62, 49, 48  
 215-260-53, 66, 69, 70, 68, 31, 30, 51, 50, 29, 28, 27  
 215-260-37, 59, 61, 60, 44, 43, 22, 21, 20, 39, 40  
 215-260-18, 16, 17, 63, 64, 09  
  
 215-280-55, 56, 71, 68, 76, 74, 75, 70, 02, 03, 04, 84, 87  
 215-280-85, 88, 91, 89, 90, 54, 53, 83, 72, 82, 50, 08, 09  
 215-280-10, 11, 12, 13, 16, 15, 14, 17, 19, 18, 20, 52, 51, 22, 23  
 215-280-24, 25, 26, 27, 67, 30, 94, 92, 32, 34, 36, 35  
 215-280-81, 80, 79, 78, 77, 39, 40, 41, 63, 62, 61, 43, 44, 45  
 215-280-46, 47  
  
 237-060-01, 02, 03, 04, 05, 06, 51, 50, 49, 52, 53, 08, 09, 10, 57  
 237-060-11, 62, 63, 13, 14, 15, 17, 16, 18, 19, 20, 21, 22  
 237-060-23, 24, 25, 66, 27, 28, 29, 30, 31, 33, 34, 35  
 237-060-36, 37, 67, 68, 39, 40, 41, 42, 59, 58, 44, 45, 60, 61  
 237-060-54, 48

*Evangelin M. Miller*

ATTORNEY AT LAW

17  
2386 FAIR OAKS BOULEVARD  
SUITE 101  
SACRAMENTO, CALIFORNIA 95825  
TELEPHONE: (916) 483-3801

March 3, 1987

City Council  
Sacramento, California

Honorable Members in Session:

I am EVANGELIN M. MILLER, Attorney at Law, representing Mr. Kenneth Peachy (and Ms. Imogene Zander), Subject Applicant and an Appellant. I hereby respectfully submit arguments, statements, and comments on behalf of Mr. Kenneth Peachy directed to the subject issues listed below:

SUBJECT ISSUES:

1. STATEMENT IN OPPOSITION OF THE PROPOSED EMERGENCY MORATORIUM ORDINANCE on the issuance of Building Permits, Special Permits, Variances and other entitlements for use, and the SPECIFIC EFFECT of this ordinance on KENNETH PEACHY'S Building Permit for a repair shop for his dump truck business vehicles, and the Variance to waive a six foot masonry wall along the eastern boundary line of 1220 Ascot Avenue.(P86-424)
2. STATEMENT IN SUPPORT OF APPEAL OF KENNETH PEACHY vs. CITY OF SACRAMENTO Planning Commission's denial of a Variance to waive a required six foot masonry wall on the east property line of 1220 Ascot Avenue (P86-424).
3. STATEMENT IN OPPOSITION OF APPEAL OF LARRY KOZUB vs. CITY OF SACRAMENTO Planning Commission's approval of a Plan Review for KENNETH PEACHY'S vehicle repair shop at 1220 Ascot Avenue (P86-424).
4. STATEMENT OF APPEAL OF KENNETH PEACHY vs. CITY OF SACRAMENTO Planning Commission's denial of a Special Permit to establish a dog kennel at 1220 Ascot Avenue (P86-424).

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SUMMARY OF MR. PEACHY'S PURSUIT OF A BUSINESS LOCATION

Mr. Peachy purchased 1220 Ascot Avenue in March of 1986. Prior to his purchase he reviewed the requirements with the City Planning Staff for a repair shop to service his own dump truck business vehicles and the Special Permit to kennel his ten dogs. At the time he felt confident all of this could be accomplished under the existing M-1S-R zoning. He was not then apprised of the masonry wall requirement.

After closing escrow he immediately began to improve his property. He prepared to install his chain link and redwood slat fence and sought a survey. The existing fence on the eastern boundary seemed out of line. The survey showed an encroachment on the east side that widened from six/tenths of a foot at the front of his lot to a thirteen (13) foot width at the back. This was corrected and Mr. Peachy built his fence. It was not until August that he found out about the masonry wall requirement.

By October Mr. Peachy had often conferred with the Planning Commission staff. He had specifically talked with Mr. Gee, who suggested that he combine the Building Permit for his dump truck repair shop and the Variance for wall waiver with the Special Permit for the kennel for his own dogs on one application. Mr. Peachy again felt very confident that he would accomplish his permit requests, and made a combined application on October 30, 1986.

Since that time the subject application went through the hearing processes before the Planning Commission and ultimately to the Appeal hearing begun on February 3, 1987 that was continued to this hearing date of March 3, 1987.

Initially, the Plan Review process resulted in a Planning Commission vote to deny the Special Permit for the dog kennel, to approve the Plan Review for the vehicle Repair Shop with conditions, and to waive the wall requirements only on the west property line and across the back.

Mr. Peachy appealed the wall requirement for the east property line, and the denial of the Special Permit for his kennel.

Mr. Kozub, the neighbor to the east, appealed the Repair Shop Permit.

At its regular meeting on January 20, 1987, the City Council heard and considered these appeals, after which the Notice of Decision and Findings of Fact indicating denials of both appeals were planned and prepared.

In addition, on January 20th, after listening to these appeals and considerable discussion, the City Council decided to consider a moratorium to allow time to investigate ways to accomodate a transition of the area to the industrial uses for which it is zoned with less short term disruption to the existing residential uses.

## MR. PEACHY'S REPAIR SHOP PERMIT SHOULD PRECEED THE MORATORIUM

The moratorium as planned would single out and arbitrarily interfere with Mr. Peachy's quiet enjoyment of his property in the pursuit of his livelihood in a business suited to industrial M-1S-R zoning on land that he purchased for this purpose, and for which approval was reaching a final stage.

Please consider the following statements, arguments, and comments directed toward the protection of Mr. Peachy's property rights:

1. Mr. Peachy's original plan was to make separate application for each permit: the Special Permit for a kennel for his own dogs and the Building Permit with wall Variance for a repair shop to use in the maintenance of his dump trucks.
2. The application for the Special Permit for the dog kennel should be severed from the Building Permit Application with Variance. The Special Permit for the dog kennel could then be continued for hearing after the conclusion of the proposed four month moratorium.
3. It appears that the dog kennel caused the greatest objection from the neighbors. A dog kennel for numerous dogs, whether those of us who love dogs like it or not, has, and always will, invoke significant regulatory problems. This has historically been the situation. Thus, the dog kennel special permit application should be severed and considered separately. It seems to be completely out of perspective and arbitrary to call a moratorium based on what appears to be solely the applications of Mr. Peachy.
4. The balance of Mr. Peachy's Building Permit Application should not be subjected to the moratorium. A very, very small minority objected to the repair shop. Taking into consideration the recent zoning change, the amount of adjacent neighborhood objection to the repair shop and masonry wall variance was minor. Precedence has been made in earlier cases that the issuance of a permit should not be made subject to the vote of adjacent property owners. Nonetheless, in this instance we will demonstrate that the great majority of neighbors on Ascot Avenue favor the issuance of the shop permit, the wall variance, and the special dog kennel permit. Many have commented in the letters attached as Exhibit A. A map of Ascot Avenue showing this majority is attached Exhibit B. The discretion whether to issue this permit rests with the City Council. But the discretion may not be arbitrarily applied. I do not see a fair or substantial reason to subject Mr. Peachy's Building Permit and Wall Variance to the time lost in the proposed moratorium. And certainly it would be strangely arbitrary to call the moratorium based solely on the application of Mr. Peachy.



5. Further, to the above argument, it is my understanding that Mr. Peachy's application is currently the only one before the Planning Commission and the City Council from the proposed moratorium area.

6. The appeal of Mr. Kozub, Mr. Peachy's neighbor to the East, in opposition to the repair shop stated "lack of appropriate infrastructure (sewer/drainage)...inadequate disposal/spills of fuels, oils, solvents, greases, etc. which was not discussed in staff review..." Mr. Peachy is prepared to list the many appropriate ways in which he will dispose of all toxics. Letters from two oil recyclers are attached as Exhibit C. It is also of note that this repair shop will service only the dump trucks of Mr. Peachy.

7. Plan Review found this project, as conditioned, to be based upon sound principles of land use in that adequate parking and landscaping for the proposed truck vehicle repair and storage area will be provided.

8. Plan Review found this project to be "consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for industrial use by the 1984 North Sacramento Community Plan and the proposed truck business (sic) use conforms with the Plan designation."

9. Plan Review found this project, as conditioned will not be injurious to the general public or surrounding properties in that adequate screening of the proposed use will be provided from adjacent properties.

10. It is inconceivable to me that the repair shop for the maintenance of Mr. Peachy's personal dump trucking business vehicles would ever be considered as a heavier industrial use that would be subject to a Special Permit as a result of the proposed moratorium.

#### SUPPORT OF VARIANCE TO WAIVE MASONRY WALL

The importance of a sight barrier between existing residential neighbors and new industrial projects is most understandable, and a sound barrier is conceivably of importance when the source of the sound is the new industrial project. That is not the situation in the subject application. The greater noise comes from McClellan Air Force Base and reverberates over the neighborhood. It appears that what is really needed are sound absorbing fence surfaces rather than a sound reflecting masonry wall.

Attached as Exhibit D is a letter to Mr. Peachy from Mr. Jim Buntin, Vice President of Brown-Buntin Associates, Inc., engineers performing such services as aviation noise studies, community noise, architectural accoustics, and environmental noise assessments. Following are pertinent portions of the text of the letter:

"...The purpose of the wall is to separate your M-1 use from an adjacent residential property where the house would be 50 feet from the wall. The noise source in question is engine run-up testing at McClellan AFB about 1 mile away of the residence side of the wall.

The presence of the wall described above (6-foot masonry) would be expected to result in reflection of sound back towards the house. Theoretically, up to a 3 decibel increase in sound pressure levels could be acheived, which would be considered a noticeable change be most people. Given the wall height of 6 feet and the distance to the house from the wall, it is likely that the increase in noise level would be somewhat less than 3 decibels....In any case, it should be noted by all concerned parties that the presence of the proposed masonry wall would be expected to create some reflection of sound from McClellan AFB engine testinnng which would likely be noticeable to the resident."

The information in this letter begs the question of where the responsibility would lie should the masonry fence be built and the neighbor object to the additional decibels caused thereby.

Further discussion with Mr. Buntin explored the effect of the visually protective chain link and wood slat fence and what effect it would have. This type of fence would virtually have no effect on the low frequency of jet roar, but it would not reflect and cause an increase in noise level such as that reflected by a masonry wall. The chain and slat fence would have some effect to higher pitched sounds which is why it is used along highways.

#### CONCLUSION AND SUMMARY

The purposes stated for the moratorium may appear to be necessary for the continuing industrial development of this area.

However, It is my contention that the light industrial use by Mr. Peachy's repair shop for his own dump truck business vehicles would not be the type of "heavier use" the moratorium will be intended to sort out. At the community meeting, heavier use was described numerous times as being a "concrete batching" type of business.

Further, it is my contention that Mr. Peachy's shop would remain of the type wherein only the development plan review that currently exists today will be required, a review that has been favorably given.

It is also my contention that there must be a way to sever the Special Dog Kennel Permit from the balance of Mr. Peachy's application so that the Building Permit, with conditions, and a Variance to waive the required masonry wall may acquire final approval.

Therefore, I fervently urge the council to consider, and give final approval to the portions of the Subject Application before calling the proposed moratorium, as follows;

1. Building Permit, with conditions, for Mr. Peachy's Repair Shop for his dump truck business vehicles; and
2. The Variance to waive the noise reflecting masonry wall on the east property line and consider the chain link and slat fence to be a sufficient visual barrier.

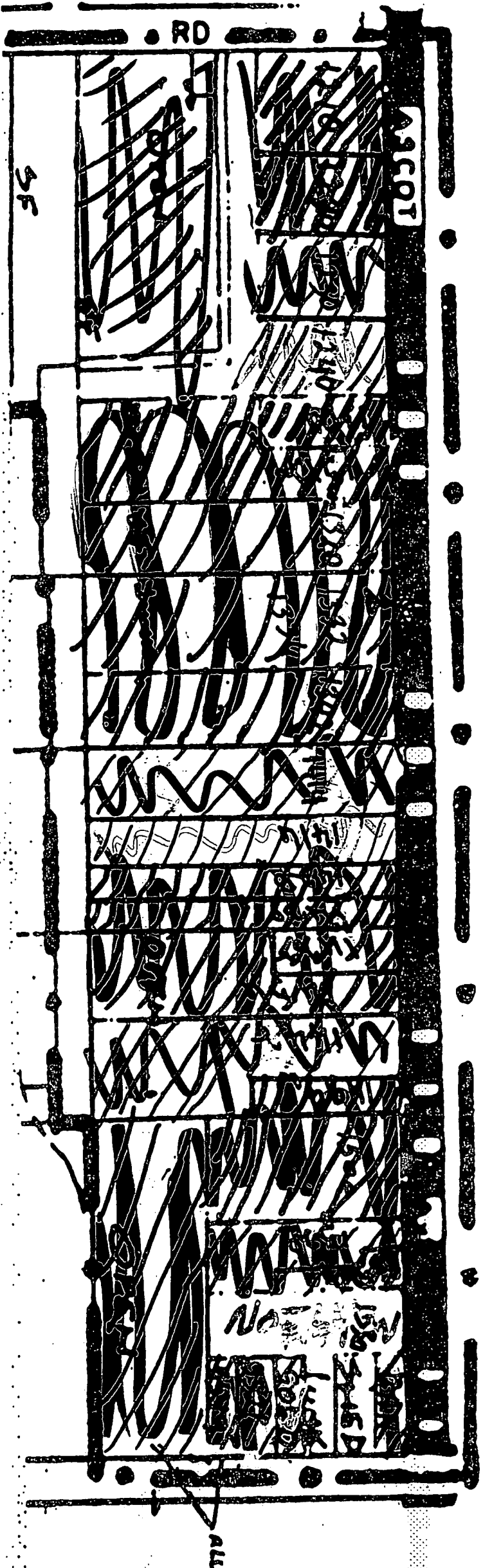
In conclusion, I want to thank the council for this opportunity to represent Mr. Peachy in the desire to clarify his position and to attempt to place the obstacles to his Building Permit in the proper perspective. I hope the information and presentation is helpful in your consideration of this application.

Respectfully submitted,

  
EVANGELIN M. MILLER  
Attorney at Law

Attachments:

- Exhibit A: Letters from neighbors on Ascot Avenue
- Exhibit B: Map showing majority of Ascot neighbors in favor
- Exhibit C: Letters from oil recyclers
- Exhibit D: Letter from Brown-Buntin Associates on noise



Red - For The Project At 1220 Ascot

Green - Neutral

Blue - Against

see letter's from All The People who support The 1220 Ascot Project

40 B

# RAMOS OIL RECYCLERS

1515 South River Road • P.O. Box 401  
West Sacramento, CA 95691  
(916) 371-2570

October 24, 1986

Dear Valued Customer,

Due to the many recent requests for information regarding our operation, this information packet has been assembled to provide an idea as to how we handle waste oil and petroleum products.

Briefly, Ramos Environmental Services is a registered hazardous waste hauler specialized in, but not limited to, the hauling of spent or contaminated petroleum products for the purpose of recycling. Used petroleum products are gathered in the field from various generators such as gas stations, garages, car dealers, etc. and brought to Ramos to be placed in a larger tank. When the tank has enough material collected in it, a larger tanker truck sent by another registered hauler hauls the material to refineries located in the Los Angeles area. The refineries refine the material back into a product. At this point, the Generators liability ends as the material is no longer a waste products.

Enclosed is a copy of our current Hazardous Waste Hauler registration, as well as, copies of our current Certificate of Insurance, to illustrate the extent of our coverage in the event of an accident.

Also, find enclosed a list of companies that commonly handle waste material for us, or treat, store and dispose of materials for us. If you have any further questions, please don't hesitate to call.

Ramos Environmental Services  
P.O. Box 401  
1515 South River Road  
West Sacramento, CA 95691  
(916) 371-2570  
E.P.A. #CAD044003556

W-H Tank Lines, Inc.  
P.O. Box 90665  
Long Beach, CA 90809  
(213) 427-3109  
E.P.A. #CAD040370645

Petro Transportation Inc.  
1835 E. 24th Street  
Signal Hill, CA 90806  
(213) 595-7431  
E.P.A. #CAD980886824

EC

# CALIFORNIA OIL RECYCLERS INC.

0-1-37

Dear Mr. Reahy,

I think this information will help you. If you have any more questions please don't hesitate to call.

Gloria Kinchar



DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
NON-TRANSFERABLE LICENSE

LICENSE NUMBER	ISSUE DATE	EFFECTIVE DATE	EXPIRATION DATE
35096	10/6/86	10/4/86	10/3/87
CHP CARRIER NUMBER	LOCATION		
CA- 205		<input type="checkbox"/> Initial <input checked="" type="checkbox"/> Renewal	

LICENSEE NAME AND ADDRESS (ONLY IF DIFFERENT FROM BELOW)

The person or firm named has been licensed pursuant to the California Vehicle Code for:

OPERATION OF:

- ☐ Emergency      ☐ Armored      ☐ (IMS) Inspection and  
☐ Ambulances      ☐ Cars      ☐ Maintenance Station

HAZARDOUS MATERIALS TRANSPORTATION

- ☐ (HMX) Explosives subject to Division 14, Vehicle Code, Materials subject to Section 31302, Vehicle Code, and other hazardous material.  
☐ (HMO) Other Hazardous Materials.  
☒ (HMW) Hazardous materials in certified waste hauler vehicles only (fee exempt); registration number: 242

CONTROL NUMBER

55667

LICENSEE NAME AND MAILING ADDRESS

California Oil Recyclers, Inc.  
977-A Bransten Road  
San Carlos, CA 94070

BBA

# BROWN - BUNTIN ASSOCIATES, Inc.

Aviation Noise Studies • Community Noise • Architectural Acoustics • Environmental Noise Assessments

January 29, 1987

Mr. Kenneth Peachey  
1220 Ascot Avenue  
Rio Linda, CA 95673

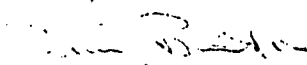
Dear Mr. Peachey:

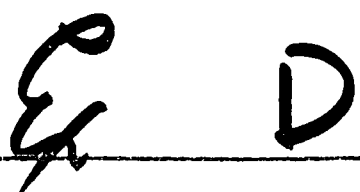
This letter is intended to respond to your question regarding the possible effects of constructing a 6-foot masonry wall at your property line at parcel #215-0230-063 in Rio Linda. The purpose of the wall is to separate your M-1 use from an adjacent residential property where the house would be approximately 50 feet from the wall. The noise source in question is engine run-up testing at McClellan AFB, about 1 mile away on the residence side of the wall.

The presence of the wall as described above would be expected to result in reflection of sound back towards the house. Theoretically, up to a 3 decibel increase in sound pressure levels could be achieved, which would be considered a noticeable change by most people. Given the wall height of 6 feet and the distance to the house from the wall, it is likely that the increase in noise level would be somewhat less than 3 decibels, but it is not possible to precisely predict the amount of reflected sound in a free-field situation such as you have described. In any case, it should be noted by all concerned parties that the presence of the proposed masonry wall would be expected to create some reflection of sound from McClellan AFB engine testing which would be likely to be noticeable to the resident.

I hope that this information will be useful to you and the City of Sacramento in consideration of your proposed building permit application. If you have any questions, please call me in Fair Oaks at 961-5822.

Sincerely,

  
Jim Buntin  
Vice President



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# CITY OF SACRAMENTO

## DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

### Administration

Room 300 449-5571

### Building Inspections

Room 200 449-5716

### Planning

Room 200 449-5604

February 23, 1987

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: 1220 Ascot report back on Development Moratorium (P86-424)

LOCATION: Area bounded by Ascot Avenue on the North, Dry Creek Road on the west, Raley Boulevard on the east, and Grace Avenue on the south

### SUMMARY

On January 20, 1987, the City Council considered several appeals for an application at 1220 Ascot Avenue. After considerable discussion, the City Council directed the City Attorney to report on the possibility of placing a moratorium on the area. The purpose of the moratorium would be to allow time to investigate ways to accommodate a transition of the area to industrial use with less short term disruption to existing residential use. On February 3, 1987, the City Council received a report from the Planning staff and City Attorney's office regarding the appropriate length of time and suggested area for a moratorium. Since there was a significant number of affected property owners at the hearing who needed more information on the issue, the matter was continued to allow Councilman Bradley time to hold a community meeting.

### BACKGROUND

Attached is the February 3 staff report on the moratorium. The moratorium would be for a four month period and affect 300+ acre of a 1,100+ acre area designated for industrial use. On February 20 Councilman Bradley held a community meeting on the matter. The meeting was attended by Councilman Shore, City staff and about 40-50 interested persons. At this meeting it was made clear that no rezoning from the industrial zone was being proposed. It was explained that the Council



is looking for a way of screening industrial uses to insure that the heavier uses do not destroy the livability of existing homes especially in light of the fact that most of the homes are located in 300 of the 1,100 acre area.

At the community meeting there was a mixed reaction to the need for the proposed moratorium and its purpose. However, staff did note the following comments:

1. The property owner needs to know what he/she can do with their land or what they can sell it for.
2. All the owners on both sides of issue want to know the standards for development up front.
3. These standards should set and not deviated from.
4. Re-examine the size of the area.

Based on the Council's comment and those received in the community staff would suggest pursuing the following strategy.

1. Make no changes in the 800+ acre industrial area outside the proposed moratorium area since very little residential use exist.
2. Examine the area included in the moratorium to see if the size can be reduced.
3. In the final area proposed, identify uses that can be established with only the development plan review that currently exist today. These would be uses that are deemed compatible with residential uses if proper site planning is done and necessary services are available.
4. Establish a set of standards that these allowed uses must meet.
5. Identify the heavier industrial uses that should be subject to a special permit. This gives the City an opportunity to say yes or no to the use and to establish conditions if approved. Many of these heavier use may naturally seek a larger site away from the residential homes.

#### RECOMMENDATION

Staff recommends the City Council adopt the attached emergency ordinance (contained in January 28 report) which establish a four month

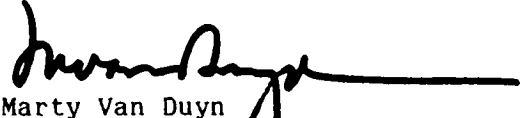
City Council

-3-

February 23, 1987

moratorium on development in the subject area and allows time to pursue the approach discussed in this report.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MVD:AG:tc  
attachments

March 3, 1987  
District No. 2

P86-424



# CITY OF SACRAMENTO

## DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

### Administration

Room 300 449-5571

### Building Inspections

Room 200 449-5716

### Planning

Room 200 449-5604

January 28, 1987

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Report Back on Development Moratorium. P86-424

LOCATION: Area bounded by Ascot Avenue on the North, Dry Creek Road on the west, Raley Boulevard on the east, and Grace Avenue on the south

### SUMMARY

On January 20, 1987, the City Council considered several appeals for an application at 1220 Ascot Avenue. After considerable discussion, the City Council directed the City Attorney to report on the possibility of placing a moratorium on the area. The purpose of the moratorium would be to allow time to investigate ways to accommodate a transition of the area to industrial use with less short term disruption to existing residential uses. Attached is a copy of a moratorium ordinance prepared by the Attorney's Office and a description of the area to be affected which was prepared by Planning staff. The affected area includes the 1220 Ascot Avenue site.

### BACKGROUND

Attached is a copy of the staff report considered by the City Council on March 20, 1987. Councilman Shore made the comment that although the land use decision for industrial use of the area has been made the Council may still want to look at phasing development in this large area in a manner that would be less disruptive to existing residential uses. Especially in the short term. Pursuant to this discussion, the City Council voted to direct the City Attorney to report back on placing a development moratorium on the area. The four month moratorium would be used to investigate ways to implement Councilman Shore's proposal.

Staff's approach will be to recognize the fact that the area is designated for industrial use and to investigate a method whereby the City can review development projects under a Special Permit. Under the Special Permit Review, the City can determine if the project is compatible with adjacent residential uses and to insure adequate standards are met. During the study period staff will be notifying affected property owners of the moratorium and its purpose.

#12 17

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City Council

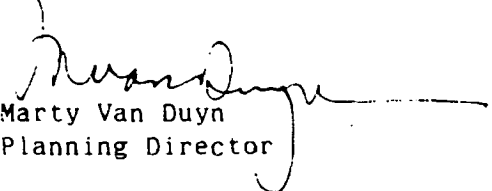
-2-

January 28, 1987

RECOMMENDATION

Staff recommends the City Council adopt attached emergency ordinance which establish a four month moratorium on development in the subject area.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MV:AG:tc

P86-424

5

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS, SPECIAL PERMITS, VARIANCES AND OTHER ENTITLEMENTS FOR USE, AND DECLARING THIS ORDINANCE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

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

## SECTION 1. Findings.

(a) The Council finds that there exists, in the area covered by this ordinance, residential uses with which development under the M-1, M-1S and M-1-SR zones may be incompatible.

(b) The City Planning Commission has formally instructed the City Planning Division to investigate and report on whether the land uses allowed in the above-mentioned zones are appropriate in the area and compatible with the residential uses. The Commission further instructed that if the uses allowed in the zones are inappropriate, the Planning Division should report on methods of dealing with the problem. The Council concurs with the Planning Commission's instruction to the Planning Division. For the period of this ordinance, it is appropriate to prohibit development which may be inconsistent with the result of said investigation and report.

## SECTION 2.

For a period of 120 days after the effective date of this ordinance, no building permit, variance, plan review approval or any other entitlement for use under any provision of the City Code or City Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) shall be issued by the City of Sacramento for any building, structure or use in the area shown on Exhibit "A" and described on Exhibit "B".

## SECTION 3. Emergency.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are the need to immediately prohibit the issuance of any entitle-

ment for use which might result in development which is inconsistent with the investigation and report being undertaken by the Planning Division.

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

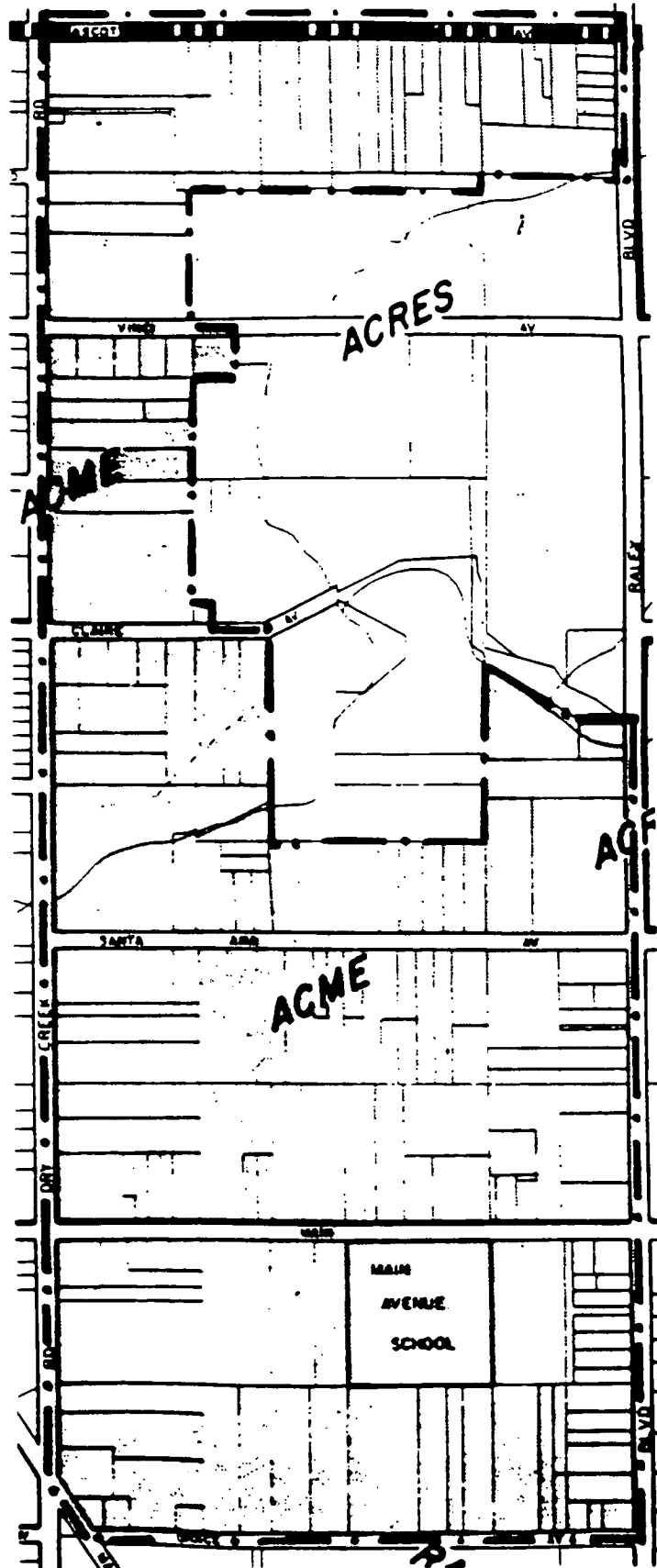


EXHIBIT A

ASSESSOR PARCEL NUMBERSProposed Moratorium West-of-McClellan

215-230-40, 19, 20, 21, 22, 23, 24, 15, 51, 50, 56, 57  
215-230-36, 37, 09, 08, 07, 06, 05, 04, 03, 39, 38, 35  
215-230-65, 64, 63, 62, 49, 53, 52, 33, 32, 58, 59, 60, 61  
  
215-250-01, 02, 03, 04, 31, 32, 40, 42, 39, 43, 20, 26, 28, 27  
215-250-18, 17, 16, 15, 36  
  
215-260-56, 55, 02, 58, 57, 41, 04, 05, 06, 07, 08, 62, 49, 48  
215-260-53, 66, 69, 70, 68, 31, 30, 51, 50, 29, 28, 27  
215-260-37, 59, 61, 60, 44, 43, 22, 21, 20, 39, 40  
215-260-18, 16, 17, 63, 64, 09  
  
215-280-55, 56, 71, 68, 76, 74, 75, 70, 02, 03, 04, 84, 87  
215-280-85, 88, 91, 89, 90, 54, 53, 83, 72, 82, 50, 08, 09  
215-280-10, 11, 12, 13, 16, 15, 14, 17, 19, 18, 20, 52, 51, 22, 23  
215-280-24, 25, 26, 27, 67, 30, 94, 92, 32, 34, 36, 35  
215-280-81, 80, 79, 78, 77, 39, 40, 41, 63, 62, 61, 43, 44, 45  
215-280-46, 47  
  
237-060-01, 02, 03, 04, 05, 06, 51, 50, 49, 52, 53, 08, 09, 10, 57  
237-060-11, 62, 63, 13, 14, 15, 17, 16, 18, 19, 20, 21, 22  
237-060-23, 24, 25, 66, 27, 28, 29, 30, 31, 33, 34, 35  
237-060-36, 37, 67, 68, 39, 40, 41, 42, 59, 58, 44, 45, 60, 61  
237-060-54, 48





Appeal of Kenneth Peacney vs. )  
City of Sacramento Planning Commission's )  
denial of a Special Permit to establish )  
a dog kennel and Variance to waive a )  
required six foot masonry wall on the )  
east property line for a site at )  
1220 Ascot Avenue (P86-424) )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of January 20, 1987, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

Findings of Fact - Special Permit

1. The proposed dog kennel, if approved, would not be based upon sound principles of land use in that single family residences are located in the surrounding area.
2. The proposed dog kennel, if approved, would be detrimental to the public health, safety and welfare and could result in the creation of a nuisance in that:
  - a. the barking of the dogs could disturb surrounding residential uses;
  - b. the site is not served by the City sewer system.

