

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

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday, May 16, 1995, the Zoning Administrator approved with conditions a special permit to allow office on the ground floor in the Central Business District for the project known as Z95-021. Findings of Fact and conditions of approval for the project are listed on pages 3 and 4.

Project Information

Request: Zoning Administrator Special Permit to allow a ground floor office which is considered a non-retail, non-pedestrian use for the ground floor in the Central Business District on 0.22± developed acres in the Central Business District- Special Planning District (C-3) zone.

Location: 910 K Street

Assessor's Parcel Number: 006-0102-003

Applicant: James Plumb Associates Property Association of California Water Agencies
1249 32nd Street Owner: 910 K Street
Sacramento, CA 95816 Sacramento, CA 95814

General Plan Designation: Community Neighborhood Commercial and Offices
Central City

Community Plan Designation: General Commercial-Multi Use
Existing Land Use of Site: Vacant (ground floor), Office on upper floors.
Existing Zoning of Site: Central Business District, C-3(SPD)

Surrounding Land Use and Zoning:
North: C-3; Commercial
South: C-3; Office and Commercial
East: C-3; Commercial
West: C-3; Vacant

Property Dimensions: 61 feet x 160 feet
Property Area: 0.22± acres
Parking Required: 0
Parking Provided: 11
Square Footage of Ground Floor: 9,760 square feet

| | |
|-----------------------------------|---|
| Square Footage of Non-Retail: | 15,989 square feet |
| Existing Building Square Footage: | 34,939 square feet (9,190 square foot Basement) |
| Topography: | Flat |
| Street Improvements: | Existing |
| Utilities: | Existing |

Project Plans: See Exhibits A and B

Previous Files: None

Additional Information: The owner (Association of California Water Agencies) proposes to use the 9,760 square feet of the ground floor space to expand for their own office uses. The Association of California Water Agencies occupies the remaining 15,989 square feet in the upper two floors of the building. The site is located in the Central Business District- Special Planning District. The Zoning Ordinance requires a Zoning Administrator's Special Permit to locate non-retail or non-pedestrian oriented uses on the ground floor. The applicant is requesting the Special Permit due to the inability to lease the space as retail space. The applicant proposes to create a window display that will be four feet deep and extend the width of the building window to showcase books, pamphlets, and other items for sale from the owner. This window display will create a retail storefront appearance to the mall facade. The building has a unique structural design in that the ground floor is actually a split level floor with the lowest portion at the mall entrance approximately four feet above ground level. This design has made leasing the area as retail very difficult and the area has remained vacant for several years.

The site is located within an area that the Zoning Ordinance requires 75 percent of the ground floor blockface to be retail or service related uses. The entire blockface except this site meets is a retail or service related use. The 75 percent requirement is exceeded.

The site is located within SHRA's Downtown District. The proposed plans were sent to SHRA by Planning staff when the application was submitted. The agency sent a letter of support for the project stating the difficulty in leasing the area for retail do to the split floor at the K Street Mall entrance (see Exhibit C). Due to the local economy, other designated retail sites have been permitted to have office uses for a limited period (the office building at 15th, S and P Streets {P94-046} and the City Parking Garage (retail to office at 10th and I Streets).

The Special Permit approval may be for a temporary limited period depending upon present economic conditions, existing physical conditions, or any special circumstance related to that particular location. One or more of the following findings must be made to support a time restricted permit:

a. The proposed use is compatible with existing developments but may become incompatible once anticipated development or redevelopment of the area occurs.

b. The proposed use has the potential to create adverse environmental impacts to surrounding land uses and it is necessary to evaluate whether such impacts have occurred once the use has been in operation.

c. It is necessary to evaluate whether the proposed use has complied with the conditions imposed upon permit approval because such conditions are essential for mitigating the impacts generated by the use.

The project has been noticed and staff has received one call by an adjacent property owner who is in opposition to the project. He also sent a letter stating his opposition to the office space because allowing office is counter to the goal of having more retail and an extended day in the K Street Mall area (see Exhibit D). Staff also received a call from the Downtown Business Association regarding the project. They requested information and did not indicate a position on the proposed project.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15301(a)}.

