

**CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:**

**ITEM # 6
MARCH 11, 2004
PAGE 1**

**P03-123 APPEAL OF PLANNING DIRECTOR'S DECISION
27TH STREET 4-UNIT APARTMENT BUILDING**

- REQUEST: **A. Environmental Determination:** Categorical Exemption (Section 15303 (b))
- B. Appeal of the Planning Director's Decision** to approve a plan review to develop a 4-unit apartment building on 0.15± undeveloped acres in the Multi-Family (R-4) zone.

LOCATION: 2529 27th Street
 APN: 010-0242-010
 Council District 5

APPLICANT:	Darryl Chinn Architects 2612 J Street Sacramento, CA 95816
OWNER:	Mark Wilcox 1172 Larkin Street Sacramento, CA 95818
APPLICATION FILED:	November 24, 2003
APPLICATION COMPLETED:	December 24, 2003
STAFF CONTACT:	Heather Forest, (916) 808-5008

SUMMARY:

The owner of 2529 27th Street, a vacant parcel, requested the approval of a Planning Director's Plan Review to construct a 4-unit apartment building on 0.15± vacant acres in the Multi-Family (R-4) zone. The proposed development includes the construction of a 3,000 square foot, two-story apartment building with associated on-site parking and landscaping, all of which meet the City's development standards for the project site. The Planning Director approved the request to develop the 4-unit apartment building. Subsequently, a neighbor appealed this decision to the Planning Commission (Attachment 3). The neighbor states in her appeal that an over-saturation of apartments exists in the area, the proposed density is of concern, inadequate parking already exists in the area which will be exacerbated by implementation of the proposed project, the apartment building could lead to a decrease in home values to those properties which share a property line to the applicant's, the proposed project would increase noise and traffic and the area, and decrease the amount of privacy for the adjacent neighbors. These issues remain unresolved and are addressed in the Staff Evaluation.

RECOMMENDATION:

Staff recommends that the Planning Commission deny the appeal and approve the project subject to conditions and findings of fact found in Attachment 1.

PROJECT INFORMATION:

General Plan Designation: High Density Residential (30+ du/na)
 Existing Land Use of Site: Vacant
 Existing Zoning of Site: Multi-Family (R-4) zone

Surrounding Land Use and Zoning:

North: Single Family Residence, Multi-Family Residential, R-4
 South: Single Family Residence, Multi-Family Residential, R-4
 East: Two-Story Office Building and Single Family Residence, General Commercial, C-2 and
 Multi-Family Residential, R-4
 West: Single Family Residence, Multi-Family Residential

Setbacks:	Required	Provided
Street:	18'-9"	18'-9"
Side Yard:	5'-0"	5'-0"
Rear Yard:	15'	68'-9"
Courtyard:	10'	10'

Property Dimensions: 40' x 160'
 Property Area: 0.15± acres
 Density of Development: 26.6± du/na
 Height of Building: 25'-3", 2 stories
 Exterior Building Materials: Lap Siding, Plaster
 Roof Material: Asphalt Shingles
 Topography: Flat
 Street Improvements: Existing
 Utilities: Existing

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

<u>Permit</u>	<u>Agency</u>
Building Permit	Building Division

BACKGROUND AND PROPOSAL:

The applicant submitted a previous application for this site on July 22, 2003, for the project known as Z03-242. The prior project included a Zoning Administrator Plan Review to construct a 4,296 square foot 4-unit apartment building, a Zoning Administrator Special Permit to reduce the required on-site parking from six to four parking spaces, and a Zoning Administrator Variance to reduce the required courtyard requirement of ten feet to five feet. The applicant subsequently withdrew the application due to opposition from the council member regarding the special permit to reduce the required on-site parking.

Since that time, the applicant revised the project plans in order to eliminate the need for the special permit and variance. The revised plans were submitted on October 10, 2003 for the current project known as P03-123. The current application is a Planning Director's Plan Review to develop a 3,000 square foot, 4-unit apartment building, associated landscaping, and on-site parking on 0.15± vacant acres in the Multi-Family (R-4) zone. The Planning Director's Plan Review entitlement is requested for multi-family residential projects consisting of one hundred (100) units or less which meet all of the City's development standards, such as the proposed project.

APPEAL OF THE PLANNING DIRECTOR'S DECISION:

On Monday, January 26, 2004, the Planning Director approved with conditions a Planning Director's Plan Review to develop a 4-unit apartment building on 0.15± undeveloped acres in the Multi-Family (R-4) zone.

On February 4, 2004 a neighbor appealed the Planning Director's decision to the Planning Commission (Attachment 3). The neighbor states in her appeal that an over-saturation of apartments exists in the area, the proposed density is of concern, inadequate parking already exists in the area which will be exacerbated by implementation of the proposed project, the apartment building could lead to a decrease in home values to those properties which share a property line to the applicant's, the proposed project would increase noise and traffic and the area, and decrease the amount of privacy for the adjacent neighbors.

STAFF EVALUATION: Staff has the following comments:

Staff has reviewed the appeal filed by the neighbor and has the following comments in consideration of her concerns. The proposed project, as conditioned, is consistent with the Sacramento City Zoning Code (Title 17), the City's Smart Growth Principles, and the General Plan. In addition, the proposed project meets all of the City's development standards for this site and the design of the building is consistent with the Multi-Family Residential Guidelines, as well as similar residences and buildings found in the neighborhood.

The General Plan designation for the project site and surrounding area is High Density Residential, which allows for up to 30+ dwelling units per net acre (du/na). The proposed 4-unit apartment complex would be developed at a density of 26+ du/na, which is therefore consistent with the General Plan. In addition, the proposed apartment building would be located within the multi-family (R-4) zone, a zone intended to allow for high-density residential development. Staff notes that all of the parcels on 27th Street are also zoned multi-family (R-4) and could therefore potentially be developed as apartments. Accordingly, the proposed 4-unit apartment building is appropriate for the project site in consideration of the existing City standards regarding use and density.