Findings of Fact - Variance

1. The wall requested for waiver is needed to buffer the noise, traffic and visual aspects related to the repair shop from adjacent residential use. Waiver of the wall would not be based on sound land use planning principles and would be injurious to the occupants of the adjacent property.

Aune Riesen  
MAYOR

ATTEST:

Louaine Nagare  
CITY CLERK

P86-424


Appeal of Larry Fozub vs.  
City of Sacramento Planning  
Commission's approval of a Plan Review  
for a vehicle repair shop at  
1220 Ascot Avenue (P86-424)

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

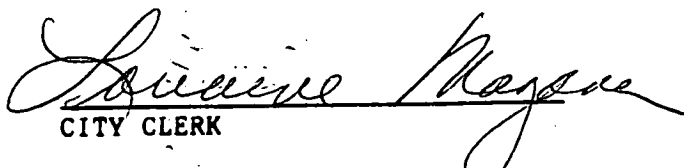
At its regular meeting of January 20, 1987, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

Findings of fact - Plan Review

1. The project, as conditioned, is based upon sound principles of land use in that adequate parking and landscaping for the proposed dump truck vehicle repair and storage area will be provided.
2. A masonry wall will be constructed along the east property line adjacent to where the vehicle repair and storage is proposed for the site.
3. A repair shop is allowed in the M-1(S)R zone.
4. The project, as conditioned, will not be injurious to the general public or surrounding properties in that adequate screening of the proposed use will be provided from adjacent properties.
5. The proposed project is consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for Industrial use by the 1984 North Sacramento Community Plan and the proposed truck business use conforms with the Plan designation.

  
MAYOR

ATTEST:

  
CITY CLERK  
P86-424



# CITY OF SACRAMENTO

## DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 I Street

Sacramento, Ca 95814

17

Administration  
Room 300 449-5571  
Building Inspections  
Room 200 449-5716  
Planning  
Room 200 449-5604

January 15, 1987

City Council  
Sacramento, California

Honorable Members in Session:

- SUBJECT: 1. Appeal by Applicant of Planning Commission's Action to Deny a Special Permit to Develop a Dog Kennel in the Light Industrial, M-1(S)R Zone and Denial of a Variance to Waive a Required Masonry Wall on the East Property Line.
2. Appeal by an Adjacent Owner of the Planning Commission's Action to Approve the Plan Review for a 2,600 Square Feet Vehicle Repair Shop. (P86-424)

LOCATION: 1220 Ascot Avenue

### SUMMARY

The subject site is a one acre lot located in the Light Industrial, M-1(S)R zone. The applicant applied for a Special Permit to establish a dog kennel, Plan Review for a vehicle repair shop and a Variance to waive the required six foot masonry wall on the east and west property line. After hearing public testimony for and against the project, the Planning Commission concurred with staff and voted to deny the Special Permit, approve the Plan Review with conditions and to waive the wall requirements only on the west property line. The applicant has appealed the Commission's action on the Special Permit and Variance and an adjacent owner has appealed the Commission's action to approve the Plan Review.

### BACKGROUND INFORMATION

The subject site is located in an area designated for industrial use by the 1984 North Sacramento Community Plan. A major factor behind the change in land use policy from Residential to Industrial was high noise levels from the McClellan Air Force Base activities. Industrial uses are beginning to develop in this area.

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The applicant currently lives in a single family house on the site and operates a dump truck business from the site. The applicant also has ten dogs on the site. The City Animal Control Division received a complaint and the applicant was warned that only three dogs are permitted. The applicant is proposing a 2,600 square foot vehicle repair shop for his dump truck business and a 480 square foot dog kennel to address the animal control action. Staff reviewed each entitlement and found the following:

Plan Review for Vehicle Repair Shop

A vehicle repair shop is a permitted use in the M-1(S)R zone. The R-Review allows the City an opportunity to review the development standards of a project prior to issuance of building permits. Based on this review staff recommended approval of the plans with conditions. This position was opposed by the adjacent owner to the east.

Variance to Waive the Required Masonry Wall

A six foot high masonry wall is required to buffer the non-residential use from adjacent residential uses on the east and west property line. Staff reviewed the applicant's request to waive the wall on both sides and recommended a waiver on the west side and not the east. This was based on the fact that the repair shop would be located closer to the east side and would have a greater visual and noise impact. The property owner on the west side is not in opposition to the waiver.

Special Permit for a Dog Kennel

A dog kennel is discretionary use allowed in the M-1 zone under a Special Permit. Staff reviewed the request and recommended against the kennel. Staff felt the kennel would continue to create noise and sanitation problems affecting adjacent residential uses. This position was opposed by the applicant.

The Planning Commission's action was to approve the staff's recommendation which was not acceptable to the applicant nor the adjacent owner. Both parties have filed appeals. The Commission also requested staff to review the area's industrial designation and report back if any adjustments are needed.

VOTE OF THE PLANNING COMMISSION

On December 4, 1986 the Commission voted nine ayes to approve the Plan Review with conditions, partially approve the Variance and to deny the Special Permit.

City Council

-3-

January 13, 1987

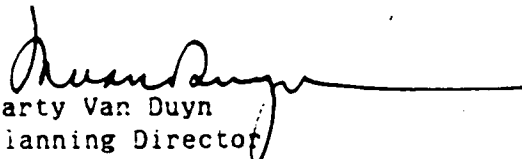
**RECOMMENDATION**

The Planning Commission and staff recommend the City Council reaffirm the action which is to:

1. approve the Plan Review with conditions;
2. deny the Variance to waive the required wall on the east property line;
3. deny the Special Permit for the dog kennel.

Attached are Finding of Fact for this action.

Respectfully submitted.

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MVD:AG:jg  
Attachments  
P86-424

January 20, 1987  
District No. 2

17

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

DATE: 12/15/86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 12/4/86 when:  
(Date)

       Rezoning Application        Variance Application  
       Special Permit Application X PLAN REVIEW 1A1 M-15-R (P86-424)

was: X Granted        Denied by the Commission

GROUND FOR APPEAL: (Explain in detail) Granted use is premature  
because of lack of appropriate infrastructure (sewer/drainage)  
and has significant potential to do harm to the environment  
(improper disposal of fuels, oils, solvents, greases, etc which was  
not discussed in staff review. Granted use is inappropriate to the surrounding  
land uses (single family residential) and poses a nuisance (noise & aesthetics)

PROPERTY LOCATION: 1220 ASCOT AVE, SACRAMENTO

PROPERTY DESCRIPTION: 1.05 ± acres single family residential

ASSESSOR'S PARCEL NO. 215 - 0230 - 063

PROPERTY OWNER: Kenneth Peachey

ADDRESS: 1220 ASCOT AVE

APPLICANT: SAME

ADDRESS: SAME

APPELLANT: ( Nancy E. Kozub ) ( Larry E Kozub )  
(SIGNATURE) (PRINT NAME)

ADDRESS: 1230 ASCOT AVE

FILING FEE:

☐ by Applicant: \$105.00 RECEIPT NO. \_\_\_\_\_

☒ by 3rd party: 60.00

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

P-B6 424

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD

AG  
WW  
LO  
SG

- 1 Original  
16

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

DATE: 12-5-86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 12-4-86 when:  
(Date)

       Rezoning Application   X   Variance Application  
  X   Special Permit Application       

was:        Granted   X   Denied by the Commission

GROUND FOR APPEAL: (Explain in detail)  kennel needed to house  
 Guard dogs (Bad neighbor hood) there is no need  
 for a mandatory Wall on East side as there exists  
 a chain link with redwood state.

PROPERTY LOCATION: 1220 ascot ave Rio Linda Ca 95673

PROPERTY DESCRIPTION: 1-acre lot M-1SR

ASSESSOR'S PARCEL NO. 215 - 0230 - 063-0000

PROPERTY OWNER: Kenneth Peachey Imogene Zander

ADDRESS: 1220 ascot ave Rio Linda Ca. 95673

APPLICANT: Kenneth Peachey Imogene Zander

ADDRESS: 1220 ascot ave Rio Linda Ca 95673

APPELLANT: (Kenneth Peachey Imogene Zander)  
(SIGNATURE) (PRINT NAME)

ADDRESS: 1220 ascot ave Rio Linda Ca 95673

  X   FILING FEE:

by Applicant: \$105.00 RECEIPT NO.       

  A   by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF:       

P-86-424

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD  
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# Sacramento City Planning Commission VOTING RECORD

MEETING DATE  
December 4, 1986  
ITEM NUMBER  
31 A  
PERMIT NUMBER  
P-86-424

## ENTITLEMENTS

- |  |   |
|--|---|
| <input type="checkbox"/> GENERAL PLAN AMENDMENT    | <input type="checkbox"/> TENTATIVE MAP            |
| <input type="checkbox"/> COMMUNITY PLAN AMENDMENT  | <input type="checkbox"/> SUBDIVISION MODIFICATION |
| <input type="checkbox"/> REZONING                  | <input type="checkbox"/> LOT LINE ADJUSTMENT      |
| <input checked="" type="checkbox"/> SPECIAL PERMIT | <input type="checkbox"/> ENVIRONMENTAL DET.       |
| <input type="checkbox"/> VARIANCE                  | <input type="checkbox"/> OTHER _____              |

STAFF RECOMMENDATION  
☐ Favorable ☒ Unfavorable  
☐ Correspondence  
☐ Petition

## LOCATION

1220 Ascut Avenue

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NAME	ADDRESS
<u>Ken Prachey</u>	<u>1230 Ascut Avenue, Sacramento 95673</u>
<u>William Wright</u>	<u>606 Ching's Court</u>
<u>Milton de Souza</u>	<u>1210 Ascut Avenue, Sacramento 95673</u>
<u>Imogene Zander</u>	<u>1220 Ascut Avenue, Sacramento 95673</u>

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NAME	ADDRESS
<u>Harry Kozar</u>	<u>1230 Ascut Avenue, Sacramento 95673</u>

## MOTION

YES NO MOTION SECOND

Chinn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ferris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goodin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hollick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Holloway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Otto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ramirez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ishmael	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## MOTION

- |  |  |
|--|--|
| <input type="checkbox"/> TO APPROVE  | <input type="checkbox"/> TO RECOMMEND APPROVAL & FORW TO CITY COUNCIL                  |
| <input type="checkbox"/> TO DENY   | <input type="checkbox"/> TO RECOMMEND APPROVAL SUBJEC' COND. & FORWARD TO CITY COUNCIL |
| <input type="checkbox"/> TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT | <input type="checkbox"/> TO RATIFY NEGATIVE DECLARATION                                |
| <input checked="" type="checkbox"/> TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT    | <input type="checkbox"/> TO CONTINUE TO _____ MEE                                      |
| <input type="checkbox"/> INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE    | <input type="checkbox"/> OTHER _____   |

17

# CITY PLANNING COMMISSION

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

**APPLICANT** Kenneth D. Peachey and Imogene Zander, 1220 Ascot Avenue, Sac., CA 95814  
**OWNER** Applicant  
**PLANS BY** Sierra Gold Graphics, Inc. 500 Cirby Way, Roseville, CA 95678  
**FILING DATE** 10/30/86 **ENVIR. DET.** Exempt 15303 (e) **REPORT BY** JP/rt  
**ASSESSOR'S-PCL. NO.** 215-0230-063-0000

- APPLICATION:**
- A. Special Permit to develop a dog kennel
  - B. Variance to waive the required six foot high masonry wall between residential and non-residential uses
  - C. Plan review for a 480+ square foot dog kennel and 2,600+ square foot vehicle repair shop in the Light Industrial-Review (M-1(S)-R) zone

**LOCATION:** 1220 Ascot Avenue

**PROPOSAL:** The applicant is requesting the necessary entitlements to construct a dog kennel and vehicle repair shop on a 1.05 acre site developed with a residence in the M-1(S)R zone.

## PROJECT INFORMATION:

1974 General Plan Designation:	Industrial
1984 North Sacramento Community Plan Designation:	Industrial
Existing Zoning of Site:	M-1(S)R
Existing Land Use of Site:	Single Family Residence

## Surrounding Land Use and Zoning:

North: Single family, vacant; County Agriculture Residential Zone  
South: Drainage canal, Single family; M-1S-R  
East: Single family; M-1S-R  
West: Single family; hay storage, M-1S-R, R-1

<b>Parking Required:</b>	vehicle repair: 3 (1 space per 1,000 sq. ft) dog kennel: to be determined by Commission
<b>Parking Provided:</b>	not shown on site plan
<b>Property Dimensions:</b>	157 x 290
<b>Property Area:</b>	1.05+ acres
<b>Square Footage of Building</b>	vehicle repair
<b>Topography:</b>	Flat
<b>Street Improvements:</b>	Ascot paved, no curb gutter or sidewalks
<b>Exterior Building Materials:</b>	Stucco
<b>Exterior Building Color:</b>	Desert Sand
<b>Roof Material:</b>	Composition Shingles

PROJECT EVALUATION: Staff has the following comments regarding this proposal:

A. Land Use and Zoning

The subject site is a 1.05+ acre interior lot located in the Light Industrial - Review (M-1S-R) zone. A single family residence is currently located on the site. Prior to 1984, the site was zoned Single Family (R-1) and the residence is a legal non-conforming use. Surrounding land uses include single family residences and vacant land. Surrounding lands are zoned M-1S-R to the south, east and west and Agriculture - Residential (AR-2) to the north in the unincorporated county. The site is designated for Industrial uses in the 1974 General Plan and the 1984 North Sacramento Community Plan.

The applicant lives in the single family residence on the site. The applicant operates a dump truck business and proposes to construct a 2,600+ square foot vehicle repair shop on the site to service his four trucks when necessary (Exhibits A and B). The applicant also proposes to store the four trucks on the site when they are not in use. The proposed truck operation is consistent with the industrial land use designation for the site.

The applicant also has ten (10) Doberman dogs on the site in wire cages. The City Code allows a maximum of three dogs on a site and the applicant has been cited for having ten dogs on the site. The applicant; therefore, has applied for a special permit for a dog kennel (Exhibit A). The purpose of the dogs are for pets and to guard the proposed business on the site. The applicant does not intend to breed or sell the dogs. The applicant has provided letters from six adjacent property owners indicating that they are in favor of allowing the applicant to keep the dogs on the subject site (Exhibit D).

Planning staff contacted the City Animal Control Division regarding the applicant's proposal. Animal Control indicated that they have received a complaint regarding excessive barking of dogs at the subject site. Animal Control staff indicated that they are opposed to the issuance of a special permit for a dog kennel at this site due to the number of residential uses in this area and concerns regarding the appropriate disposal of animal waste.

Planning staff also contacted the County Planning and Animal Control Departments, which are responsible for regulating dog kennels in the unincorporated area. The Planning Department indicated that the main concern of the department in issuing a use permit for a kennel is the impact that the noise of the dogs may have on any adjacent residential uses. The Animal Control Department issues a kennel permit after a use permit is granted. They are concerned with noise, ventilation and sanitation issues. County Ordinance gives the Animal Control Department the authority to regulate dog kennels and to inspect them on an annual basis.

Planning staff finds that while the subject property is zoned industrial, the area is in a state of transition between residential and industrial uses. The noise and sanitation problems created by the ten dogs can be detrimental to the health, safety and welfare of adjacent property owners. A more appropriate time to locate a kennel at this site would be when the transition from residential to industrial is complete and the site is served by City Sewer so that adequate sanitary conditions for the use are provided. Staff, therefore, recommends that the special permit for the kennel use be denied.

B. Site Plan Design

The site plan indicates that the proposed vehicle repair shop and dog kennel are to be located in the rear of the 290 foot deep lot approximately 20 feet from the rear property line. The applicant intends to construct a driveway and pave the west side of the property line for truck storage. The area behind the existing residence would be used as a yard area for the residence and would not be paved. Staff recommends that a revised site plan indicating the driveway entrance, all paved areas, and the three required parking spaces for the 2,600 square foot shop be provided for staff review and approval prior to the issuance of building permits.

A 25 foot landscaped setback is required for industrial uses in the M-1S zone. Staff recommends that a landscape plan indicating the 25 foot setback area, landscaped with grass, and the required shading for the parking area be provided prior to issuance of building permits.

The applicant has located a chain link fence with redwood slats along the south, east and west property lines (Exhibit C). The applicant has requested a variance to waive the masonry wall requirement along the east and west property lines which is required when a non-residential use is adjacent to a residential use. The owners of the property to the west of the site have indicated that they have no objection to the waiver of the wall requirement. Staff finds; however, that the proposed vehicle shop and dump truck storage will be located adjacent to the east property line and a solid wall will be necessary as a noise and visual buffer for the adjacent residential use to the east. Staff, therefore, recommends that the required wall be waived only adjacent to the west property line.

The submitted site plan has been reviewed by the City Public Works Division. They recommend that the applicant join any future assessment district created for this industrially zoned area to provide for necessary street improvements.

C. Building Design

The applicant proposes to construct the vehicle repair shop and dog kennel out of wood with a stucco exterior and composition shingle roof. The proposed building color is Desert Sand. The buildings are designed to be compatible with the residence located on the site which has a stucco exterior and composition roof. Staff finds the proposed vehicle repair structure to be compatible in design and materials with surrounding uses. The dog kennel building, if approved, should have a solid wall surrounding the dog runs and adequate insulation.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines.

RECOMMENDATION: Staff recommends the following actions:

- A. Denial of the special permit to develop a dog kennel based upon Findings of Fact which follow.
- B. Approval of the variance to waive the required masonry wall, subject to Conditions and based upon Findings of Fact which follow.
- C. Approval of the Plan Review in the M-1(s)-R zone, subject to Conditions and based upon Findings of Fact which follow.

Conditions - Variance

- 1. The applicant shall construct a six foot high solid masonry wall adjacent to the east property line starting behind the 25 foot front landscape setback. The design and materials of the wall shall be subject to Planning Director review and approval prior to issuance of building permits.

Conditions - Plan Review

- 1. A revised site plan indicating a driveway, three parking spaces and all paved areas shall, for the vehicle repair shop and dump truck, be submitted for staff review and approval prior to issuance of building permits. The kennel for ten dogs shall be eliminated from the site plan.
- 2. Landscape, shading and irrigation plans indicating a 25 foot front setback landscaped with grass, any other lawn or landscaped areas and compliance with the City's Shading requirements for parking stalls shall be submitted for staff review and approval prior to issuance of building permits.
- 3. The applicant shall submit a letter from the City Animal Control Division indicating that he has complied with City regulations regarding the keeping of dogs prior to issuance of building permits.

4. The applicant shall locate a solid fence between the existing residence on the site and the east property line to screen the dump trucks from the Ascot Avenue street frontage.
5. The applicant shall sign a letter with the City agreeing to participate in a future assessment district to construct street improvements prior to issuance of building permits.

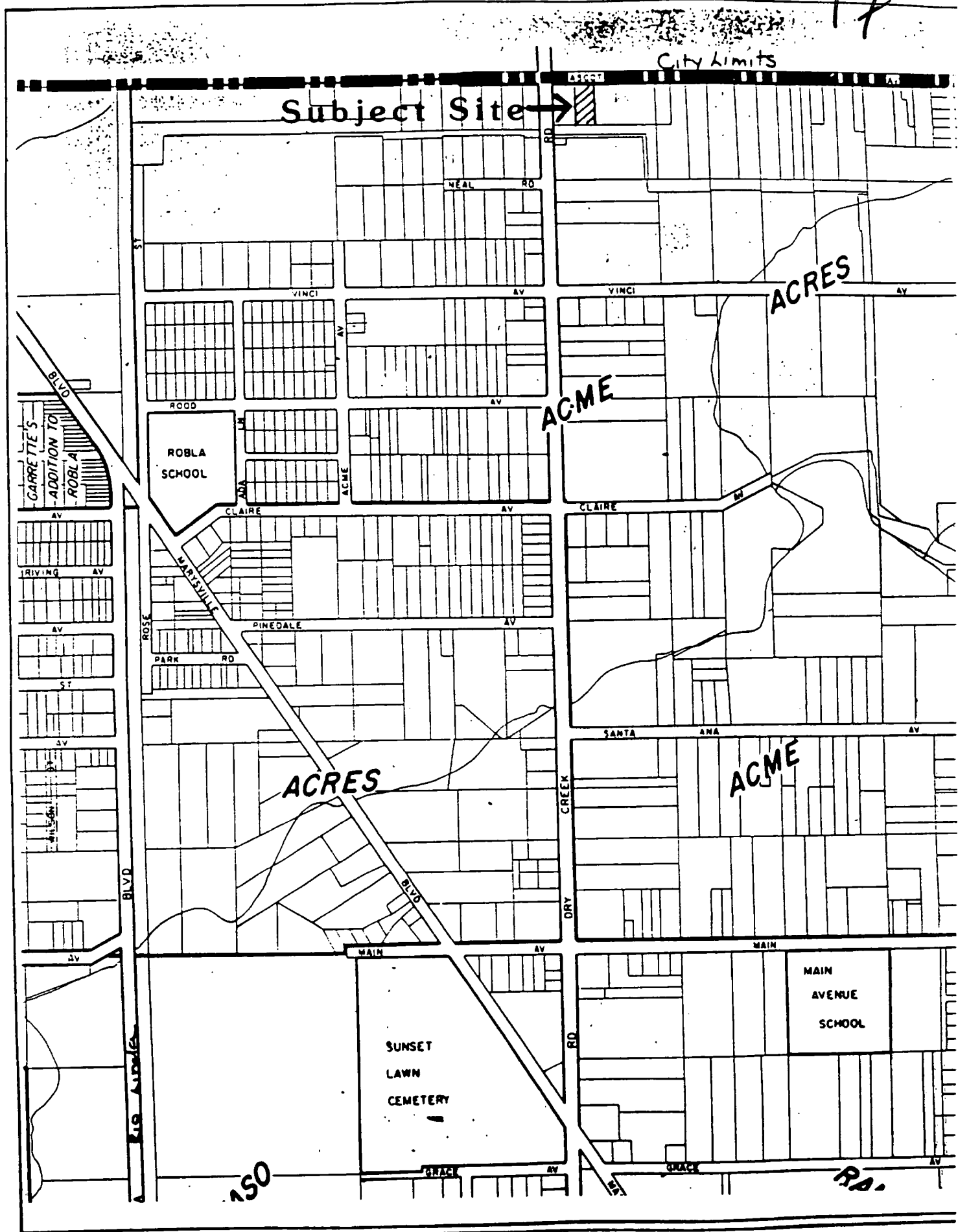
Findings of Fact - Special Permit

1. The proposed dog kennel, if approved, would not be based upon sound principles of land use in that single family residences are located in the surrounding area.
2. The proposed dog kennel, if approved, would be detrimental to the public health, safety and welfare and could result in the creation of a nuisance in that:
  - a. the barking of the dogs could disturb surrounding residential uses;
  - b. the site is not served by the City sewer system

Findings of Fact - Variance and Plan Review

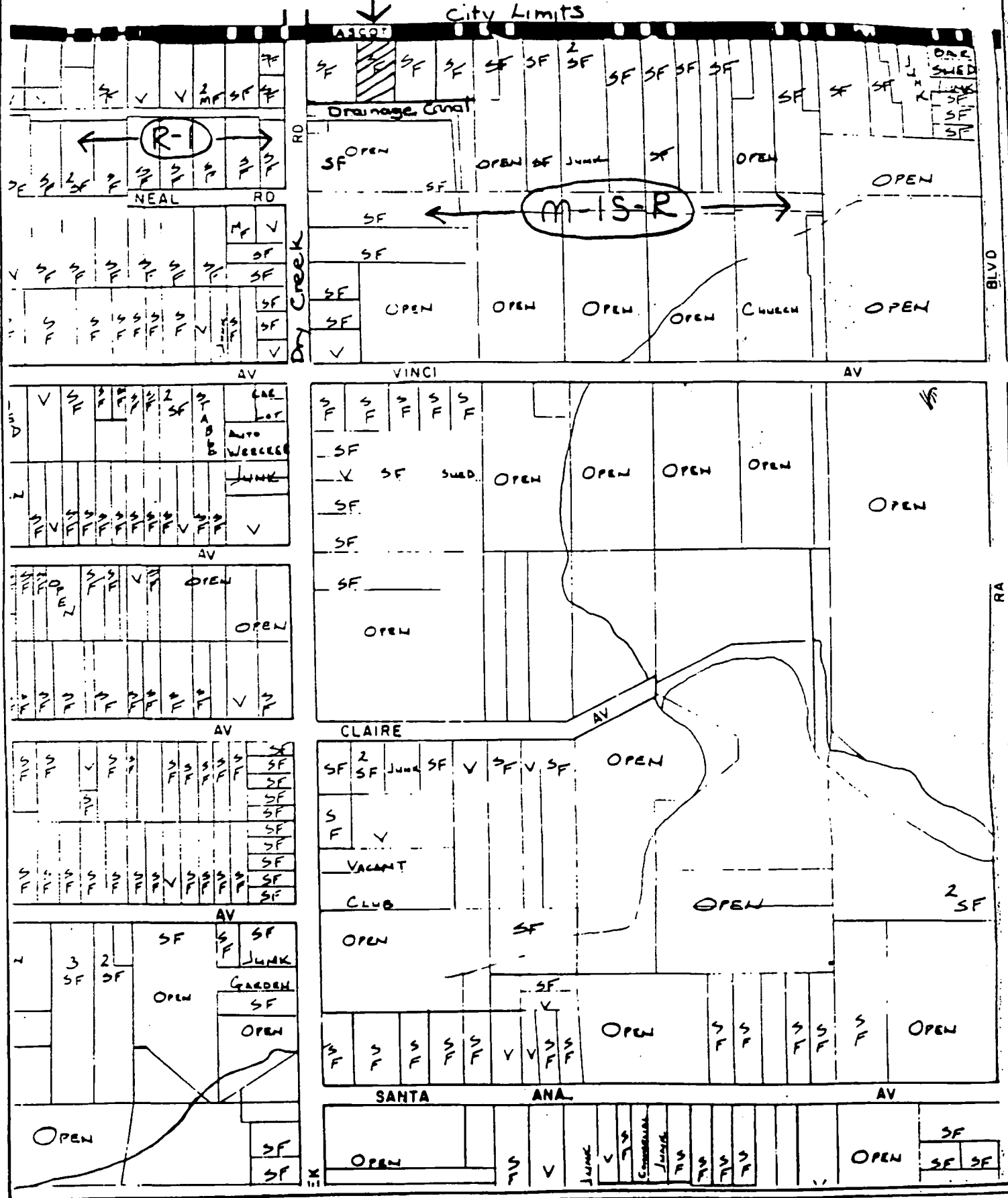
1. The project, as conditioned, is based upon sound principles of land use in that adequate parking and landscaping for the proposed dump truck vehicle repair and storage area will be provided.
2. The variance request, as conditioned, does not constitute a special privilege in that:
  - a. a masonry wall will be constructed along the east property line adjacent to where the vehicle repair and storage is proposed for the site;
  - b. a variance would be granted to other property owners facing similar circumstances.
3. The variance does not constitute a use variance in that a dump truck repair shop is allowed in the M-1(S)R zone.
4. The project, as conditioned, will not be injurious to the general public or surrounding properties in that adequate screening of the proposed use will be provided from adjacent properties.
5. The proposed project is consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for Industrial use by the 1984 North Sacramento Community Plan and the proposed dump truck business use conforms with the plan designation.

