City of Sacramento
City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: **7/26/2011** **Report Type:** Consent

Title: (Pass for Publicaiton) 1341 Burnett Way Rezone and Special Permit

Report ID: 2011-00633

Location: 1341 Burnett Way-District 4

Recommendation: 1) Review a) a Resolution Determining Project Exempt under the California Environmental Quality Act, b) a Resolution Adopting Findings of Fact and Approving the Burnett Way Rezone and Special Permit Project, and c) an Ordinance Rezoning Certain Real Property from Standard Single Family R-1 to Residential Office R-O, and 2) pass for publication the Ordinance title as required by Sacramento City Charter Section 32c to be adopted on August 4, 2011

Contact: Lindsey Alagozian, (916) 808-2659, Kimberly Kaufmann-Brisby, (916) 808- 5590, Community Development Department

Presenter: None

Department: Community Development Dept
Division: Planning
Dept ID:

Attachments:

1-Description/Analysis
2-Background
3-Project Exemption Resolution
4-Rezone Ordinance
5-Project Resolution
6-Letters of Opposition
7-Vicinity Map
8-Land Use Map

City Attorney Review
Approved as to Form
Sabina D. Gilbert
7/20/2011 9:11:28 AM

City Treasurer Review
Prior Council Financial Policy Approval or Outside City Treasurer Scope
Russell Fehr
7/14/2011 9:44:54 AM

Approvals/Acknowledgements

Eileen Teichert, City Attorney Shirley Concolino, City Clerk Russell Fehr, City Treasurer

William H. Edgar, Interim City Manager

Department Director or Designee: Max Fernandez - 7/15/2011 4:25:39 PM

Assistant City Manager: Cassandra Jennings - 7/19/2011 2:45:13 PM

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Description/Analysis

Issue: The applicant proposes to rezone a 5,727 square foot parcel from the Standard Single-family (R-1) zone to the Residential Office (RO) zone and convert the existing single-family home into offices for a law practice. A special permit is required to establish the office use in the Residential Office zone.

Committee/Commission Action: On June 9, 2011, the City Planning Commission voted to forward a recommendation for project approval with a vote of seven ayes, three noes, and one commissioner absent. Prior to their vote the Commission heard testimony from Linda Roye, an adjacent property owner, opposing the proposed rezone. Ms. Roye presented a petition opposing the rezone that was signed by several property owners from the block immediately adjacent to the project site along Burnett Way (Attachment 6).

While neither the petition signatories nor Ms. Roye opposed the office use they did object to the rezone citing concerns a precedent would be set with the rezone that might encourage other property owners on the block to apply to rezone their property and thus compromise the block's residential nature. A representative of the Land Park Community Association (LPCA), Jon Jensen, also spoke and indicated the LPCA had no opinion regarding the project.

With their affirmative vote the commissioners indicated they wanted a "Good Neighbor Policy" condition added to the project as well as revising the signage condition such that the possibility for any detached signage was eliminated as well as conditioning the attached sign to be constructed of high-quality materials. Both conditions were subsequently incorporated in the project conditions of approval and are included in the project approval resolution (Attachment 5-conditions A9 and A11).

Environmental Considerations: The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15301 (n), Existing Facilities, which allows for the conversion of an existing single family residence to office use.

Rationale for Recommendation: The project, as proposed, has been reviewed thoroughly by city staff and has been conditioned to be developed according to City standards. The office use is appropriate for the property because it also is adjacent to a commercial property to the north on 14th Street, as well as directly across 14th Street where parking lots for various commercial businesses are located making the office a suitable use for the corner lot. Staff is in support of rezoning the project site to the Residential Office zone for the proposed office use. Accordingly, staff recommends that the City Council concur with the Planning Commission's recommendation for approval of the proposed rezoning and special permit.

Financial Considerations: The project has no fiscal considerations.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

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The applicant is requesting the approval of the necessary entitlements to rezone a residentially developed parcel to Residential Office and approve a special permit to allow the existing residence to be converted into offices for a law firm in the Residential Office (RO) zone. The house will maintain the same residential façade with one minor alteration. In order for some of the required off-street parking located in front of the garage to meet the zoning standard for depth, the garage wall will be moved inward. The remaining garage space will be converted into unconditioned storage space and an expanded restroom to meet ADA requirements.

Early project notification packets were routed to the Greater Broadway Partnership, the Upper Land Park Neighborhood Association, the Land Park Community Association, and the Beverly Way Neighborhood Association. The only comment received by staff regarding the project routing was from the Land Park Community Association advising the applicant to contact the neighbors regarding the proposed project. Staff shared the comment with the applicant who later indicated the neighbors had been notified of the project and none had commented on it. The Land Park Community Association provided a "No Comments regarding the project" letter as well. No other associations had any comments regarding the project.

All property owners within a 500-foot radius of the project site as well as the associations mentioned above were sent a public notice regarding the Planning Commission hearing and the project site was posted with the public notice. Staff did receive calls from two neighbors opposing the proposed rezoning of the project site. One caller indicated they were aware of the proposed office use but were unaware the property required rezoning in order to establish the exclusive office use on the property. The other caller cited existing neighborhood parking and traffic issues as the reasons for their opposition to the project, anticipating the business would exacerbate the existing circulation and parking challenges. Staff also received an unsigned petition from one of the callers opposing the project and a follow-up letter reiterating ongoing parking and traffic issues the day before the hearing from the other concerned neighbor. Copies of the two letters, one of which includes the signed petition, and the Planning Commission presentation, are included as Attachment 6.

Based on comments received prior to the Planning Commission meeting, staff and the applicant scheduled and attended an onsite meeting with the concerned neighbors. Unfortunately, none of the neighbors could attend the meeting so just staff and the applicant met onsite.

Policy Considerations:

General Plan:

The 2030 General Plan Update was adopted by City Council on March 3, 2009. The 2030 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The 2030 General

Plan Update land use designation of the subject site is Traditional Low Density Residential, which provides for, "…moderate-intensity housing and neighborhood support uses including…limited neighborhood-serving commercial on lots two acres or less…compatible public, quasi-public, and special uses." Rezoning the site from Standard Single-family to Residential Office would maintain compliance with the 2030 General Plan land use designation. As a limited neighborhood-serving commercial use, the proposed residential office would meet Goal LU 2.1 which states:

- **City of Neighborhoods**. Maintain a city of diverse, distinct, and well-structured neighborhoods that meet the community's need for complete, sustainable, and high-quality living environments, from the historic downtown core to well-integrated new growth areas.

Specifically, the proposed project subscribes to the following Neighborhood policies:

- **Protect established Neighborhoods.** The City shall preserve, protect, and enhance established neighborhoods by providing sensitive transitions between these neighborhoods and adjoining areas, and requiring new development, both private and public, to respect and respond to those existing physical characteristics of buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood (LU 2.1.2).

- **Complete and Well-structured Neighborhoods.** The City shall promote the design of complete and well-structured neighborhoods whose physical layout and land use mix promote walking to services, biking, and transit use; foster community pride; enhance neighborhood identity; ensure public safety; are family-friendly and address the needs of all ages and abilities (LU 2.1.3).

The proposed project meets the 2030 General Plan goals and policies related to the Traditional Low Density Residential land use designation. By maintaining the building's residential appearance and relegating all required parking to the north side of the property, adjacent to an existing Golden 1 Credit Union, the urban form is respected and impacts to the adjacent residence on Burnett Way are minimized. The applicant will also construct a solid 6' tall stucco-clad masonry wall to separate the office use from the adjacent residence. Furthermore, the offices are close to transit services, which the applicant has indicated many of their clients utilize on a regular basis. By design, the project meets the community's need for complete, sustainable, and high-quality living environments.