As part of the proposed project, six (6) parking spaces, including one (1) handicapped parking space, located at the rear of the apartment building, will be provided for the tenants. The City Zoning Code requires that 1.5 parking spaces shall be required for each dwelling unit. Thus, the applicant is providing the required parking for the proposed apartment building. Staff cannot impose further parking conditions upon the applicant other than those required by the City Zoning Code. In addition, staff cannot impose parking conditions upon other property owners in the project area, in order to provide additional parking along 27th Street. Furthermore, staff does not have publicized information, other than from the opposing neighbors, indicating inadequate parking exists on 27th Street, which would be exacerbated by the addition of the proposed 4-unit apartment building.

City staff does not have information which suggests that implementation of the proposed project could lead to a decrease in home values to those properties located adjacent to the project site. Additionally, City Staff does not base land use recommendations and decisions upon unpredictable monetary valuations. Rather, City Staff recommendations are based upon sound principles of land use planning.

The proposed 4-unit apartment building would be located within the Multi-Family (R-4) zone and

surrounded by additional Multi-Family zoning and General Commercial (C-2) zoning located to the east and north of the project site. The project site and adjacent properties are located approximately 200-250 feet south of Broadway, approximately 2000 feet south of Business Route 80, and approximately 2000 feet west of Highway 99. The project site and surrounding neighborhood are exposed to both higher amounts in noise and traffic due to their proximity to nearby freeways, major arterial roadways, the Sacramento downtown, and commercial land uses. The proposed 4-unit apartment building is considered exempt under CEQA Guidelines Section 15303(b), which is a subsection of CEQA Article 19. Categorical Exemptions. As a Categorical Exemption, the proposed project has been determined not to have a significant effect on the environment, including those impacts associated with noise and traffic. Therefore, any noise and traffic impacts which may occur due to implementation of the proposed project are considered negligible and further evaluation by City Staff was not required.

The proposed 4-unit apartment building is consistent with City development standards for height, lot coverage, and setbacks, all of which reduce instances resulting in a lack of privacy for adjacent neighbors. Moreover, if the project site were developed with a single-family residence, such a residence would be allowed to be developed as a two-story home, also subject to City development standards, but resulting in a similar claim of a lack of privacy.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15303 (b)). Under Section 15303(b), new construction of up to six multi-family dwelling units on a parcel is exempt from the provisions of CEQA. Furthermore, the site is not located in an environmentally sensitive area, does not contribute to a cumulatively significant environmental effect, is not located near a scenic highway, is not designated as a hazardous waste site, and will not cause a substantial adverse change in the significance of a historical resource.

B. Public/Neighborhood/Business Association Comments

The project was routed to the Sierra Curtis Neighborhood Association and staff did not receive any comments. In addition, the project was routed to properties located within a five hundred foot radius of the project site. Many neighbors voiced their opposition to the project. The most common complaints voiced were a lack of parking on this street and the large number of apartment buildings that already exist in the area. Councilmember Lauren Hammond has also voiced her opposition to the project stating that due to the lack of neighborhood support, she will not support the proposed apartment building.

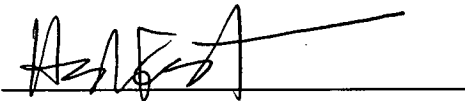
PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the appeal of the Planning Director's decision. This decision cannot be appealed to the City Council; however, it may be called up by the mayor or District 5 Councilmember.

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

- A. Adopt the attached Notice of Decision and Findings of Fact, which finds that the project is Exempt pursuant to CEQA Section 15303 (b);
- B. Adopt the attached Notice of Decision and Findings of Fact denying the appeal and approving

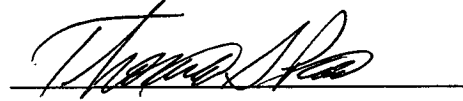
the Plan Review to construct a 4-unit apartment building on 0.15± acres in the R-4 zone.

Report Prepared By,



Heather Forest, Assistant Planner

Report Reviewed By,



Thomas S. Pace, Senior Planner

Attachments

- | | |
|--------------|---|
| Attachment 1 | Notice of Decision & Findings of Fact |
| Attachment 2 | Planning Director's Decision includes the following:
Exhibit 1A – Vicinity Map
Exhibit 1B – Exterior Elevations
Exhibit 1C – Floor Plans
Exhibit 1D – Site Plan
Exhibit 1E – Pine Tree Land Survey Map
Exhibit 1F – Revised Site Plan Reflecting Actual Location of Pine Tree |
| Attachment 3 | Appeal Form |

Attachment 2 – Planning Director's Decision

**CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
PLANNING DIRECTOR
1231 I Street, Sacramento, CA 95814**

ACTION OF THE PLANNING DIRECTOR

On Monday, January 26, 2004, the Planning Director approved with conditions a Planning Director's Plan Review to develop a 4-unit apartment building on 0.15± undeveloped acres in the Multi-Family (R-4) zone, for the project known as file P03-123. Findings of Fact and conditions of approval for the project are listed on pages 3-6.

Project Information

Entitlements: **Environmental Determination:** Exempt per CEQA Guidelines Section 15303(b).

Planning Director's Plan Review to develop a 4-unit apartment building 0.15± undeveloped acres in the Multi-Family (R-4) zone.

Location: 2529 27th Street

Assessor's Parcel Number: 010-0242-010

Applicant: Darryl Chinn Architects
c/o Gregg Richter
2612 J Street #2
Sacramento, CA 95816

Property Owner: Mark Wilcox
1172 Larkin Street
Sacramento, CA 95818

Project Planner: Heather Forest, (916) 808-5008

General Plan Designation: High Density Residential (30+ du/na)
Existing Land Use of Site: Vacant
Existing Zoning of Site: Multi-Family (R-4) zone

Surrounding Land Use and Zoning:

North: R-4, Single Family Residence, Residential
South: R-4, Single Family Residence, Residential
East: C-2 and R-4, Two-Story Office Building and Single Family Residence, General Commercial and Residential
West: R-4, Single Family Residence, Residential

Setbacks:	Required	Provided
Street:	18'-9"	18'-9"
Side Yard:	5'-0"	5'-0"
Rear Yard:	15'	68'-9"
Courtyard:	10'	10'

Attachment 2 – Planning Director's Decision Cont.