City Limits



## VICINITY MAP

Subject Site → See next page for County land use and zoning



# LAND USE & ZONING MAP



# COMPREHENSIVE ZONING PLAN

## SACRAMENTO COUNTY, CALIFORNIA

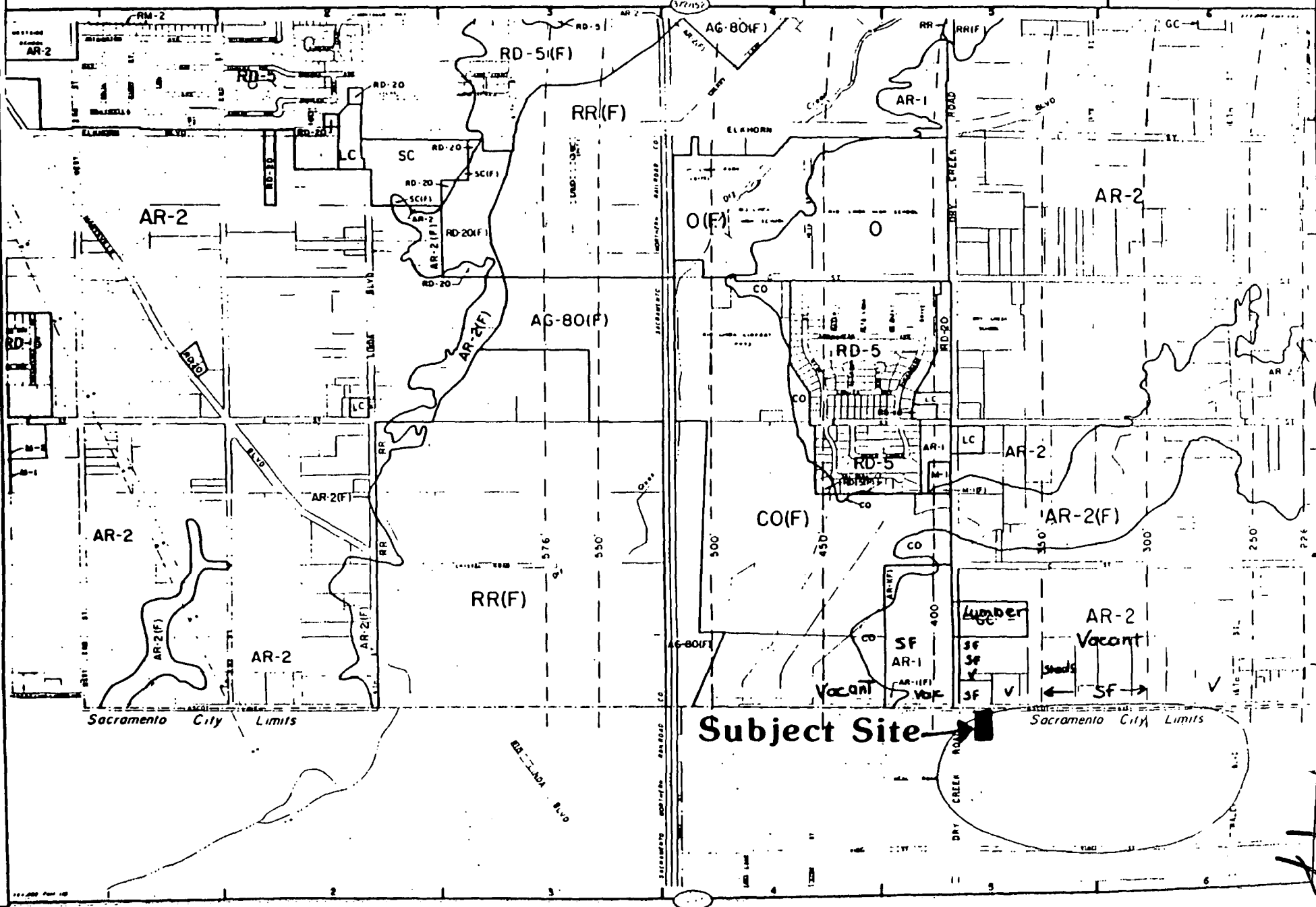
### OFFICIAL APPROVAL CERTIFICATE

COUNTY PLANNING COMMISSION  
APPROVED BY RESOLUTION NO. 28 MARCH 1978

SACRAMENTO COUNTY BOARD OF SUPERVISORS  
ADOPTED BY ORDINANCE NO. 512 78 98 12 JULY 1978

364 / 152

# LAND USE & ZONING MAP





**STC Graphics**  
STC Graphics, Inc.  
1000 N. 1st St.  
St. Thomas, VI  
335-1111

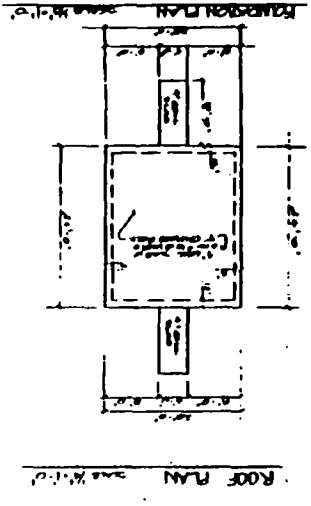
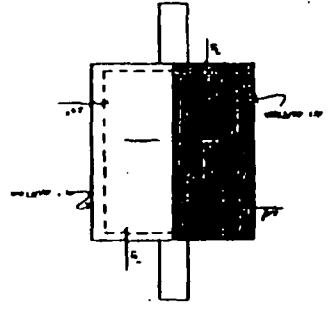
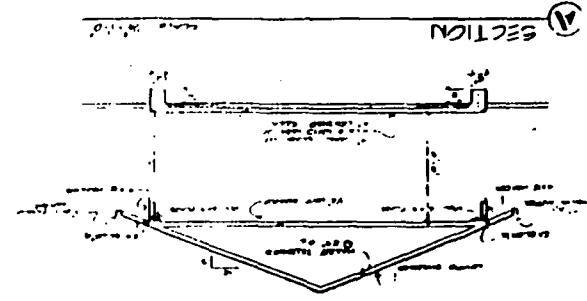
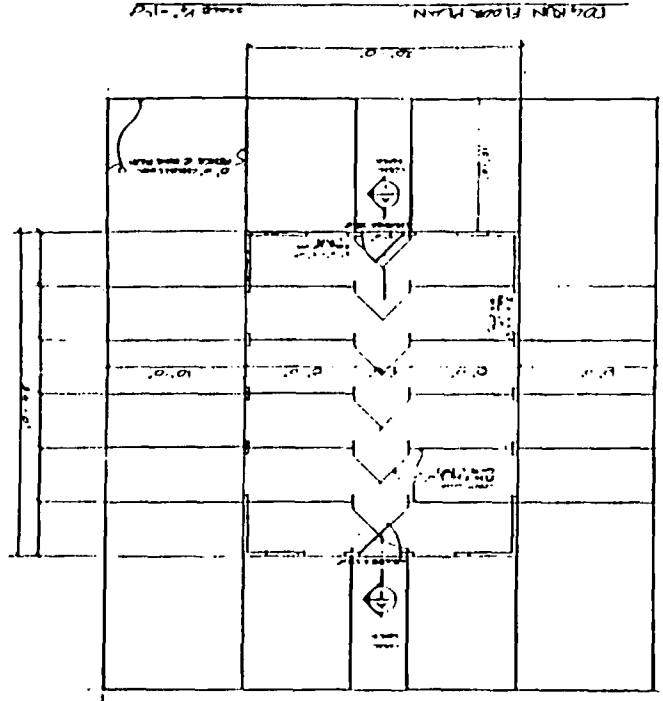
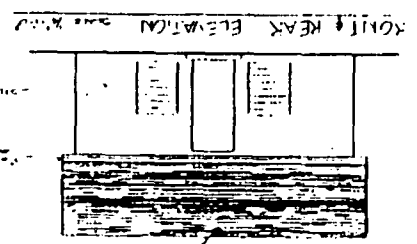
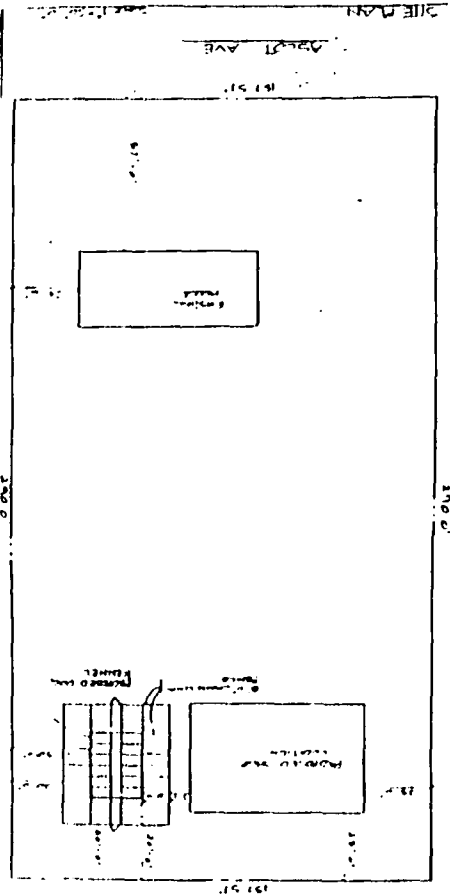
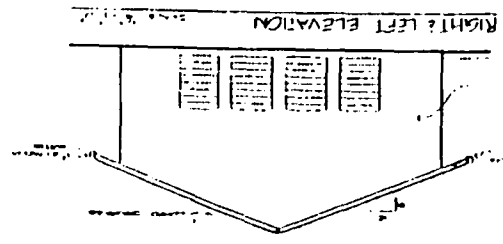
**Larry J. Gold**  
ARCHITECT

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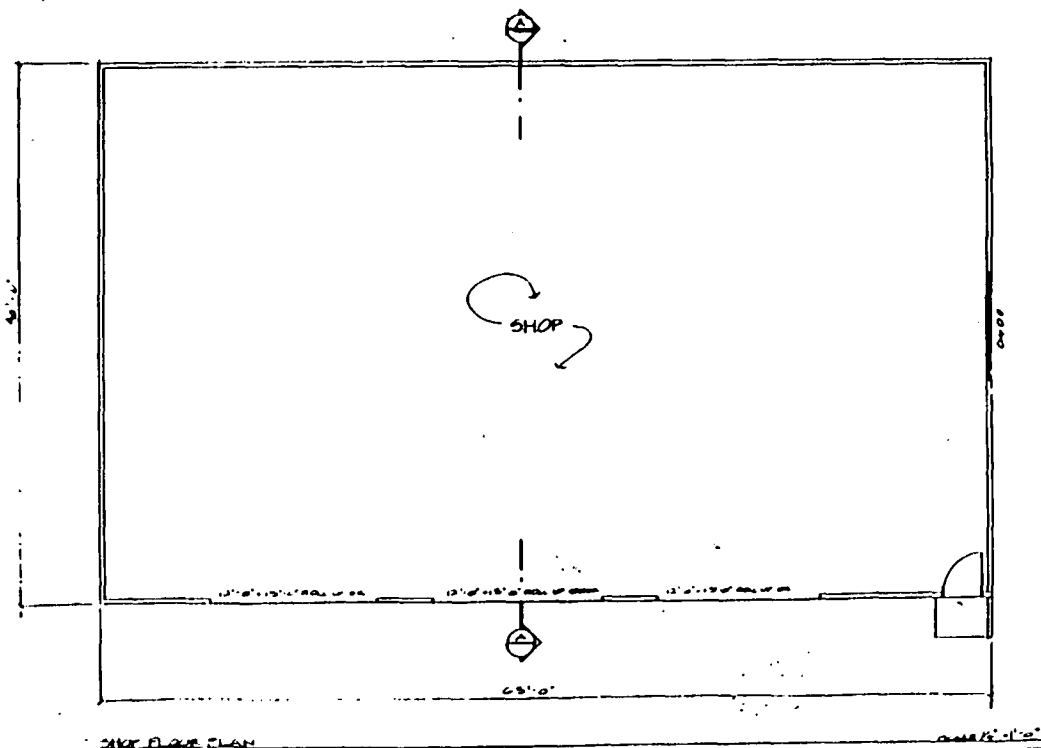
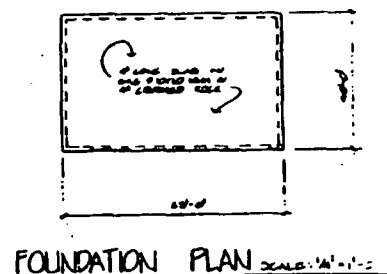
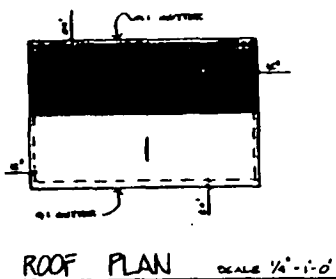
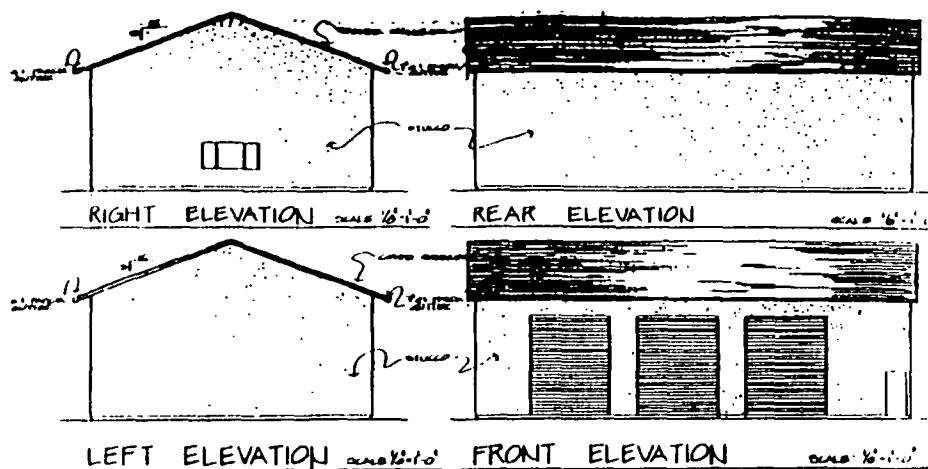
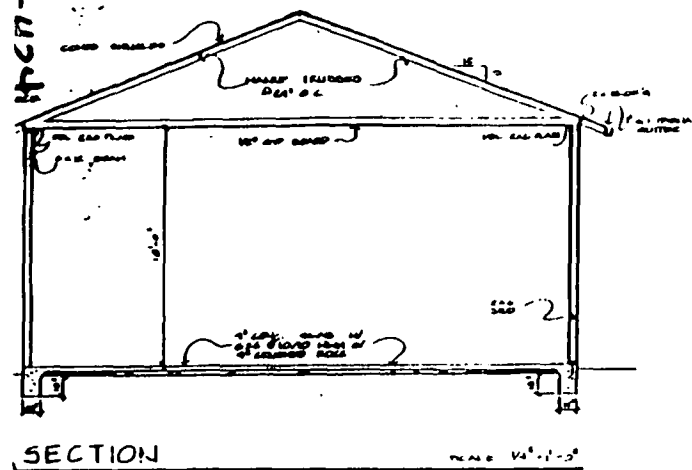
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# EXHIBIT A



Item #3



# Sierra Gold Graphics Inc.

Executive Office  
10000 Wilshire Blvd.  
Suite 1000  
Beverly Hills, CA 90210  
(310) 276-1000  
Telex: 155555  
Fax: (310) 276-1001

2001 Century City  
Suite 2000  
Beverly Hills, CA 90210  
(310) 276-1000  
Telex: 155555  
Fax: (310) 276-1001

**Larry J. Hollabrig**  
**ARCHITECT**

REVISIONS

SHOP FLOOR PLAN, ELEV SECTION, CROSS FOUNDATION PLAN	MOORE TALKER & HUNT-PAULY ENGINEERS	1011 10TH S.W. SUITE 200 SEASIDE, CA 92138
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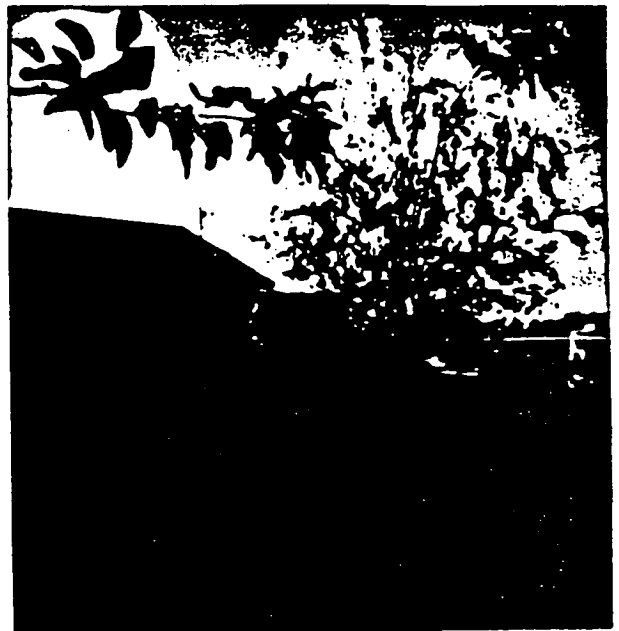
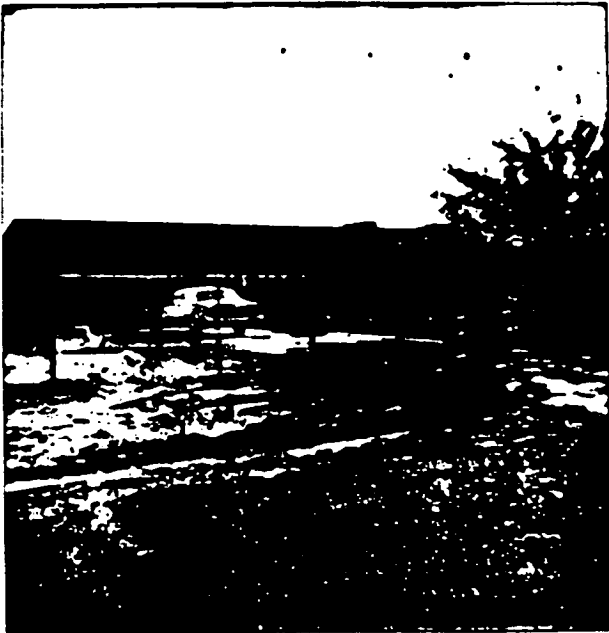
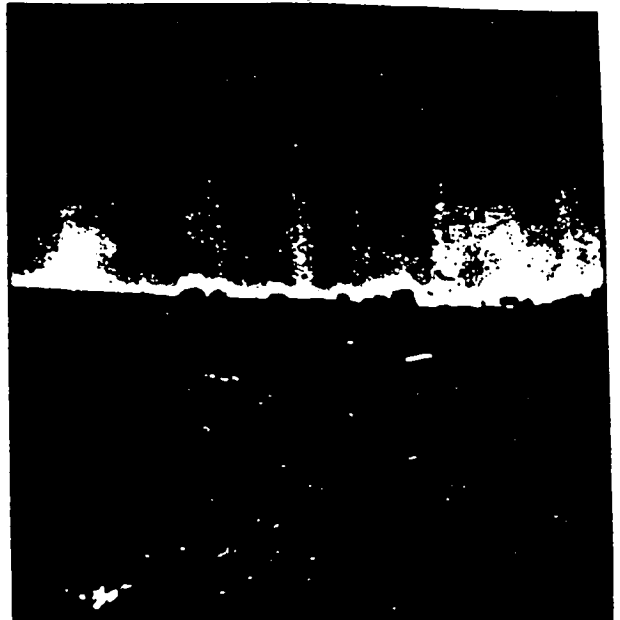
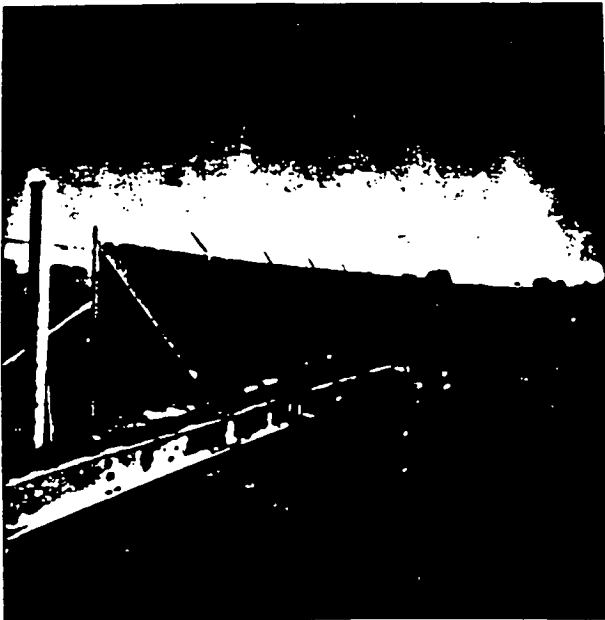
**EXHIBIT B**

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EXHIBIT C

SUBJECT SITE



P86-424

12-4-86

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Item #31

RECEIVED  
CITY CLERKS OFFICE  
CITY OF SACRAMENTO

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JAN 26 12 56 PM '87

City Council of Sacramento  
City Hall  
Sacramento, CA 95814  
Attn: Council Secretary

January 22, 1987

Dear sir or madam:

I request that the enclosed letter to Mayor Rudin and the Council be included in the record of the hearing relative to permits at 1220 Ascot Avenue, item 17 on the agenda for January 20, 1987 (continued until February 3).

Thank you.

Sincerely,

*Richard C Vincent*

Richard C. Vincent

1442 Ascot Ave  
Rio Linda 95673

1442 Ascot Avenue  
Sacramento, CA 95673  
(post office Rio Linda)

~~17~~  
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Mayor Anne Rudin  
and Honorable Members  
of the City Council  
Sacramento, CA

January 23, 1987

Dear Mayor Rudin and Councilmembers:

Proposed Moratorium on Permits on Ascot Avenue

At your meeting on January 20, you heard appeals of decisions concerning permits for a dog kennel and a truck repair garage at 1220 Ascot Ave. You voted to continue the matter for two weeks while the staff evaluates the idea of a moratorium on permits on the block. A moratorium was proposed until the Council may reconsider the recent re-zoning of the block to M-1.

The proposed activities (which now occur at 1220 without permits) are incongruent with the residential character of the neighborhood. However, my real concern is not with the requested permits per se, but - more broadly - with preserving our neighborhood and our property values.

Ascot Avenue between Raley Blvd. and Dry Creek Road is an established residential neighborhood with mostly owner-occupied homes and many long-time residents. There is only one vacant lot on the city side of the street. The owner of that lot would build a house there, if the city would allow it. We are not a neighborhood in transition, nor do most of the people here wish to be. Several of us have put considerable time and money in improvements during the past few years. There are no current permits for non-residential activities.

Our current troubles stem from the inappropriate re-zoning to light industrial a few years ago, which was carried out without adequate notice to us. (I was not notified that my property was being considered for re-zoning or that it had been re-zoned. Other people have the same complaint.) Apparently, our lots were considered equivalent to the several hundred acres of virtually vacant land to our south. That idea is unsupportable. Not only is the city side of Ascot solidly residential, but the entire county area beginning on the north side is also developed with single-family homes on large lots. Our property on the south side is actually the last tier of Rio Linda's homes. It would be illogical, and unfair to those on the county side of Ascot, to have the city side become industrial.

The Council's consensus expressed on January 20 seems to be that nearby conditions ultimately will make industrial development clearly preferable for our street. I must ask you to analyze the situation more closely. Our lots are very deep -- 660 feet in most cases ---with the houses near the street. Behind us is the Maggie Creek diversion channel. The depth of the lots plus the channel will provide a very good buffer to whatever eventually might be built behind us. Certainly, it would be a better buffer than the residents on the north side of Ascot would have if our properties were to become industrial.

The Council cited the 65-decibel noise contour as a major factor in zoning our street. I testify that noise from McClellan has become minor in the last few years. Perhaps the changes in the base's activities are only temporary, but please have your staff re-evaluate the long-term noise situation before you dismiss it as intolerable. Certainly, it may be wise to prohibit residential subdivision where it has not already occurred near the base, but please do not assume that the residents of existing neighborhoods are subjected to excessive noise.

There is no potential benefit to the city in having a gradual, rag-tag incursion of Mom-and-Pop industrial activity as I fear may occur if we remain saddled with the M-1 designation. As that occurs, incentive to maintain the residences erodes, residential values decline, and transition becomes a self-fulfilling prophecy. People lose the enjoyment and value of their domiciles. In the case of our street, we would not be compensated by increasing value as industrial property, at least not for the many years when open land will remain available behind us. On the other hand, I think that if you restore us to residential zoning, Ascot will remain a healthy neighborhood. To put it simply: regardless of what happens to our south, we like our homes and will remain if you give us the chance.

Even if this logic proves wrong and Ascot needs to go industrial, that need not happen for many years. In the meantime, we would want to keep the residential character intact. There can be no detriment to the city in allowing us our chance to do that. Since the street is already completely developed, returning it to residential zoning would not increase any industrial-residential conflict that may arise. Therefore, we request a moratorium on permits until we have had our proper "day in court" on the issue.

Sincerely,

*Richard C. Vincent* *Joan Risse*  
Richard Vincent      Joan Risse



## NORRIS, BEGGS & SIMPSON

1545 RIVER PARK DRIVE, SUITE 107 • SACRAMENTO, CALIFORNIA 95815  
(916) 920-2514

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January 29, 1987

Willie Wright  
Century 21  
Nolan Realty  
6339 Rio Linda Boulevard  
Rio Linda, California 95673

RECEIVED  
CITY CLERKS OFFICE  
CITY OF SACRAMENTO  
FEB 3 10 19 AM '87

Dear Willie:

Per our discussion regarding the possibility of the City Council imposing a moratorium on industrial zoned property, enabling the City to not allow any industrial property being built on already zoned industrial property that is adjacent to other residential property, is unheard of. It creates a "no mans land" for the local property owners. What the City Council did was to rezone the property originally from a residential zone to an industrial zone because of McClellan Air Force Base air traffic. Now the City is trying to come back and say we're not going to allow industrial zoned property to have residential or industrial property to be built and that creates an undue hardship on the people trying to sell their properties to other Buyers. No one will buy a piece of property when they knowingly cannot resell it as residential or as industrial to be built on and that creates a hardship. What the City is asking is unfair, unrealistic and should be reputiated at this point in time before this moratorium is placed upon the already existing industrial zoned property. We feel in order for that area to develop in conjunction with McClellan Air Force Base the property should be industrial, which the City has allowed. By discouraging development, the City is taking a stance and stating that it wants to see "piecemeal development", which is against their public policy. What should be done and from all conversations that I have had in the past with the City Council and Public Works, industrial development should be able to continue so long as there is proper interstructure and utilities to the area to service those parcels in question. It should not be determined by the fact that another residential house is next door, thus prohibiting industrial development. We understand fully

P86424



Willie Wright  
January 29, 1987  
Page Two

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industrial development can create unjust noise and extra dirt from it's business to the existing single family houses and/or neighbors; but, these residents were well aware of that when the City rezoned that property originally for industrial development and will benefit tremendously by the increased value due to the industrial prices in the area. What this all means is that we don't mind the City imposing restrictions ie concrete block walls to inhibit some of this noise endured adjacent existing residential houses; however, what we do oppose is the imposition of a possible moratorium on building on an already existing industrial zoned property that has the proper utilities and services.

If you have any questions regarding any of my opinions or need additional information about this area, please feel free to call.

Sincerely,

Norris, Beggs & Simpson



Mike H. Kuppenbender  
Associate Broker

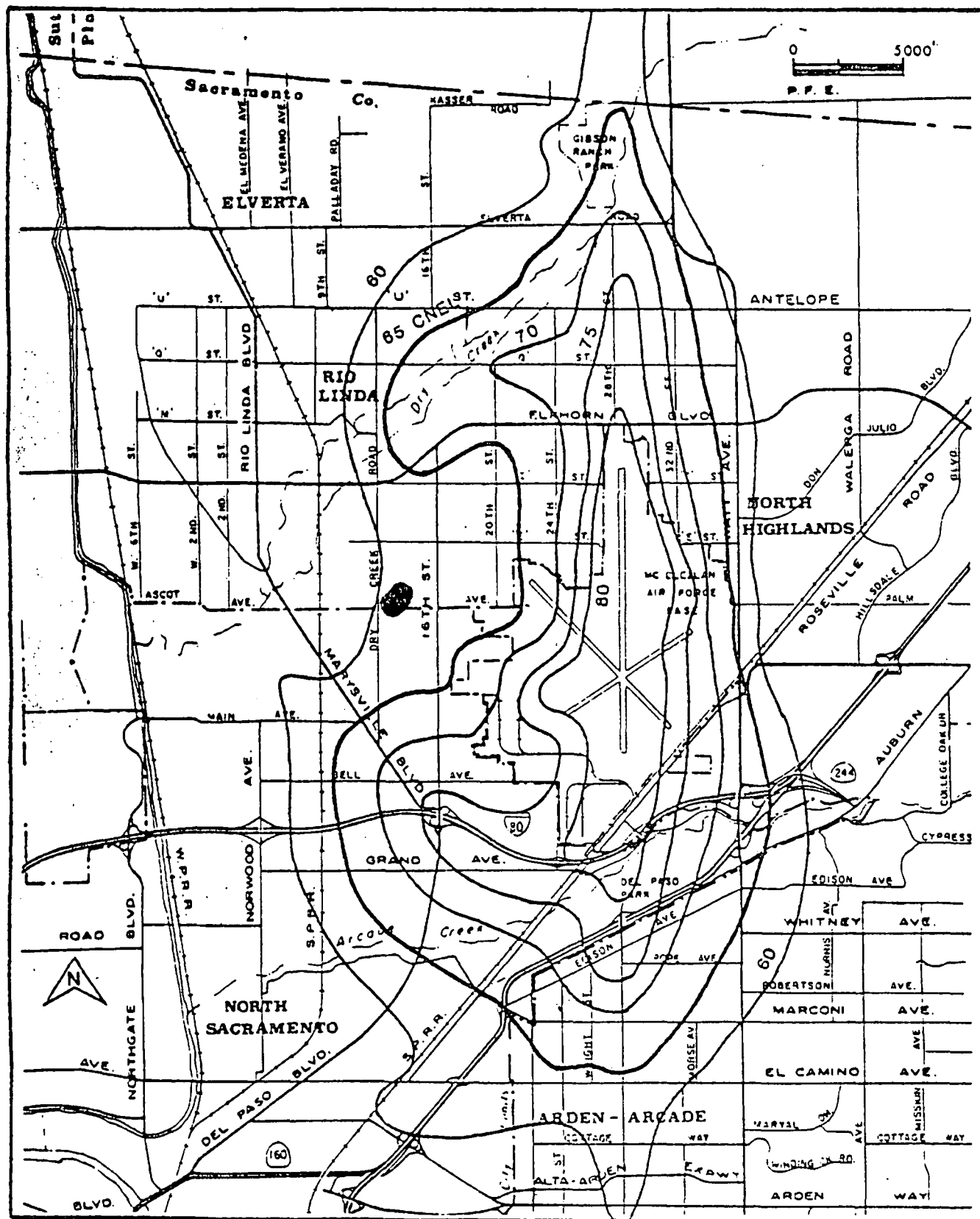
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P86424

Figure 12

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# NOISE CONTOURS



P 86424

**Duane C. Kimball**

licensed land surveyor

~~17~~

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November 25, 1986

Duane C. Kimball  
2701 Dania Ct.  
Modesto, CA 95351

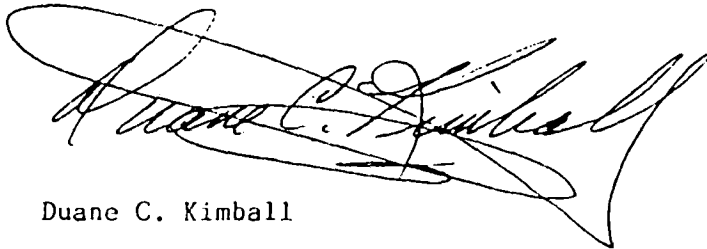
Ken Peachey  
P.O. Box 807  
Roseville, CA 95678

Dear Ken,

Please be advised that during the survey of your lot at 1220 Ascot Avenue (A.P.N. 215-023-063) in May, 1986, I found the fence along your easterly property line to be encroaching on your property by 0.6 ft. (6 tenths of a foot) at your north-easterly property corner and by 13.0 ft. (thirteen feet) at your south easterly property corner.

The fence apparently is owned by your next door neighbor to the east, Larry Kozub (A.P.N. 215-023-069). The encroachment of the fence is detailed in the accompanying sketch.

Thank You,



Duane C. Kimball





~~17~~ 17  
P 86424

# BROWN - BUNTIN ASSOCIATES, Inc.

Aviation Noise Studies • Community Noise • Architectural Acoustics • Environmental Noise Assessments

January 29, 1987

Mr. Kenneth Peachey  
1220 Ascot Avenue  
Rio Linda, CA 95673

Dear Mr. Peachey:

This letter is intended to respond to your question regarding the possible effects of constructing a 6-foot masonry wall at your property line at parcel #215-0230-063 in Rio Linda. The purpose of the wall is to separate your M-1 use from an adjacent residential property where the house would be approximately 50 feet from the wall. The noise source in question is engine run-up testing at McClellan AFB, about 1 mile away on the residence side of the wall.

The presence of the wall as described above would be expected to result in reflection of sound back towards the house. Theoretically, up to a 3 decibel increase in sound pressure levels could be achieved, which would be considered a noticeable change by most people. Given the wall height of 6 feet and the distance to the house from the wall, it is likely that the increase in noise level would be somewhat less than 3 decibels, but it is not possible to precisely predict the amount of reflected sound in a free-field situation such as you have described. In any case, it should be noted by all concerned parties that the presence of the proposed masonry wall would be expected to create some reflection of sound from McClellan AFB engine testing which would be likely to be noticeable to the resident.

I hope that this information will be useful to you and the City of Sacramento in consideration of your proposed building permit application. If you have any questions, please call me in Fair Oaks at 961-5822.