Rezone:

As previously noted, the site is developed with a single-family residence in the Standard Single-family (R-1) zone. Single-family residences are located to the south and west, with commercial uses to the north and east. The 2030 General Plan designates the site as Traditional Low Density Residential (TLDR). Rezoning the property will maintain compliance with the General Plan land use designation as the proposed office use is considered to be part of the urban form as a neighborhood serving commercial use.

The proposed office use in the Residential Office (RO) zone is allowed with the approval of a Special Permit per Section 17.24.050, footnote 77 of the Zoning Code. Initially, the applicant had proposed rezoning the property to Limited Commercial (C-1) which would have allowed the office use by right. Given the residential nature of the adjacent property on Burnett Way, staff felt the Residential Office (RO) zone would be the more appropriate zone because an office use would require a special permit and staff review of the proposed use as well as of site development requirements and aesthetics. The residential office use is appropriate for the property because it also is adjacent to a commercial property to the north on 14th Street as well as directly across 14th Street where parking lots for various commercial businesses are located making the residential office a suitable use for the corner lot. Staff is in support of rezoning the project site to the Residential Office zone for the proposed office use and feels that the proposed rezone is appropriate for this uniquely situated parcel.

Land Use

Special Permit: The proposed law office would be located in an existing residence with approximately 1337 square feet of living area and a 238 square foot garage. With the conversion to offices, the garage space area would be reduced by moving the front garage wall inward to allow additional driveway parking area to meet the required parking space dimensions. There would be a 14 square foot net increase of usable area with the office conversion and a remodel of the garage involving a total of 1,351 square feet of usable area. The remaining garage area would be utilized for storage and used to create an expanded ADA compliant restroom instead of parking space.

The Zoning Code states approval of a special permit is required to locate offices in the Residential Office zone per Section 17.24.050, footnote 77. In addition to the required special permit findings to locate offices uses in the Residential-Office (RO) zone the following criteria are used to evaluate requests for office uses in the RO zone:

a. The structure is historically or architecturally important and conversion to office use will allow for preservation of the structure.

b. Parking to accommodate nonresidential use of the structure can be accommodated, either on-site without detracting from the residential appearance of the structure, or off-site without negatively affecting the character or residential parking supply in the area.

c. The structure remains predominantly residential in appearance. To this end, conditions may be placed on parking area location and design, signage, and landscaping.

d. Where the structure has two or more floors, the floors above the ground floor shall be devoted to residential uses unless the planning commission finds such uses are undesirable or infeasible.

e. The conversion is compatible with surrounding uses.

Staff has determined the project complies with all special permit criteria noted above. The project was reviewed by Historic Preservation staff and was not determined to be architecturally or historically important; however, preserving the existing façade of the building is instrumental in maintaining the residential look and feel of the structure, thus reducing the visual impacts to the neighborhood.

The project requires three on-site parking spaces and three spaces are provided with this project. The parking spaces have been located near the commercial use to the north and off the commercial block portion of 14th Street. By locating the parking away from the residential neighborhood of Burnett Way, and also providing landscaping adjacent to the parking area, the residential character of the street is maintained.

The project will be conditioned to remain predominantly residential in appearance, per the project plans, and the project signage was conditioned by the Planning Commission to allow just one attached sign to be mounted on the 14th Street frontage with no detached signage allowed. This condition is more restrictive than that allowed in the RO zone by the City's Sign Ordinance. The conversion of the single-story residential use to office use as proposed and conditioned is compatible with the surrounding uses with the more commercial aspects of the project site located proximate to adjacent commercial uses to the north and east, while maintaining the residential form of the corner lot for the residential properties to the south and west.

As previously noted, the Zoning Code states approval of a Special Permit is required to locate an office within the Residential Office (RO) zone. Section 17.212.010, of the Zoning Code specifies the findings required for approval of the special permit for locating an office use in the Residential Office zone. In evaluating special permit proposals of this type, the City Council is required to make the following findings:

A. A special permit shall be granted upon sound principles of land use.

The granting of the special permit is based upon sound principles of land use in that the proposed use is consistent with the land use designation. The office use is compatible with the adjacent residential and commercial uses and provides for a smooth land use transition from the commercial uses to the north and east to the residential uses to the south and west.

B. A special permit shall not be granted if it will be detrimental to the

public health, safety or welfare, or if it results in the creation of a nuisance.

The proposed project, as conditioned, will not be detrimental to the public health, safety or welfare, and would not result in the creation of a nuisance in that the required number of parking spaces have been provided; the office hours will typically be between 8 a.m. and 5 p.m., Monday through Friday; and the applicants anticipate many of their clients will utilize public transportation to and from the law offices, minimizing the parking impacts in an already impacted area near the Tower Theater. In addition, the adjacent residential use will be physically shielded from the office use with the construction of a 6-foot tall stucco-clad masonry wall. Finally, the preliminary plans have been reviewed by all applicable internal and external departments, all of which have found that the plans comply with development policies and standards.

C. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

The proposed project is consistent with the objectives of the General Plan goals and policies related to the Traditional Low Density Residential land use designation. By maintaining the building's residential appearance and relegating all required parking to the north side of the property, adjacent to an existing Golden 1 Credit Union, the urban form is respected and impacts to the adjacent residences on Burnett Way are minimized. Furthermore, the office use provides a sensitive transition from the commercial uses to the north and west to the residential uses to the south and west, thus protecting an established neighborhood. By design, the project meets the community's need for complete, sustainable, and high-quality living environments.

Parking, Circulation, and Access:

Vehicle Parking: The Zoning Code specifies a parking ratio for offices of a minimum of one space per 400 square feet of office and a maximum of one space per 275 square feet of office space. The parking requirements are outlined in Table 2 below.

Table 2
Parking Requirements

Use	Required Parking	Proposed Parking	Difference
Office	1 space/400 sq. ft. 1,351 sq. ft. = 3 spaces	3 spaces	0

As noted above, the required parking spaces will be provided. The maneuvering area for the parking spaces is 14th Street. Department of Transportation staff have reviewed

the project and determined the street maneuvering area to be appropriate for this project.

Bicycle Parking: A project is required to provide bicycle parking based on the number of required parking spaces. The Sacramento City Code, Section 17.64.050 requires one (1) bicycle parking space for every twenty (20) required vehicle parking spaces. Because this project is required to provide three parking spaces, which is less than one-half the parking space minimum for the provision of bicycle parking, the provision of bicycle parking is not required. Per Zoning Code Section 17.08.070, when calculating the number of parking spaces required for a given land use, if the division results in a fraction that is up to one-half, the number of parking spaces required is rounded down to the whole number. If the fraction is one-half or greater, the number of required spaces is rounded up to the next whole number.

Pedestrian Circulation: On-site pedestrian access to the offices is provided from the ADA parking area via a ramp with additional pedestrian access from the street provided to the front door via a new sidewalk.

Setbacks, height and bulk:

As shown in Table 3 below, the proposed office building meets all of the setback, height, and bulk development standards for non-residential development within the Residential Office (R-O) zone.

Table 3

Height and Area Standards

Standard	Allowed/Required	Existing	Deviation
Height	35’	10’	no
Front yard setback	25’	35.75’	no
Interior side yard setback	5’	5’	no
Street Side setback	12.5’	13.25’	no
Rear setback	15’	22.83’	no
Lot coverage	NA for office uses in the RO zone	na	na
Floor Area Ratio (FAR)	1.5 or less	.27	no

As noted above, the project does not deviate from the Residential-Office development standards.

Building design, signage and landscaping:

The overall building design will remain the same as currently exists. The front garage wall/door will be moved back a few feet to make room for the required parking space depth. In place of a garage door, a wall will be constructed and finished to match the existing building and a window will be added that will match in kind the existing windows. The applicant has also indicated shutters will be added to the building to add visual interest to the building design.

