



# REPORT TO COUNCIL

# 28

## City of Sacramento

915 I Street, Sacramento, CA 95814-2604

[www. CityofSacramento.org](http://www.CityofSacramento.org)

Public Hearing

**November 6, 2007**

**Honorable Mayor and  
Members of the City Council**

**Title: Appeal of Marconi Juliesse Estates (P06-154)**

**Location/Council District:** The 3rd and 4th Lots west of Connie Ave between Marconi Circle & Juliesse Ave (266-0153-030 & 032); Council District 3

**Recommendation:** Conduct a public hearing and upon conclusion adopt a **Resolution** denying the appeal of the Planning Commission denial for a request to subdivide two undeveloped parcels totaling approximately 0.28 acres into four (4) single-family residential lots and to construct four (4) detached single-family homes in the General Commercial (C-2) zone.

**Contact:** Elise Gumm, Assistant Planner, 808-1927; Stacia Cosgrove, Senior Planner, 808-7110

**Presenters:** Elise Gumm, Assistant Planner, 808-1927

**Department:** Development Services

**Division:** Planning

**Organization No:** 4885

### **Description/Analysis**

**Issue:** Staff originally recommended that the Planning Commission approve the request based on the conclusion that the project would enhance the existing neighborhood by utilizing vacant lots and providing "eyes on the street" opportunities, and that the proposed single-family residences would not negatively affect the site or the surrounding land uses. Furthermore, the project site is located in an area that is predominately residential in nature, and it is consistent with the City's adopted policies related to infill development.

At its public hearing on July 26, 2007, Planning Commission passed an intent motion to deny the project based on the grounds that the project as proposed does not fit well within the existing community. The final denial was approved on August 9, 2007. The project is before the City Council for hearing on the applicant's appeal of the Planning Commission's decision. Under section 17.200.030(L), this hearing before the City Council on the appeal is de novo, and the hearing is to be conducted in the same manner that the Planning Commission heard the matter in the first instance.

A meeting with the applicant, representatives of Ben Ali Community Association



(BACA), staff, and the Councilmember is scheduled on October 24, 2007 to discuss the issues. The outcome will be reported at the hearing on November 6, 2007.

**Policy Considerations:** The General Plan designates the subject parcel as Medium Density Residential (16-29 dwelling units per net acre [du/na]). Development under this designation will consist of single-family detached units, duplexes, halfplexes, townhouses, condominiums, zero lot-line units, cluster houses and apartments. The project, which proposes single-family detached units, is consistent with the development envisioned by the General Plan's Medium Density Residential designation. Applicable General Plan goals and policies include:

General Plan Element, Policy 2, Sec 1-30

It is the policy of the City that adequate housing opportunities be provided for all income households and that projected housing needs are accommodated.

Residential Land Use Element, Policy 4, Sec 2-12

Promote infill development as a means to meet future housing needs.

Residential Land Use Element, Policy 6, Sec 2-13

Continue to support redevelopment and rehabilitation efforts that add new and reconditioned units to the housing stock while eliminating neighborhood blight and deterioration.

Residential Land Use Element, Goal C, Sec 2-11

Develop residential land uses in a manner which is efficient and utilizes existing and planned urban resources.

The project site is located within a General Plan designated Target Residential Infill Area (General Plan, Section 1, Map 4). Target areas include older residential neighborhoods with significant numbers of individual and small vacant residential lots, particularly within redevelopment areas and other transitional neighborhoods. The City's Infill strategy encourages infill development that adds to the range of housing types available in the area, optimizes the site, and provides street level pedestrian activities, has design for massing in scale with the neighborhood, and minimizes the appearance/impact of parking. Staff believes that the proposed project is also consistent with the policies of the infill strategy plan.

**Committee/Commission Action:** On July 26, 2007, the City of Sacramento Planning Commission heard and considered evidence regarding the project. Several community members testified against the project and the Planning Commission ultimately passed an intent motion to deny the project entitlements, by a vote of 6-ayes to 2-noes. The final denial was approved at the August 9, 2007 Planning Commission meeting. The reasons for the Planning Commission's denial is detailed in the Background section of this report, beginning on page 5.