Sincerely,

  
Jim Buntin  
Vice President



# CITY OF SACRAMENTO

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CITY CLERKS OFFICE  
CITY OF SACRAMENTO  
JAN 29 11 22 AM '87

## DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

January 28, 1987

CONTINUED  
TO 3-3-87

Administration  
Room 300 449-5571  
Building Inspections  
Room 200 449-5716  
Planning  
Room 200 449-5604

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Report Back on Development Moratorium, P86-424

LOCATION: Area bounded by Ascot Avenue on the North, Dry Creek Road on the west, Raley Boulevard on the east, and Grace Avenue on the south

### SUMMARY

On January 20, 1987, the City Council considered several appeals for an application at 1220 Ascot Avenue. After considerable discussion, the City Council directed the City Attorney to report on the possibility of placing a moratorium on the area. The purpose of the moratorium would be to allow time to investigate ways to accommodate a transition of the area to industrial use with less short term disruption to existing residential uses. Attached is a copy of a moratorium ordinance prepared by the Attorney's Office and a description of the area to be affected which was prepared by Planning staff. The affected area includes the 1220 Ascot Avenue site.

### BACKGROUND

Attached is a copy of the staff report considered by the City Council on March 20, 1987. Councilman Shore made the comment that although the land use decision for industrial use of the area has been made the Council may still want to look at phasing development in this large area in a manner that would be less disruptive to existing residential uses. Especially in the short term. Pursuant to this discussion, the City Council voted to direct the City Attorney to report back on placing a development moratorium on the area. The four month moratorium would be used to investigate ways to implement Councilman Shore's proposal.

Staff's approach will be to recognize the fact that the area is designated for industrial use and to investigate a method whereby the City can review development projects under a Special Permit. Under the Special Permit Review, the City can determine if the project is compatible with adjacent residential uses and to insure adequate standards are met. During the study period staff will be notifying affected property owners of the moratorium and its purpose.

City Council


-2-

January 28, 1987

RECOMMENDATION

Staff recommends the City Council adopt attached emergency ordinance which establish a four month moratorium on development in the subject area.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

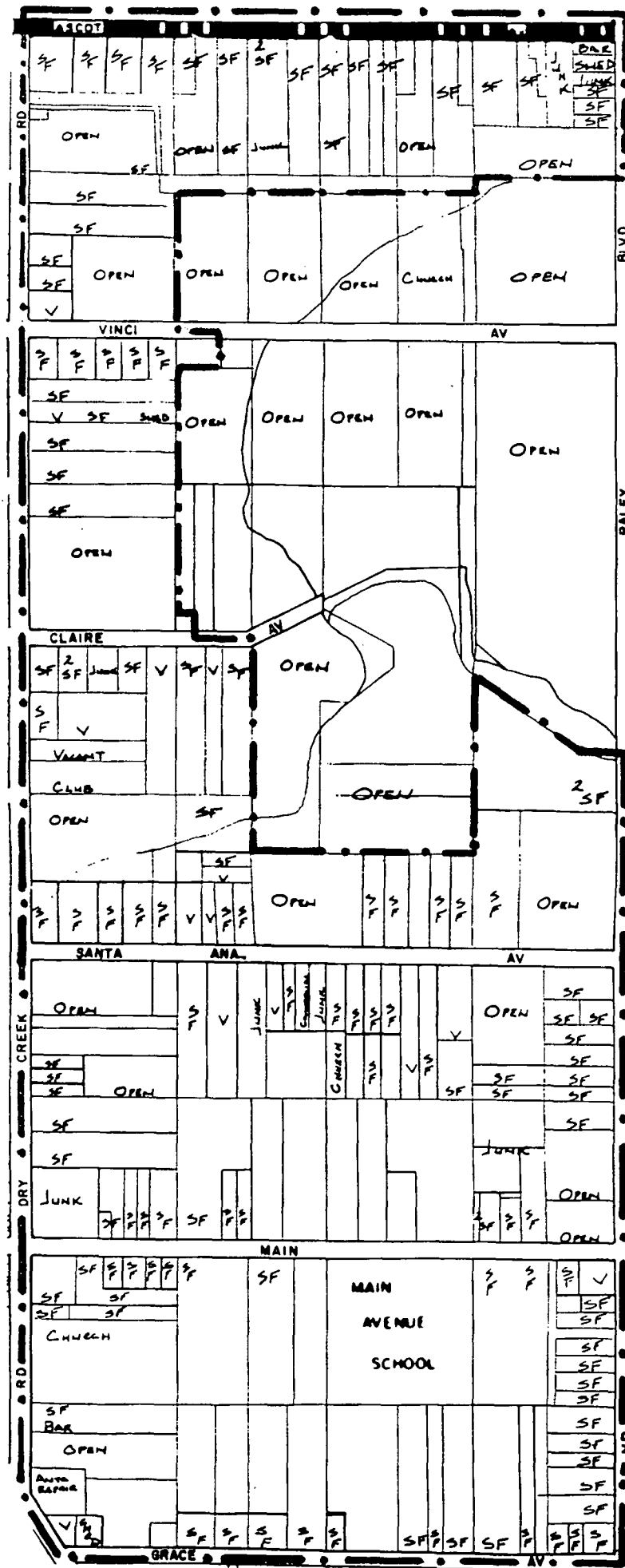
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P86-424

EXHIBIT: 12

EXISTING LAND USE

PROPOSED BOUNDARY  
FOR MORATORIUM





# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS, SPECIAL PERMITS, VARIANCES AND OTHER ENTITLEMENTS FOR USE, AND DECLARING THIS ORDINANCE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

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

## SECTION 1. Findings.

(a) The Council finds that there exists, in the area covered by this ordinance, residential uses with which development under the M-1, M-1S and M-1-SR zones may be incompatible.

(b) The City Planning Commission has formally instructed the City Planning Division to investigate and report on whether the land uses allowed in the above-mentioned zones are appropriate in the area and compatible with the residential uses. The Commission further instructed that if the uses allowed in the zones are inappropriate, the Planning Division should report on methods of dealing with the problem. The Council concurs with the Planning Commission's instruction to the Planning Division. For the period of this ordinance, it is appropriate to prohibit development which may be inconsistent with the result of said investigation and report.

## SECTION 2.

For a period of 120 days after the effective date of this ordinance, no building permit, variance, plan review approval or any other entitlement for use under any provision of the City Code or City Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) shall be issued by the City of Sacramento for any building, structure or use in the area shown on Exhibit "A" and described on Exhibit "B".

## SECTION 3. Emergency.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are the need to immediately prohibit the issuance of any entitle-

ment for use which might result in development which is inconsistent with the investigation and report being undertaken by the Planning Division.

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

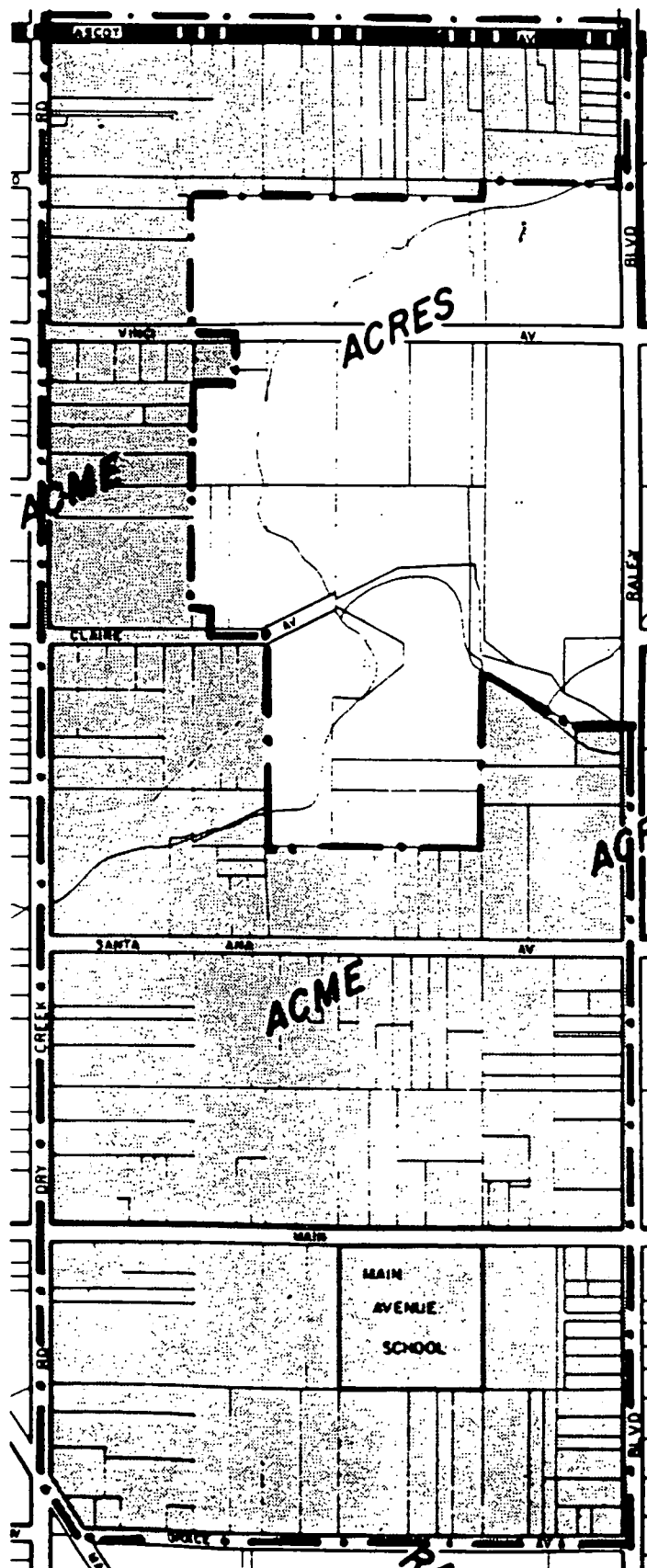


EXHIBIT A

ASSESSOR PARCEL NUMBERS

Proposed Moratorium West-of-McClellan

215-230-40, 19, 20, 21, 22, 23, 24, 15, 51, 50, 56, 57  
215-230-36, 37, 09, 08, 07, 06, 05, 04, 03, 39, 38, 35  
215-230-65, 64, 63, 62, 49, 53, 52, 33, 32, 58, 59, 60, 61  
  
215-250-01, 02, 03, 04, 31, 32, 40, 42, 39, 43, 20, 26, 28, 27  
215-250-18, 17, 16, 15, 36  
  
215-260-56, 55, 02, 58, 57, 41, 04, 05, 06, 07, 08, 62, 49, 48  
215-260-53, 66, 69, 70, 68, 31, 30, 51, 50, 29, 28, 27  
215-260-37, 59, 61, 60, 44, 43, 22, 21, 20, 39, 40  
215-260-18, 16, 17, 63, 64, 09  
  
215-280-55, 56, 71, 68, 76, 74, 75, 70, 02, 03, 04, 84, 87  
215-280-85, 88, 91, 89, 90, 54, 53, 83, 72, 82, 50, 08, 09  
215-280-10, 11, 12, 13, 16, 15, 14, 17, 19, 18, 20, 52, 51, 22, 23  
215-280-24, 25, 26, 27, 67, 30, 94, 92, 32, 34, 36, 35  
215-280-81, 80, 79, 78, 77, 39, 40, 41, 63, 62, 61, 43, 44, 45  
215-280-46, 47  
  
237-060-01, 02, 03, 04, 05, 06, 51, 50, 49, 52, 53, 08, 09, 10, 57  
237-060-11, 62, 63, 13, 14, 15, 17, 16, 18, 19, 20, 21, 22  
237-060-23, 24, 25, 66, 27, 28, 29, 30, 31, 33, 34, 35  
237-060-36, 37, 67, 68, 39, 40, 41, 42, 59, 58, 44, 45, 60, 61  
237-060-54, 48



# CITY OF SACRAMENTO

## DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

### Administration

Room 300 449-5571

### Building Inspections

Room 200 449-5716

### Planning

Room 200 449-5604

January 15, 1987

City Council  
Sacramento, California

Honorable Members in Session:

- SUBJECT: 1. Appeal by Applicant of Planning Commission's Action to Deny a Special Permit to Develop a Dog Kennel in the Light Industrial, M-1(S)R Zone and Denial of a Variance to Waive a Required Masonry Wall on the East Property Line.
2. Appeal by an Adjacent Owner of the Planning Commission's Action to Approve the Plan Review for a 2,600 Square Feet Vehicle Repair Shop. (P86-424)

LOCATION: 1220 Ascot Avenue

### SUMMARY

The subject site is a one acre lot located in the Light Industrial, M-1(S)R zone. The applicant applied for a Special Permit to establish a dog kennel, Plan Review for a vehicle repair shop and a Variance to waive the required six foot masonry wall on the east and west property line. After hearing public testimony for and against the project, the Planning Commission concurred with staff and voted to deny the Special Permit, approve the Plan Review with conditions and to waive the wall requirements only on the west property line. The applicant has appealed the Commission's action on the Special Permit and Variance and an adjacent owner has appealed the Commission's action to approve the Plan Review.

### BACKGROUND INFORMATION

The subject site is located in an area designated for industrial use by the 1984 North Sacramento Community Plan. A major factor behind the change in land use policy from Residential to Industrial was high noise levels from the McClellan Air Force Base activities. Industrial uses are beginning to develop in this area.

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The applicant currently lives in a single family house on the site and operates a dump truck business from the site. The applicant also has ten dogs on the site. The City Animal Control Division received a complaint and the applicant was warned that only three dogs are permitted. The applicant is proposing a 2,600 square foot vehicle repair shop for his dump truck business and a 480 square foot dog kennel to address the animal control action. Staff reviewed each entitlement and found the following:

#### Plan Review for Vehicle Repair Shop

A vehicle repair shop is a permitted use in the M-1(S)R zone. The R-Review allows the City an opportunity to review the development standards of a project prior to issuance of building permits. Based on this review staff recommended approval of the plans with conditions. This position was opposed by the adjacent owner to the east.

#### Variance to Waive the Required Masonry Wall

A six foot high masonry wall is required to buffer the non-residential use from adjacent residential uses on the east and west property line. Staff reviewed the applicant's request to waive the wall on both sides and recommended a waiver on the west side and not the east. This was based on the fact that the repair shop would be located closer to the east side and would have a greater visual and noise impact. The property owner on the west side is not in opposition to the waiver.

#### Special Permit for a Dog Kennel

A dog kennel is discretionary use allowed in the M-1 zone under a Special Permit. Staff reviewed the request and recommended against the kennel. Staff felt the kennel would continue to create noise and sanitation problems affecting adjacent residential uses. This position was opposed by the applicant.

The Planning Commission's action was to approve the staff's recommendation which was not acceptable to the applicant nor the adjacent owner. Both parties have filed appeals. The Commission also requested staff to review the area's industrial designation and report back if any adjustments are needed.

#### VOTE OF THE PLANNING COMMISSION

On December 4, 1986 the Commission voted nine ayes to approve the Plan Review with conditions, partially approve the Variance and to deny the Special Permit.

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City Council

-3-

January 15, 1987

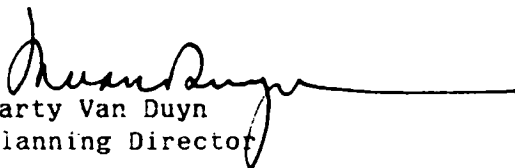
**RECOMMENDATION**

The Planning Commission and staff recommend the City Council reaffirm the action which is to:

1. approve the Plan Review with conditions;
2. deny the Variance to waive the required wall on the east property line;
3. deny the Special Permit for the dog kennel.

Attached are Finding of Fact for this action.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MVD:AG:jg  
Attachments  
P86-424

January 20, 1987  
District No. 2

10 3

Appeal of Larry Fozub vs. )  
City of Sacramento Planning )  
Commission's approval of a Plan Review )  
for a vehicle repair shop at )  
1220 Ascot Avenue (P86-424) )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of January 20, 1987, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

Findings of fact - Plan Review

1. The project, as conditioned, is based upon sound principles of land use in that adequate parking and landscaping for the proposed dump truck vehicle repair and storage area will be provided.
2. A masonry wall will be constructed along the east property line adjacent to where the vehicle repair and storage is proposed for the site.
3. A repair shop is allowed in the M-1(S)R zone.
4. The project, as conditioned, will not be injurious to the general public or surrounding properties in that adequate screening of the proposed use will be provided from adjacent properties.
5. The proposed project is consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for Industrial use by the 1984 North Sacramento Community Plan and the proposed truck business use conforms with the Plan designation.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

P86-424

// X



Appeal of Kenneth Peachey vs. )  
City of Sacramento Planning Commission's )  
denial of a Special Permit to establish )  
a dog kennel and Variance to waive a )  
required six foot masonry wall on the )  
east property line for a site at )  
1220 Ascot Avenue (P86-424) )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of January 20, 1987, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

Findings of Fact - Special Permit

1. The proposed dog kennel, if approved, would not be based upon sound principles of land use in that single family residences are located in the surrounding area.
2. The proposed dog kennel, if approved, would be detrimental to the public health, safety and welfare and could result in the creation of a nuisance in that:
  - a. the barking of the dogs could disturb surrounding residential uses;
  - b. the site is not served by the City sewer system.

Findings of Fact - Variance

1. The wall requested for waiver is needed to buffer the noise, traffic and visual aspects related to the repair shop from adjacent residential use. Waiver of the wall would not be based on sound land use planning principles and would be injurious to the occupants of the adjacent property.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

P86-424

12

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

DATE: 12/15/86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 12/4/86 when:  
(Date)

       Rezoning Application        Variance Application

       Special Permit Application X PLAN REVIEW IN M-15-R (P86-424)

was: X Granted        Denied by the Commission

GROUND'S FOR APPEAL: (Explain in detail) Granted use is premature  
because of lack of appropriate infrastructure (sewer/drainage)  
and has significant potential to do harm to the environment  
(inadequate disposal of fuels, oils, solvents, greases, etc which was  
not discussed in staff review. Granted use is inappropriate to the surrounding  
land uses (single family residential) and poses a nuisance (noise & aesthetics)

PROPERTY LOCATION: 1220 ASCOT AVE, SACRAMENTO

PROPERTY DESCRIPTION: 1.05 ± acres single family residential

ASSESSOR'S PARCEL NO. 215 - 0230 - 063

PROPERTY OWNER: Kenneth Peachey

ADDRESS: 1220 ASCOT AVE

APPLICANT: SAME

ADDRESS: SAME

APPELLANT: ( [Signature] ) ( LARRY E Kozub )  
(SIGNATURE) PRINT NAME

ADDRESS: 1230 ASCOT AVE

FILING FEE:

☐ by Applicant: \$105.00 RECEIPT NO. \_\_\_\_\_

☒ by 3rd party: 60.00

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

P- B6 424

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD

AG  
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SG

- (Original)

13 X

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

DATE: 12-5-86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 12-4-86 when:  
(Date)

       Rezoning Application   X   Variance Application  
  X   Special Permit Application       

was:        Granted   X   Denied by the Commission

GROUND'S FOR APPEAL: (Explain in detail)  kennel needed to house  
 Guard dogs (Bad Neighbor hood) there is no need  
 for a masonry Wall on East Side as there exists  
 a Chain link with redwood stote.

PROPERTY LOCATION: 1220 ascot ave Rio Linda Ca 95673

PROPERTY DESCRIPTION: 1 acre Lot M-1SR

ASSESSOR'S PARCEL NO. 215 - 0230 - 063-0000

PROPERTY OWNER: Kenneth Peachey Imogene Zander

ADDRESS: 1220 ascot ave Rio Linda Ca. 95673

APPLICANT: Kenneth Peachey Imogene Zander

ADDRESS: 1220 ascot ave Rio Linda Ca 95673

APPELLANT: (Kenneth Peachey Imogene Zander) (Kenneth Peachey Imogene Zander)  
(SIGNATURE) PRINT NAME

ADDRESS: 1220 ascot ave Rio Linda Ca 95673

  X   FILING FEE:  
by Applicant: \$105.00 RECEIPT NO.         
   by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF:       

P-86-424

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD  
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SG - 10 Original 14

# Sacramento City Planning Commission VOTING RECORD

MEETING DATE  
December 4, 1986

ITEM NUMBER  
31A

PERMIT NUMBER  
P-86-424

## ENTITLEMENTS

- |  |   |
|--|---|
| <input type="checkbox"/> GENERAL PLAN AMENDMENT    | <input type="checkbox"/> TENTATIVE MAP            |
| <input type="checkbox"/> COMMUNITY PLAN AMENDMENT  | <input type="checkbox"/> SUBDIVISION MODIFICATION |
| <input type="checkbox"/> REZONING                  | <input type="checkbox"/> LOT LINE ADJUSTMENT      |
| <input checked="" type="checkbox"/> SPECIAL PERMIT | <input type="checkbox"/> ENVIRONMENTAL DET.       |
| <input type="checkbox"/> VARIANCE                  | <input type="checkbox"/> OTHER _____              |

STAFF RECOMENDATION

☐ Favorable ☒ Unfavorable

☐ Correspondence

☐ Petition

## LOCATION

1220 Ascut Avenue

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NAME	ADDRESS
<u>Ken Peaches</u>	<u>1230 Ascut Avenue, Sacramento 95673</u>
<u>William Wright</u>	<u>606 Clinger Court</u>
<u>Milton De Souza</u>	<u>1210 Ascut Avenue, Sacramento 95673</u>
<u>Imogene Gander</u>	<u>1220 Ascut Avenue, Sacramento 95673</u>

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NAME	ADDRESS
<u>Larry Kozar</u>	<u>1230 Ascut Avenue, Sacramento 95673</u>

## MOTION

YES NO MOTION SECOND

Chinn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ferris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goodin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hollick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Holloway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Otto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ramirez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ishmael	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## MOTION

- |  |   |
|--|---|
| <input type="checkbox"/> TO APPROVE  | <input type="checkbox"/> TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL                  |
| <input type="checkbox"/> TO DENY   | <input type="checkbox"/> TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL |
| <input type="checkbox"/> TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT | <input type="checkbox"/> TO RATIFY NEGATIVE DECLARATION                                   |
| <input checked="" type="checkbox"/> TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT    | <input type="checkbox"/> TO CONTINUE TO _____ MEETING                                     |
| <input type="checkbox"/> INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE    | <input type="checkbox"/> OTHER _____  |

12

# CITY PLANNING COMMISSION

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

**APPLICANT** Kenneth D. Peachey and Imogene Zander, 1220 Ascot Avenue, Sac., CA 95673  
**OWNER** Applicant  
**PLANS BY** Sierra Gold Graphics, Inc. 500 Kirby Way, Roseville, CA 95678  
**FILING DATE** 10/30/86 **ENVIR. DET.** Exempt 15303 (e) **REPORT BY** JP/rt  
**ASSESSOR'S-PCL. NO.** 215-0230-063-0000

- APPLICATION:**
- A. Special Permit to develop a dog kennel
  - B. Variance to waive the required six foot high masonry wall between residential and non-residential uses
  - C. Plan review for a 480+ square foot dog kennel and 2,600+ square foot vehicle repair shop in the Light Industrial-Review (M-1(S)-R) zone

**LOCATION:** 1220 Ascot Avenue

**PROPOSAL:** The applicant is requesting the necessary entitlements to construct a dog kennel and vehicle repair shop on a 1.05 acre site developed with a residence in the M-1(S)R zone.

## PROJECT INFORMATION:

1974 General Plan Designation:	Industrial
1984 North Sacramento Community Plan Designation:	Industrial
Existing Zoning of Site:	M-1(S)R
Existing Land Use of Site:	Single Family Residence

## Surrounding Land Use and Zoning:

North: Single family, vacant; County Agriculture Residential Zone  
South: Drainage canal, Single family; M-1S-R  
East: Single family; M-1S-R  
West: Single family; hay storage, M-1S-R, R-1

Parking Required:	vehicle repair: 3 (1 space per 1,000 sq. ft) dog kennel: to be determined by Commission
Parking Provided:	not shown on site plan
Property Dimensions:	157 x 290
Property Area:	1.05+ acres
Square Footage of Building	vehicle repair
Topography:	Flat
Street Improvements:	Ascot paved, no curb gutter or sidewalks
Exterior Building Materials:	Stucco
Exterior Building Color:	Desert Sand
Roof Material:	Composition Shingles

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PROJECT EVALUATION: Staff has the following comments regarding this proposal:

A. Land Use and Zoning

The subject site is a 1.05+ acre interior lot located in the Light Industrial - Review (M-1S-R) zone. A single family residence is currently located on the site. Prior to 1984, the site was zoned Single Family (R-1) and the residence is a legal non-conforming use. Surrounding land uses include single family residences and vacant land. Surrounding lands are zoned M-1S-R to the south, east and west and Agriculture - Residential (AR-2) to the north in the unincorporated county. The site is designated for Industrial uses in the 1974 General Plan and the 1984 North Sacramento Community Plan.

The applicant lives in the single family residence on the site. The applicant operates a dump truck business and proposes to construct a 2,600+ square foot vehicle repair shop on the site to service his four trucks when necessary (Exhibits A and B). The applicant also proposes to store the four trucks on the site when they are not in use. The proposed truck operation is consistent with the industrial land use designation for the site.

The applicant also has ten (10) Doberman dogs on the site in wire cages. The City Code allows a maximum of three dogs on a site and the applicant has been cited for having ten dogs on the site. The applicant; therefore, has applied for a special permit for a dog kennel (Exhibit A). The purpose of the dogs are for pets and to guard the proposed business on the site. The applicant does not intend to breed or sell the dogs. The applicant has provided letters from six adjacent property owners indicating that they are in favor of allowing the applicant to keep the dogs on the subject site (Exhibit D).

Planning staff contacted the City Animal Control Division regarding the applicant's proposal. Animal Control indicated that they have received a complaint regarding excessive barking of dogs at the subject site. Animal Control staff indicated that they are opposed to the issuance of a special permit for a dog kennel at this site due to the number of residential uses in this area and concerns regarding the appropriate disposal of animal waste.

Planning staff also contacted the County Planning and Animal Control Departments, which are responsible for regulating dog kennels in the unincorporated area. The Planning Department indicated that the main concern of the department in issuing a use permit for a kennel is the impact that the noise of the dogs may have on any adjacent residential uses. The Animal Control Department issues a kennel permit after a use permit is granted. They are concerned with noise, ventilation and sanitation issues. County Ordinance gives the Animal Control Department the authority to regulate dog kennels and to inspect them on an annual basis.

Planning staff finds that while the subject property is zoned industrial, the area is in a state of transition between residential and industrial uses. The noise and sanitation problems created by the ten dogs can be detrimental to the health, safety and welfare of adjacent property owners. A more appropriate time to locate a kennel at this site would be when the transition from residential to industrial is complete and the site is served by City Sewer so that adequate sanitary conditions for the use are provided. Staff, therefore, recommends that the special permit for the kennel use be denied.

B. Site Plan Design

The site plan indicates that the proposed vehicle repair shop and dog kennel are to be located in the rear of the 290 foot deep lot approximately 20 feet from the rear property line. The applicant intends to construct a driveway and pave the west side of the property line for truck storage. The area behind the existing residence would be used as a yard area for the residence and would not be paved. Staff recommends that a revised site plan indicating the driveway entrance, all paved areas, and the three required parking spaces for the 2,600 square foot shop be provided for staff review and approval prior to the issuance of building permits.

A 25 foot landscaped setback is required for industrial uses in the M-1S zone. Staff recommends that a landscape plan indicating the 25 foot setback area, landscaped with grass, and the required shading for the parking area be provided prior to issuance of building permits.

The applicant has located a chain link fence with redwood slats along the south, east and west property lines (Exhibit C). The applicant has requested a variance to waive the masonry wall requirement along the east and west property lines which is required when a non-residential use is adjacent to a residential use. The owners of the property to the west of the site have indicated that they have no objection to the waiver of the wall requirement. Staff finds; however, that the proposed vehicle shop and dump truck storage will be located adjacent to the east property line and a solid wall will be necessary as a noise and visual buffer for the adjacent residential use to the east. Staff, therefore, recommends that the required wall be waived only adjacent to the west property line.

The submitted site plan has been reviewed by the City Public Works Division. They recommend that the applicant join any future assessment district created for this industrially zoned area to provide for necessary street improvements.

C. Building Design

The applicant proposes to construct the vehicle repair shop and dog kennel out of wood with a stucco exterior and composition shingle roof. The proposed building color is Desert Sand. The buildings are designed to be compatible with the residence located on the site which has a stucco exterior and composition roof. Staff finds the proposed vehicle repair structure to be compatible in design and materials with surrounding uses. The dog kennel building, if approved, should have a solid wall surrounding the dog runs and adequate insulation.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines.

RECOMMENDATION: Staff recommends the following actions:

- A. Denial of the special permit to develop a dog kennel based upon Findings of Fact which follow.
- B. Approval of the variance to waive the required masonry wall, subject to Conditions and based upon Findings of Fact which follow.
- C. Approval of the Plan Review in the M-1(s)-R zone, subject to Conditions and based upon Findings of Fact which follow.

Conditions - Variance

1. The applicant shall construct a six foot high solid masonry wall adjacent to the east property line starting behind the 25 foot front landscape setback. The design and materials of the wall shall be subject to Planning Director review and approval prior to issuance of building permits.

Conditions - Plan Review

1. A revised site plan indicating a driveway, three parking spaces and all paved areas shall, for the vehicle repair shop and dump truck, be submitted for staff review and approval prior to issuance of building permits. The kennel for ten dogs shall be eliminated from the site plan.
2. Landscape, shading and irrigation plans indicating a 25 foot front setback landscaped with grass, any other lawn or landscaped areas and compliance with the City's Shading requirements for parking stalls shall be submitted for staff review and approval prior to issuance of building permits.
3. The applicant shall submit a letter from the City Animal Control Division indicating that he has complied with City regulations regarding the keeping of dogs prior to issuance of building permits.