The maximum signage in the RO zone is one identification sign and one bulletin board per street frontage not exceeding a total of sixteen (16) square feet in area for all displays per Section 15.148.130 of the Sign Code. Signs may be attached or detached. The Planning Commission conditioned the project signage and limited it to just one attached sign, mounted on the 14th Street elevation, with no detached signage allowed. The proposed signage is also conditioned to be reviewed and approved by planning staff to maintain the predominant residential appearance of the corner, prior to the issuance of any sign permit.

As an existing developed residential property, the parcel is already fully landscaped but the applicant proposes to add shade trees to the proposed parking area and to the front yard. Accent landscaping along the proposed entrance ramp and adjacent to the parking area is also proposed. The plot plan shows insufficient landscaping planter areas in which the required shade trees can grow so the project is conditioned to enlarge the planters. A condition was also added to allow the use of tree grates where the planter encroaches into the parking area to ensure the minimum planter dimensions are 6’ by 6’. The project is also conditioned to meet parking lot shading requirements.

Conclusion

The project comprises the repurposing of an existing residence for office use. Staff believes the project is well designed and is compatible with the surrounding land uses. Planning Commission has forwarded a recommendation for approval by the City Council. Furthermore, staff supports the proposal and recommends the City Council adopt the ordinance and approve the project resolution.

Notice of Hearing: As required by 17.200.010(C)(2)(a)(b) and (c) and 17.208.020(C) of the City Code, a ten day notice of the August 4, 2011, public hearing has been given by posting and by mail to the property owner, the property owners within a 500’ radius of the project site, to persons who appeared and identified themselves for the record before the hearing body before which the original hearing was held, and to persons who request in writing to be notified of any further proceedings on the matter or who otherwise have requested notice in writing of the hearing.

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RESOLUTION NO. 2011-

Adopted by the Sacramento City Council

DETERMINING THE BURNETT WAY REZONE AND SPECIAL PERMIT PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE PROPERTY LOCATED AT 1341 BURNETT WAY (P10-082) (APN: 009-0291-024)

BACKGROUND

A. On June 9, 2011, the City Planning Commission conducted a public hearing on and recommended approval of the Burnett Way Rezone and Special Permit project, and

B. On August 4, 2011, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(a), (b), and (c), and received and considered evidence concerning the Burnett Way Rezone and Special Permit project (P10-082).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the City Council finds that the Project is exempt from review under CEQA Guidelines Section 15301 (n), Existing Facilities Exemption of the California Environmental Quality Act Guidelines as follows:

> The project consists of the minor alteration of an existing private residential structure to convert it to office use, which the CEQA Guidelines provide is a project that is exempt from environmental review.

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ORDINANCE NO. 2011-

Adopted by the Sacramento City Council

AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) BY REZONING CERTAIN REAL PROPERTY FROM THE STANDARD SINGLE-FAMILY (R-1) TO THE RESIDENTIAL OFFICE (RO) ZONE
1341 BURNETT WAY
(P10-082) (APN: 009-0291-024)

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

Section 1. Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown in the attached Exhibit A, generally described, known, and referred to as 1341 Burnett Way (APN: 009-0291-024) and consisting of an area of ±5.727 square feet, from Standard Single-Family (R-1) to Residential Office (RO).

Section 2. Rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the rezoning of property described in the Zoning Code, as amended, as those procedures have been affected by recent court decisions.

Section 3. The City Clerk of the City of Sacramento is directed to amend the official zoning maps, which are a part of the Zoning Code, to conform to the provisions of this Ordinance.

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Exhibit A - Rezone

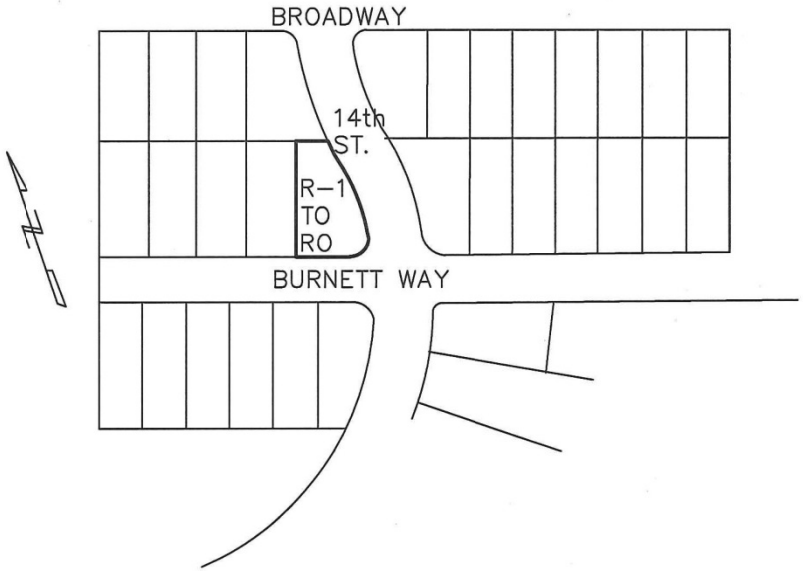
Exhibit A

REZONE EXHIBIT
1341 BURNETT WAY USE CHANGE

CITY OF SACRAMENTO
NOV. 23, 2010

SUMMARY TABLE

DESIGNATION	LAND USE	EXISTING	PROPOSED	DIFFERENCE
R–1	RESIDENCE	0.14ac.	0.0ac.	–0.14ac.
RO	OFFICE	0.0ac.	0.14ac.	0.14ac.



TED SMITH DESIGNS
4540 CANYON VALLEY RD.
DIAMOND SPRINGS, CA 95619
530–622–3924

JOB:	SHORE
DATE:	11/27/2010
SCALE:	NO SCALE
PAGE:	1 OF 1

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RESOLUTION NO. 2011 -

Adopted by the Sacramento City Council

ADOPTING FINDINGS OF FACT AND APPROVING BURNETT WAY REZONE AND SPECIAL PERMIT PROJECT (P10-082) (APN: 009-0291-024)

BACKGROUND

A. On June 9, 2011, the City Planning Commission conducted a public hearing on, and recommended approval of the Burnett Way Rezone and Special Permit project (P10-082).

B. On August 4, 2011, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(a), (b), and (c), and received and considered evidence concerning the Burnett Way Rezone and Special Permit project (P10-082).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the verbal and documentary evidence received at the hearing on the Burnett Way Rezone and Special Permit project, the City Council approves the project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the project entitlements based on the following findings of fact:

A. Special Permit: The Special Permit to allow the conversion of an existing single family residence to an office use at 1341 Burnett Way is approved based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles in land use in that the proposed office use of a single family home is consistent with the Traditional Low Density Residential land use designation. The office use is compatible with the adjacent residential and commercial uses and provides for a smooth land use transition from the commercial uses to the north and east to the residential uses to the south and west. Furthermore, the site is surrounded by existing development and infrastructure.

2. The proposed project, as conditioned, will not be detrimental to the public health, safety or welfare, and would not result in the creation of a nuisance in that the required number of parking spaces have been provided; the adjacent residential use will be physically shielded from the office use with the construction of a 6-foot tall stucco-clad masonry wall; the office hours

will typically be between 8 a.m. and 5 p.m., Monday through Friday; and the applicant anticipates many of their clients will utilize public transportation to and from the law offices, minimizing the parking impacts in an already impacted area near the Tower Theater. Finally, the plans comply with City's development policies and standards.

3. The proposed project is consistent with the objectives of the General Plan goals and policies related to the Traditional Low Density Residential land use designation. By maintaining the building's residential appearance and relegating all required parking to the north side of the property, adjacent to an existing Golden 1 Credit Union, the urban form is respected and impacts to the adjacent residences on Burnett Way are minimized. Furthermore, the office use provides a sensitive transition from the commercial uses to the north and west to the residential uses to the south and west, thus protecting an established neighborhood. By design, the project meets the community's need for complete, sustainable, and high-quality living environments.