Conditions of Approval

1. The ground floor retail square footage (approximately 9,760 square feet) may be occupied with a non-retail, non-pedestrian use (office) for a period of five years (until May 16, 2000). One year prior to May, 2001, (May, 2000) the owner shall begin consultation with leasing agents in order to actively seek retail tenants for the 9,760 square feet of space. At that time, if the economy is such that the leasing agents indicate the space is unacceptable to list as retail space, then the applicant shall document the efforts to obtain a retail tenant. The owner shall then seek relief through the appropriate City entitlement process.
2. Any proposed exterior modifications or signage shall be reviewed by the Design Review/Preservation Board staff and have the appropriate permits.

Findings of Fact:

1. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. the proposed temporary office use is compatible with existing developments and prevents the building from remaining vacant, but is incompatible with the long range goals and policies for the downtown district for predominate retail uses on the ground floor;
 - b. the allowed use is for a six year time period to allow for a change in the economic environment that will be more suited to attracting the desired retail street

frontage uses.

- 2. The project will not be detrimental to the public health, safety, or welfare nor result in a nuisance in that:
 - a. the 9,760 square feet of retail space shall be retained in that in January 2000, the building owner shall be required to reestablish the retail space request entitlements to waive the retail space;
 - b. office use is an less intense use than retail use in parking requirements; and
 - c. a window front display will be created to show books, pamphlets, and other items available for purchase in the office, thus creating a retail look across the front of the ground floor.

- 3. The project is consistent with the General Plan and Central City Community Plan which designate the subject site as Community Neighborhood Commercial and Offices and General Commercial-Multi Use respectively.