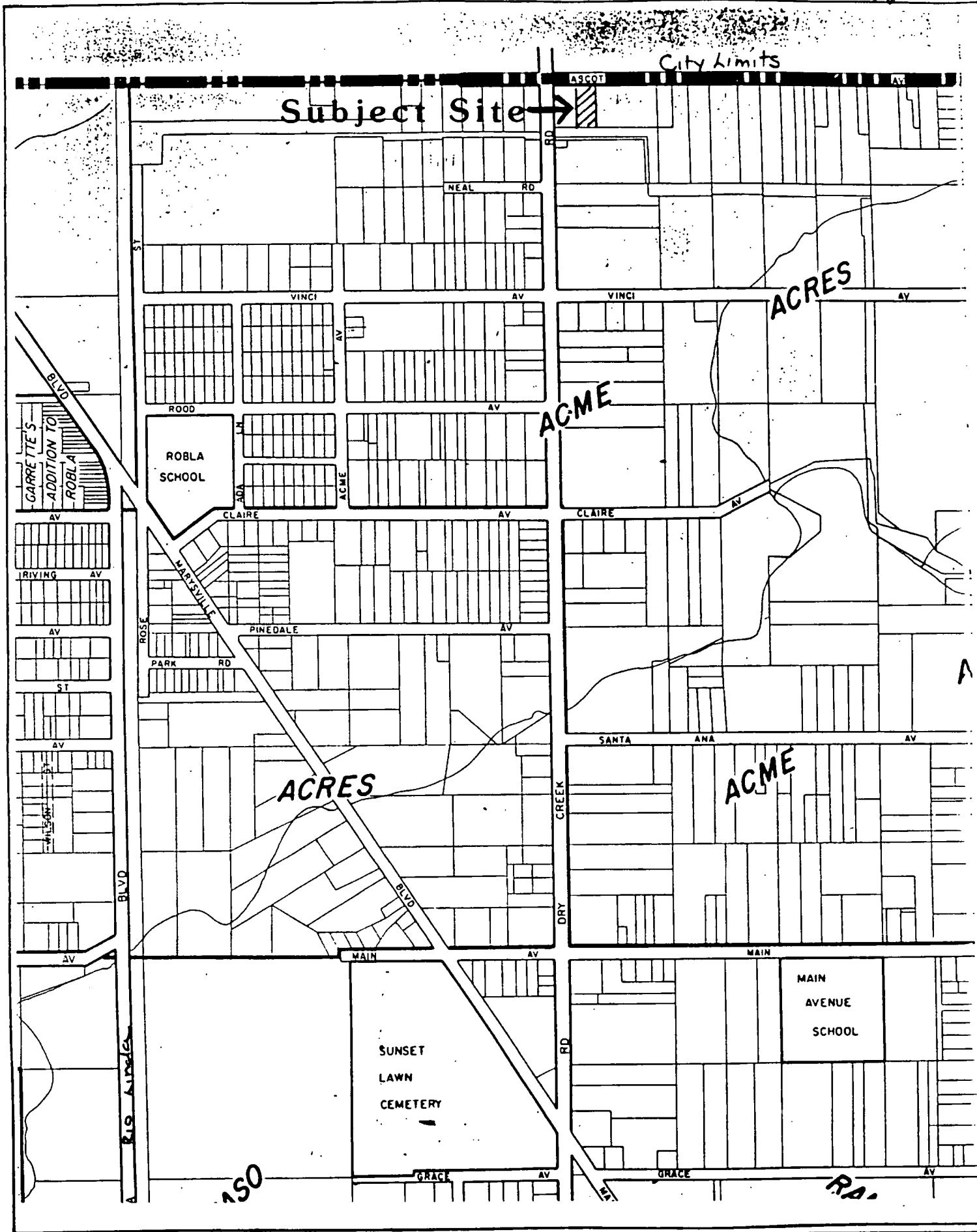
4. The applicant shall locate a solid fence between the existing residence on the site and the east property line to screen the dump trucks from the Ascot Avenue street frontage.
5. The applicant shall sign a letter with the City agreeing to participate in a future assessment district to construct street improvements prior to issuance of building permits.

Findings of Fact - Special Permit

1. The proposed dog kennel, if approved, would not be based upon sound principles of land use in that single family residences are located in the surrounding area.
2. The proposed dog kennel, if approved, would be detrimental to the public health, safety and welfare and could result in the creation of a nuisance in that:
  - a. the barking of the dogs could disturb surrounding residential uses;
  - b. the site is not served by the City sewer system

Findings of Fact - Variance and Plan Review

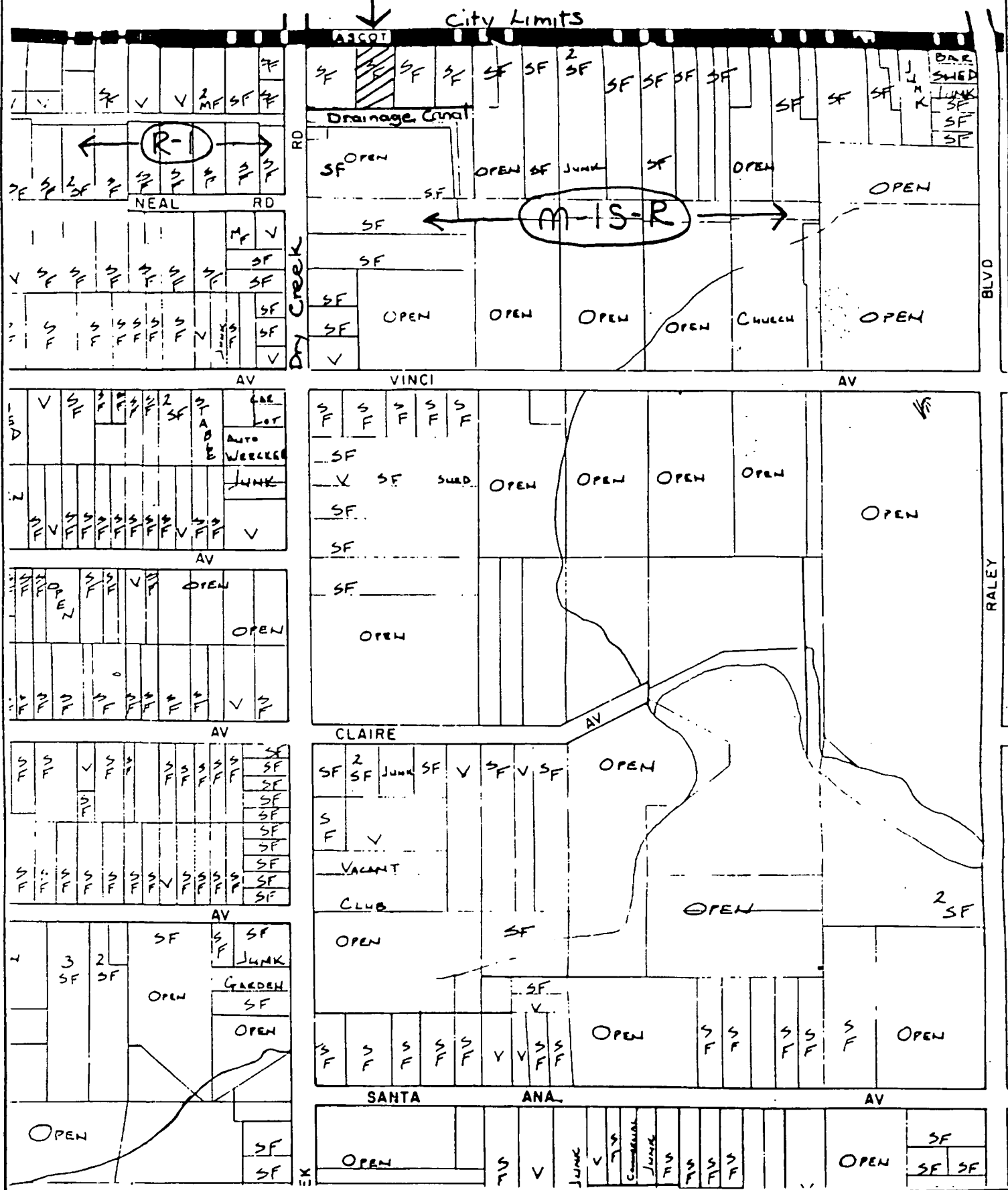
1. The project, as conditioned, is based upon sound principles of land use in that adequate parking and landscaping for the proposed dump truck vehicle repair and storage area will be provided.
2. The variance request, as conditioned, does not constitute a special privilege in that:
  - a. a masonry wall will be constructed along the east property line adjacent to where the vehicle repair and storage is proposed for the site;
  - b. a variance would be granted to other property owners facing similar circumstances.
3. The variance does not constitute a use variance in that a dump truck repair shop is allowed in the M-1(S)R zone.
4. The project, as conditioned, will not be injurious to the general public or surrounding properties in that adequate screening of the proposed use will be provided from adjacent properties.
5. The proposed project is consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for Industrial use by the 1984 North Sacramento Community Plan and the proposed dump truck business use conforms with the plan designation.



# VICINITY MAP

Subject Site

See next page for County land use and zoning



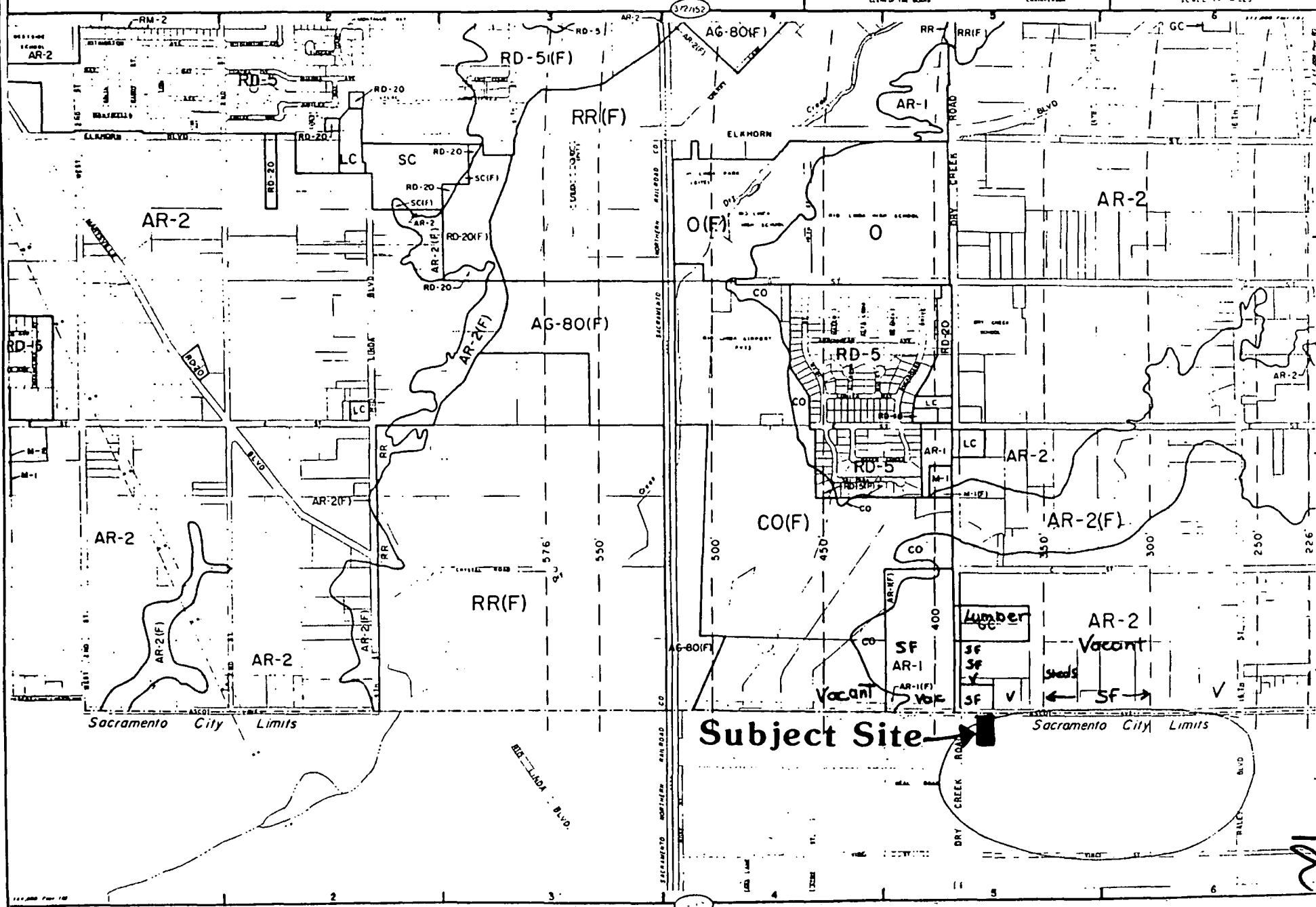
# LAND USE & ZONING MAP

# LAND USE & ZONING MAP

SCALE IN FEET

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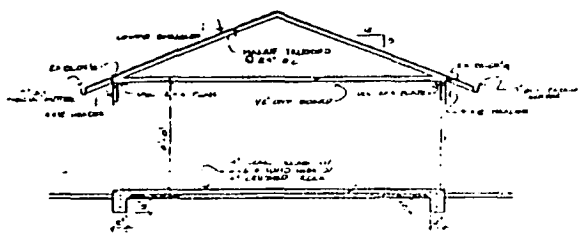
SCALE IN METERS



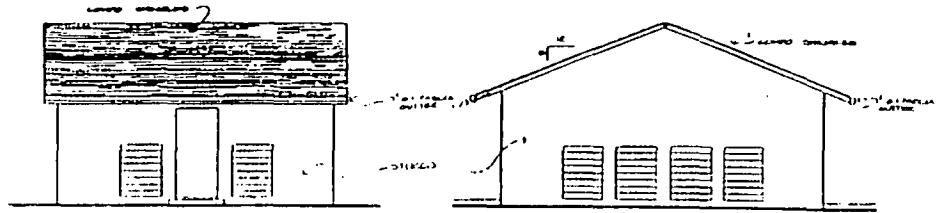
08-424

12-4-86

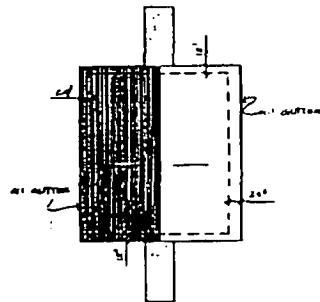
Item #31



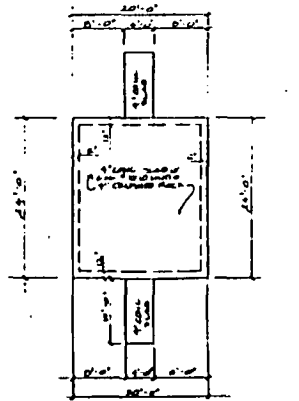
A) SECTION SCALE 1/4" = 1'-0"



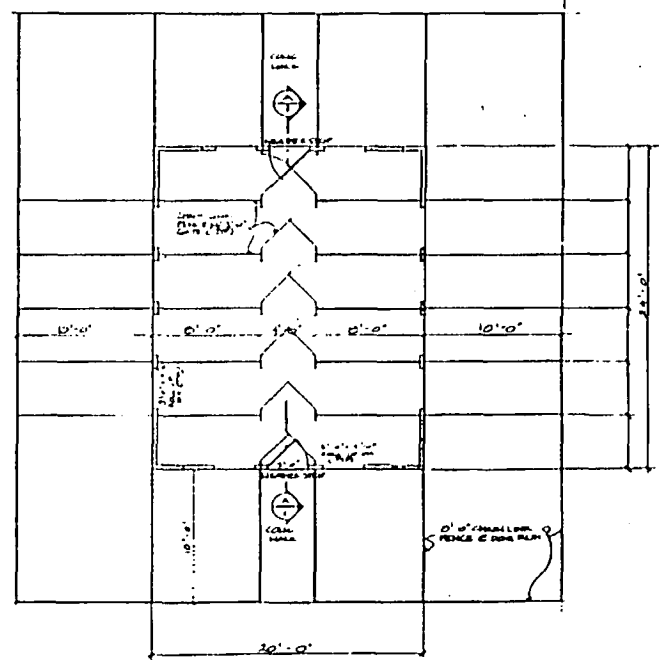
FRONT & REAR ELEVATION SCALE 1/4" = 1'-0" RIGHT & LEFT ELEVATION SCALE 1/4" = 1'-0"



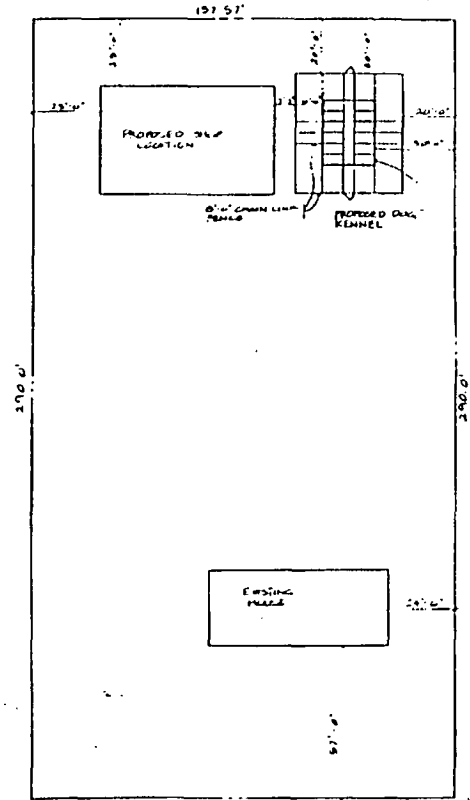
ROOF PLAN SCALE 1/4" = 1'-0"



FOUNDATION PLAN SCALE 1/4" = 1'-0"



DOG RUN FLOOR PLAN SCALE 1/4" = 1'-0"



SITE PLAN SCALE 1/4" = 1'-0"



Sierra Gold Graphics Inc.

1000 Valley View Road  
Sierra Vista, AZ 86150  
Phone: (520) 750-0100  
Fax: (520) 750-0101  
E-Mail: info@sierragold.com

Larry J. Schlichting ARCHITECT

EXHIBIT A

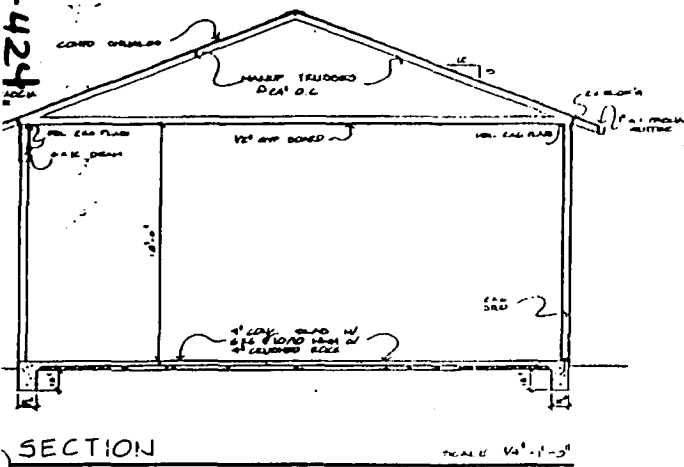
REVISIONS

SITE PLAN, FLOOR PLAN, ELEVATION, SECTION, ELEVATION, SECTION	12-4-86
INCIDENTAL ZONE & RETURN - 1000	12-4-86
OWNERS	12-4-86
1200 N. 1st St.	12-4-86
1200 N. 1st St.	12-4-86

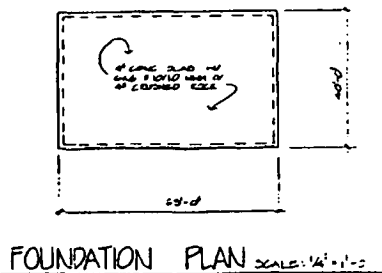
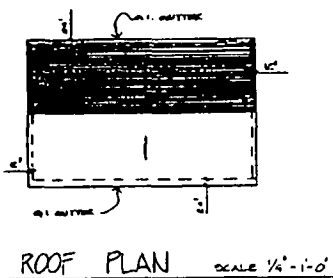
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JOB	12-4-86
SCALE	1/4" = 1'-0"
SHEET	12-4-86
OF SHEETS	12-4-86

12

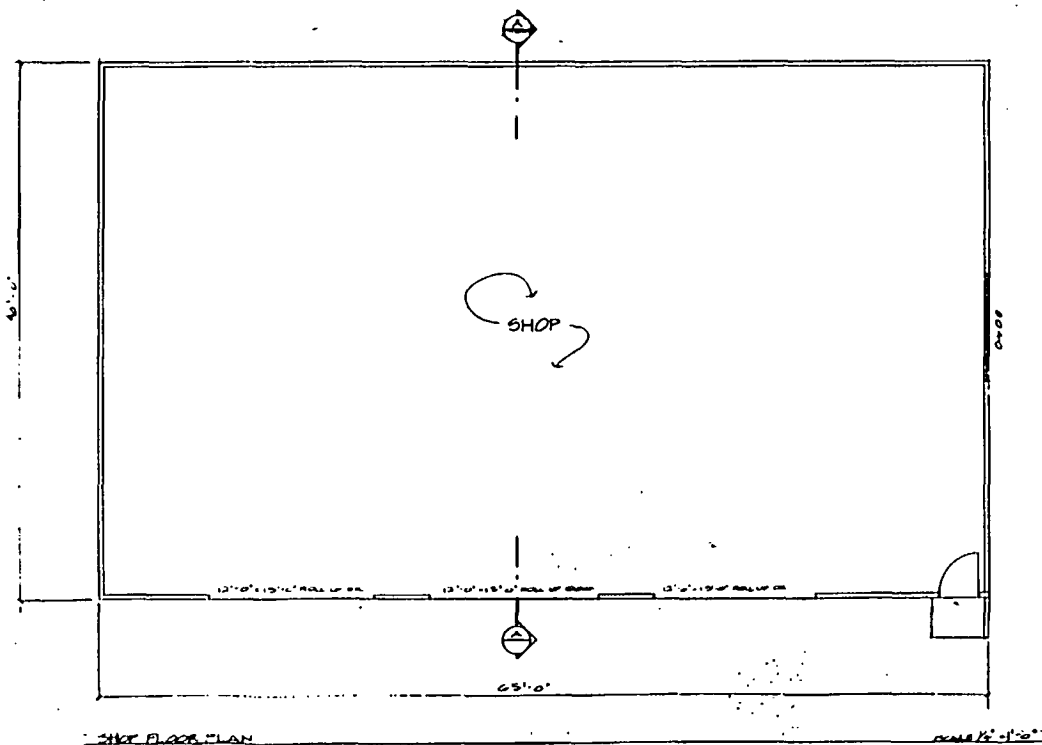
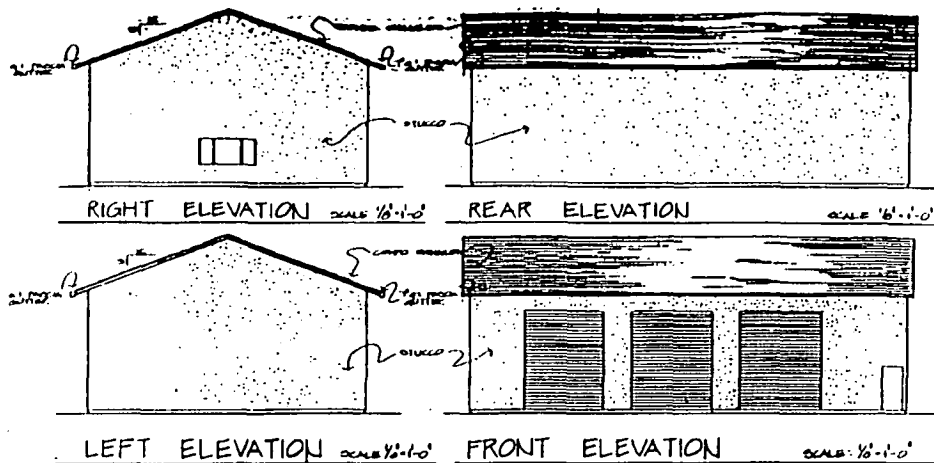
085-4241



12-4-86



Item #31



Sierra  
Gold  
Graphics  
Inc.

1001 Valley Way, Suite 100  
Sierra Vista, California 95770  
(916) 835-1000

Larry J. Hohlhobing  
ARCHITECT

# REVISIONS

NO.	DATE	DESCRIPTION

SHOP FLOOR PLAN ELEV  
SECTION ROOF PLAN  
FOUNDATION PLAN  
HOGENE TANKS & KENNETH PERCY  
OWNERS  
1330 ASSET AVE  
FELINDA, CA 941-4821  
45573

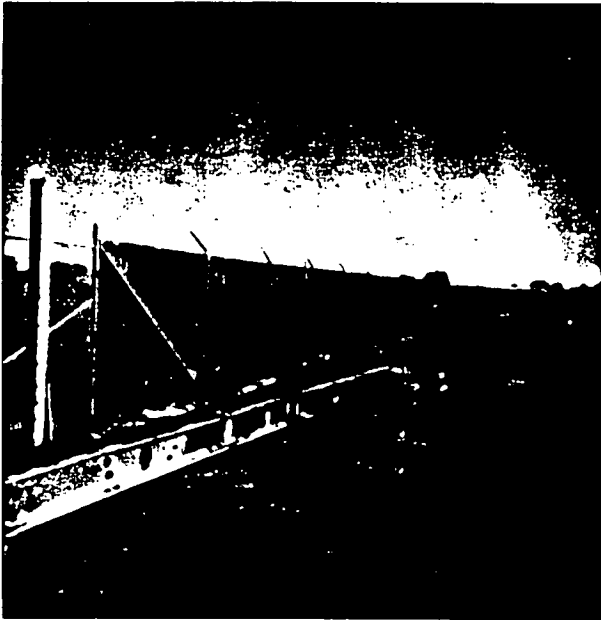
DWG  
NO. 86369  
SCALE  
SHEET  
OF SHEETS

EXHIBIT B

12

EXHIBIT C

SUBJECT SITE



1442 Ascot Avenue  
Sacramento, CA 95673  
(post office Rio Linda)

Mayor Anne Rudin  
and Honorable Members  
of the City Council  
Sacramento, CA

January 23, 1987

Dear Mayor Rudin and Councilmembers:

Proposed Moratorium on Permits on Ascot Avenue

At your meeting on January 20, you heard appeals of decisions concerning permits for a dog kennel and a truck repair garage at 1220 Ascot Ave. You voted to continue the matter for two weeks while the staff evaluates the idea of a moratorium on permits on the block. A moratorium was proposed until the Council may reconsider the recent re-zoning of the block to M-1.

The proposed activities (which now occur at 1220 without permits) are incongruent with the residential character of the neighborhood. However, my real concern is not with the requested permits per se, but - more broadly - with preserving our neighborhood and our property values.

Ascot Avenue between Raley Blvd. and Dry Creek Road is an established residential neighborhood with mostly owner-occupied homes and many long-time residents. There is only one vacant lot on the city side of the street. The owner of that lot would build a house there, if the city would allow it. We are not a neighborhood in transition, nor do most of the people here wish to be. Several of us have put considerable time and money in improvements during the past few years. There are no current permits for non-residential activities.

Our current troubles stem from the inappropriate re-zoning to light industrial a few years ago, which was carried out without adequate notice to us. (I was not notified that my property was being considered for re-zoning or that it had been re-zoned. Other people have the same complaint.) Apparently, our lots were considered equivalent to the several hundred acres of virtually vacant land to our south. That idea is unsupportable. Not only is the city side of Ascot solidly residential, but the entire county area beginning on the north side is also developed with single-family homes on large lots. Our property on the south side is actually the last tier of Rio Linda's homes. It would be illogical, and unfair to those on the county side of Ascot, to have the city side become industrial.



The Council's consensus expressed on January 20 seems to be that nearby conditions ultimately will make industrial development clearly preferable for our street. I must ask you to analyze the situation more closely. Our lots are very deep -- 660 feet in most cases ---with the houses near the street. Behind us is the Magpie Creek diversion channel. The depth of the lots plus the channel will provide a very good buffer to whatever eventually might be built behind us. Certainly, it would be a better buffer than the residents on the north side of Ascot would have if our properties were to become industrial.

The Council cited the 65-decibel noise contour as a major factor in zoning our street. I testify that noise from McClellan has become minor in the last few years. Perhaps the changes in the base's activities are only temporary, but please have your staff re-evaluate the long-term noise situation before you dismiss it as intolerable. Certainly, it may be wise to prohibit residential subdivision where it has not already occurred near the base, but please do not assume that the residents of existing neighborhoods are subjected to excessive noise.

There is no potential benefit to the city in having a gradual, rag-tag incursion of Mom-and-Pop industrial activity as I fear may occur if we remain saddled with the M-1 designation. As that occurs, incentive to maintain the residences erodes, residential values decline, and transition becomes a self-fulfilling prophecy. People lose the enjoyment and value of their domiciles. In the case of our street, we would not be compensated by increasing value as industrial property, at least not for the many years when open land will remain available behind us. On the other hand, I think that if you restore us to residential zoning, Ascot will remain a healthy neighborhood. To put it simply: regardless of what happens to our south, we like our homes and will remain if you give us the chance.

Even if this logic proves wrong and Ascot needs to go industrial, that need not happen for many years. In the meantime, we would want to keep the residential character intact. There can be no detriment to the city in allowing us our chance to do that. Since the street is already completely developed, returning it to residential zoning would not increase any industrial-residential conflict that may arise. Therefore, we request a moratorium on permits until we have had our proper "day in court" on the issue.

Sincerely,

*Richard C. Vincent* *Joan Risse*  
Richard Vincent      Joan Risse

RECEIVED  
MAYOR  
CITY COUNCIL OFFICE  
CITY OF SACRAMENTO  
JAN 26 12 56 PM '87

HAND DELIVERED

# 17



# CITY OF SACRAMENTO

## DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

Administration  
Room 300 449-5571  
Building Inspections  
Room 200 449-5716  
Planning  
Room 200 449-5604

January 15, 1987

City Council  
Sacramento, California

Honorable Members in Session:

- SUBJECT: 1. Appeal by Applicant of Planning Commission's Action to Deny a Special Permit to Develop a Dog Kennel in the Light Industrial, M-1(S)R Zone and Denial of a Variance to Waive a Required Masonry Wall on the East Property Line.
2. Appeal by an Adjacent Owner of the Planning Commission's Action to Approve the Plan Review for a 2,600 Square Feet Vehicle Repair Shop. (P86-424)

LOCATION: 1220 Ascot Avenue

### SUMMARY

The subject site is a one acre lot located in the Light Industrial, M-1(S)R zone. The applicant applied for a Special Permit to establish a dog kennel, Plan Review for a vehicle repair shop and a Variance to waive the required six foot masonry wall on the east and west property line. After hearing public testimony for and against the project, the Planning Commission concurred with staff and voted to deny the Special Permit, approve the Plan Review with conditions and to waive the wall requirements only on the west property line. The applicant has appealed the Commission's action on the Special Permit and Variance and an adjacent owner has appealed the Commission's action to approve the Plan Review.

### BACKGROUND INFORMATION

The subject site is located in an area designated for industrial use by the 1984 North Sacramento Community Plan. A major factor behind the change in land use policy from Residential to Industrial was high noise levels from the McClellan Air Force Base activities. Industrial uses are beginning to develop in this area.

The applicant currently lives in a single family house on the site and operates a dump truck business from the site. The applicant also has ten dogs on the site. The City Animal Control Division received a complaint and the applicant was warned that only three dogs are permitted. The applicant is proposing a 2,600 square foot vehicle repair shop for his dump truck business and a 480 square foot dog kennel to address the animal control action. Staff reviewed each entitlement and found the following:

#### Plan Review for Vehicle Repair Shop

A vehicle repair shop is a permitted use in the M-1(S)R zone. The R-Review allows the City an opportunity to review the development standards of a project prior to issuance of building permits. Based on this review staff recommended approval of the plans with conditions. This position was opposed by the adjacent owner to the east.

#### Variance to Waive the Required Masonry Wall

A six foot high masonry wall is required to buffer the non-residential use from adjacent residential uses on the east and west property line. Staff reviewed the applicant's request to waive the wall on both sides and recommended a waiver on the west side and not the east. This was based on the fact that the repair shop would be located closer to the east side and would have a greater visual and noise impact. The property owner on the west side is not in opposition to the waiver.

#### Special Permit for a Dog Kennel

A dog kennel is discretionary use allowed in the M-1 zone under a Special Permit. Staff reviewed the request and recommended against the kennel. Staff felt the kennel would continue to create noise and sanitation problems affecting adjacent residential uses. This position was opposed by the applicant.

The Planning Commission's action was to approve the staff's recommendation which was not acceptable to the applicant nor the adjacent owner. Both parties have filed appeals. The Commission also requested staff to review the area's industrial designation and report back if any adjustments are needed.