Property Dimensions: 40' x 160'
Property Area: 0.15± acres
Density of Development: 26.6± du/na
Height of Building: 25'-3", 2 stories
Exterior Building Materials: Lap Siding, Plaster
Roof Material: Asphalt Shingles
Topography: Flat
Street Improvements: Existing
Utilities: Existing

Project Plans: Exhibits 1A-1F

Previous Files: Z03-242, withdrawn by applicant.

Background Information: The applicant submitted a previous project for this site on July 22, 2003, for the project known as Z03-242. The prior project included a Zoning Administrator Plan Review to construct a 4,296 square foot 4-unit apartment building, a Zoning Administrator Special Permit to reduce the required parking from six to four parking spaces, and a Zoning Administrator Variance to reduce the required courtyard requirement of ten feet to five feet. The applicant subsequently withdrew the application due to opposition regarding the special permit to reduce the required parking. Since that time, the applicant has revised the project in order to eliminate the need for a special permit and variance. The current application meets all of the City's development standards for this site and the applicant is now requesting approval of a Planning Director's Plan Review.

Additional Information: The applicant is requesting approval of a Planning Director's Plan Review to develop a 4-unit apartment building on 0.15± vacant acres in the Multi-Family (R-4) zone. The proposed development includes the construction of a 3,000 square foot two-story apartment building with associated on-site parking and landscaping.

The proposed project, as conditioned, is consistent with the Multi-Family Residential Design Guidelines, the Sacramento City Code (Title 17), the City's Smart Growth Principles, and the General Plan. The Departments of Public Works and Utilities have reviewed the project and found that all necessary improvements and utilities exist at this site in order to adequately serve the project.

Staff is in support of the project because the project meets all of the City's development standards for this site and the design of the building is consistent with the Multi-Family Residential Guidelines, as well as similar residences and buildings found in the neighborhood.

The project was routed to the Sierra Curtis Neighborhood Association and staff did not receive any comments. In addition, the project was routed to properties located within a five hundred foot radius of the project site. Many neighbors voiced their opposition to the project. The most common complaints voiced were a lack of parking on this street and the large number of apartment buildings that already exist in the area. Councilmember Lauren Hammond has also voiced her opposition to the project stating that due to the lack of neighborhood support, she will not support the proposed apartment building.

Environmental Determination: The proposed project is exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15303 (b)). Under Section 15303(b), new construction of up to six multi-family dwelling units on a parcel is exempt from the provisions of CEQA. Furthermore, the site is not located in an environmentally sensitive area, does not contribute to a cumulatively significant

Attachment 2 – Planning Director's Decision Cont.

environmental effect, is not located near a scenic highway, is not designated as a hazardous waste site, and will not cause a substantial adverse change in the significance of a historical resource.

Conditions of Approval:**Building:**

1. All ground floor units on site, door, door landing, and unit interior space shall allow access for the handicapped, but the toilet room needs only to be handicap adaptable.

Parks Planning, Design & Development Division:

2. The applicant must provide proof of compliance with City Code 16.64 prior to approval of special permits or issuance of building permit.
3. The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project to an existing parks maintenance district prior to the issuance of any building permit. The applicant shall pay all city fees for formation of or annexation to special districts. The purpose of the district is to equitable spread out the cost of neighborhood park maintenance on the basis of special benefit, in the case of an assessment district. In the case of a special tax district, the costs will be spread based upon the hearing report, which specifies the tax rate and method of apportionment.

Tree Services:

4. Prior to the issuance of building permits a 6-foot chain link fence shall be placed around trees to be preserved under the direction of the city arborist (768-8604). Orange plastic fencing is not acceptable. Dimensions will be contingent upon tree size and species. The fencing shall remain in place for the duration of the project except for the temporary removal required to replace existing curb, gutter, and sidewalk.
5. No excavation for utilities, trenching, grade changes, storage of materials or parking of vehicles shall be allowed within the fenced area.
6. If during excavation for the project or for any necessary sidewalk, curb, gutter repair or driveway construction, tree roots greater than two inches in diameter are encountered work shall stop immediately until the city arborist (768-8604) can perform an on-site inspection. All roots shall be cut clean and the tree affected may require supplemental irrigation/fertilization and pruning as a result of root pruning. This supplemental work shall be carried out by the contractor under the direction of the city arborist.
7. The contractor shall be held liable for any damage to existing street trees. i.e. trunk wounds, broken limb, pouring of any deleterious materials, or washing out concrete under the drip line of the tree. Damages will be assessed using the *A Guide to Plant Appraisal* ninth edition published by the ISA. The contractor shall hire an International Society of Arboriculture (ISA) certified arborist to do the appraisal and submit a report for review by the city arborist.
8. The post grade beam wall shall be installed within the dripline of the pine tree, as depicted on Exhibits 1E and 1F. The drip line is an imaginary line on the ground directly below the

Attachment 2 – Planning Director's Decision Cont.

Page 4

outermost tips of the branches. On this particular tree the drip line is 30-foot. This will be a true grade beam where by excavation is not to exceed 4-inches below existing grade. Pot holing with an air spade or similar devise will expose roots and lay out pier placement to avoid severing large roots.

9. The porous pavers shall be located within the drip line of the tree.
10. If during grading/ excavation for the parking lot, tree roots two inches in diameter or greater are encountered an ISA (International Society of Arboriculture) certified arborist shall perform an on-site inspection.
11. The applicant is required to plant seven, 15-gallon size trees to mitigate the removal of a 13'-5" diameter coast live oak (*Quercus agrifolia*). There is no room on the site for these additional trees. Therefore, the applicant will increase the size of three, 15-gallon size trees to 24-inch box size.
12. The applicant shall use a different tree species along the parking area instead of the California bay trees (*Umbellularia californica*) because of insufficient space.
13. The applicant shall comply with the City of Sacramento Parking Lot Tree Shading Design and Maintenance Guidelines, with the review and approval by the City Landscape Architect.