Section 3. The City Council approves the project entitlements subject to the following conditions of approval:

A. Special Permit: The Special Permit to establish an office use in the Residential Office (RO) zone is approved subject to the following conditions of approval:

PLANNING:

A1. Development of this site shall be in compliance with the attached exhibits (Exhibits A through G), except as conditioned. Any modification to the project shall be subject to review by planning staff prior to the issuance of building permits. Any significant modifications to the project may require subsequent entitlements.

A2. Obtain all necessary building permits prior to construction.

A3. A total of three (3) parking spaces must be provided onsite.

A4 The landscape planters for the parking area shade trees shall be revised and submitted to planning staff for review and approval prior to submitting for building plan check review. The planters shall be expanded to an inside dimension of 6' x 6' with an adjustable tree grate utilized as needed to protect the tree drip areas and root systems. Said planters shall be automatically irrigated with a drip irrigation system approved by Urban Forest Services.

A5. Landscaping plans shall be submitted to the Landscape Architecture Section of the Parks and Recreation Department. The scope of the review shall include plant species selection, landscape materials, irrigation system, and calculation to

ensure that the 50% shading requirement is met. In order to provide adequate surveillance opportunities, all plants and shrubs are to be maintained at maximum height of thirty inches (30"). Decorative planting shall be maintained so as not to obstruct or diminish lighting level throughout the project.

A6. Lighting:

a. Lighting shall be designed so as not to produce hazardous and annoying glare to motorists, adjacent properties, or the general public. All fixtures should be placed in a manner that avoids glare when observed from the street or other public areas.

b. The parking area shall be provided with a minimum intensity of 1.5 foot-candles per square foot of lighting from one half-hour before sunset until one half-hour after sunrise. All lighting devices shall be equipped with weather and vandal resistant covers. Lighting shall be engineered so as not to produce direct glare or “stray light” on adjacent properties.

c. Aisles, passageways and recesses related to and within the building complex shall be illuminated with an intensity of at least seventy-five one-hundredths (.75) minimum maintained footcandle of light as measured at ground level during the hours of darkness. These lighting devices shall be protected by weather and vandal resistant covers.

d. Applicant shall submit a lighting plan to Current Planning for review prior to the issuance of building permits.

A7. The applicant shall provide copies of the Affidavit of Zoning, adopted Ordinance, and adopted Resolutions, including all project conditions of approval on a plan sheet(s) when submitting to the building division for plan check review.

A8. The applicant shall construct a six-foot high, stucco clad, solid masonry wall along the west property line between the residence and the office. The 6-foot wall shall not extend beyond the front of the existing residential building on Burnett Way.

A9. The proposed signage shall be submitted to planning staff for review and approval prior to submitting to the Building Division for the sign permit. The proposed signage design shall blend with the residential neighborhood and shall employ architectural elements of the building, shall be constructed of high-quality materials, be non-illuminated, shall only be attached to the building and located on the 14th Street elevation. No detached signage is allowed. One identification sign not exceeding an area of sixteen (16) square feet is allowed.

A10. The applicant shall add decorative shutters to the façade as shown on the attached elevations.

A11. The applicant shall post, in a conspicuous location, pertinent contact information including a valid contact person, with telephone number, who may be contacted on weekends, holidays, and evenings should construction issues or building

issues develop on site as a Good Neighbor Policy. The 24-hour emergency contact number and contact person shall be kept current for the duration of any business operations occurring on-site. Also, the applicant/developer shall make a good faith effort to meet, in a timely manner, with any concerned neighbor(s) regarding project issues and shall be responsible for coordinating with nearby residents to ensure there is no detrimental noise, light, or other project related issues that would affect the peace and welfare of the neighborhood.

DEPARTMENT OF TRANSPORTATION-Development Services Division:

A12. The applicant shall repair/reconstruct any deteriorated portions of the sidewalk fronting the property along 14th Street and Burnett Way per City standards and to the satisfaction of the Department of Transportation;

A13. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance);

A14. The design of walls, fences, and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Department of Transportation;

Community Development Dept.-Building Division

A15. The building design shall meet the requirements of the 2010 CBC California Codes for a B-occupancy.

A16. The applicant shall obtain a building permit prior to construction.

Advisory Notes:

A17. Provide exterior wall and opening protection as required per the 2010 CBC (Tables 601, 602, and 705.8).

A18. Provide accessibility per chapter 11B of the 2010 CBC.

Dept of Parks and Recreation-Park Planning & Development Services

Advisory:

A19. As per City Code, the applicant shall be responsible to meet his/her obligations regarding:

a) Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee due for this project is

estimated at $378. This is based on 1,575 square feet of Commercial Offices at the Specified infill Rate of $0.24 per square foot. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

A20. The land use change from residential to office triggers Park Impact Fees.