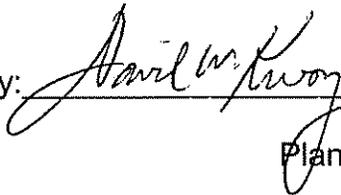
**Environmental Considerations:** The City of Sacramento's Environmental Planning Services (EPS) has determined that the proposed project is exempt

from the provisions of the California Environmental Quality Act (CEQA Section 15332) due to the consistency with applicable policies and regulations as an infill project.

**Rationale for Recommendation:** Planning Commission denied the project based on the grounds that the project as proposed does not fit well within the existing community. This staff report reflects this decision and the resolution contains findings for denial of project entitlements.

**Financial Considerations:** This project has no fiscal considerations

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

Respectfully Submitted by:   
David Kwong  
Planning Manager

Approved by:   
William Thomas  
Director of Development Services

Recommendation Approved:

*for*   
Ray Kerridge  
City Manager

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Attachment 1: Appeal Form

**CITY OF SACRAMENTO**  
**DEVELOPMENT SERVICES DEPARTMENT**  
 915 I Street, New City Hall, 3<sup>rd</sup> Floor  
 Sacramento, CA 95814

**PLANNING DIVISION**  
 916-808-5419

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

DATE: 11-20-07

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission on  
(7-26-07)(8-9-07) (hearing date), for project number (P#) 06-154 when:

- Special Permit for To Construct 4plex on box SFD in General Commercial Zone C-2
- ~~Variance~~ Commercial Excep for CCDA Guidelines Section 1533.2
- "R" Review for \_\_\_\_\_
- Other Tentative Parcel for Subdivide 2 lots into 4 lots in P-2 zone  
(CCP)

was: \_\_\_\_\_ Granted by the City Planning Commission  
 Denied by the City Planning Commission

Grounds For Appeal: (explain in detail, you may attach additional pages)  
To follow within 10 business days from 8-20-07 being processed by Council

- ⇒ Property Location: 3<sup>rd</sup> & 4<sup>th</sup> lots of West Cornie Ave between Milliken Circle & Jesse Avenue
- ⇒ Appellant: Gerald R. Jenkins Daytime Phone: (916) 276-7239  
(please print)
- ⇒ Address: 9611 Harvest View Way Sacramento CA 95827
- ⇒ Appellant's Signature: [Signature]

THIS BOX FOR OFFICE USE ONLY			
FILING FEE:	<input checked="" type="checkbox"/> \$1,192.00 By Applicant	RECEIVED BY: <u>Jana Beth Parker</u>	
	<input type="checkbox"/> \$298.00 By Third Party	DATE: <u>11/20/2007</u>	<u>5:50 PM</u>
Distribute Copies To: CAS; DK; Project Planner; Mae Saetern (original & receipt)			
P# _____ Forwarded to City Clerk: _____			

## Attachment 2: Background

The applicant is proposing to subdivide two undeveloped parcels totaling approximately 0.28 acres into four (4) single-family residential lots and construct four (4) detached single-family homes in the General Commercial (C-2) zone. The project site is an infill site located adjacent to the east boundary of City limits and the Capital Freeway. The project site is located in an area of predominately residential uses, and the General Plan designates the subject parcel as Medium Density Residential, 16-29 dwelling units per net acre.

Although the current zoning of the property and the adjacent properties are General Commercial (C-2) zone, the General Plan Designation and existing uses in the area are residential. The subject parcels are located on Marconi Circle, a pass-through road between Auburn Boulevard and Marconi Avenue, and do not have frontage on Marconi Avenue. The current configuration of the block is suitable for residential and currently includes single-family homes.

The previous owner of the subject parcels lived adjacent to the east of the subject site and had been using the vacant land to park his commercial vehicles, an undesirable use in the area and a code violation. The current owner bought the site after two single-family homes adjacent to the west of the subject site were built (P04-172) in 2005. The current owner originally submitted an application to construct two duplexes on two parcels back to back and fronting both Marconi Circle and Juliesse Avenue. After reviewing the proposal, staff found that the proposed attached duplexes eliminated the open space for each unit as well as the ownership opportunities. Furthermore, the Development Engineering Division recommended that all units have vehicle access off of Juliesse Avenue due to the high volume of traffic along Marconi Avenue. As a result, staff recommended the applicant revise the application to its current form: detached single-family homes with units fronting both Marconi Circle and Juliesse Avenue, but with vehicle access off of Juliesse Avenue.

The applicant accepted the recommendation from staff and revised the application accordingly. The current proposal is based on the recommendation from staff, and the applicant also paid extra entitlement fees for proposing a tentative map with the project.