Public Works:

14. Remove and replace any deteriorated curb, gutter, and sidewalk per city standards and to the satisfaction of Public Works adjacent to the property frontage.

Public Works – Electrical Section:

15. This project does not require street lighting. There is a street lighting system in this project area. Improvements of right-of-way may require modification to the existing system.

Utilities:

16. Only one domestic water service will be allowed per parcel. Any new domestic water services shall be metered.
17. The lot shall be graded so that drainage does not cross property lines.
18. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
19. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

Attachment 2 – Planning Director's Decision Cont.

Advisory Notes:**Utilities:**

- A. This project is served by the Combined Sewer System (CSS). However, based on the information found in the Plan Review request, we do not anticipate any significant impacts to the CSS. Consequently, no Impact/Mitigation Agreement is required.
- B. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to this site. This information can then be used to assist in the engineers in the design of the fire suppression systems.
- C. The proposed project is located in the 100-year floodplain, designated as an A99 on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective May 22, 2000. Within the A99 zone, there are no requirements to elevate or flood proof.

Findings of Fact

1. The proposed development, including but not limited to the density of the proposed residential development, is consistent with the General Plan, which designates the site High Density Residential (30+ du/na).
2. Facilities, including utilities, access roads, sanitation and drainage for the proposed project are adequate and consistent with city standards, and the proposed project would be properly related to existing and proposed streets and highways;
3. The proposed development is of adequate size and shape to accommodate the proposed use and required yard, building coverage, setback, parking area and other development standards set forth in the City Code; and
4. Granting the Planning Director's Plan Review would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. The project use is compatible with the uses in the vicinity of the project site in that apartments are a permitted use in the R-4 zone;
 - b. Adequate landscaping, vehicle circulation, maneuvering, and parking is provided; and
 - c. The architectural design of the proposed building is consistent with the Multi-Family Residential Design Guidelines.



Thomas Pace
Senior Planner

A use for which a Plan Review is granted must be established within two years after such permit is approved. If such use is not so established the Plan Review shall be deemed to have expired and shall be null and void. A Plan Review use which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically

Attachment 2 – Planning Director's Decision Cont.

Page 6

commenced. If no building permit is required the use shall be deemed established when the activity permitted has been commenced.

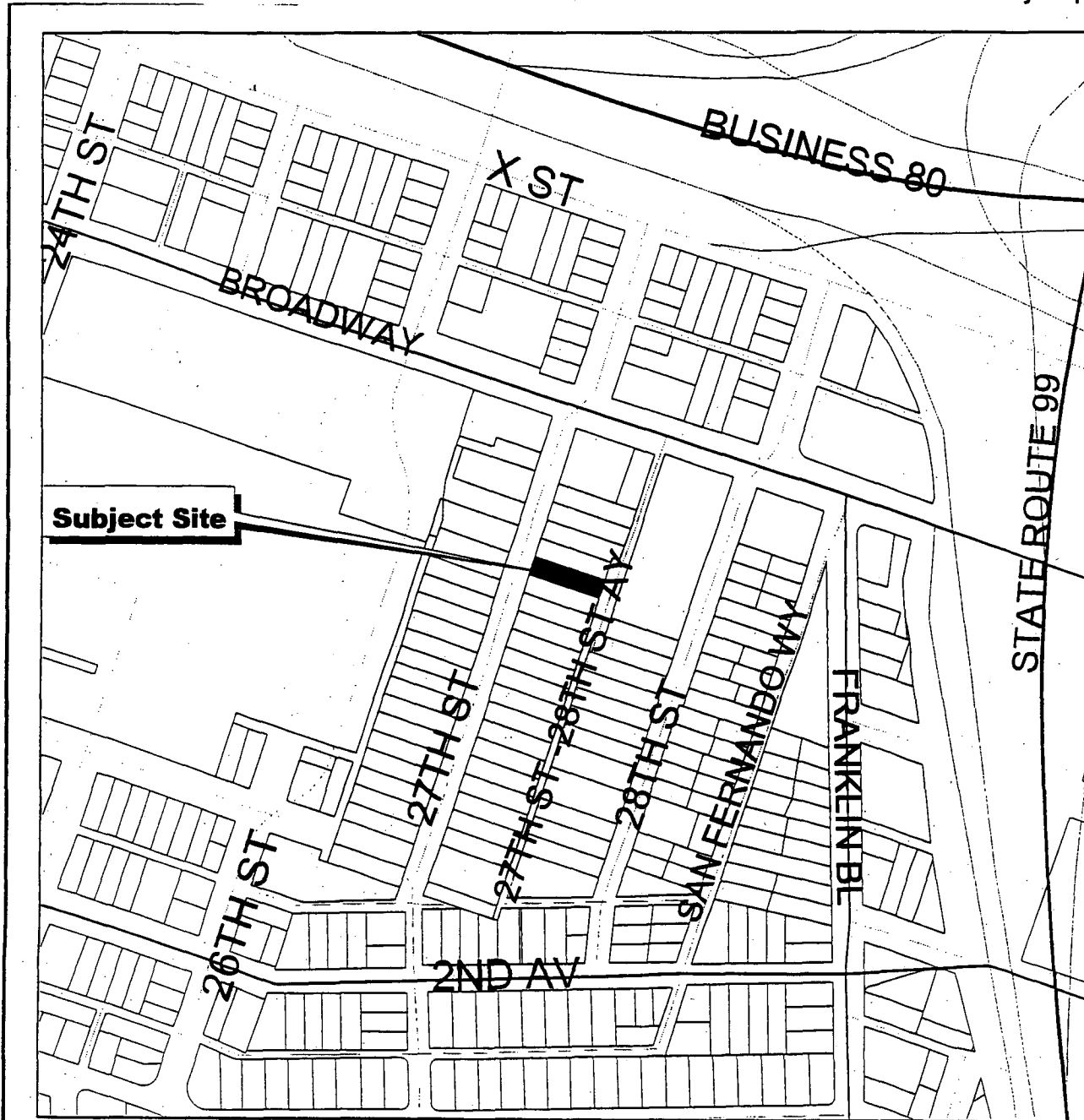
The decision of the Planning Director may be appealed to the Planning Commission. An appeal must be filed within 10 days of the decision of the Planning Director. If an appeal is not filed, the action of the Planning Director is final.