Exhibit A – Title Page

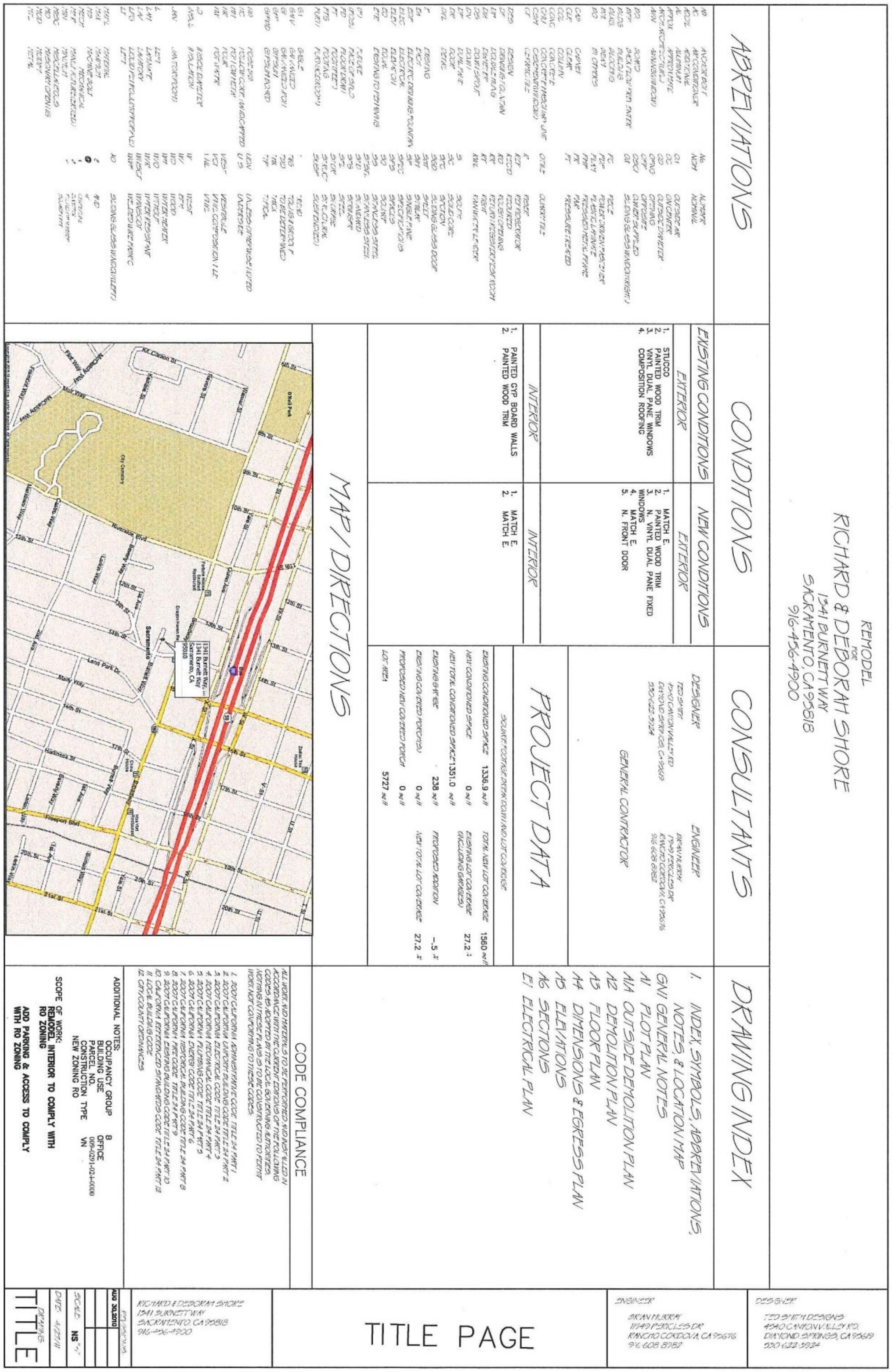


Exhibit B – Plot Plan

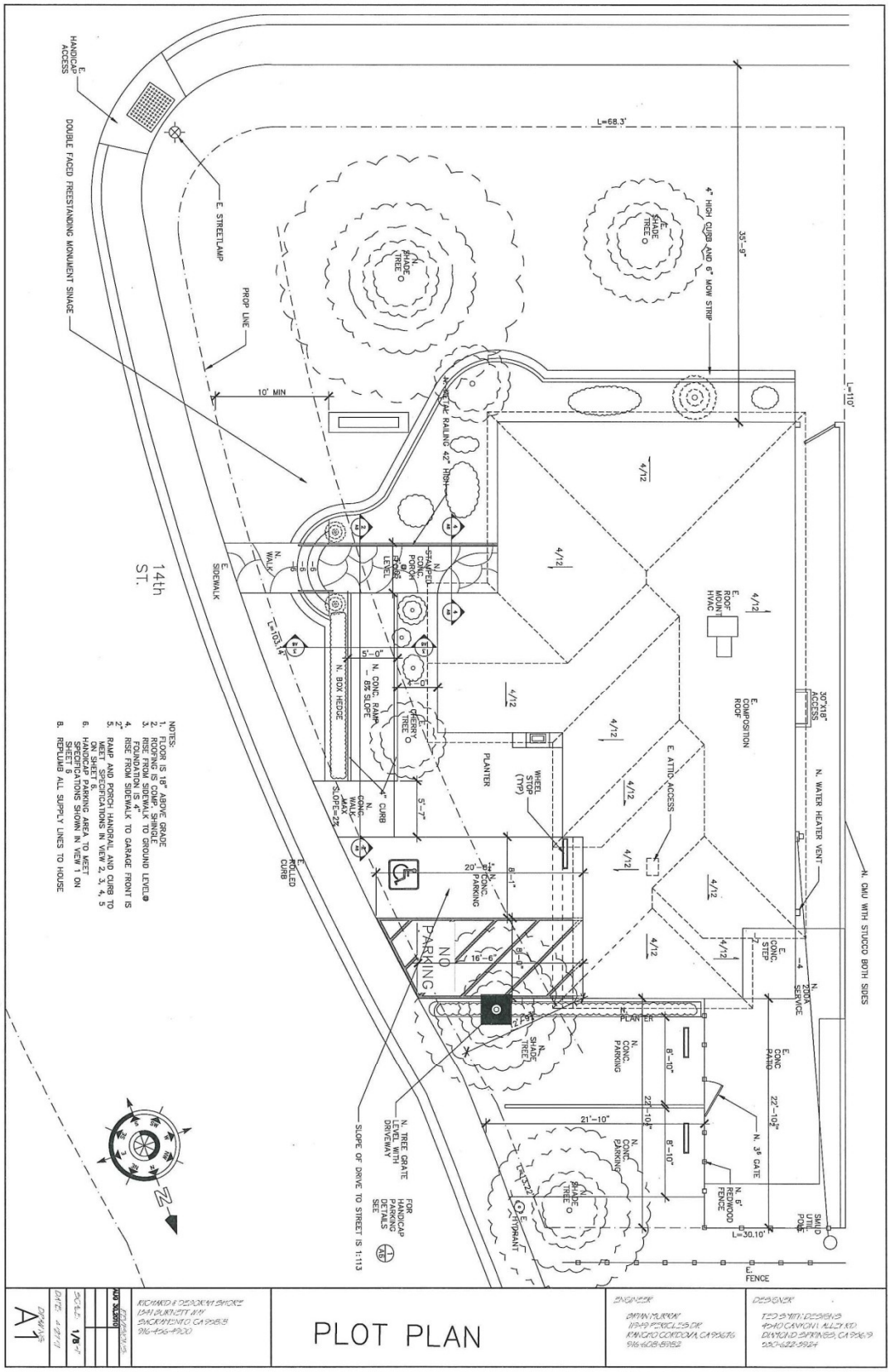


Exhibit C – Plot Demolition Plan

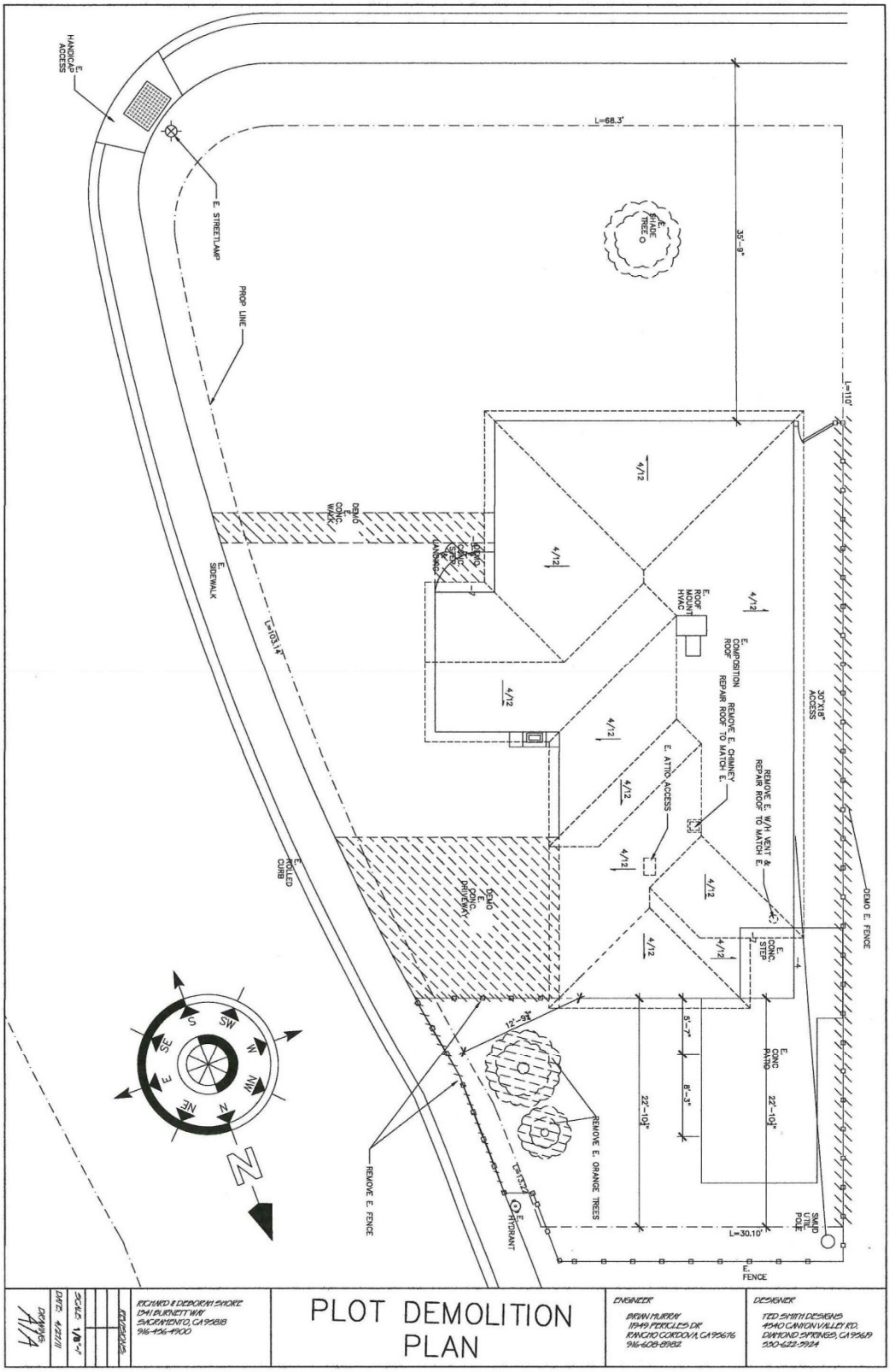
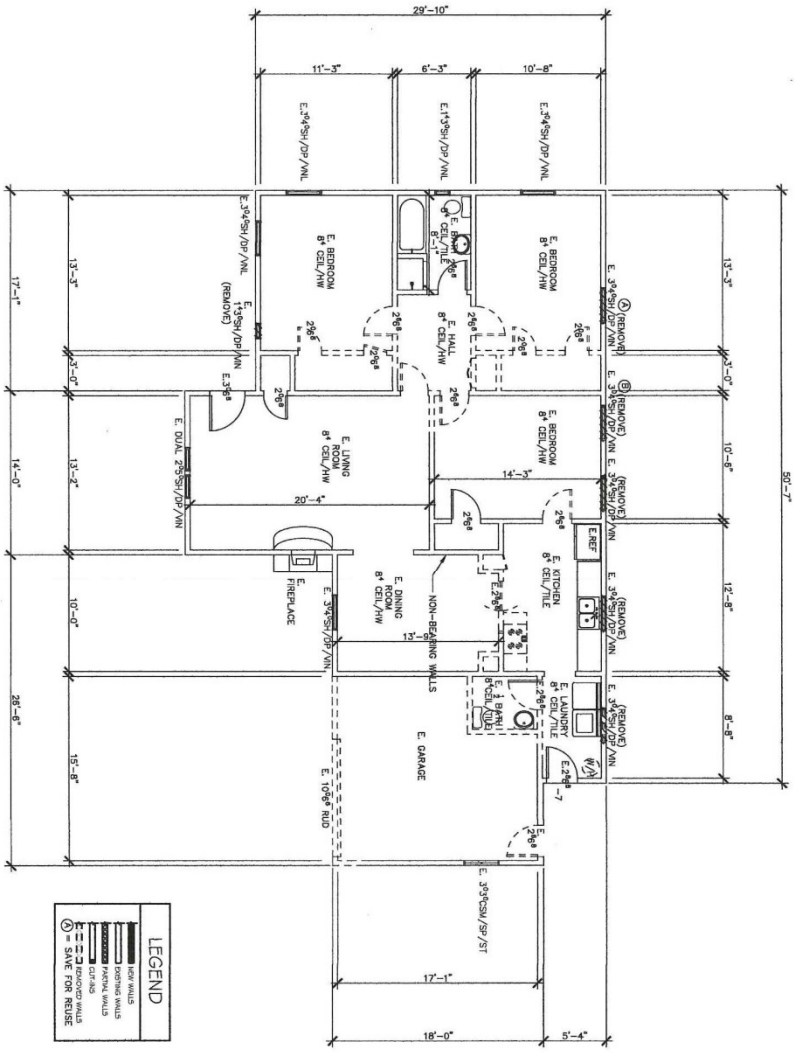


Exhibit D – Structure Demolition Plan



DRAWING A2 DATE 4/27/11 SCALE 1/4"=1' REVISIONS	RICHARD & DEBORAH SHORE 1241 BURNETT WAY SACRAMENTO, CA 95818 916-426-4900	STRUCTURE DEMOLITION PLAN	ENGINEER BRIAN MURRAY 11949 PERCILLES DR RANCHO CORDOVA, CA 95670 916-609-8982 DESIGNER TED SMITH DESIGNS 4240 CANYON VALLEY RD. DIAMOND SPRINGS, CA 95619 530-622-3924