The project was first routed to Ben Ali Community Association (BACA) with the original proposal of two duplexes on August 30, 2006, and City staff received a response from the Association on September 14, 2006 requesting to extend the review time to October 1, 2006. Since then, staff did not receive any comments from the Association.

The project was re-routed to BACA on May 22, 2007 after the applicant revised the application with the new proposal of four detached single-family residential units. Staff received comments from the Association indicating its opposition to the proposed use.

Planning staff and the applicant attended the BACA meeting on July 11, 2007 to discuss the project. At the end of the meeting, BACA members agreed that if the driveway to

the units were to be relocated to the Marconi Circle side of the project, then they would not oppose the project. There was concern among the members that no new residential driveways should be introduced onto Juliesse because it is not fully improved with curb, gutter, and sidewalk; Marconi Circle is fully improved. The applicant does not oppose relocation of the driveway.

Planning staff indicated that the relocation plan would need to be reviewed by Development Engineering staff to determine if it is acceptable; there are safety concerns due to the extreme curve that vehicles must negotiate when turning right from Marconi Avenue (a major arterial) and onto Marconi Circle, a street linking Marconi Avenue to Auburn Boulevard. If a vehicle is waiting in the travel lane to turn left into the project driveway, another motorist making a right-turn off of Marconi Avenue may not have adequate time or sight distance to see the waiting vehicle. Marconi Avenue is designed to accommodate a vehicle speed of 40 miles per hour, so a vehicle coming around the curve onto Marconi Circle could be traveling at a significant speed compared to that of the waiting car. Additionally, there is a safer alternative driveway location available to service residential development on these two parcels: the driveway location on Juliesse Avenue, as shown in the attached exhibits. There are a number of other residential driveways already located on Juliesse and it currently accommodates primarily residential traffic.

At the Planning Commission's hearing on July 26, 2007, Development Engineering staff demonstrated that any driveway on the site accessing from Marconi Circle would be unsafe and Juliesse Avenue can safely accommodate a residential driveway with four units, especially when all street frontage improvement in place at the time of the completion of the project.

BACA members disagreed with the comments and would only accept a two-unit project if the driveway would be accessing Juliesse Avenue. The Planning Commission asked if the applicant has ever considered reducing the number of units, the applicant indicated it would not be financially feasible if the project is less than four units due to all frontage improvement requirements and the project requires the extension of utility lines. Ultimately, the Planning Commission passed the intent motion to deny the project based on the ground that the project as proposed with four units does not fit well within the existing community.

BACA's comments and recommendations and staff's response are attached below:

*BACA's Comments - (submitted 6/27/07)*

1. There are two single-family detached homes adjacent to the proposed project that have been vacant for two years. Is it really prudent to suggest adding additional housing inventory to this area at this time? The vacant homes in our neighborhood that are privately-owned or owned by banks are not kept up and provide opportunities for squatting - a problem in our community. Will this project add to that problem?

2. Homes which were built along Marconi Circle have been turned into businesses - what is the likelihood of the planned homes going the same route?
3. Juliesse is an unimproved road. There is no street lighting on Juliesse and none planned in our current lighting plan. The asphalt coverage is 17-17 ½ feet wide and is bordered on the south side by an unimproved drainage ditch that is 24-36 inches deep and on the north side by a dirt shoulder. At the intersection of Juliesse and Connie there have been multiple incidents of cars in the ditch and the stop sign that was there was knocked over by a car and never replaced. Is adding traffic congestion to this particular street and this particular corner the right development decision for our neighborhood? In addition, Juliesse floods every winter. Is getting rid of the open ground on the proposed lot going to increase the flooding along this street and impact the neighbors to the south of the project, across Juliesse? We think that it will.
4. The floorplans and lack of open space suggest that the residents who buy here (and we are hoping it will not be investors buying for the purpose of renting but there is no way of preventing that from happening) may find their living space so crowded that they spill into the street.
5. The level of density proposed for this lot is not supported by current infrastructure. We are not North Natomas and we are not a walkable community. The high density projects in North Natomas rely on sidewalks, access to community services/retail, and open spaces nearby. Our community has none of that. In addition, there is no safe access to bus or lightrail.