cc: File (original)
Applicant

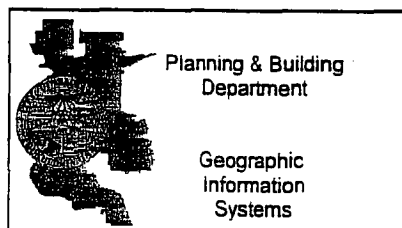
Attachment 2 – Planning Director’s Decision Cont.

Page 7

Exhibit 1A – Vicinity Map



0.07 0 0.07 0.14 Miles



P03-123

Vicinity Map
P03-123

January 26, 2004



Attachment 2 – Planning Director’s Decision Cont.

Page 8

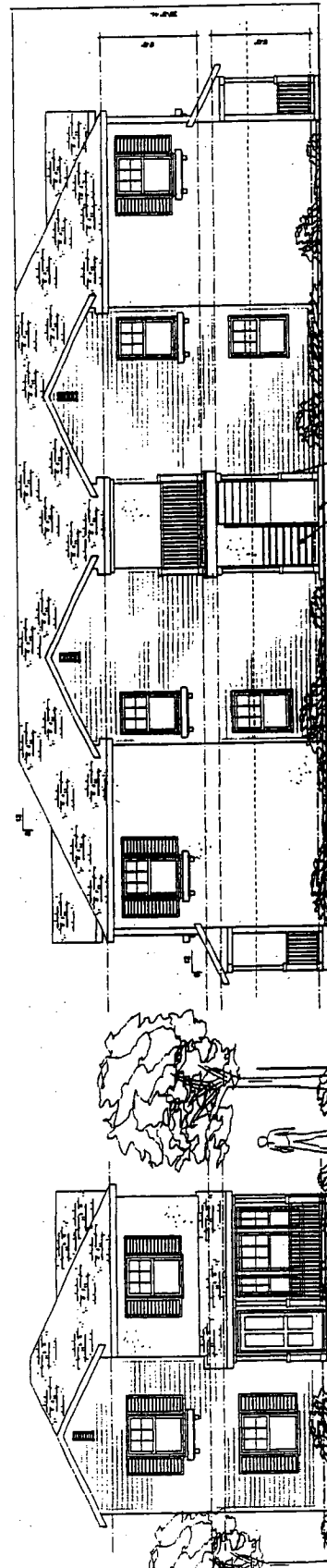
Exhibit 1B – Exterior Elevations

27th Street Apartments

RESIDENTIAL DEVELOPMENT
Sacramento, California 95818



JAMES H. HARRIS ARCHITECTS
1000 N. STREETS
SACRAMENTO, CA 95811
TEL: 916.442.1111
FAX: 916.442.1112



WEST ELEVATION (FACING 27th STREET)
SCALE: 1/4" = 1'-0"

SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

NOTE:
1. ALL MATERIALS TO BE INDICATED BY CHARTER.

2. ALL AT THE WEST CORNER PLASTER EXTERIOR.

3. ALL AT THE WEST CORNER PLASTER EXTERIOR.

4. ALL AT THE WEST CORNER PLASTER EXTERIOR.

5. ALL AT THE WEST CORNER PLASTER EXTERIOR.

6. ALL AT THE WEST CORNER PLASTER EXTERIOR.

7. ALL AT THE WEST CORNER PLASTER EXTERIOR.

8. ALL AT THE WEST CORNER PLASTER EXTERIOR.

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14. ALL AT THE WEST CORNER PLASTER EXTERIOR.

15. ALL AT THE WEST CORNER PLASTER EXTERIOR.

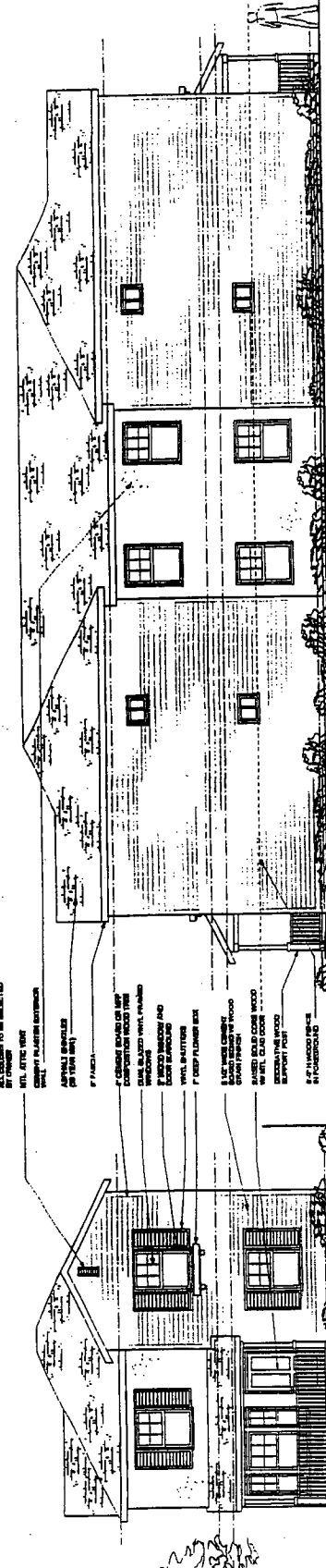
16. ALL AT THE WEST CORNER PLASTER EXTERIOR.