Exhibit E – Floor Plan

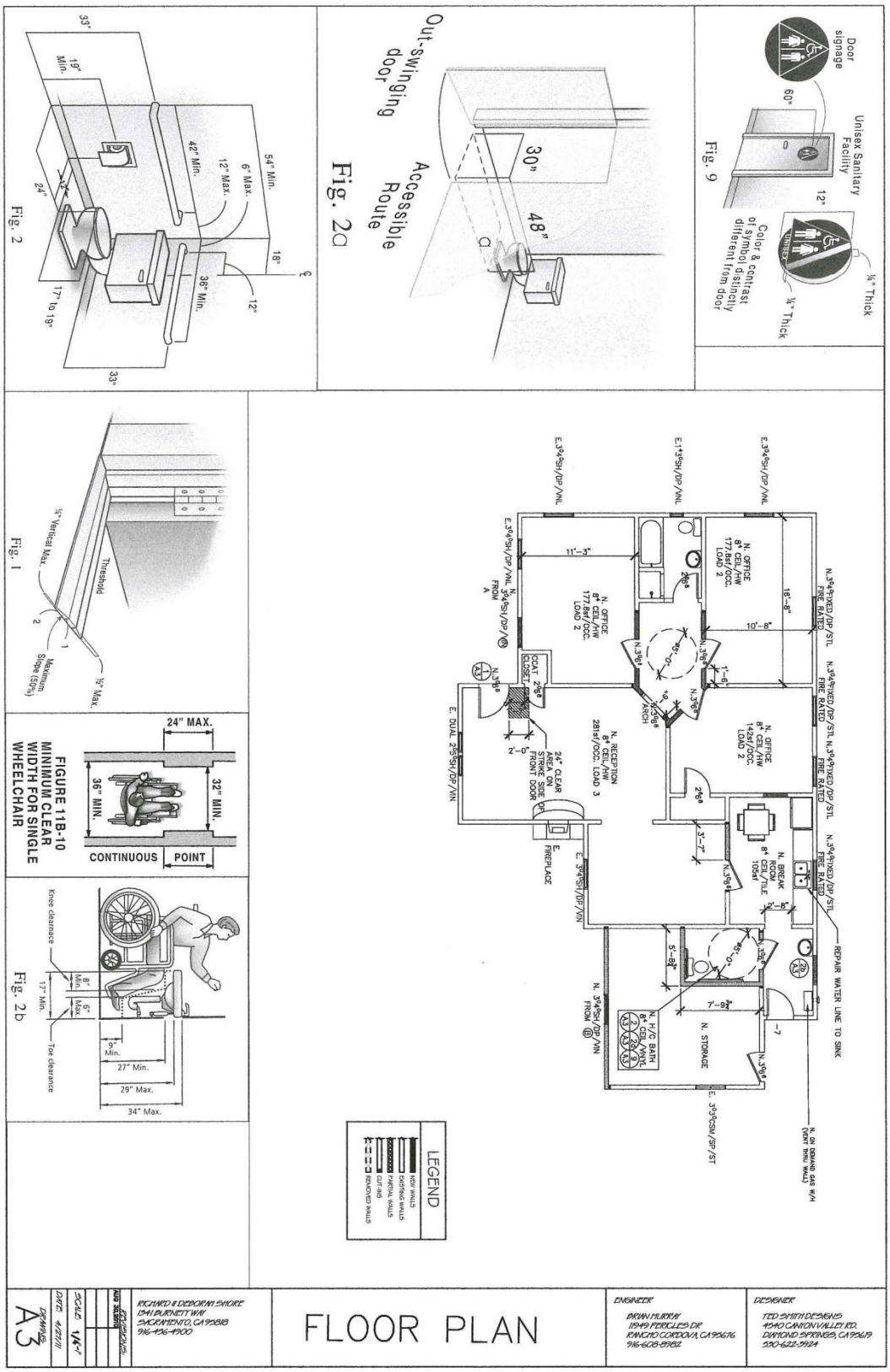
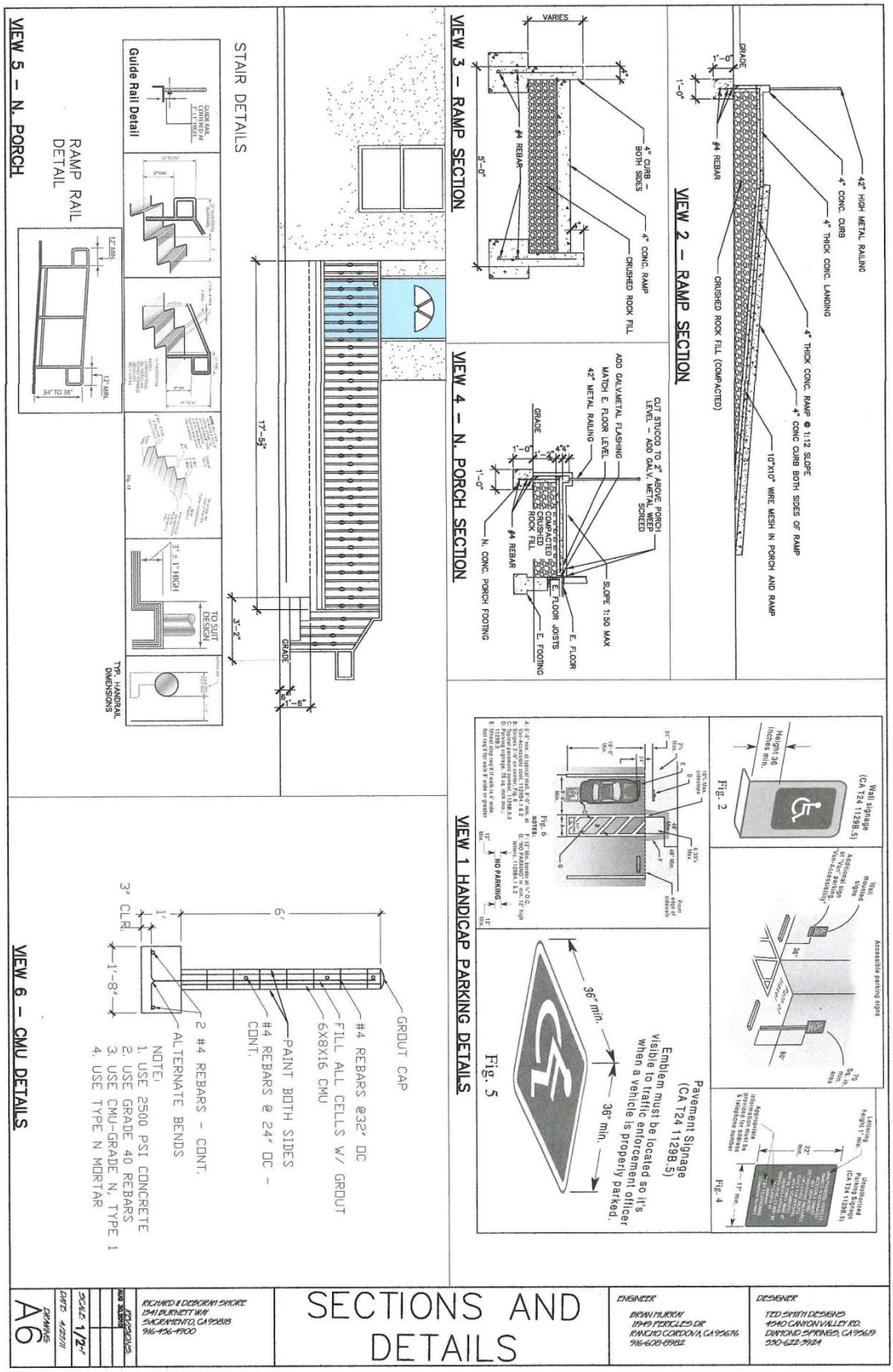


Exhibit F – Elevations

Exhibit G – Details



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Attachment 6-Letter of Opposition and Petition

P. O. Box 161298
Sacramento, CA 95816-1298

June 2, 2011

City of Sacramento
Community Development Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811-0218

Re: 1341 Burnett Way Re-Zone and Special Permit
P10-082

Ladies and Gentlemen:

The undersigned residents and owners of property in the 1300 Block of Burnett Way hereby object to the re-zone and special permit proposal referred to above.

First, we note from the staff report that we just received via e-mail that none of the neighbors have raised concerns or objections regarding the proposed rezone and that the Land Park Neighborhood Association has no objections. Although some of the neighbors received a landscape plan and a short note from the owner stating her desire to "reconfigure" the property into a law office, it did not include any reference to a request for a rezone. It was only until we received the public hearing notice from your office which was dated May 23, 2011 that we knew anything about a request for a rezone to RO. That is why no objections have been filed up until now. As for the Land Park Neighborhood Association, no one from the association has asked us whether we had concerns.

We believe that re-zoning is a slippery slope. Our neighborhood is a very stable one. In the past twelve years, we are aware of only one sale in our block and that was to a long-time tenant of the same property. Though stable, it is also fragile with Target at the west end and a bar, restaurant and movie theater at the other. We are concerned that if this property is re-zoned, it might lead to further commercialization of the neighborhood. One need look no further than X Street where residential homes are being converted into office buildings. This should not be allowed to happen south of Broadway next to Land Park residences. The Broadway Corridor Planning Task Force Recommendations of 1998 specifically mention Burnett Way and protection of residential neighborhoods.

Additionally, because of the businesses that already border the 1300 block of Burnett Way, there are constant traffic and parking problems. We unanimously voted to initiate permit-only parking to combat encroaching business which has alleviated some but not all of the parking problems.

P. O. Box 161298
Sacramento, CA 95816-1298

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Community Development Department
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Additionally, because of the businesses that already border the 1300 block of Burnett Way, there are constant traffic and parking problems. We unanimously voted to initiate permit-only parking to combat encroaching business which has alleviated some but not all of the parking problems.

To be clear, we would not be opposed to a home-based law practice in the subject property, so long as the the property retains its R1 status and cannot later be converted to office buildings or commercial property.

While we hope to avoid legal expense, we will keep all options on the table to prevent this fundamental change to our residential neighborhood.