Given our objections, we have come up with the following options for consideration as alternatives to the current application in our order of preference:

BACA's Suggestion

6. Instead of 4 residences, build 2. Instead of the entrance and egress on Juliesse, re-orient the entrance and egress toward Marconi Circle and establish a no-parking zone within 200 feet of the intersection of Marconi Circle and Marconi Avenue. Marconi Circle has sidewalks and a paved road.
7. Instead of 4 residences, consider a multi-use plan which consists of a two-story building with retail on the bottom floor and living space on the top floor. Again, re-orient the entrance and egress to Marconi Circle. We believe this option best dove-tails with the General Plan Update scheme for our neighborhood.
8. Flip the existing plan to re-orient the entrance and egress to Marconi Circle. Again, this would require posting no parking signs within 200 feet of the intersection of Marconi Circle and Marconi Avenue.

9. Do not grant the special permit request that allows for residential development on this lot and leave as commercial.

Staff also received formal comments from adjacent neighbors (*submitted 7/1/07, numbering revised by staff*). Those comments are also included below:

List of Objections:

10. The infrastructure on Juliesse Ave. simply can not support this development. Approval of this development puts the existing homes on Juliesse Ave. in greater jeopardy.
11. Our neighborhood needs to maintain these commercial lots for commercial development to better integrate the neighborhood within itself and into the overall plan for the city.
12. This development is totally out of character with the rest of neighborhood homes. Last summer, during our many conversations and meeting with the City Planning Dept. and the office of Councilman, we were promised that the Planning Dept. would work closely with our neighborhood to prevent further development of out of character homes into our community. And we expect the Planning Dept. to honor their agreement with our community.

Staff Response

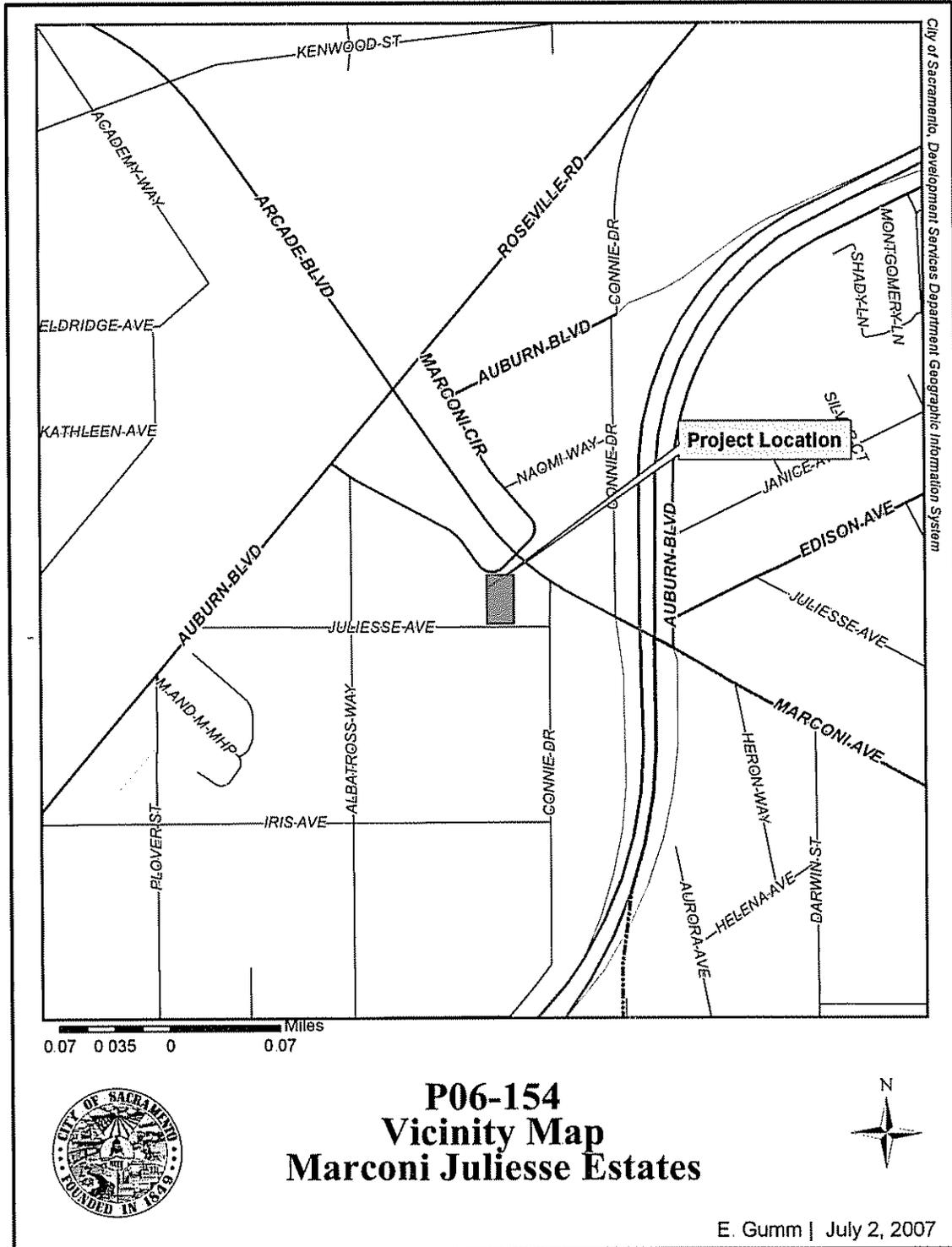
1. Staff does not know the specific circumstances of the for-sale homes in the area. The General Plan encourages promoting infill development as a means to meet future housing needs. Although the housing market has cooled recently compared to the last couple years, providing adequate housing opportunities to attract new residents and accommodate the growth projected for the Sacramento region are still City Council goals. Housing markets fluctuate, but the City still evaluates applications for new housing projects regardless of the position in the housing cycle.
2. Staff finds that it is unlikely that any of the proposed homes would be legally converted to commercial uses but it is possible that it could be done. If someone wished to convert any of the homes to a commercial use, the Zoning Code requires onsite parking, which would be difficult to provide, and the Building Code would require extensive upgrades to the building as well as handicap accessible ramps and facilities.
3. The proposal has been reviewed by the Development Engineering Division and the Department of Utilities. The project is required to construct off-site improvements (including curb, gutter, and sidewalk) and dedicate public right-of-way on Juliesse Avenue. The applicant is also required to submit a drainage study to assure that drainage from the site adjacent to Juliesse Avenue will