17. ALL AT THE WEST CORNER PLASTER EXTERIOR.

18. ALL AT THE WEST CORNER PLASTER EXTERIOR.

19. ALL AT THE WEST CORNER PLASTER EXTERIOR.

20. ALL AT THE WEST CORNER PLASTER EXTERIOR.



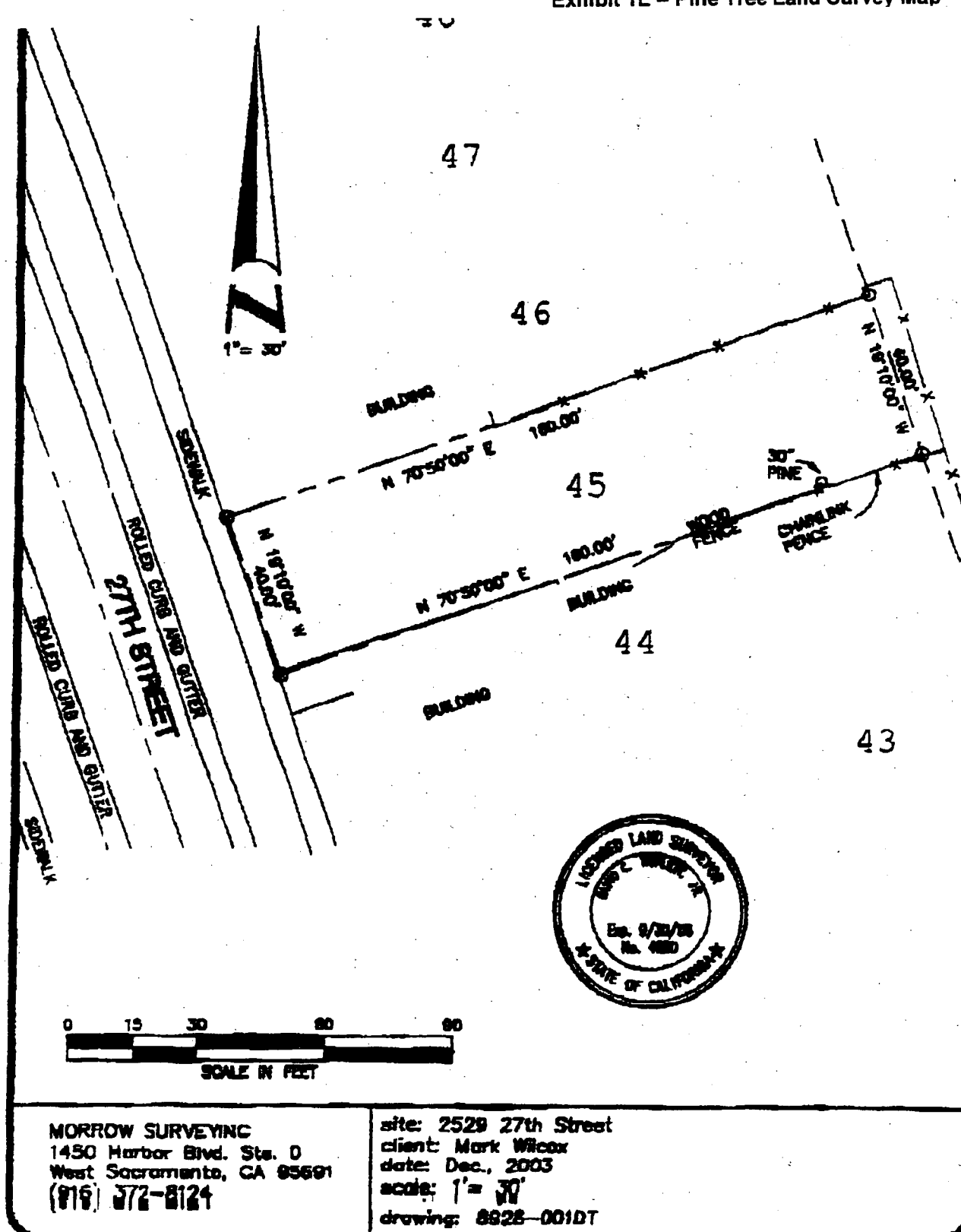
EAST ELEVATION
SCALE: 1/4" = 1'-0"

NORTH ELEVATION
SCALE: 1/4" = 1'-0"

Attachment 2 – Planning Director's Decision Cont.

Page 11

Exhibit 1E – Pine Tree Land Survey Map



Attachment 3 - Appeal Form

CITY OF SACRAMENTO

**NEIGHBORHOODS, PLANNING &
DEVELOPMENT SERVICES DEPARTMENT**
1231 I Street, Room 200, Sacramento, CA 95814

PLANNING DIVISION
916-808-5381

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

DATE: FEB 4, 2004*Director*

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning ^{*Director*} Commission on JAN 26 2004 (hearing date), for project number (P#) P03-123 when:.

Special Permit for _____

Variance for _____

"R" Review for proposed 4-plex - Planning

Other for Planning Director's Plan Review

was: Granted by the City Planning ~~Commission~~ *Director*

Denied by the City Planning Commission

Grounds For Appeal: (explain in detail, you may attach additional pages)

"see attached"

⇒ Property Location: 2529 27th St.

⇒ Appellant: Linda B. Kingsley Daytime Phone: 916-451-0201
(please print)

⇒ Address: 2533 27th St. Sacramento CA, 95818

⇒ Appellant's Signature: Linda B. Kingsley

THIS BOX FOR OFFICE USE ONLY	
FILING FEE:	<u>\$1,192.00 By Applicant</u> RECEIVED BY: <u>Robert W. Williams</u>
	<u>\$298.00 By Third Party</u> DATE: <u>2/5/04</u>
Distribute Copies To:	GLS; GL: Project Planner; Tim Larkin (original & receipt)
P#	<u>P03-123</u> Forwarded to City Clerk: _____

Attachment 3 – Appeal Form Cont.

**Appeal of (P03-123)
request for a Planning Director's Plan Review****Grounds For Appeal:**

1) We are opposed to replacing what was once a single family home, with a 4-plex each with 2 bedrooms. There is an over saturation of apts. and multifamily units on 27th St. We have 24 homes, 13 apartment buildings, 2 duplexes and 2 transitional houses on our block. 5 of the apartment buildings have more than 4 units, deviating from the R-4 zoning. The density issue is a concern of ours.