#### VOTE OF THE PLANNING COMMISSION

On December 4, 1986 the Commission voted nine ayes to approve the Plan Review with conditions, partially approve the Variance and to deny the Special Permit.

2

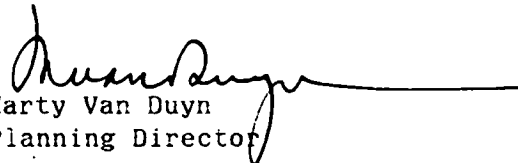
**RECOMMENDATION**

The Planning Commission and staff recommend the City Council reaffirm the action which is to:

1. approve the Plan Review with conditions;
2. deny the Variance to waive the required wall on the east property line;
3. deny the Special Permit for the dog kennel.

Attached are Finding of Fact for this action.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MVD:AG:jg  
Attachments  
P86-424

January 20, 1987  
District No. 2

Appeal of Larry Fozub vs. )  
City of Sacramento Planning )  
Commission's approval of a Plan Review )  
for a vehicle repair shop at )  
1220 Ascot Avenue (P86-424) )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of January 20, 1987, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

Findings of fact - Plan Review

1. The project, as conditioned, is based upon sound principles of land use in that adequate parking and landscaping for the proposed dump truck vehicle repair and storage area will be provided.
2. A masonry wall will be constructed along the east property line adjacent to where the vehicle repair and storage is proposed for the site.
3. A repair shop is allowed in the M-1(S)R zone.
4. The project, as conditioned, will not be injurious to the general public or surrounding properties in that adequate screening of the proposed use will be provided from adjacent properties.
5. The proposed project is consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for Industrial use by the 1984 North Sacramento Community Plan and the proposed truck business use conforms with the Plan designation.

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MAYOR

ATTEST:

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CITY CLERK

P86-424

4

Appeal of Kenneth Peachey vs. )  
City of Sacramento Planning Commission's )  
denial of a Special Permit to establish )  
a dog kennel and Variance to waive a )  
required six foot masonry wall on the )  
east property line for a site at )  
1220 Ascot Avenue (P86-424) )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of January 20, 1987, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

Findings of Fact - Special Permit

1. The proposed dog kennel, if approved, would not be based upon sound principles of land use in that single family residences are located in the surrounding area.
2. The proposed dog kennel, if approved, would be detrimental to the public health, safety and welfare and could result in the creation of a nuisance in that:
  - a. the barking of the dogs could disturb surrounding residential uses;
  - b. the site is not served by the City sewer system.

Findings of Fact - Variance

1. The wall requested for waiver is needed to buffer the noise, traffic and visual aspects related to the repair shop from adjacent residential use. Waiver of the wall would not be based on sound land use planning principles and would be injurious to the occupants of the adjacent property.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

P86-424

5

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

DATE: 12/15/86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 12/4/86 when:  
(Date)

       Rezoning Application        Variance Application

       Special Permit Application X PLAN REVIEW IN M-15-R (P86-424)

was: X Granted        Denied by the Commission

GROUND'S FOR APPEAL: (Explain in detail) Granted use is premature  
because of lack of appropriate infrastructure (sewer/drainage)  
and has significant potential to do harm to the environment  
(inadequate disposal of fuels, oils, solvent, greases, etc which was  
not discussed in staff review. Granted use is inappropriate to the surrounding  
land uses (single family residential) and poses a nuisance (noise & aesthetics)

PROPERTY LOCATION: 1220 ASCOT AVE, SACRAMENTO

PROPERTY DESCRIPTION: 1.05 ± acres single family residential

ASSESSOR'S PARCEL NO. 215 - 0230 - 063

PROPERTY OWNER: Kenneth Peachey

ADDRESS: 1220 ASCOT AVE

APPLICANT: SAME

ADDRESS: SAME

APPELLANT: (

(SIGNATURE)

(LARRY E KORB) )  
PRINT NAME

ADDRESS: 1230 ASCOT AVE

FILING FEE:

☐ by Applicant: \$105.00 RECEIPT NO. \_\_\_\_\_

☒ by 3rd party: 60.00

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

P-B6 424

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD

AG  
WW

LO

SG

(Original)



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

DATE: 12-5-86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 12-4-86 when:  
(Date)

☐ Rezoning Application ☒ Variance Application  
☒ Special Permit Application ☐

was: ☐ Granted ☒ Denied by the Commission

GROUND'S FOR APPEAL: (Explain in detail)  kennel needed to house  
beard dogs (bad neighbor hood) there is no need  
for a masonry wall on East side as there exists  
a chain link with redwood state.

PROPERTY LOCATION: 1220 ascot ave Rio Linda Ca 95673  
PROPERTY DESCRIPTION: 1 acre lot M-1SR

ASSESSOR'S PARCEL NO. 215 - 0230 - 063-0000

PROPERTY OWNER: Kenneth peachey Imogene zander

ADDRESS: 1220 ascot ave Rio Linda Ca. 95673

APPLICANT: Kenneth peachey Imogene zander

ADDRESS: 1220 ascot ave Rio Linda Ca. 95673

APPELLANT: (Kenneth Peachey) (Kenneth Peachey)  
(Imogene Zander) (Imogene Zander)  
(SIGNATURE) (PRINT NAME)

ADDRESS: 1220 ascot ave Rio Linda Ca 95673

FILING FEE:

☒ by Applicant: \$105.00 RECEIPT NO. \_\_\_\_\_

☐ by 3rd party: 60.00 \_\_\_\_\_

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

P-86-424

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD  
HY  
WW

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SC - (original) 7

# Sacramento City Planning Commission VOTING RECORD

MEETING DATE <u>December 4, 1986</u>
ITEM NUMBER <u>31 A</u>
PERMIT NUMBER <u>P-86-424</u>

## ENTITLEMENTS

- |  |   |
|--|---|
| <input type="checkbox"/> GENERAL PLAN AMENDMENT    | <input type="checkbox"/> TENTATIVE MAP            |
| <input type="checkbox"/> COMMUNITY PLAN AMENDMENT  | <input type="checkbox"/> SUBDIVISION MODIFICATION |
| <input type="checkbox"/> REZONING                  | <input type="checkbox"/> LOT LINE ADJUSTMENT      |
| <input checked="" type="checkbox"/> SPECIAL PERMIT | <input type="checkbox"/> ENVIRONMENTAL DET.       |
| <input type="checkbox"/> VARIANCE                  | <input type="checkbox"/> OTHER _____              |

STAFF RECOMENDATION	
<input type="checkbox"/> Favorable	<input checked="" type="checkbox"/> Unfavorable
<input type="checkbox"/> Correspondence <input type="checkbox"/> Petition	

LOCATION <u>1220 Ascot Avenue</u>
--------------------------------------

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NAME	ADDRESS
<u>Ken Peaches</u>	<u>1220 Ascot Avenue, Sacramento 95673</u>
<u>William Wright</u>	<u>606 Clinger Court</u>
<u>Milton De Souza</u>	<u>1210 Ascot Avenue, Sacramento 95673</u>
<u>Imogene Gander</u>	<u>1220 Ascot Avenue, Sacramento 95673</u>

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NAME	ADDRESS
<u>Larry Kozar</u>	<u>1230 Ascot Avenue, Sacramento 95673</u>

## MOTION#

	YES	NO	MOTION SECOND
Chinn	✓		
Ferris	✓		
Goodin	✓		
Hollick	✓		
Holloway	✓		
Otto	✓		
Ramirez	✓		✓
Walton	✓		
Ishmael	✓		

## MOTION

- |  |   |
|--|---|
| <input type="checkbox"/> TO APPROVE  | <input type="checkbox"/> TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL                  |
| <input type="checkbox"/> TO DENY   | <input type="checkbox"/> TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL |
| <input type="checkbox"/> TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT | <input type="checkbox"/> TO RATIFY NEGATIVE DECLARATION                                   |
| <input checked="" type="checkbox"/> TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT    | <input type="checkbox"/> TO CONTINUE TO _____ MEETING                                     |
| <input type="checkbox"/> INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE    | <input type="checkbox"/> OTHER _____  |

# CITY PLANNING COMMISSION

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

**APPLICANT** Kenneth D. Peachey and Imogene Zander, 1220 Ascot Avenue, Sac., CA 95673  
**OWNER** Applicant  
**PLANS BY** Sierra Gold Graphics, Inc. 500 Kirby Way, Roseville, CA 95678  
**FILING DATE** 10/30/86 **ENVIR. DET.** Exempt 15303 (e) **REPORT BY** JP/rt  
**ASSESSOR'S-PCL. NO.** 215-0230-063-0000

**APPLICATION:**

- A. Special Permit to develop a dog kennel
- B. Variance to waive the required six foot high masonry wall between residential and non-residential uses
- C. Plan review for a 480+ square foot dog kennel and 2,600+ square foot vehicle repair shop in the Light Industrial-Review (M-1(S)-R) zone

**LOCATION:** 1220 Ascot Avenue

**PROPOSAL:** The applicant is requesting the necessary entitlements to construct a dog kennel and vehicle repair shop on a 1.05 acre site developed with a residence in the M-1(S)R zone.

## PROJECT INFORMATION:

1974 General Plan Designation:	Industrial
1984 North Sacramento Community Plan Designation:	Industrial
Existing Zoning of Site:	M-1(S)R
Existing Land Use of Site:	Single Family Residence

## Surrounding Land Use and Zoning:

North: Single family, vacant; County Agriculture Residential Zone  
South: Drainage canal, Single family; M-1S-R  
East: Single family; M-1S-R  
West: Single family; hay storage, M-1S-R, R-1

Parking Required:	vehicle repair: 3 (1 space per 1,000 sq. ft) dog kennel: to be determined by Commission
Parking Provided:	not shown on site plan
Property Dimensions:	157 x 290
Property Area:	1.05+ acres
Square Footage of Building	vehicle repair
Topography:	Flat
Street Improvements:	Ascot paved, no curb gutter or sidewalks
Exterior Building Materials:	Stucco
Exterior Building Color:	Desert Sand
Roof Material:	Composition Shingles

PROJECT EVALUATION: Staff has the following comments regarding this proposal:

A. Land Use and Zoning

The subject site is a 1.05+ acre interior lot located in the Light Industrial - Review (M-1S-R) zone. A single family residence is currently located on the site. Prior to 1984, the site was zoned Single Family (R-1) and the residence is a legal non-conforming use. Surrounding land uses include single family residences and vacant land. Surrounding lands are zoned M-1S-R to the south, east and west and Agriculture - Residential (AR-2) to the north in the unincorporated county. The site is designated for Industrial uses in the 1974 General Plan and the 1984 North Sacramento Community Plan.

The applicant lives in the single family residence on the site. The applicant operates a dump truck business and proposes to construct a 2,600+ square foot vehicle repair shop on the site to service his four trucks when necessary (Exhibits A and B). The applicant also proposes to store the four trucks on the site when they are not in use. The proposed truck operation is consistent with the industrial land use designation for the site.

The applicant also has ten (10) Doberman dogs on the site in wire cages. The City Code allows a maximum of three dogs on a site and the applicant has been cited for having ten dogs on the site. The applicant; therefore, has applied for a special permit for a dog kennel (Exhibit A). The purpose of the dogs are for pets and to guard the proposed business on the site. The applicant does not intend to breed or sell the dogs. The applicant has provided letters from six adjacent property owners indicating that they are in favor of allowing the applicant to keep the dogs on the subject site (Exhibit D).

Planning staff contacted the City Animal Control Division regarding the applicant's proposal. Animal Control indicated that they have received a complaint regarding excessive barking of dogs at the subject site. Animal Control staff indicated that they are opposed to the issuance of a special permit for a dog kennel at this site due to the number of residential uses in this area and concerns regarding the appropriate disposal of animal waste.

Planning staff also contacted the County Planning and Animal Control Departments, which are responsible for regulating dog kennels in the unincorporated area. The Planning Department indicated that the main concern of the department in issuing a use permit for a kennel is the impact that the noise of the dogs may have on any adjacent residential uses. The Animal Control Department issues a kennel permit after a use permit is granted. They are concerned with noise, ventilation and sanitation issues. County Ordinance gives the Animal Control Department the authority to regulate dog kennels and to inspect them on an annual basis.

Planning staff finds that while the subject property is zoned industrial, the area is in a state of transition between residential and industrial uses. The noise and sanitation problems created by the ten dogs can be detrimental to the health, safety and welfare of adjacent property owners. A more appropriate time to locate a kennel at this site would be when the transition from residential to industrial is complete and the site is served by City Sewer so that adequate sanitary conditions for the use are provided. Staff, therefore, recommends that the special permit for the kennel use be denied.

B. Site Plan Design

The site plan indicates that the proposed vehicle repair shop and dog kennel are to be located in the rear of the 290 foot deep lot approximately 20 feet from the rear property line. The applicant intends to construct a driveway and pave the west side of the property line for truck storage. The area behind the existing residence would be used as a yard area for the residence and would not be paved. Staff recommends that a revised site plan indicating the driveway entrance, all paved areas, and the three required parking spaces for the 2,600 square foot shop be provided for staff review and approval prior to the issuance of building permits.

A 25 foot landscaped setback is required for industrial uses in the M-1S zone. Staff recommends that a landscape plan indicating the 25 foot setback area, landscaped with grass, and the required shading for the parking area be provided prior to issuance of building permits.

The applicant has located a chain link fence with redwood slats along the south, east and west property lines (Exhibit C). The applicant has requested a variance to waive the masonry wall requirement along the east and west property lines which is required when a non-residential use is adjacent to a residential use. The owners of the property to the west of the site have indicated that they have no objection to the waiver of the wall requirement. Staff finds; however, that the proposed vehicle shop and dump truck storage will be located adjacent to the east property line and a solid wall will be necessary as a noise and visual buffer for the adjacent residential use to the east. Staff, therefore, recommends that the required wall be waived only adjacent to the west property line.

The submitted site plan has been reviewed by the City Public Works Division. They recommend that the applicant join any future assessment district created for this industrially zoned area to provide for necessary street improvements.

C. Building Design

The applicant proposes to construct the vehicle repair shop and dog kennel out of wood with a stucco exterior and composition shingle roof. The proposed building color is Desert Sand. The buildings are designed to be compatible with the residence located on the site which has a stucco exterior and composition roof. Staff finds the proposed vehicle repair structure to be compatible in design and materials with surrounding uses. The dog kennel building, if approved, should have a solid wall surrounding the dog runs and adequate insulation.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines.

RECOMMENDATION: Staff recommends the following actions:

- A. Denial of the special permit to develop a dog kennel based upon Findings of Fact which follow.
- B. Approval of the variance to waive the required masonry wall, subject to Conditions and based upon Findings of Fact which follow.
- C. Approval of the Plan Review in the M-1(s)-R zone, subject to Conditions and based upon Findings of Fact which follow.

Conditions - Variance

1. The applicant shall construct a six foot high solid masonry wall adjacent to the east property line starting behind the 25 foot front landscape setback. The design and materials of the wall shall be subject to Planning Director review and approval prior to issuance of building permits.

Conditions - Plan Review

1. A revised site plan indicating a driveway, three parking spaces and all paved areas shall, for the vehicle repair shop and dump truck, be submitted for staff review and approval prior to issuance of building permits. The kennel for ten dogs shall be eliminated from the site plan.
2. Landscape, shading and irrigation plans indicating a 25 foot front setback landscaped with grass, any other lawn or landscaped areas and compliance with the City's Shading requirements for parking stalls shall be submitted for staff review and approval prior to issuance of building permits.
3. The applicant shall submit a letter from the City Animal Control Division indicating that he has complied with City regulations regarding the keeping of dogs prior to issuance of building permits.

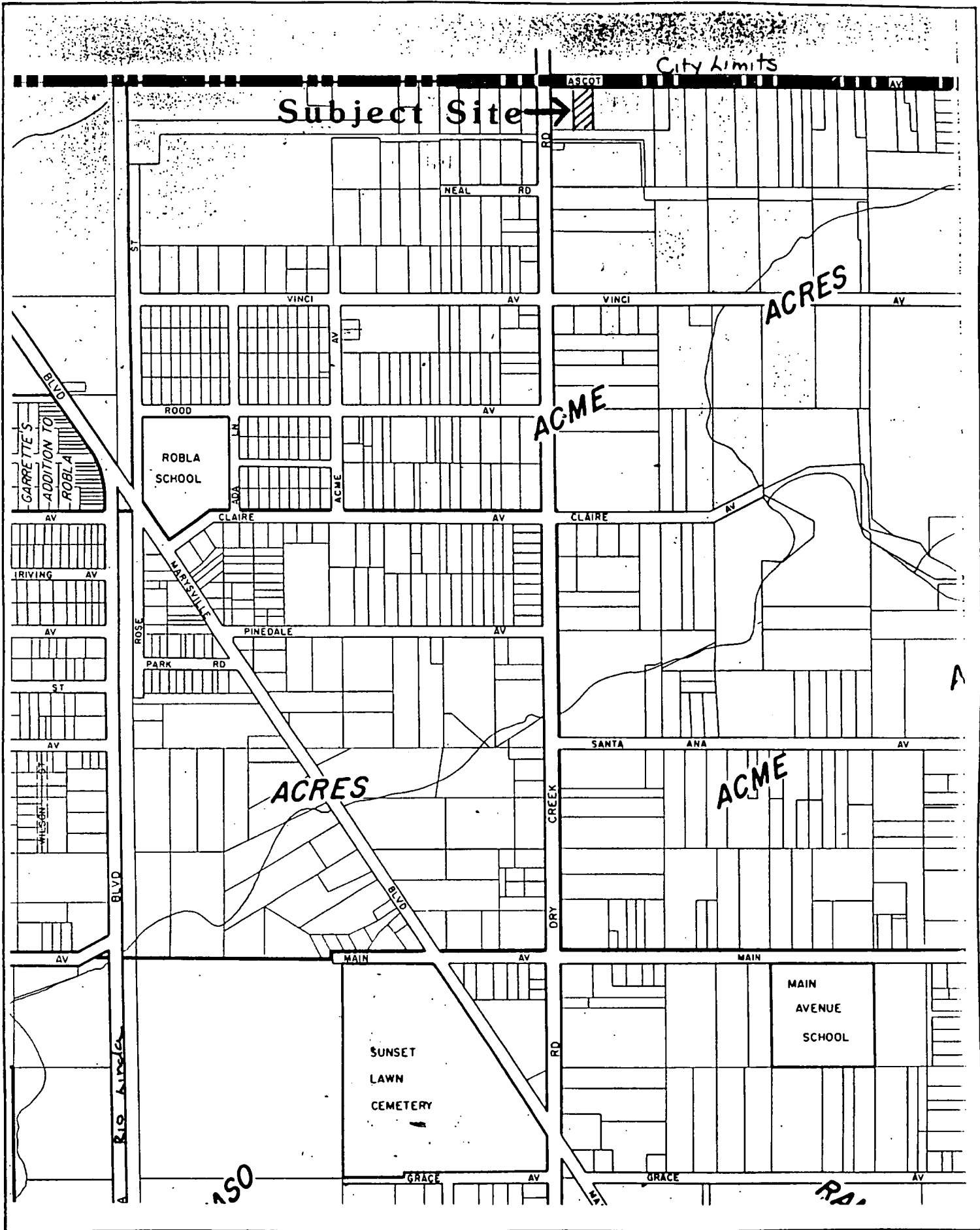
4. The applicant shall locate a solid fence between the existing residence on the site and the east property line to screen the dump trucks from the Ascot Avenue street frontage.
5. The applicant shall sign a letter with the City agreeing to participate in a future assessment district to construct street improvements prior to issuance of building permits.

Findings of Fact - Special Permit

1. The proposed dog kennel, if approved, would not be based upon sound principles of land use in that single family residences are located in the surrounding area.
2. The proposed dog kennel, if approved, would be detrimental to the public health, safety and welfare and could result in the creation of a nuisance in that:
  - a. the barking of the dogs could disturb surrounding residential uses;
  - b. the site is not served by the City sewer system

Findings of Fact - Variance and Plan Review

1. The project, as conditioned, is based upon sound principles of land use in that adequate parking and landscaping for the proposed dump truck vehicle repair and storage area will be provided.
2. The variance request, as conditioned, does not constitute a special privilege in that:
  - a. a masonry wall will be constructed along the east property line adjacent to where the vehicle repair and storage is proposed for the site;
  - b. a variance would be granted to other property owners facing similar circumstances.
3. The variance does not constitute a use variance in that a dump truck repair shop is allowed in the M-1(S)R zone.
4. The project, as conditioned, will not be injurious to the general public or surrounding properties in that adequate screening of the proposed use will be provided from adjacent properties.
5. The proposed project is consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for Industrial use by the 1984 North Sacramento Community Plan and the proposed dump truck business use conforms with the plan designation.



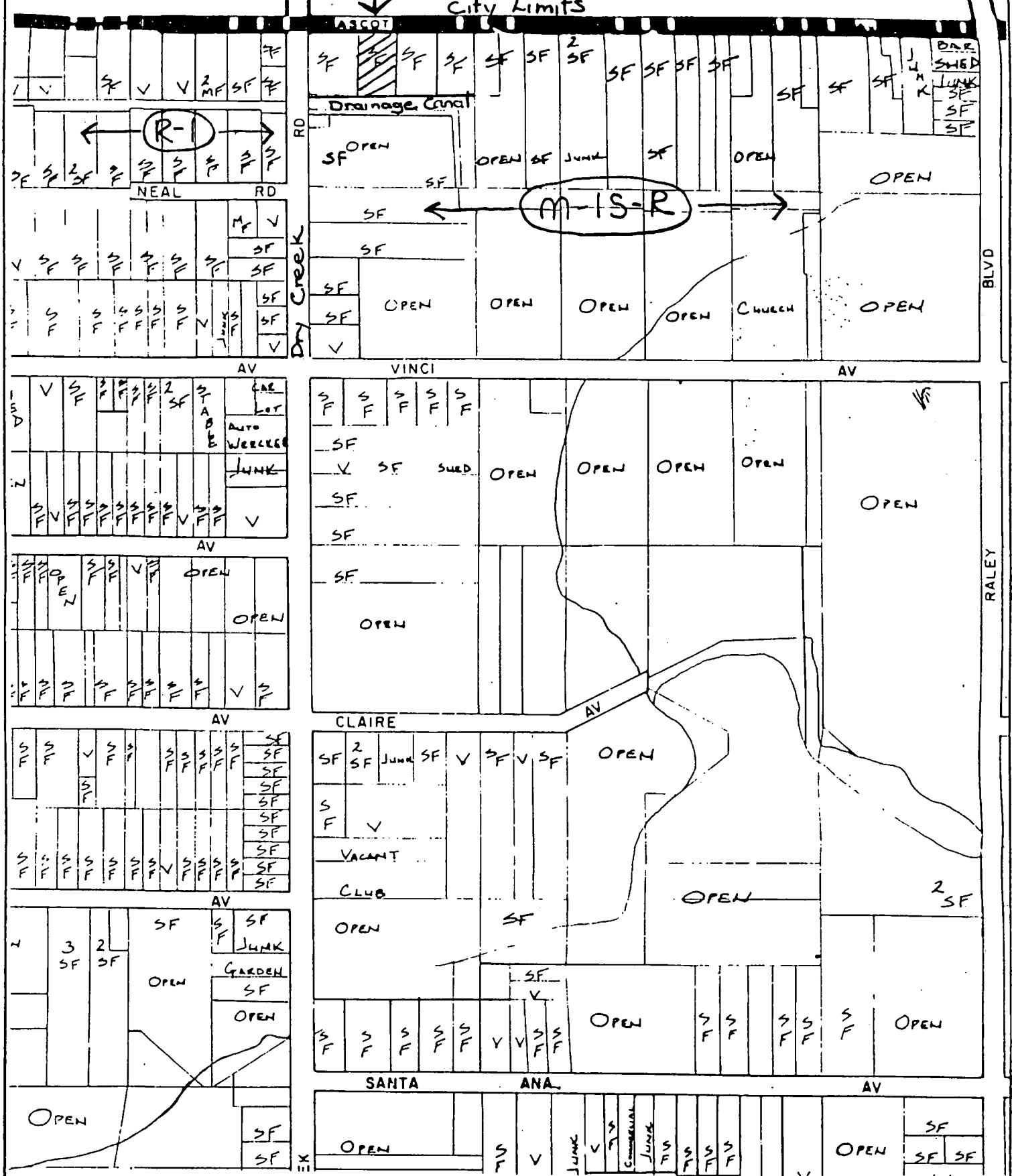
## VICINITY MAP



Subject Site

See next page for County land use and zoning

City Limits



# LAND USE & ZONING MAP

17-4-86

17-4-86

Item #31

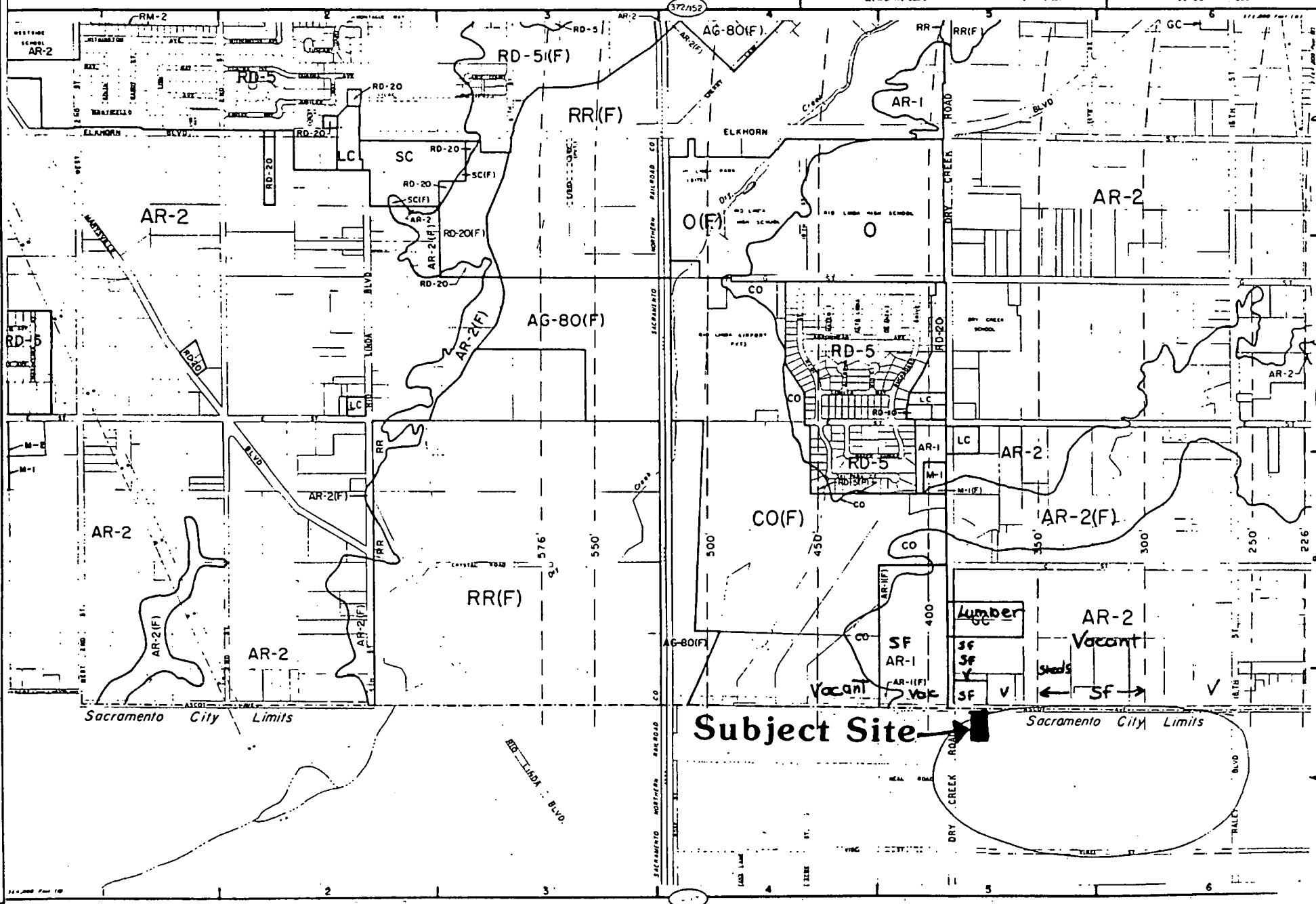
# LAND USE & ZONING MAP

## COMPREHENSIVE ZONING PLAN SACRAMENTO COUNTY, CALIFORNIA

OFFICIAL APPROVAL CERTIFICATE  
COUNTY PLANNING COMMISSION  
APPROVED BY RESOLUTION NO. 28 MARCH 1978  
FOR: MICHAEL J. GUNDEL  
TELEPHONE: 481-1111  
SACRAMENTO COUNTY BOARD OF SUPERVISORS  
ADOPTED BY ORDINANCE NO. 52C-78-98-12 JULY 1978  
FOR: MICHAEL J. GUNDEL  
CLERK OF THE BOARD