connect to the existing drainage system by extending pipes or upgrading and/or re-establishing ditches and culverts. New frontage improvements along Juliesse Avenue shall not block existing drainage. Drainage improvements must be to the satisfaction of the Department of Utilities.

4. There are two house plans offered, with 1,300 and 1,400 square feet of living area, respectively. Each plan offers four bedrooms and two-and-a-half baths. Each unit has its own private yard and open space, including a 13'-15' rear yard setback and a 10-foot sideyard.
5. Staff has evaluated the proposed project and determined that, with conditions and required improvements, the project can be supported by the existing infrastructure. At 14 du/na, the proposed project is considered to be medium density.
6. The two subject parcels are "through-lots", having public street access to two street frontages. If only two units are constructed, fronting Marconi Circle, there would likely be a hundred feet of (rear yard) wood fence along Juliesse Avenue. Staff prefers to promote a scenario where there are residential units fronting Juliesse Avenue and Marconi Circle. There are sizable infrastructure improvements required to develop these two parcels, including extension of a water main, making four units on this site, rather than two, increasingly desirable to defray these costs.
7. Please see the answer to #6 above. The applicant is not proposing a mixed-use project at this time and staff has not evaluated the impacts of such a development.
8. The City's Development Engineering Division has determined that any driveway operating at the site on Marconi Circle would not be safe, given the speed and traffic flow on Marconi Avenue.
9. Even though staff recommended approval of the project as proposed and finds that it meets current development standards and is consistent with the goals of the City's Infill Strategy, the Planning Commission has denied the proposal. Staff is now bringing the recommendation of the Planning Commission forward to the City Council.
10. Please see the answer to #3 above.
11. Staff supported residential at the subject site for the above stated reasons but the project is being forward to the City Council with recommendation of denial based on the recommendation of Planning Commission.
12. Staff's recommendation to the applicant to revise the application to include detached single-family units was based on a survey of the existing uses in the

area and the staff's previous experience working with the Ben Ali Community Association; the Association had on previous occasions expressed that new ownership housing is preferred within the community. The blocks surrounding the project site have a mix of single-family units, attached rental units and duplexes, therefore the proposed development does not appear to be out of character with the existing development in the area. Staff finds that the proposed residential uses are appropriate in this location since these commercial lots are adjacent to existing single-family lots, surrounded predominately by single family uses and the commercial lots are not of a size or in a location that would lend themselves well to viable commercial uses. However, the project is being forward to the City Council with recommendation of denial based on the recommendation of Planning Commission.