2) On street parking has been a major issue for our block. Many of the existing apartments do not have adequate parking to accommodate the number of cars that are owned. We are concerned about adding additional vehicles to our already crowded street.

3) We are extremely concerned about the decrease in value of our property if the proposed 4-plex is allowed to be built. There are single family 1 story homes on both sides of this lot. We, the home owners, bought these homes when a single family home was next door. We never would have purchased a home with a 4-plex next to it. This 4-plex would diminish the desirability of owning our homes for us as well as a potential buyer. The increased amount of noise, traffic in and out and decrease in privacy is very disturbing.

Attachment 3 – Appeal Form Cont.



City of Sacramento
Planning and Building Department
PLANNING DIVISION; 1231 I STREET, ROOM 300; SACRAMENTO, CA; 95814-2904
916-808-5381; FAX 916-264-5328

Public Notice of Planning Director Action

This letter is to inform you that on January 26, 2004, the Planning Director approved a request for a Planning Director's Plan Review (P03-123) to:

Allow for the construction of a 4-unit, 3,000 square foot apartment building on 0.15± net acres located at 2529 27th Street, within the Multifamily (R-4) zone. APN: 010-0242-010. The Director determined that the project is exempt from environmental review pursuant to CEQA Guidelines Section 15303(b).

If you object to this Planning Director's Plan Review approval, you may appeal the decision of the Planning Director to the City Planning Commission. Appeal forms can be obtained from the City Offices located at 1231 I Street, Second Floor. The deadline to file an appeal is ten days from the date of this notice, at 5:00 PM on: Thursday, February 5, 2004.

If you have any questions regarding this project, please contact the City Planning Services Division at 1231 I Street, Room 300, or call the Project Planner, Heather Forest at 808-5008

Please refer to file number: P03-123

Heather Forest, Assistant Planner

1/26/2004

Date

Attachment 1

NOTICE OF DECISION AND FINDINGS OF FACT FOR 27TH STREET 4-UNIT APARTMENT BUILDING LOCATED AT 2529 27TH STREET IN THE MULTI-FAMILY (R-4) ZONE, SACRAMENTO, CA. APN: 010-0242-010 (P03-123)

At the regular meeting of March 11, 2004, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Environmental Determination:** Finds that the project is Exempt pursuant to CEQA Section 15303(b);
- B. **Denied the Appeal of the Planning Director's Decision:** The Commission approved the request to develop a 4-unit apartment building on 0.15± undeveloped acres in the Multi-Family (R-4) zone.

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

FINDINGS OF FACT

- A. **Categorical Exemption:** The City Planning Commission finds that the project is Exempt pursuant to CEQA Section 15303(b).
- B. **Appeal of the Planning Director's Decision:** The appeal of the Planning Director's decision is denied. The request to develop a 4-unit apartment building on 0.15± undeveloped acres in the Multi-Family (R-4) zone is approved subject to the following Findings of Fact:
 - 1. The proposed development, including but not limited to the density of the proposed residential development, is consistent with the General Plan, which designates the site High Density Residential (30+ du/na).
 - 2. Facilities, including utilities, access roads, sanitation and drainage for the proposed project are adequate and consistent with city standards, and the proposed project would be properly related to existing and proposed streets and highways;
 - 3. The proposed development is of adequate size and shape to accommodate the proposed use and required yard, building coverage, setback, parking area and other development standards set forth in the City Code; and
 - 4. Granting the Planning Director's Plan Review would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. The project use is compatible with the uses in the vicinity of the project site in

- a. The project use is compatible with the uses in the vicinity of the project site in that apartments are a permitted use in the R-4 zone;
- b. Adequate landscaping, vehicle circulation, maneuvering, and parking is provided; and
- c. The architectural design of the proposed building is consistent with the Multi-Family Residential Design Guidelines.

Conditions of Approval:

Planning:

1. Owner/Operator shall post and maintain signage on the premises that provides the phone number to contact maintenance and management staff. Signage shall be subject to approval by the Planning Director.
2. Owner/Operator shall conduct periodic inspections, not less than monthly, of the exterior of all buildings, trash enclosures and recreation facilities.
3. Owner/Operator shall establish and conduct a regular program of routine maintenance for the property. Such a program shall include common areas and scheduled repainting, replanting and other similar activities that typically require attention at periodic intervals but not necessarily continuously. Owner/Operator shall repaint or retreat all painted or treated areas at least once every 8 years; provided that the Planning Director may approve less frequent repainting or retreatment upon a determination that less frequent treatment is appropriate, given the nature of the materials used or other factors. The program shall be subject to review and approval by the Planning Director.
4. Owner/Operator shall maintain landscaping and irrigation in a healthy and serviceable condition.
5. Owner/Operator shall indicate and maintain all locations of parking stalls for handicapped/disabled access and strictly enforce rules related thereto.

Building:

6. All ground floor units on site, door, door landing, and unit interior space shall allow access for the handicapped, but the toilet room needs only to be handicap adaptable.

Parks Planning, Design & Development Division:

7. The applicant must provide proof of compliance with City Code 16.64 prior to approval of special permits or issuance of building permit.
8. The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project to an existing parks maintenance district prior to the issuance of any building permit. The applicant shall pay all city fees for formation of or annexation to special districts. The purpose of the district is to equitable spread out the cost of neighborhood park maintenance on the basis of special benefit, in the case of an assessment district. In the case of a special tax district, the costs

will be spread based upon the hearing report, which specifies the tax rate and method of apportionment.