364 / 152

SCALE IN FEET  
1" = 100'  
SCALE IN MILES  
1" = 1 MILE



086-424

12-4-86

Item #31

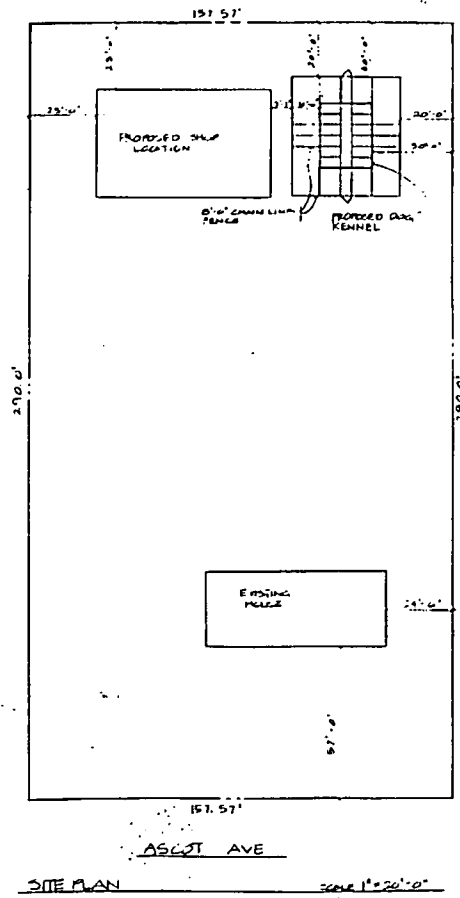
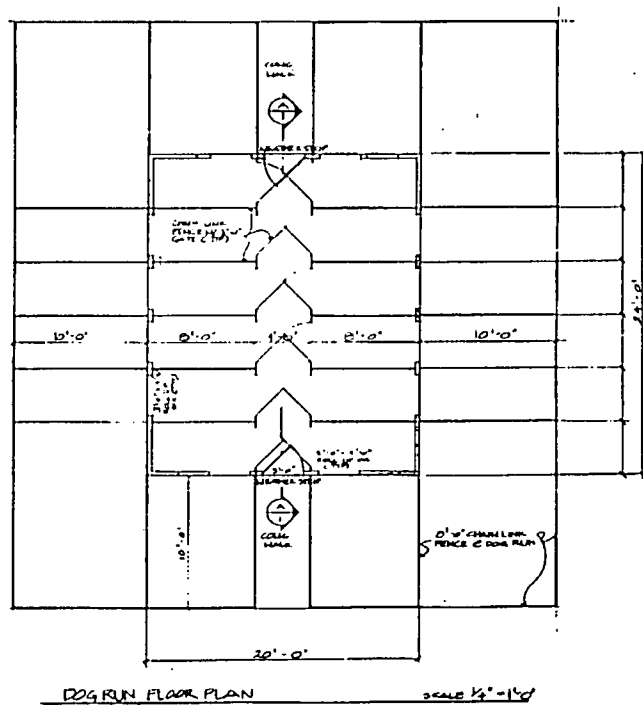
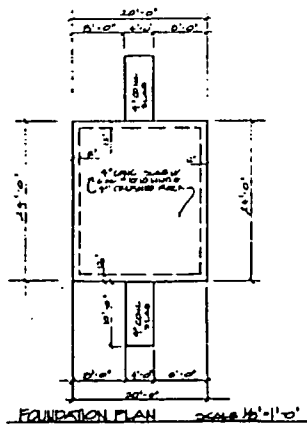
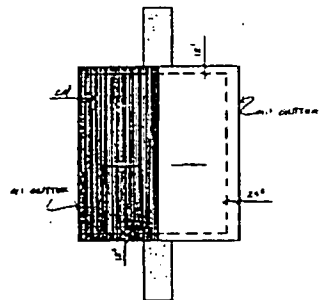
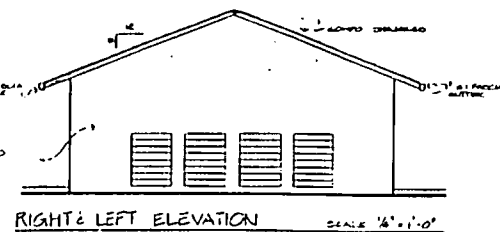
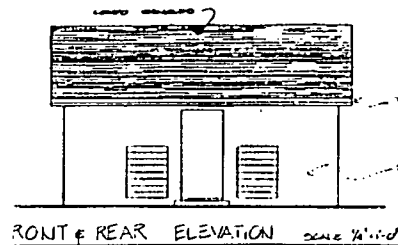
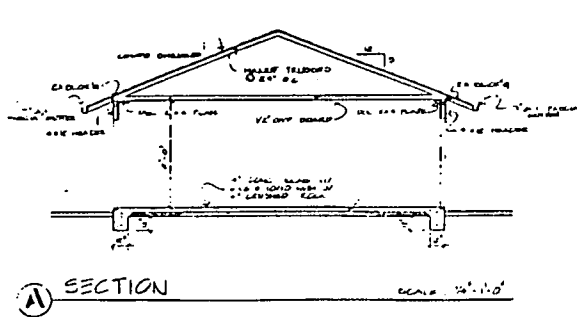


EXHIBIT A



**Sierra  
Gold  
Graphics  
Inc.**

ARCHITECT  
GRAPHIC DESIGN  
INTERIOR DESIGN  
LANDSCAPE DESIGN  
EXTERIOR DESIGN  
200 CLAYTON WAY, SUITE 200  
CLAYTON, CALIFORNIA 94520  
(916) 776-0000  
FAX (916) 776-0000  
SUTTER POINT  
A 19 UNIT APARTMENT DEVELOPMENT

**Larry J. Schlichting  
ARCHITECT**

REVISIONS

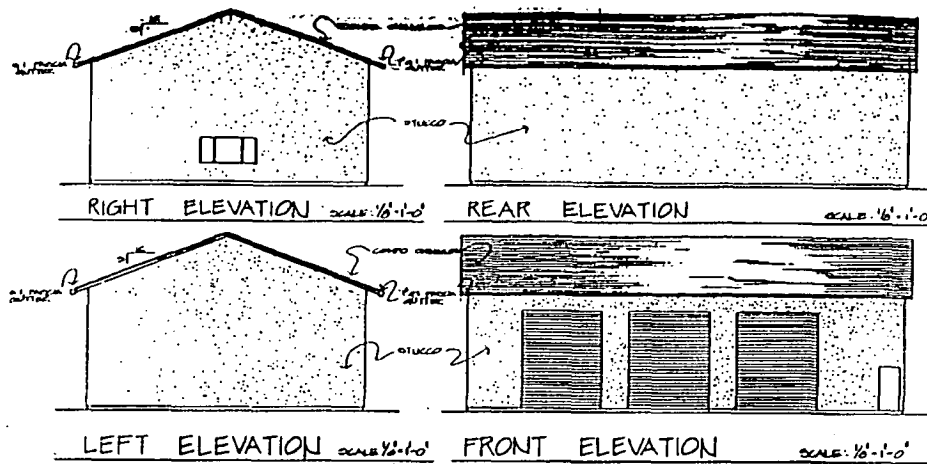
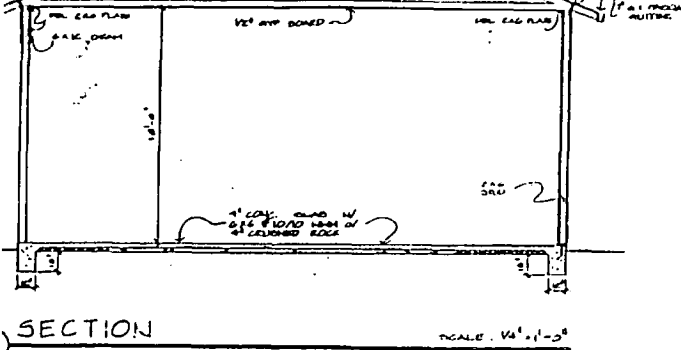
DATE  
JOB 80869  
SCALE AS NOTED  
SHEET  
OF SHEETS OF

DATE  
JOB 80869  
SCALE AS NOTED  
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SCALE AS NOTED  
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OF SHEETS OF

086-424



12-4-86

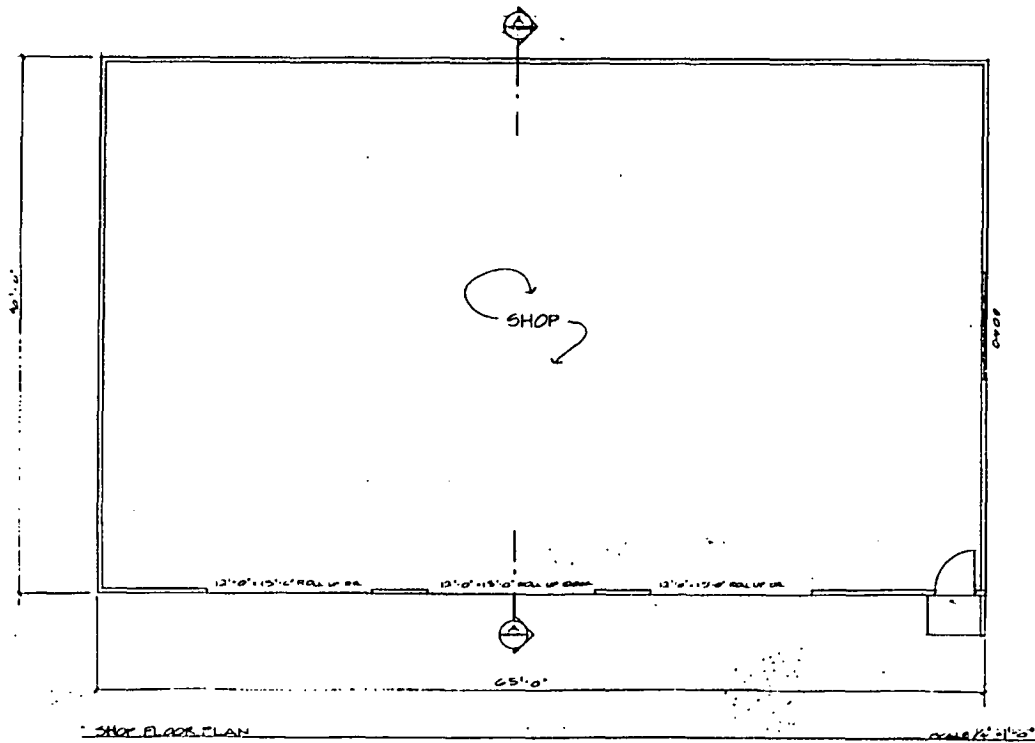
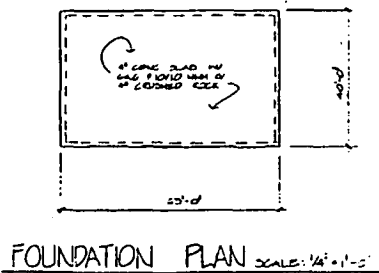
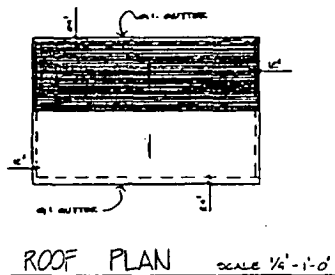


EXHIBIT B



Sierra  
Gold  
Graphics  
Inc.

Services:  
Graphic Design  
Printing Services  
Illustration & Art  
Business Cards  
Brochures & Pamphlets  
Signage & Banners  
Posters & Flyers  
Books & Calendars  
Forms & Stationery

Larry J. Sahlkobing  
ARCHITECT

REVISIONS


SHOP FLOOR PLAN, ELEV.  
SECTION, ROOF PLAN  
FOUNDATION PLAN  
HUGENE JAMES & KENNETH PERCY  
OWNERS  
1320 ASCOT AVE  
RIO LINDA, CA 95273

DATE
TITLE
JOB
SCALE
SHEET
OF SHEETS

1-10-86 #31

# EXHIBIT C

## SUBJECT SITE





# CITY OF SACRAMENTO

## DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

### Administration

Room 300 449-5571

### Building Inspections

Room 200 449-5716

### Planning

Room 200 449-5604

January 15, 1987

City Council  
Sacramento, California

TO **CONTINUED**  
2-3-87

Honorable Members in Session:

- SUBJECT:**
1. Appeal by Applicant of Planning Commission's Action to Deny a Special Permit to Develop a Dog Kennel in the Light Industrial, M-1(S)R Zone and Denial of a Variance to Waive a Required Masonry Wall on the East Property Line.
  2. Appeal by an Adjacent Owner of the Planning Commission's Action to Approve the Plan Review for a 2,600 Square Feet Vehicle Repair Shop. (P86-424)

**LOCATION:** 1220 Ascot Avenue

### SUMMARY

The subject site is a one acre lot located in the Light Industrial, M-1(S)R zone. The applicant applied for a Special Permit to establish a dog kennel, Plan Review for a vehicle repair shop and a Variance to waive the required six foot masonry wall on the east and west property line. After hearing public testimony for and against the project, the Planning Commission concurred with staff and voted to deny the Special Permit, approve the Plan Review with conditions and to waive the wall requirements only on the west property line. The applicant has appealed the Commission's action on the Special Permit and Variance and an adjacent owner has appealed the Commission's action to approve the Plan Review.

### BACKGROUND INFORMATION

The subject site is located in an area designated for industrial use by the 1984 North Sacramento Community Plan. A major factor behind the change in land use policy from Residential to Industrial was high noise levels from the McClellan Air Force Base activities. Industrial uses are beginning to develop in this area.

The applicant currently lives in a single family house on the site and operates a dump truck business from the site. The applicant also has ten dogs on the site. The City Animal Control Division received a complaint and the applicant was warned that only three dogs are permitted. The applicant is proposing a 2,600 square foot vehicle repair shop for his dump truck business and a 480 square foot dog kennel to address the animal control action. Staff reviewed each entitlement and found the following:

Plan Review for Vehicle Repair Shop

A vehicle repair shop is a permitted use in the M-1(S)R zone. The R-Review allows the City an opportunity to review the development standards of a project prior to issuance of building permits. Based on this review staff recommended approval of the plans with conditions. This position was opposed by the adjacent owner to the east.

Variance to Waive the Required Masonry Wall

A six foot high masonry wall is required to buffer the non-residential use from adjacent residential uses on the east and west property line. Staff reviewed the applicant's request to waive the wall on both sides and recommended a waiver on the west side and not the east. This was based on the fact that the repair shop would be located closer to the east side and would have a greater visual and noise impact. The property owner on the west side is not in opposition to the waiver.

Special Permit for a Dog Kennel

A dog kennel is discretionary use allowed in the M-1 zone under a Special Permit. Staff reviewed the request and recommended against the kennel. Staff felt the kennel would continue to create noise and sanitation problems affecting adjacent residential uses. This position was opposed by the applicant.

The Planning Commission's action was to approve the staff's recommendation which was not acceptable to the applicant nor the adjacent owner. Both parties have filed appeals. The Commission also requested staff to review the area's industrial designation and report back if any adjustments are needed.

VOTE OF THE PLANNING COMMISSION

On December 4, 1986 the Commission voted nine ayes to approve the Plan Review with conditions, partially approve the Variance and to deny the Special Permit.

City Council

-3-

January 15, 1987

**RECOMMENDATION**

The Planning Commission and staff recommend the City Council reaffirm the action which is to:

1. approve the Plan Review with conditions;
2. deny the Variance to waive the required wall on the east property line;
3. deny the Special Permit for the dog kennel.

Attached are Finding of Fact for this action.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MVD:AG:jg  
Attachments  
P86-424

January 20, 1987  
District No. 2



Appeal of Larry Fozub vs. )  
City of Sacramento Planning )  
Commission's approval of a Plan Review )  
for a vehicle repair shop at )  
1220 Ascot Avenue (P86-424) )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of January 20, 1987, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

Findings of fact - Plan Review

1. The project, as conditioned, is based upon sound principles of land use in that adequate parking and landscaping for the proposed dump truck vehicle repair and storage area will be provided.
2. A masonry wall will be constructed along the east property line adjacent to where the vehicle repair and storage is proposed for the site.
3. A repair shop is allowed in the M-1(S)R zone.
4. The project, as conditioned, will not be injurious to the general public or surrounding properties in that adequate screening of the proposed use will be provided from adjacent properties.
5. The proposed project is consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for Industrial use by the 1984 North Sacramento Community Plan and the proposed truck business use conforms with the Plan designation.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

P86-424

17

Appeal of Kenneth Peachey vs. )  
City of Sacramento Planning Commission's )  
denial of a Special Permit to establish )  
a dog kennel and Variance to waive a )  
required six foot masonry wall on the )  
east property line for a site at )  
1220 Ascot Avenue (P86-424) )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of January 20, 1987, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

Findings of Fact - Special Permit

1. The proposed dog kennel, if approved, would not be based upon sound principles of land use in that single family residences are located in the surrounding area.
2. The proposed dog kennel, if approved, would be detrimental to the public health, safety and welfare and could result in the creation of a nuisance in that:
  - a. the barking of the dogs could disturb surrounding residential uses;
  - b. the site is not served by the City sewer system.

Findings of Fact - Variance

1. The wall requested for waiver is needed to buffer the noise, traffic and visual aspects related to the repair shop from adjacent residential use. Waiver of the wall would not be based on sound land use planning principles and would be injurious to the occupants of the adjacent property.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

P86-424

17

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

DATE: 12/15/86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 12/4/86 when:  
(Date)

☐ Rezoning Application

☐ Variance Application

☐ Special Permit Application ☒ PLAN REVIEW IN M-15-R (P86-424)

was: ☒ Granted ☐ Denied by the Commission

GROUND'S FOR APPEAL: (Explain in detail) Granted use is premature  
because of lack of appropriate infrastructure (sewer/drainage)  
and has significant potential to do harm to the environment  
(inadequate disposal of fuels, oils, solvents, greases, etc which was  
not discussed in staff review. Granted use is inappropriate to the surrounding  
land uses (single family residential) and poses a nuisance (noise & aesthetics)

PROPERTY LOCATION: 1220 ASCOT AVE, SACRAMENTO

PROPERTY DESCRIPTION: 1.05 ± acres single family residential

ASSESSOR'S PARCEL NO. 215 - 0230 - 063

PROPERTY OWNER: Kenneth Peachey

ADDRESS: 1220 ASCOT AVE

APPLICANT: SAME

ADDRESS: SAME

APPELLANT: (

(SIGNATURE)

(LARRY E KOZUB

PRINT NAME

ADDRESS: 1230 ASCOT AVE

FILING FEE:

☒ by Applicant: \$105.00 RECEIPT NO. \_\_\_\_\_

☒ by 3rd party: 60.00

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

P-B6 424

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD

AG

WW

LO

SG

(Original)

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

DATE: 12-5-86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 12-4-86 when:  
(Date)

       Rezoning Application   X   Variance Application  
  X   Special Permit Application       

was:        Granted   X   Denied by the Commission

GROUND FOR APPEAL: (Explain in detail)  kennel needed to house  
 guard dogs (bad neighbor hood) there is no need  
 for a masonry wall on East side as there exists  
 a chain link with redwood slats.

PROPERTY LOCATION: 1220 ascot ave Rio Linda Ca 95673

PROPERTY DESCRIPTION: 1 acre lot M-1SR

ASSESSOR'S PARCEL NO. 215 - 0230 - 063-0000

PROPERTY OWNER: Kenneth Peachey Imogene Zander

ADDRESS: 1220 ascot ave Rio Linda Ca. 95673

APPLICANT: Kenneth Peachey Imogene Zander

ADDRESS: 1220 ascot ave Rio Linda Ca 95673

APPELLANT: (Kenneth Peachey) (Imogene Zander)  
(SIGNATURE) PRINT NAME

ADDRESS: 1220 ascot ave Rio Linda Ca 95673

  X   FILING FEE:

by Applicant: \$105.00 RECEIPT NO.       

by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF:       

P-86-424

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD  
HY  
WW  
LO

10

(Original)

# Sacramento City Planning Commission VOTING RECORD

MEETING DATE  
December 4, 1986

ITEM NUMBER  
31A

PERMIT NUMBER  
P-86-424

## ENTITLEMENTS

- |  |   |
|--|---|
| <input type="checkbox"/> GENERAL PLAN AMENDMENT    | <input type="checkbox"/> TENTATIVE MAP            |
| <input type="checkbox"/> COMMUNITY PLAN AMENDMENT  | <input type="checkbox"/> SUBDIVISION MODIFICATION |
| <input type="checkbox"/> REZONING                  | <input type="checkbox"/> LOT LINE ADJUSTMENT      |
| <input checked="" type="checkbox"/> SPECIAL PERMIT | <input type="checkbox"/> ENVIRONMENTAL DET.       |
| <input type="checkbox"/> VARIANCE                  | <input type="checkbox"/> OTHER _____              |

STAFF RECOMMENDATION

☐ Favorable ☒ Unfavorable

☐ Correspondence

☐ Petition

LOCATION 1220 Ascot Avenue

NAME	ADDRESS
<u>Ken Peachey</u>	<u>1220 Ascot Avenue, Sacramento 95673</u>
<u>William Wright</u>	<u>606 Clinger Court</u>
<u>Milton De Souza</u>	<u>1210 Ascot Avenue, Sacramento 95673</u>
<u>Imogene Zander</u>	<u>1220 Ascot Avenue, Sacramento 95673</u>

NAME	ADDRESS
<u>Larry Kozar</u>	<u>1230 Ascot Avenue, Sacramento 95673</u>

## MOTION#

## MOTION

	YES	NO	MOTION SECOND
Chinn	✓		
Ferris	✓		
Goodin	✓		
Hollick	✓		
Holloway	✓		
Otto	✓		✓
Ramirez	✓		✓
Walton	✓		
Ishmael	✓		

- |  |   |
|--|---|
| <input type="checkbox"/> TO APPROVE  | <input type="checkbox"/> TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL                  |
| <input type="checkbox"/> TO DENY   | <input type="checkbox"/> TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL |
| <input type="checkbox"/> TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT | <input type="checkbox"/> TO RATIFY NEGATIVE DECLARATION                                   |
| <input checked="" type="checkbox"/> TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT    | <input type="checkbox"/> TO CONTINUE TO _____ MEETING                                     |
| <input type="checkbox"/> INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE    | <input type="checkbox"/> OTHER _____  |

# CITY PLANNING COMMISSION

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

**APPLICANT** Kenneth D. Peachey and Imogene Zander, 1220 Ascot Avenue, Sac., CA 95673  
**OWNER** Applicant  
**PLANS BY** Sierra Gold Graphics, Inc. 500 Kirby Way, Roseville, CA 95678  
**FILING DATE** 10/30/86 **ENVIR. DET.** Exempt 15303 (e) **REPORT BY** JP/rt  
**ASSESSOR'S-PCL. NO.** 215-0230-063-0000

- APPLICATION:**
- A. Special Permit to develop a dog kennel.
  - B. Variance to waive the required six foot high masonry wall between residential and non-residential uses
  - C. Plan review for a 480+ square foot dog kennel and 2,600+ square foot vehicle repair shop in the Light Industrial-Review (M-1(S)-R) zone

**LOCATION:** 1220 Ascot Avenue

**PROPOSAL:** The applicant is requesting the necessary entitlements to construct a dog kennel and vehicle repair shop on a 1.05 acre site developed with a residence in the M-1(S)R zone.

## PROJECT INFORMATION:

1974 General Plan Designation:	Industrial
1984 North Sacramento Community Plan Designation:	Industrial
Existing Zoning of Site:	M-1(S)R
Existing Land Use of Site:	Single Family Residence

## Surrounding Land Use and Zoning:

North: Single family, vacant; County Agriculture Residential Zone  
South: Drainage canal, Single family; M-1S-R  
East: Single family; M-1S-R  
West: Single family; hay storage, M-1S-R, R-1

<b>Parking Required:</b>	vehicle repair: 3 (1 space per 1,000 sq. ft) dog kennel: to be determined by Commission
<b>Parking Provided:</b>	not shown on site plan
<b>Property Dimensions:</b>	157 x 290
<b>Property Area:</b>	1.05+ acres
<b>Square Footage of Building</b>	vehicle repair
<b>Topography:</b>	Flat
<b>Street Improvements:</b>	Ascot paved, no curb gutter or sidewalks
<b>Exterior Building Materials:</b>	Stucco
<b>Exterior Building Color:</b>	Desert Sand
<b>Roof Material:</b>	Composition Shingles

PROJECT EVALUATION: Staff has the following comments regarding this proposal:

A. Land Use and Zoning

The subject site is a 1.05+ acre interior lot located in the Light Industrial - Review (M-1S-R) zone. A single family residence is currently located on the site. Prior to 1984, the site was zoned Single Family (R-1) and the residence is a legal non-conforming use. Surrounding land uses include single family residences and vacant land. Surrounding lands are zoned M-1S-R to the south, east and west and Agriculture - Residential (AR-2) to the north in the unincorporated county. The site is designated for Industrial uses in the 1974 General Plan and the 1984 North Sacramento Community Plan.

The applicant lives in the single family residence on the site. The applicant operates a dump truck business and proposes to construct a 2,600+ square foot vehicle repair shop on the site to service his four trucks when necessary (Exhibits A and B). The applicant also proposes to store the four trucks on the site when they are not in use. The proposed truck operation is consistent with the industrial land use designation for the site.

The applicant also has ten (10) Doberman dogs on the site in wire cages. The City Code allows a maximum of three dogs on a site and the applicant has been cited for having ten dogs on the site. The applicant; therefore, has applied for a special permit for a dog kennel (Exhibit A). The purpose of the dogs are for pets and to guard the proposed business on the site. The applicant does not intend to breed or sell the dogs. The applicant has provided letters from six adjacent property owners indicating that they are in favor of allowing the applicant to keep the dogs on the subject site (Exhibit D).

Planning staff contacted the City Animal Control Division regarding the applicant's proposal. Animal Control indicated that they have received a complaint regarding excessive barking of dogs at the subject site. Animal Control staff indicated that they are opposed to the issuance of a special permit for a dog kennel at this site due to the number of residential uses in this area and concerns regarding the appropriate disposal of animal waste.

Planning staff also contacted the County Planning and Animal Control Departments, which are responsible for regulating dog kennels in the unincorporated area. The Planning Department indicated that the main concern of the department in issuing a use permit for a kennel is the impact that the noise of the dogs may have on any adjacent residential uses. The Animal Control Department issues a kennel permit after a use permit is granted. They are concerned with noise, ventilation and sanitation issues. County Ordinance gives the Animal Control Department the authority to regulate dog kennels and to inspect them on an annual basis.

Planning staff finds that while the subject property is zoned industrial, the area is in a state of transition between residential and industrial uses. The noise and sanitation problems created by the ten dogs can be detrimental to the health, safety and welfare of adjacent property owners. A more appropriate time to locate a kennel at this site would be when the transition from residential to industrial is complete and the site is served by City Sewer so that adequate sanitary conditions for the use are provided. Staff, therefore, recommends that the special permit for the kennel use be denied.

B. Site Plan Design

The site plan indicates that the proposed vehicle repair shop and dog kennel are to be located in the rear of the 290 foot deep lot approximately 20 feet from the rear property line. The applicant intends to construct a driveway and pave the west side of the property line for truck storage. The area behind the existing residence would be used as a yard area for the residence and would not be paved. Staff recommends that a revised site plan indicating the driveway entrance, all paved areas, and the three required parking spaces for the 2,600 square foot shop be provided for staff review and approval prior to the issuance of building permits.

A 25 foot landscaped setback is required for industrial uses in the M-1S zone. Staff recommends that a landscape plan indicating the 25 foot setback area, landscaped with grass, and the required shading for the parking area be provided prior to issuance of building permits.

The applicant has located a chain link fence with redwood slats along the south, east and west property lines (Exhibit C). The applicant has requested a variance to waive the masonry wall requirement along the east and west property lines which is required when a non-residential use is adjacent to a residential use. The owners of the property to the west of the site have indicated that they have no objection to the waiver of the wall requirement. Staff finds; however, that the proposed vehicle shop and dump truck storage will be located adjacent to the east property line and a solid wall will be necessary as a noise and visual buffer for the adjacent residential use to the east. Staff, therefore, recommends that the required wall be waived only adjacent to the west property line.

The submitted site plan has been reviewed by the City Public Works Division. They recommend that the applicant join any future assessment district created for this industrially zoned area to provide for necessary street improvements.



C. Building Design

The applicant proposes to construct the vehicle repair shop and dog kennel out of wood with a stucco exterior and composition shingle roof. The proposed building color is Desert Sand. The buildings are designed to be compatible with the residence located on the site which has a stucco exterior and composition roof. Staff finds the proposed vehicle repair structure to be compatible in design and materials with surrounding uses. The dog kennel building, if approved, should have a solid wall surrounding the dog runs and adequate insulation.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines.

RECOMMENDATION: Staff recommends the following actions:

- A. Denial of the special permit to develop a dog kennel based upon Findings of Fact which follow.
- B. Approval of the variance to waive the required masonry wall, subject to Conditions and based upon Findings of Fact which follow.
- C. Approval of the Plan Review in the M-1(s)-R zone, subject to Conditions and based upon Findings of Fact which follow.

Conditions - Variance

- 1. The applicant shall construct a six foot high solid masonry wall adjacent to the east property line starting behind the 25 foot front landscape setback. The design and materials of the wall shall be subject to Planning Director review and approval prior to issuance of building permits.

Conditions - Plan Review

- 1. A revised site plan indicating a driveway, three parking spaces and all paved areas shall, for the vehicle repair shop and dump truck, be submitted for staff review and approval prior to issuance of building permits. The kennel for ten dogs shall be eliminated from the site plan.
- 2. Landscape, shading and irrigation plans indicating a 25 foot front setback landscaped with grass, any other lawn or landscaped areas and compliance with the City's Shading requirements for parking stalls shall be submitted for staff review and approval prior to issuance of building permits.
- 3. The applicant shall submit a letter from the City Animal Control Division indicating that he has complied with City regulations regarding the keeping of dogs prior to issuance of building permits.

- 5 -

*masonry wall on E*

4. The applicant shall locate a solid fence between the existing residence on the site and the east property line to screen the dump trucks from the Ascot Avenue street frontage.
5. The applicant shall sign a letter with the City agreeing to participate in a future assessment district to construct street improvements prior to issuance of building permits.

Findings of Fact - Special Permit

1. The proposed dog kennel, if approved, would not be based upon sound principles of land use in that single family residences are located in the surrounding area.
2. The proposed dog kennel, if approved, would be detrimental to the public health, safety and welfare and could result in the creation of a nuisance in that:
  - a. the barking of the dogs could disturb surrounding residential uses;
  - b. the site is not served by the City sewer system

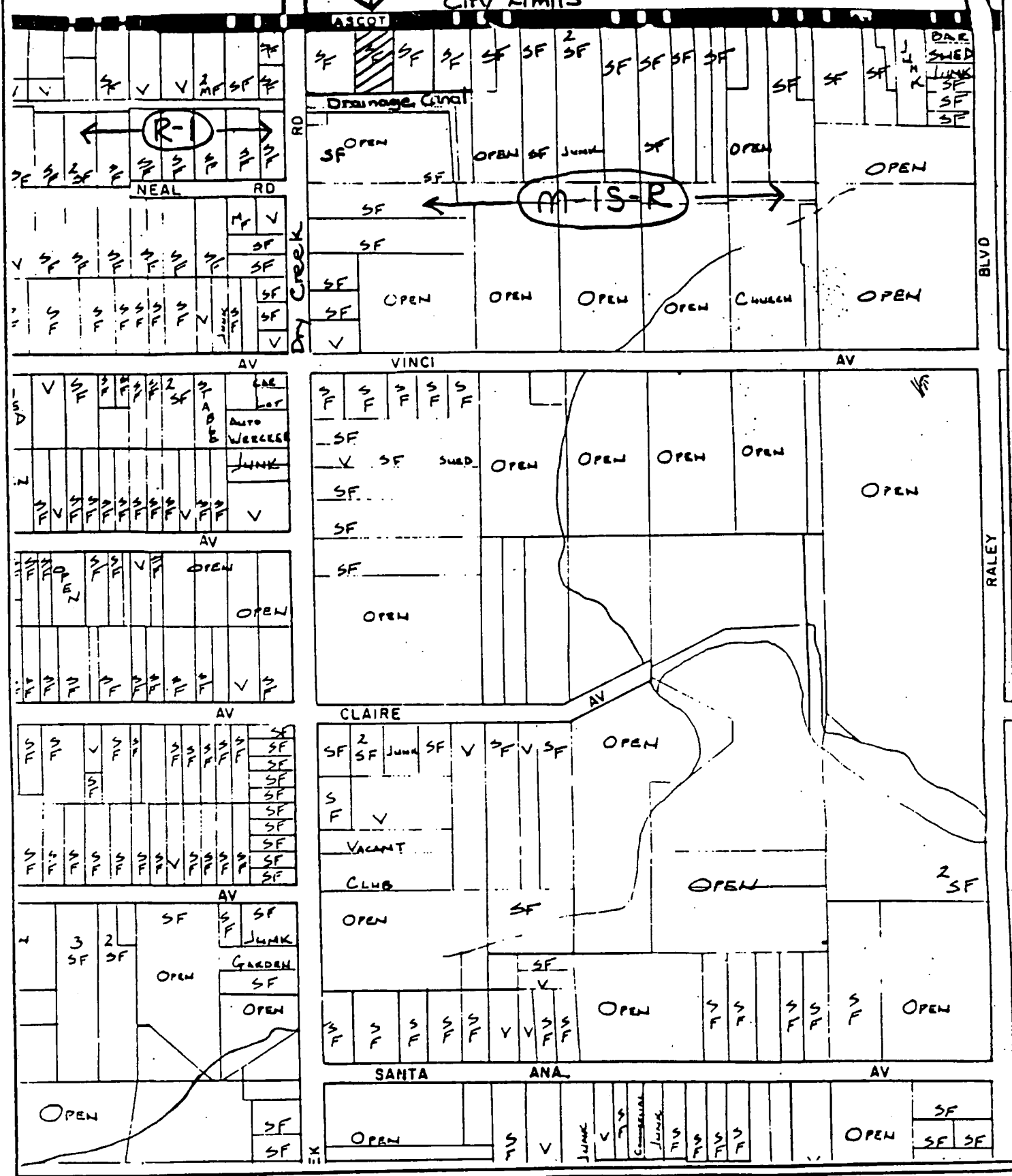
Findings of Fact - Variance and Plan Review

1. The project, as conditioned, is based upon sound principles of land use in that adequate parking and landscaping for the proposed dump truck vehicle repair and storage area will be provided.
2. The variance request, as conditioned, does not constitute a special privilege in that:
  - a. a masonry wall will be constructed along the east property line adjacent to where the vehicle repair and storage is proposed for the site;
  - b. a variance would be granted to other property owners facing similar circumstances.
3. The variance does not constitute a use variance in that a dump truck repair shop is allowed in the M-1(S)R zone.
4. The project, as conditioned, will not be injurious to the general public or surrounding properties in that adequate screening of the proposed use will be provided from adjacent properties.
5. The proposed project is consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for Industrial use by the 1984 North Sacramento Community Plan and the proposed dump truck business use conforms with the plan designation.