Attachment 3: Vicinity Map





Attachment 5: Resolution – Denying the Project

**RESOLUTION NO. 2007-**

Adopted by the Sacramento City Council

**DENYING THE MARCONI JULIESSE ESTATES PROJECT  
(APN: 266-0153-030 & 032) (P06-154)**

**BACKGROUND**

- A. On August 9, 2007, the Planning Commission conducted a public hearing on and denied the Marconi Juliesse Estates Project, and on August 20, 2007, the applicant appealed the Planning Commission's decision to the City Council; and
- B. On November 6, 2007, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code sections 17.200.030(K) and 17.200.010(C)(2)(d)(posting and mail), and received and considered evidence concerning the Marconi Juliesse Estates Project.

**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 Marconi Juliesse Estates Project, the City Council denies the Project based on the findings of fact as set forth below.

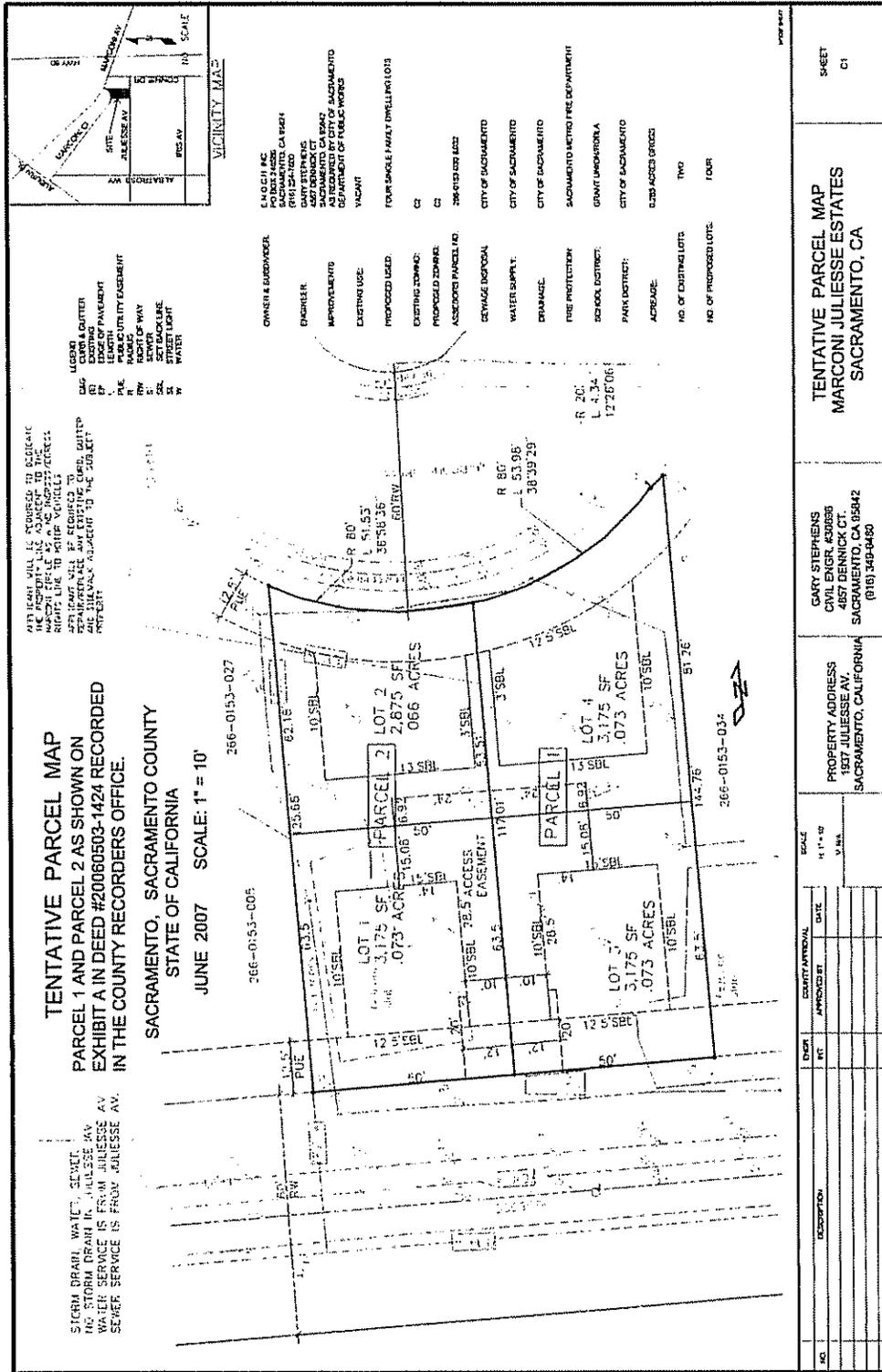
Section 2. The City Council denies the Project entitlements based on the following findings of fact:

- A. **Tentative Map** to subdivide two undeveloped parcels totaling approximately 0.28 acres into four (4) single-family residential lots in the General Commercial (C-2) zone is **denied** subject to the following Findings of Fact:
  - 1. The design of the proposed subdivision is being reviewed in conjunction with a Special Permit for four, single-family residences in the General Commercial (C-2) zone. With the Planning Commission's determination that the Special Permit to construct the residences is unsupportable, it is unsuitable to approve the subdivision in its current configuration at this time.
- B. **Special Permit** to construct four (4) detached single family homes in the General Commercial (C-2) zone is **denied** subject to the following Findings of Fact and Conditions of Approval:

1. The project as proposed is not based upon sound principles of land use in that:
  - a. The proposed new homes are not designed in such a way as to fit within the existing community.
2. The project, as conditioned, will be detrimental to the public welfare, safety, or result in the creation of a public nuisance in that:
  - a. The density of the proposed project is deemed to be inappropriate for this location when considered in conjunction with the level of service concerns that exist in placing a residential driveway on Marconi Circle.
3. The project does not comply with the General Plan policies that promote infill development that is consistent with development in the surrounding community.

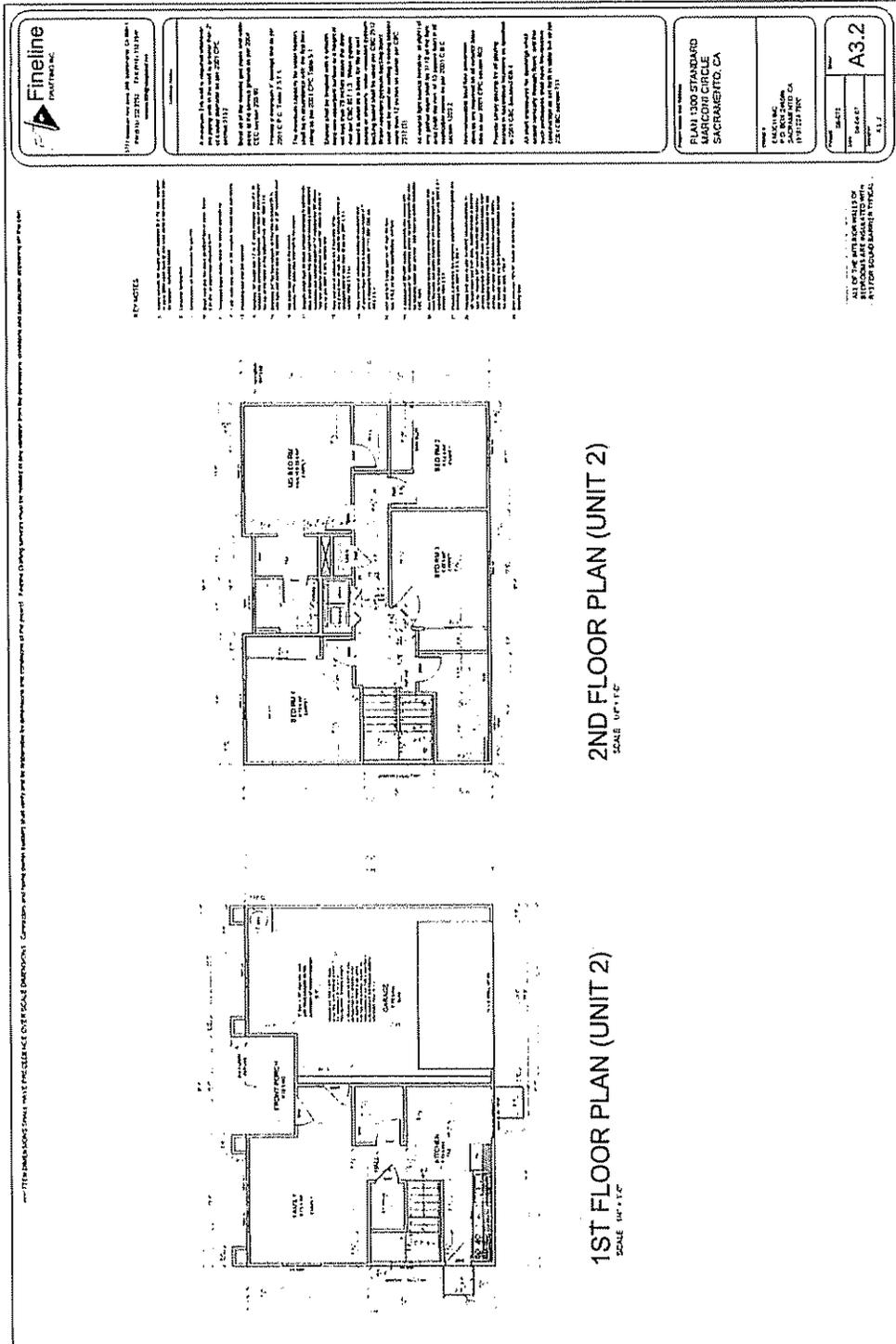
Table of Contents:

Exhibits A-D; Map and Plans









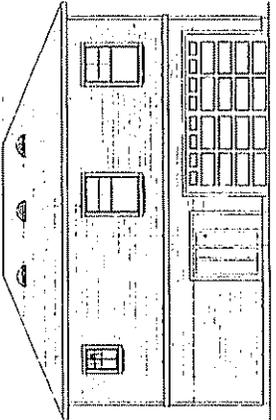


Fineline  
DRAFTING INC.

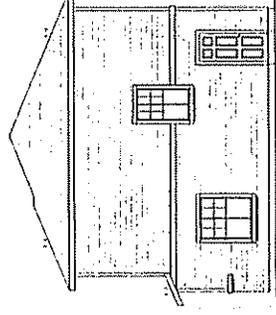
1. This drawing is to be used for the proposed construction of the project. 2. Changes to this drawing shall be approved by the architect. 3. All dimensions are in feet and inches. 4. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 5. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 6. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 7. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 8. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 9. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 10. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 11. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 12. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 13. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 14. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 15. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 16. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 17. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 18. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 19. All dimensions are to be taken from the finished face of the work unless otherwise indicated. 20. All dimensions are to be taken from the finished face of the work unless otherwise indicated.

PROJECT:  
PLAN 1300 STANDARD  
MARCONI CIRCLE  
SACRAMENTO, CA

SCALE: 1/8" = 1'-0"



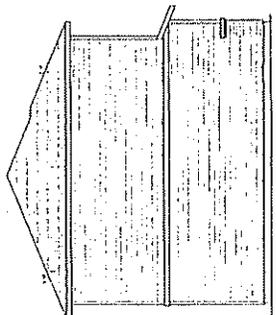
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"



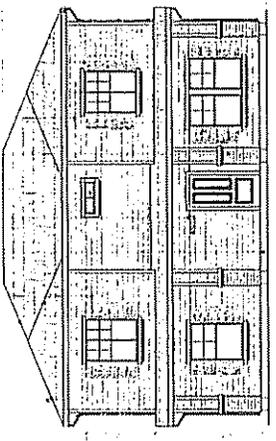
**RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"

AT TIC ROOF ELEVATION CALCULATIONS

ITEM	DESCRIPTION	AMOUNT	UNIT	TOTAL
1	Roofing	100	SQ. FT.	100
2	Insulation	200	SQ. FT.	200
3	Structural	500	SQ. FT.	500
4	Interior	100	SQ. FT.	100
5	Exterior	100	SQ. FT.	100
6	Foundation	100	SQ. FT.	100
7	Drainage	100	SQ. FT.	100
8	Other	100	SQ. FT.	100
<b>TOTAL</b>		<b>1300</b>	<b>SQ. FT.</b>	<b>1300</b>



**LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"



**FRONT ELEVATION-UNIT 2**  
SCALE: 1/8" = 1'-0"