Tree Services:

9. Prior to the issuance of building permits a 6-foot chain link fence shall be placed around trees to be preserved under the direction of the city arborist (768-8604). Orange plastic fencing is not acceptable. Dimensions will be contingent upon tree size and species. The fencing shall remain in place for the duration of the project except for the temporary removal required to replace existing curb, gutter, and sidewalk.
10. No excavation for utilities, trenching, grade changes, storage of materials or parking of vehicles shall be allowed within the fenced area.
11. If during excavation for the project or for any necessary sidewalk, curb, gutter repair or driveway construction, tree roots greater than two inches in diameter are encountered work shall stop immediately until the city arborist (768-8604) can perform an on-site inspection. All roots shall be cut clean and the tree affected may require supplemental irrigation/fertilization and pruning as a result of root pruning. This supplemental work shall be carried out by the contractor under the direction of the city arborist.
12. The contractor shall be held liable for any damage to existing street trees. i.e. trunk wounds, broken limb, pouring of any deleterious materials, or washing out concrete under the drip line of the tree. Damages will be assessed using the *A Guide to Plant Appraisal* ninth edition published by the ISA. The contractor shall hire an International Society of Arboriculture (ISA) certified arborist to do the appraisal and submit a report for review by the city arborist.
13. The post grade beam wall shall be installed within the dripline of the pine tree, as depicted on Exhibits 1E and 1F. The drip line is an imaginary line on the ground directly below the outermost tips of the branches. On this particular tree the drip line is 30-foot. This will be a true grade beam where by excavation is not to exceed 4-inches below existing grade. Pot holing with an air spade or similar devise will expose roots and lay out pier placement to avoid severing large roots.
14. The porous pavers shall be located within the drip line of the tree.
15. If during grading/ excavation for the parking lot, tree roots two inches in diameter or greater are encountered an ISA (International Society of Arboriculture) certified arborist shall perform an on-site inspection.
16. The applicant is required to plant seven, 15-gallon size trees to mitigate the removal of a 13'-5" diameter coast live oak (*Quercus agrifolia*). There is no room on the site for these additional trees. Therefore, the applicant will increase the size of three, 15-gallon size trees to 24-inch box size.
17. The applicant shall use a different tree species along the parking area instead of the California bay trees (*Umbellularia californica*) because of insufficient space.
18. The applicant shall comply with the City of Sacramento Parking Lot Tree Shading Design and Maintenance Guidelines, with the review and approval by the City Landscape Architect.

Public Works:

19. Remove and replace any deteriorated curb, gutter, and sidewalk per city standards and to the satisfaction of Public Works adjacent to the property frontage.

Public Works – Electrical Section:

20. This project does not require street lighting. There is a street lighting system in this project area. Improvements of right-of-way may require modification to the existing system.

Utilities:

21. Only one domestic water service will be allowed per parcel. Any new domestic water services shall be metered.
22. The lot shall be graded so that drainage does not cross property lines.
23. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
24. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

Advisory Notes:**Utilities:**

- A. This project is served by the Combined Sewer System (CSS). However, based on the information found in the Plan Review request, we do not anticipate any significant impacts to the CSS. Consequently, no Impact/Mitigation Agreement is required.
- B. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to this site. This information can then be used to assist in the engineers in the design of the fire suppression systems.
- C. The proposed project is located in the 100-year floodplain, designated as an A99 on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective May 22, 2000. Within the A99 zone, there are no requirements to elevate or flood proof.

**CITY PLANNING COMMISSION
CONSENT ITEMS**

CPC AGENDA DATE: March 25, 2004

Item No.	Project No.	Title/Location	Action: Approved/ Denied/Cont'd
8.	P03-121	Labour of Love Church located at 1505 Grand Ave.	APPROVED
9.	P03-123	Appeal of the 27 th Street 4-unit Apartment Building	APPROVED
10.	P03-125	Lemon Blossom Estates	APPROVED
12.	P03-142	Creekside Parcel 2 located at the northeast corner of North prk Drive and Kokomo Drive	APPROVED
13.	P03-154	Mobley Avenue Four Plex located on Mobley Avenue west of Norwood Ave.	APPROVED
14.	P04-015	Creekside Oaks PUD Signage, Market West, located west of Truxel Road, east of Natomas Park Drive, north of Garden Highway	APPROVED
17.	M04-025	Portion of H Street Abandonment	APPROVED
		<i>NOT-VA</i> <i>RECORDED by Taylor Carroll</i>	
		<i>all noted J.</i>	

VOTE OF THE PLANNING COMMISSION:

COMMISSIONER	Motion (M)/ Second (S)	YES	NO	ABSTAIN
Bacchini		✓		
Banes	<i>M</i>	✓		
Duruisseau		✓		
Jones		✓		
Kennedy		✓	(9)	
Taylor-Carroll	<i>S</i>	-	-	-
Vallencia	<i>S</i>	-	-	-
Woo	<i>S</i>	✓		
Yee		✓	(9)	



PLANNING AND BUILDING
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2998

PLANNING DIVISION

916-264-5381 OFFICE
916-264-5328 FAX

March 26, 2004

MEMORANDUM

TO: Lauren R. Hammond, DISTRICT 5

FROM: Gary Stonehouse, Planning Director

SUBJECT: **NOTICE OF CALL-UP OPPORTUNITY**
P03-123 - Appeal of the 27th Street 4-Unit Apartment Building.

On the date of **March 25, 2004** the Planning Commission denied the above referenced project.

The Notice of Decision and Findings of Fact (NOD/FOF) is attached. The NOD/FOF detail the nature of the entitlements sought by the applicant, the disposition by the Planning Commission (i.e., whether the entitlement was approved, denied, or forwarded to the Council), and the conditions upon which the entitlements were approved. In addition to the NOD/FOF, the voting record of the Planning Commission is attached.

The City Code and Zoning Ordinance provide the City Council a ten (10) day period to "call-up" Planning Entitlements that were approved by the Planning Commission. Thus, your request to call-up any of the approved entitlements must be received by our office no later than **Monday, April 5, 2004**; please notify the Project Planner by phone, or fax this form with the box checked prior to this date.

Heather Forest(Project Planner)
@ 808-5008 (voice); 264-5328 (fax)

I WISH TO CALL-UP THIS PROJECT

COUNCILMEMBER SIGNATURE
Attachments: NOD/ FOF Voting Record

DATE