Subject Site

See next page for County land use and zoning

City Limits



# LAND USE & ZONING MAP

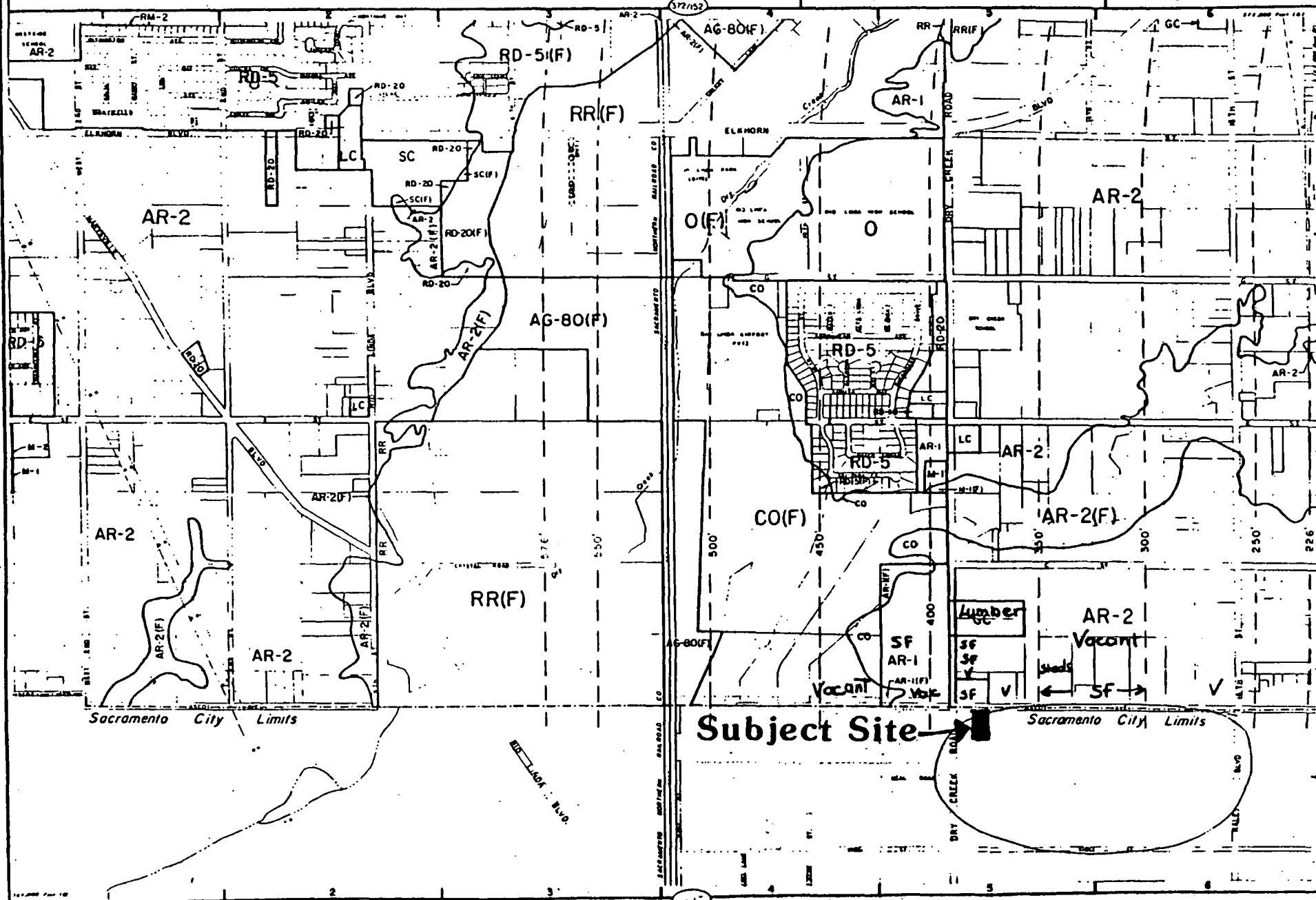
# LAND USE & ZONING MAP

## COMPREHENSIVE ZONING PLAN SACRAMENTO COUNTY, CALIFORNIA

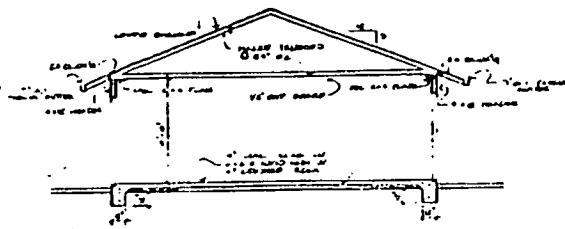
OFFICIAL APPROVAL CERTIFICATE  
COUNTY PLANNING COMMISSION  
APPROVED BY RESOLUTION NO. 28 MARCH 1978  
BY: [Signature] DATE: [Signature]  
SACRAMENTO COUNTY BOARD OF SUPERVISORS  
ADOPTED BY ORDINANCE NO. 57C-78-08-12 JULY 1978  
BY: [Signature] DATE: [Signature]

364 / 152

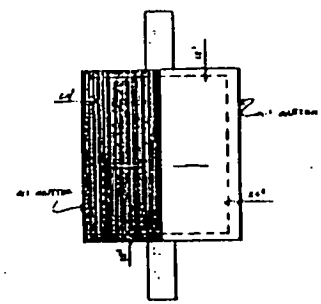
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SCALE IN MILES  
0 1 2 3 4



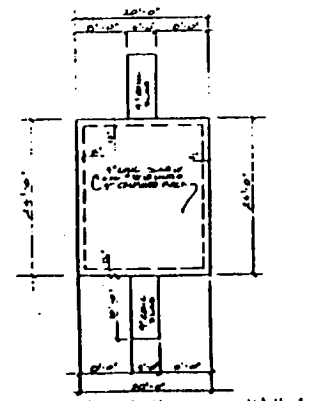
17-7-86



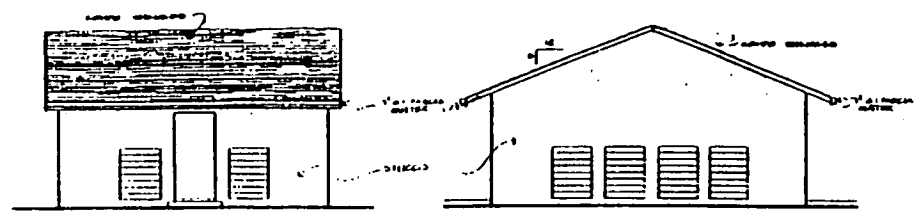
SECTION ans 14.1.0



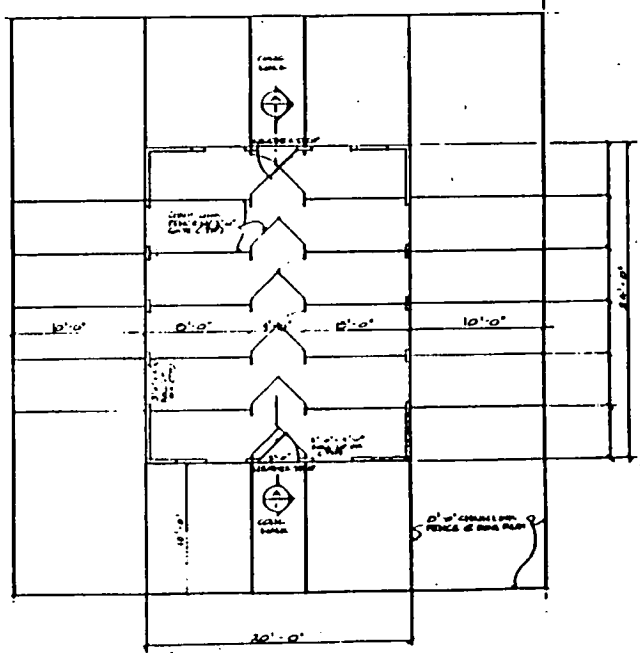
ROOF PLAN 22x8'-4" x 1'-0"



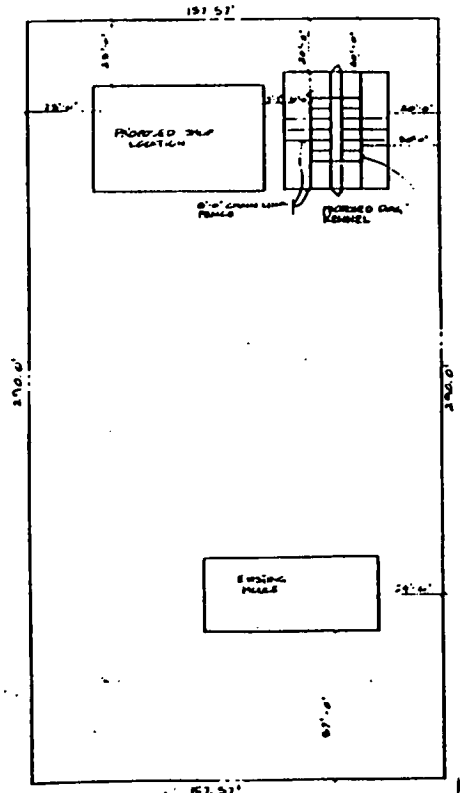
FOUNDATION PLAN 26'-0" x 1'-0"



FRONT & REAR ELEVATION SCALE 1/4" = 1'-0" RIGHT & LEFT ELEVATION SCALE 1/4" = 1'-0"



DOG RUN FLOOR PLAN 20448 1/2" = 1'0"



SITE PLAN Scale 1" = 20' - 0"



**Calentra  
Graphics  
Inc.**

[illegible]

**Larry J. Schlichting**  
**ARCHITECT**

The interview schedule does not represent the true state of the correspondence between countries in which, whether or not mentioned, no way other than the one used in the questionnaire appears. The interview schedule represents the way in which the countries are mentioned in the questionnaire. The interview schedule will be valuable for comparison of the results of the interview with the questionnaire and the interview schedule in the questionnaire.

#### REVISIONS

SITE PLAN, PLACE PLAN  
 ROAD PLAN, FOUNDATION PLAN  
 ELEVATION, SECTION

HOMOGENEOUS ZONES & RESURFACING  
 OWNERS

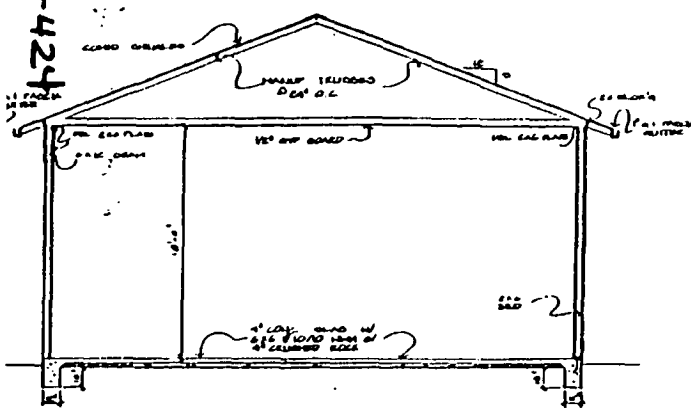
1370 ACQUIT MT  
 MO LINDA, CA

991.4821  
 45675

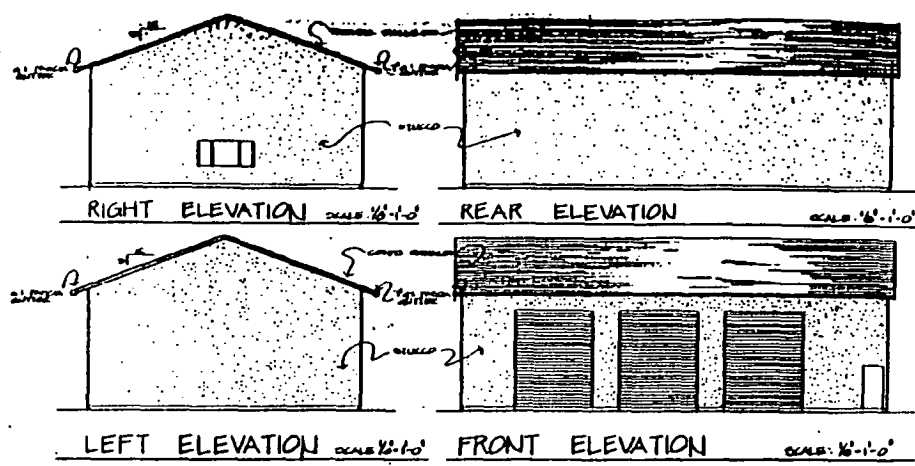
DATE
CHARGE
NO. <u>B6369</u>
SCALE <u>AS NOTED</u>
WEIGHT
OF TISSUE OF

**EXHIBIT A**

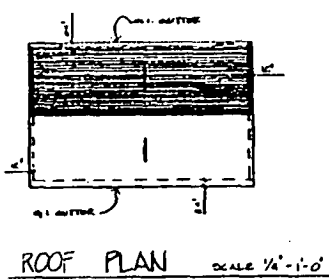
P86-424



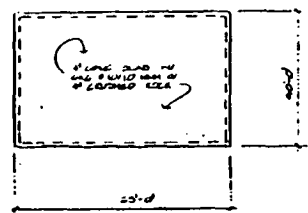
SECTION SCALE 1/4" = 1'-0"



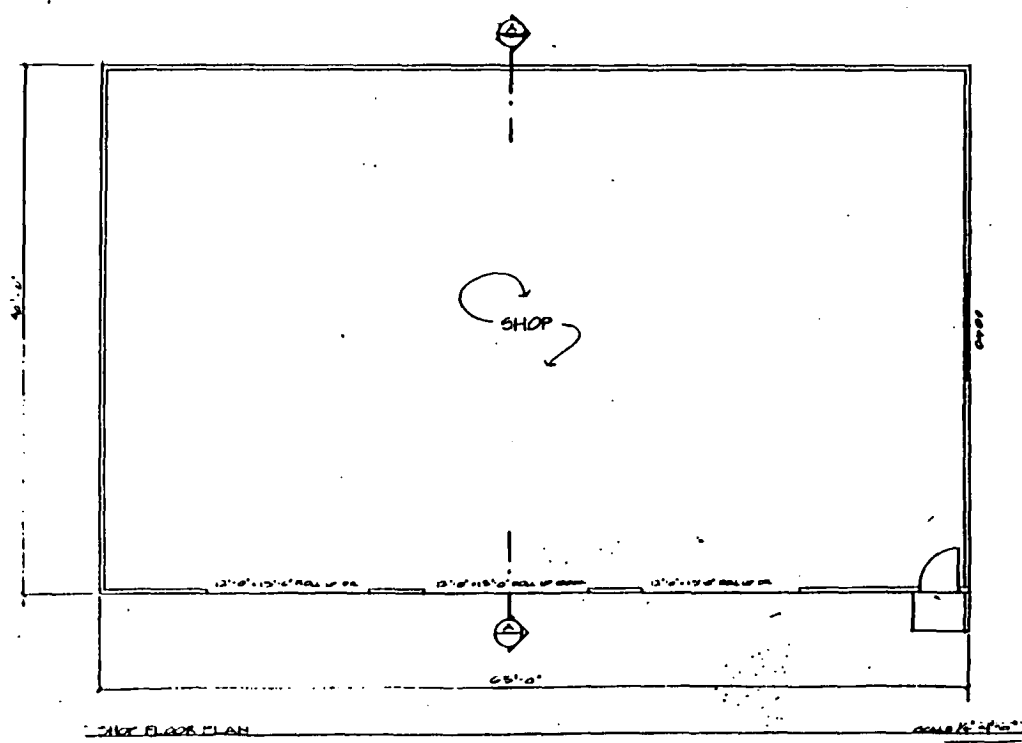
12-4-86



ROOF PLAN SCALE 1/8" = 1'-0"



FOUNDATION PLAN SCALE 1/4" = 1'-0"



FIRST FLOOR PLAN SCALE 1/8" = 1'-0"



Sierra Gold Graphics Inc.  
12200 1st Ave  
PO Box 1000  
Linda, CA 94551  
Tel: (916) 482-1000  
Fax: (916) 482-1001

Larry J. Schlotting  
ARCHITECT

THIS DOCUMENT IS THE PROPERTY OF LARRY J. SCHLOTING. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF LARRY J. SCHLOTING. THE USER ASSUMES ALL LIABILITY FOR THE USE OF THIS DOCUMENT. THE USER SHALL INDEMNIFY AND HOLD HARMLESS LARRY J. SCHLOTING FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS DOCUMENT.

REVISIONS

SHOP FLOOR PLAN, ELEV.  
FOUNDATION PLAN  
POUNCEY 10/1/86  
HOBBS, TAYLOR & KENNETH ARCHITECTS  
CHINESE  
12200 1st Ave  
PO BOX 1000  
LINDA, CA 94551  
415-482-1000

DATE	10/1/86
TO	BOB
FROM	BOB
SCALE	AS NOTED
SHEET	1 OF 1

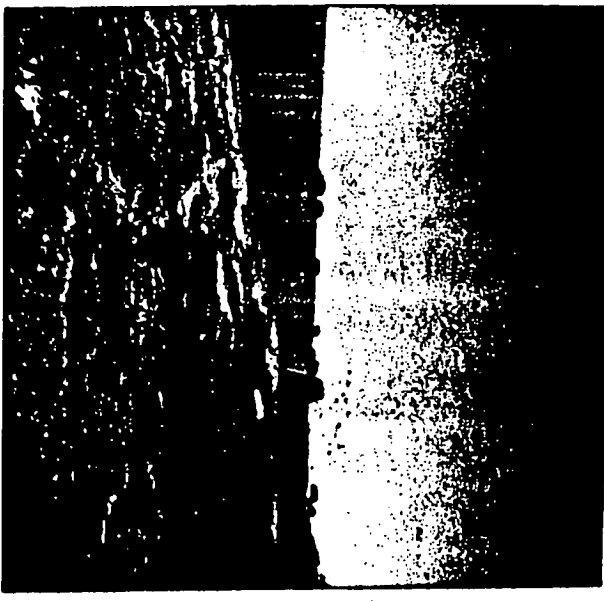
EXHIBIT B

17  
172M #31

17

EXHIBIT C

SUBJECT SITE



P86-424

12-4-86

Item #31,  
18

17  
P86-424

EXHIBIT D

11-18-86

D-1

Milton and Geraldine DeSouza  
1210 Ascot Ave  
Rio Linda, AL 35073  
991-4239  
Parcel No 215-C-230-062-0000

CITY PLANNING DEPARTMENT

NOV 19 1986

RECEIVED

We neighbors of Kenneth Peachey  
and Imogene Zander of 1220 Ascot Ave  
we like what they are doing with  
their parcel of land. we like their  
fences, the idea of watch dogs, also  
the business they are trying to  
establish. we agree with their fences  
being of chain links with stals  
rather than a masonry fence

Thank you

Milton DeSouza  
Geraldine A. DeSouza

Adjacent property owner to west  
of subject site



17  
P86-424

D-2

CITY PLANNING DEPARTMENT

NOV 19 1986

RECEIVED

Earl & Kathy Talley  
5509 Dry Creek Rd.  
Sacramento, CA, 95838  
Parcel # 226-0080-012-0000

As a neighbor of Kenneth Peachey and Imogene Zander, I see no problem with what they are doing with their parcel of land. The idea of watchdogs & the business they are trying to establish is good and also seems no problem. I like the idea of his fence being of chain link with slats, not ~~a~~ being a masonry fence.

Earl R. Talley

Kathy R. Talley

D-3

John Robert Butler

5549 DRY Creek Rd.

Sack, Ca. 95825

991-4200

CITY PLANNING DEPARTMENT

NOV 19 1986

PARCEL NO. 226-0080-062-0000 RECEIVED

as neighbors of Kenneth Peachey  
and Imogene Zander of 1220 Ascot ave.  
we like what they are doing with  
their parcel of land. we like their  
fences, the idea of watch dogs also  
the business they are trying to  
establish. we agree with their fences  
being of chain link with steel  
rather than a masonry fence

Thank you

John R. Butler

P86-424  
17

D-4

Robert Ferguson  
4710 Norwood Ave  
Sacramento, Ca 95838  
226-0080-061-0000

CITY PLANNING DEPARTMENT

NOV 19 1986

RECEIVED

As a neighbors of Kenneth  
Peachey and Imogene Zander  
of 1220 Ascot Ave. We like  
what they are doing with  
their fences, the idea  
of watch dogs, also the  
business they are trying  
to establish. We agree with  
there fences being of chain  
link with stals rather  
than a masonry fence.

Thank you

Cindy Ferguson  
daughter of  
Robert Ferguson

P86-424

12-4-86

Item #3

22

P86-424  
17

D-5

11-18-86

BRYANT & Dixie Pennington  
1240 ASCOT AVE  
Lido CINDA, CA 95673  
991-2130

CITY PLANNING DEPARTMENT

NOV 19 1986

PARCEL # 215-0230-065-0000 RECEIVED

AS NEIGHBORS OF KEN &  
IMogene Pennington, of 1240 ASCOT  
AVE WE LIKE WHAT THEY ARE  
DOING WITH LAND, & THEIR FENCES.  
WE LIKE THE IDEA OF WATCH  
DOGS & THE BUSINESS THEY ARE  
TRYING TO ESTABLISH. WE AGREE  
WITH THE CHAIN LINK FENCE WITH  
SLATS RATHER THAN MASONRY

Bryant Pennington  
Dixie Lee Pennington

P86-424

12-4-86

Item #3,

23

P86-424 ✓  
17

D-6

Randy & Sharon Vieira  
5449 Guy Creek Rd.  
Lark, Calif. 95838  
Parcel No. 215-0230-050

CITY PLANNING DEPARTMENT

NOV 19 1986

RECEIVED

As neighbors of Bennett Leachey  
and Emogene Zander of 1220 Ascot Ave  
we like what they are doing  
with their parcel of land. We  
like their fences, the idea of  
watch dogs, also the business  
they are trying to establish. We  
agree with their fences being  
of chain link with slats, rather  
than a masonry fence

Thank you

Randy & Sharon Vieira

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

DATE: 12-5-86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 12-4-86 when:  
(Date)

       Rezoning Application   X   Variance Application  
  X   Special Permit Application       

was:        Granted   X   Denied by the Commission

GROUND'S FOR APPEAL: (Explain in detail)  kennel needed to house  
 Guard dogs (Bad neighbor hood) there is no need  
 for a masonry Wall on East side as there exists  
 a Chain link with redwood slats.

PROPERTY LOCATION: 1220 ascot ave Rio Linda Ca 95673  
PROPERTY DESCRIPTION: 1 acre Lot M-15R

ASSESSOR'S PARCEL NO. 215 - 0230 - 063 - 0000

PROPERTY OWNER: Kenneth Peachey Imogene Zander

ADDRESS: 1220 ascot ave Rio Linda Ca. 95673

APPLICANT: Kenneth Peachey Imogene Zander

ADDRESS: 1220 ascot ave Rio Linda Ca 95673

APPELLANT: ( Kenneth Peachey ) ( Kenneth Peachey )  
( Imogene Zander ) ( Imogene Zander )  
(SIGNATURE) PRINT NAME

ADDRESS: 1220 ascot ave Rio Linda Ca 95673

  X   FILING FEE:

by Applicant: \$105.00 RECEIPT NO.       

   by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF:       

P-86-424

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD

HY

WW

10

SG - (Original)

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

DATE: 12/15/86

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 12/4/86 when:  
(Date)

       Rezoning Application

       Variance Application

       Special Permit Application X PLAN REVIEW IN M-15-R (P86-424)

was: X Granted        Denied by the Commission

GROUND'S FOR APPEAL: (Explain in detail) Granted use is premature  
because of lack of appropriate infrastructure (sewer/drainage)  
and has significant potential to do harm to the environment  
(inadequate disposal of fuels, oils, solvents, greases, etc which was  
not discussed in staff review. Granted use is inappropriate to the surrounding  
land uses (single family residential) and poses a nuisance (noise & aesthetics)

PROPERTY LOCATION: 1220 ASCOT AVE, SACRAMENTO

PROPERTY DESCRIPTION: 1.05 ± acres single family residential

ASSESSOR'S PARCEL NO. 215 - 0230 - 063

PROPERTY OWNER: Kenneth Peachey

ADDRESS: 1220 ASCOT AVE

APPLICANT: SAME

ADDRESS: SAME

APPELLANT: ( Nancy E. Kozub ) ( LARRY E KOZUB )  
(SIGNATURE) (PRINT NAME)

ADDRESS: 1230 ASCOT AVE

FILING FEE:

☐ by Applicant: \$105.00 RECEIPT NO. \_\_\_\_\_

☒ by 3rd party: 60.00 \_\_\_\_\_

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

P-B6 424

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD

AG  
WW  
LO  
SG

(Original)



OFFICE OF THE  
CITY CLERK

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 203  
915 I STREET  
SACRAMENTO, CA  
95814-2671

January 23, 1987

Kenneth D. Peachey and Imogene Zanders  
1220 Ascot Avenue  
Rio Linda CA 95673

916-449-5426

On January 20, 1987, the following matter was scheduled to be heard before the City Council:

P-86424 - Various matters regarding property located at 1220 Ascot Avenue: (D2) (APN: 215-0230-063)

- A. Appeal of Planning Commission's Denial of a Special Permit to develop a 480± square foot dog kennel on 1.05± developed acres in the Light Industrial - Review, M-1(S)-R zone and variance to waive the required six foot solid masonry wall between residential and non-residential uses.
- B. Appeal of Planning Commission's Approval of Plan Review for a 2,600± square foot vehicle repair shop and 480± square foot dog kennel on 1.05± developed acres in the Light Industrial - Review, M-1(S)-R zone.

This hearing has been continued to February 3, 1987 at the hour of 7:30 p.m., in the City Council Chamber, Second Floor, City Hall, 915 "I" Street, Sacramento California. Interested parties may appear and speak at the hearing.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk at or prior to the public hearing.

Pursuant to Council Rules of Procedure 4.5(3), "No person who has once obtained a continuance of a hearing, whether by notice to the City Clerk as provided in Section 4.5(1) or by personal appearance as provided in paragraph 4.5(2) shall be granted a further continuance except by personally appearing at the Council meeting at the time at which the hearing is scheduled and by satisfying the Council that extraordinary circumstances exist which would justify such a continuance." Continuances may be requested by the owner of the subject property, applicant, appellant, or a designee for same.

Any questions regarding this hearing should be referred to the **City Planning Department, 1231 I Street, Sacramento California, phone (916) 449-5604.**

Sincerely,

Lorraine Magana,  
City Clerk

Janice Beaman  
Deputy City Clerk



# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS, SPECIAL PERMITS, VARIANCES AND OTHER ENTITLEMENTS FOR USE, AND DECLARING THIS ORDINANCE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

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

## SECTION 1. Findings.

(a) The Council finds that there exists, in the area covered by this ordinance, residential uses with which development under the M-1, M-1S and M-1-SR zones may be incompatible.

(b) The City Planning Commission has formally instructed the City Planning Division to investigate and report on whether the land uses allowed in the above-mentioned zones are appropriate in the area and compatible with the residential uses. The Commission further instructed that if the uses allowed in the zones are inappropriate, the Planning Division should report on methods of dealing with the problem. The Council concurs with the Planning Commission's instruction to the Planning Division. For the period of this ordinance, it is appropriate to prohibit development which may be inconsistent with the result of said investigation and report.

## SECTION 2.

For a period of 120 days after the effective date of this ordinance, no building permit, variance, plan review approval or any other entitlement for use under any provision of the City Code or City Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) shall be issued by the City of Sacramento for any building, structure or use in the area shown on Exhibit "A" and described on Exhibit "B".

## SECTION 3. Emergency.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are the need to immediately prohibit the issuance of any entitle-

ment for use which might result in development which is inconsistent with the investigation and report being undertaken by the Planning Division.

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

March 10, 1987

Kenneth D. Peachey  
Imogene Zander  
1220 Ascot Avenue  
Rio Linda, CA 95673

Dear Mr. Peachey and Ms. Zander:

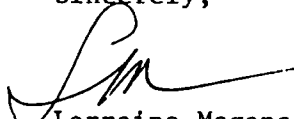
On March 3, 1987, the Sacramento City Council took the following action(s) for property located at 1220 Ascot Avenue: (P-86424)

Adopted Findings of Fact denying the appeal of Planning Commission's Denial of a Special Permit to develop a 480± square foot dog kennel on 1.05± developed acres in the Light Industrial-Review, M-1(S)-R zone and variance to waive the required six-foot solid masonry wall between residential and non-residential uses.

Adopted Findings of Fact denying the appeal of Planning Commission's approval of plan review for a 2,600± square foot vehicle repair shop and 480± square foot dog kennel on 1.05± developed acres in the Light Industrial-Review, M-1(S)-R zone.

Enclosed, for your records, are fully certified copies of the above referenced documents.

Sincerely,

  
Lorraine Magana  
City Clerk

LM/lw/17

Enclosure

cc: Planning Department

March 11, 1987

Larry E. Kozub  
1230 Ascot Avenue  
Rio Linda, CA 95673

Dear Mr. Kozub:

On March 3, 1987, the Sacramento City Council took the following action(s) for property located at 1220 Ascot Avenue: (P-86424)

Adopted Findings of Fact denying the appeal of Planning Commission's approval of plan review for a 2,600± square foot vehicle repair shop and 480± square foot dog kennel on 1.05± developed acres in the Light Industrial-Review, M-1(S)-R zone.

Enclosed, for your records, is a fully certified copy of the above referenced document.

Sincerely,

  
Lorraine Magana  
City Clerk

LM/lw/17C

Enclosure

cc: Planning Department