Joy D. Patterson

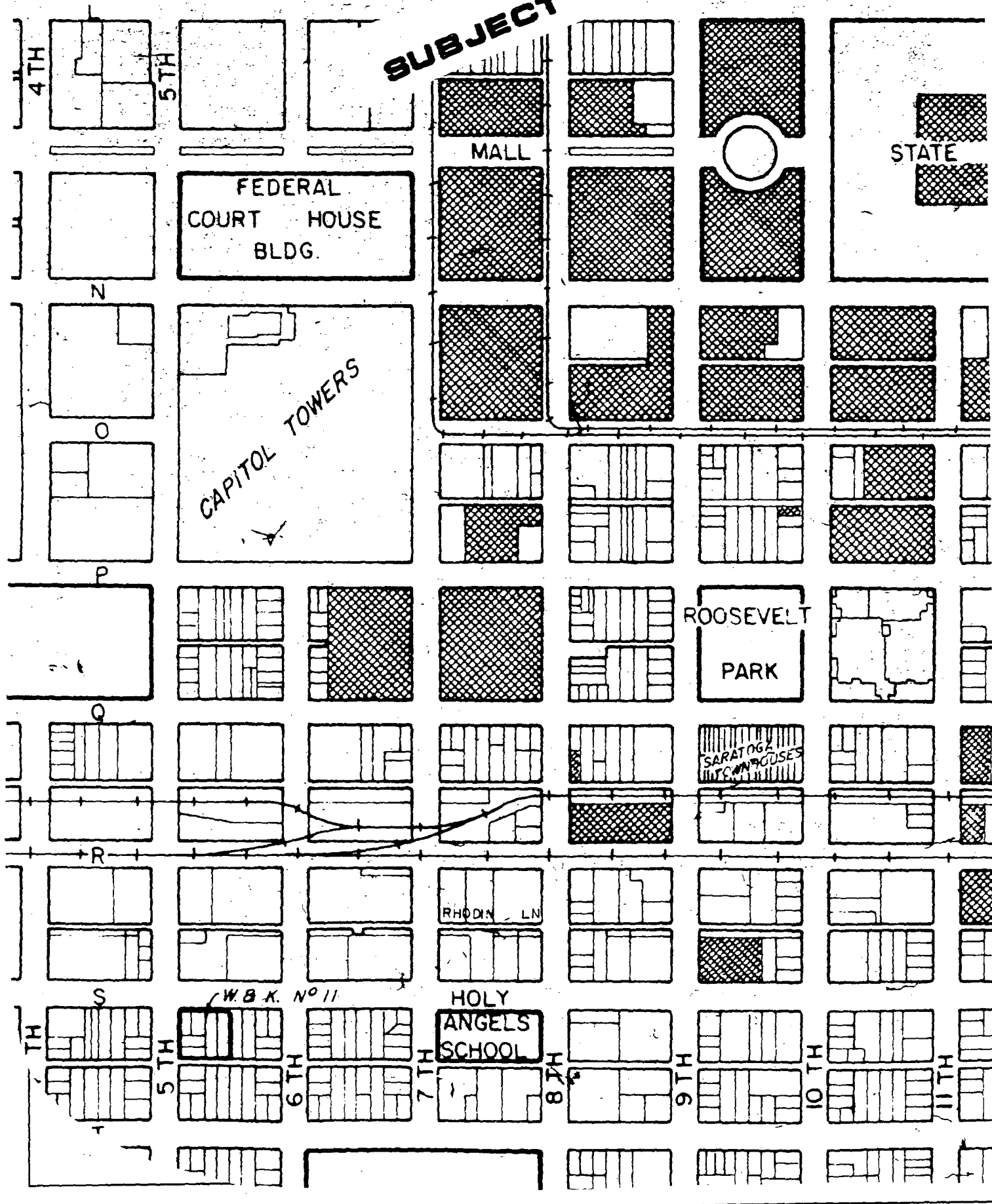
Joy D. Patterson
Zoning Administrator

A use for which a Special Permit is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit use which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

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

- cc: File ✓
- Applicant ✓
- ZA Log Book ✓
- Nancy Jones- (Office Manager for Property Owner) ✓
- William Geisreiter- 120 13th Avenue, Santa Cruz, CA 95062 ✓

SUBJECT



VICINITY MAP

C-3



P9658

Comm

DR 87-109

DR 88-123

DR 92-257

SUBJECT SITE

P390-019

OFFICE
S.
RETAIL

DR 81-370

P3584

ARB 81-100

DR 86-102

DR 85-133

L STREET

LAND USE & ZONING MAP

EXHIBIT B



ITEM 2

MAY 16, 1995

REVISED K STREET ELEVATION

1/4" = 1'-0"

295-021

EXHIBIT C

April 26, 1995

Ms. Sandra Yope
City of Sacramento
Planning and Development Department
1231 I Street, 2nd Floor
Sacramento, CA 95814

FAX 264-7046

RE: Z 95-021

Dear Sandra:

Thank you for the opportunity to comment on the Zoning Administrator Special Permit to reduce the required ground floor retail block face requirement from 75% to approximately 60% for 910 K Street. I have spoken with the property owner representative and Dick Hastings regarding this matter. At this time, SHRA is a strong supporter of the goals and objectives to create an 18-hour Downtown and the K Street Mall this translates into creating a pedestrian friendly streetscape and encouraging ground floor retail.

I am familiar with the Senator/Fox Theater building and am in agreement that the physical configuration of the building, specifically the elevation of the first floor, creates an unusual and awkward space for retail use. Typically SHRA would not be in favor of reducing the amount of retail space since it contradicts the goal of creating an 18-hour Downtown, however, given the physical configuration, I feel that the proposed storefront display space is a satisfactory compromise. The modification of the storefront into a retail and exhibit display area will provide a pedestrian friendly and interesting environment. SHRA is in support of this variance from the Zoning Ordinance.

In the future, our review of such entitlements, will continue to be on a case by case basis, considering physical considerations, existing economic conditions as well as mitigation measures. If you have any questions regarding this issue, please do not hesitate to contact me at 264-1515 or Celia Yniguez at 264-1505.



P.O. Box 1834

Sacramento

CA 95812-1834

916-444-9210

Sincerely,

Gene Masuda
Assistant Director

f:\city\misc\910k.vr

CITY OF SACRAMENTO
PERMIT ASSISTANCE

APR 28 1995

RECEIVED

Z95-021

MAY 16, 1995

ITEM 2

EXHIBIT D

May 4, 1995

120 13th Avenue
Santa Cruz, CA 95062

Sandra Yope
City Planning Division
1231 I Street
Sacramento, CA 95814-2998

RE: Z95-021

Dear Ms. Yope,

This letter is to express the objection my brother and I have to the proposed reduction of ground floor retail space at 910 K Street. We own the property and building to the west and adjacent to the subject property. Our property address is 916 K Street.

We feel that the proposed conversion to office space on the street level is clearly inconsistent with the goal of creating an extended day for the K Street Mall area. Retail space is and will be open and available to shoppers after 5:00 p.m. Office workers go home and the area they vacate is dark and could certainly not be called an attraction. In addition, office space on the street level creates a break in the retail chain, thus creating an unfavorable diversion for the shopper.

We request that the Zoning Administrator does not contribute to the already troubled area by allowing office space on the street level.

Sincerely,



William E. Geisreiter

c: Richard E. Geisreiter