Sincerely,

Burnett Way Neighbors

cc: Robert Fong, Councilmember, District 4
Mark Abrahams, President, Land Park Community Association

Linda E. Roye, Owner
1325 Burnett Way

Martha Jane Boyd, Owner
1317 Burnett Way

Carl

Janelle
1320 Burnett Way

Diana Verras

Joe Williams, Owner
1316 Burnett Way

Bill Rose, Owner
1332 Burnett Way

Diane Rose, Owner
1332 Burnett Way

Gary Brittner, Owner 1321 BURNETT

Diane Brittner, Owner
1321 BURNETT

Joan Krizman, Owner
1329 Burnett Way

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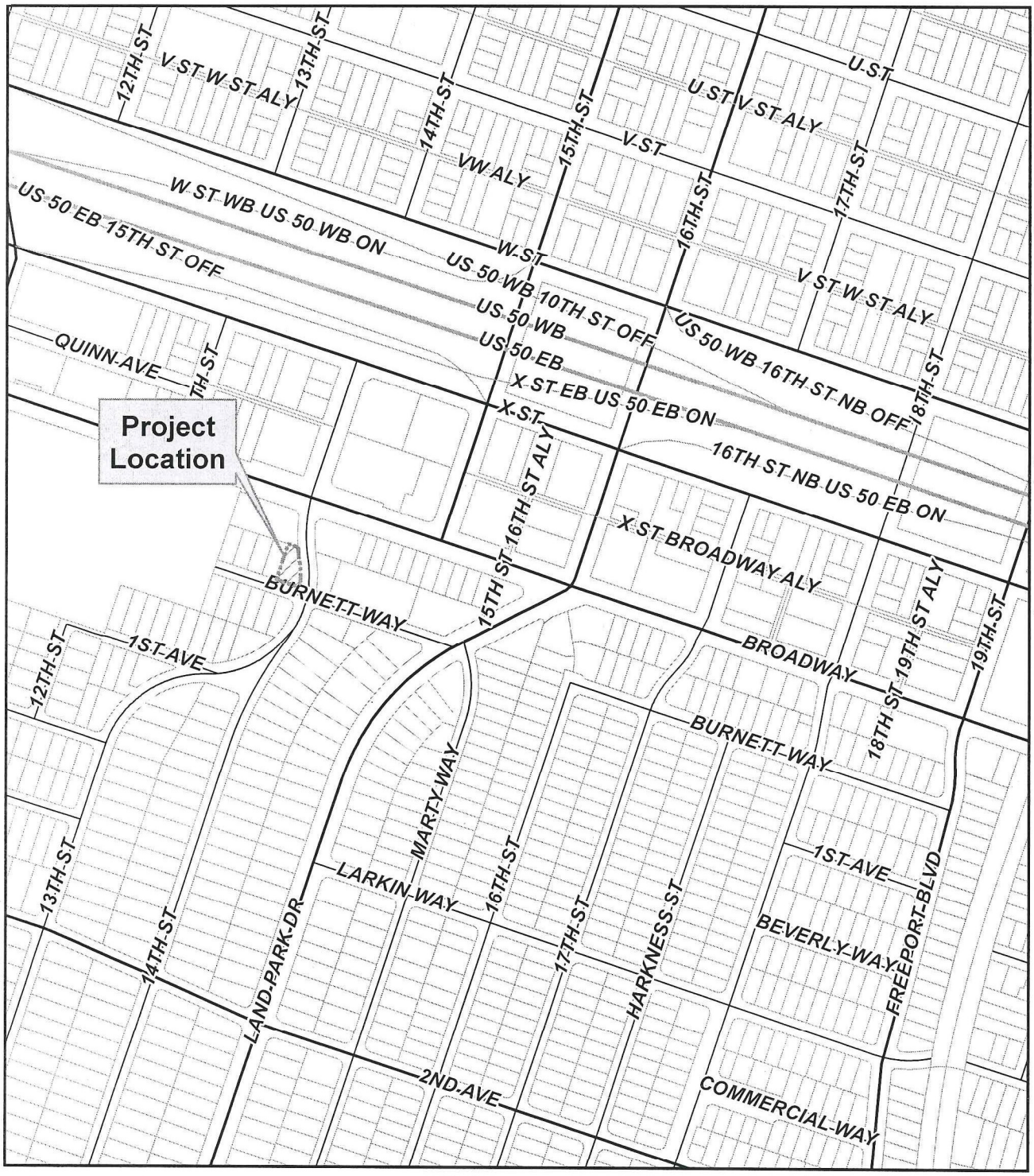

Feet

600 300 0 600

City of Sacramento, Community Development Department Geographic Information System

Vicinity Map for the Burnett Way Rezone and Special Permit

N

P10-082

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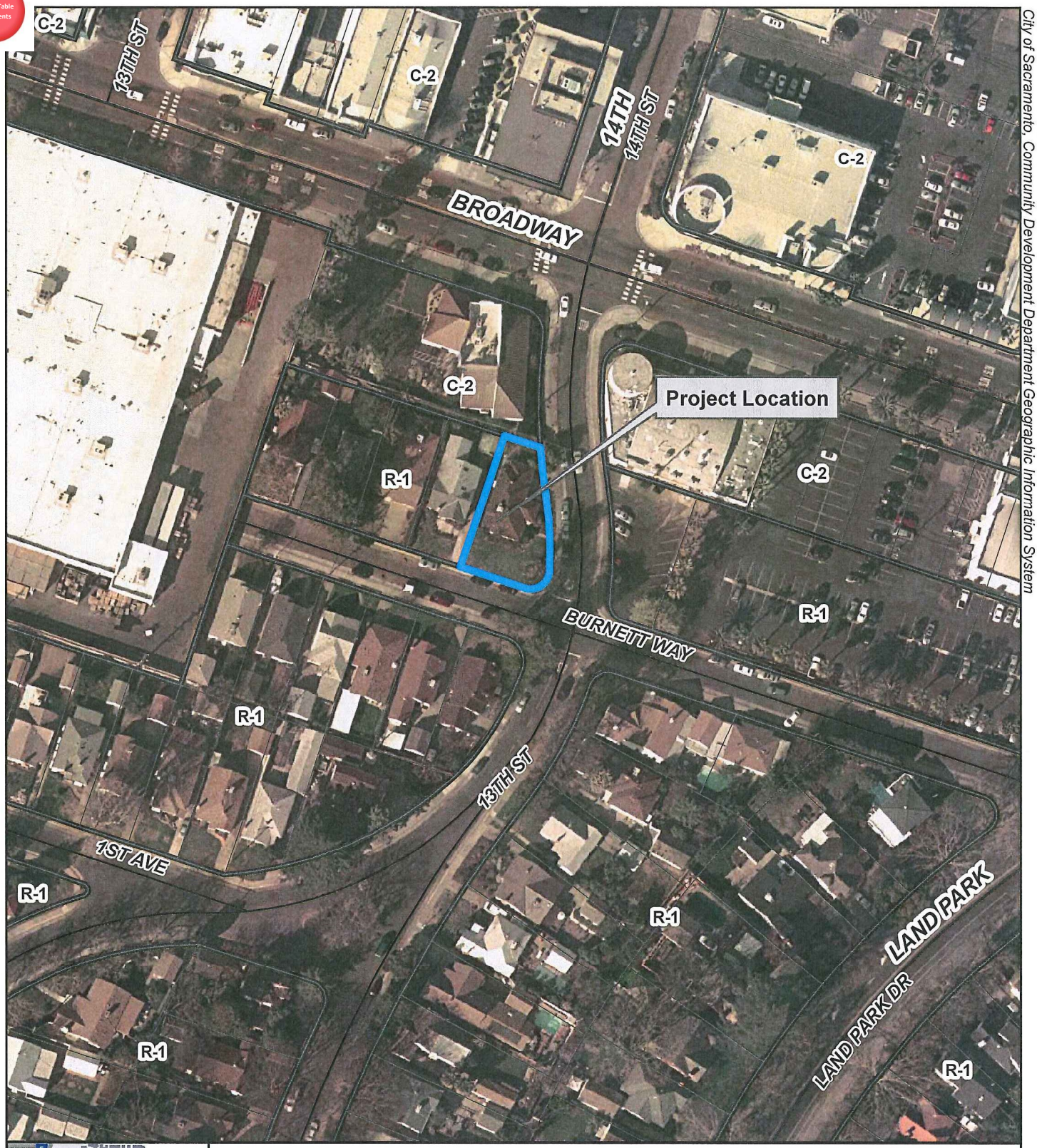

0 140 280 Feet

N

Land Use Map for the Burnett Way Rezone and Special Permit

P10-082

City of Sacramento, Community Development Department Geographic Information System