

P97-103 - L.C.P. INTERNATIONAL

REQUEST: A. Special Permit to operate a private school in the OB(R)(PC)
(PUD) zone.

LOCATION: 955 University Avenue
APN 295-0040-036
Council District 3

| | |
|----------------|---|
| APPLICANT: | LCP International Institute c/o Dirk Helder 11333 Sunco Drive Rancho Cordova, CA 95742 |
| OWNER: | 955 University Partnership 1792 Tribute Road Sacramento, CA 95815 |
| APPLIC. FILED: | September 16, 1997 |
| STAFF CONTACT: | Mark Kraft, 264-8116 |

SUMMARY:

The applicant is requesting entitlements to operate a private school which provides intensive English training and university preparation for international students. The use would occupy 3,000 square feet of space in an existing 8,000 square feet building at 955 University Avenue.

RECOMMENDATION:

Staff recommends approval of the project, with conditions. This recommendation is based on the project's consistency with existing General Plan and zoning designations, consistency with the designated use in the Campus Commons PUD Schematic Plan,

compatibility with surrounding uses, and the appropriateness of the location for the proposed use.

PROJECT INFORMATION:

| | |
|--|--|
| General Plan Designation: | Community Neighborhood Commercial\Office |
| Campus Commons Schematic Plan Designation: | Commercial |
| Existing Land Use of Site: | Office |
| Existing Zoning of Site: | OB(R)(PC)(PUD) |

Surrounding Land Use and Zoning:

North: Office, Pedestrian Bridge, Residential; R-1(A)(PUD), OB (PC)(PUD)
South: Residential, Parkway Corridor; R-3(PC)(PUD), ARPF
East: Residential, Office; R-1(A)(R), OB(R)(PC)(PUD)
West: Parkway Corridor, Pedestrian Bridge; ARPF

OTHER APPROVALS REQUIRED: No known additional approvals are required to establish the use on the site. Any tenant improvements which may be necessary may require building permits from the Development Services Division.

BACKGROUND INFORMATION:

The project site is occupied by an existing structure with 8,000 square of leasable space. The site includes 36 parking spaces. The subject building was constructed as an office in 1983. The building has a reciprocal parking agreement with 965 University Avenue, a 4750 square foot office building with 15 parking spaces.

LCP International is a private institution which provides intensive english and university preparation for international students currently enrolled at California State University, Sacramento. The classes are intended to assist foreign, government sponsored, college students in their preparation for American colleges. Classes consist of English, an introduction to the educational system, technical reading and writing, and research paper preparation. LCP International currently conducts classes on the California State University, Sacramento campus. CSUS provides 10 classrooms on campus at all times, but occasionally there are more students than can be accommodated. Therefore, space for four overflow classrooms is proposed. If used, the classes will be held between 9:00am and 3:00pm, Monday through Friday. Each class is typically 50 minutes long.

The applicant proposes to occupy 3,000 square feet of space in the existing building (2,000 square feet for the classrooms and 1,000 square feet for a student lounge/library). Twelve employees and a maximum of approximately 48-60 students would be on site at

any one time. The project site was selected for the proposed use in that it is directly adjacent to the CSUS campus, and is accessible from the campus via the Guy West pedestrian bridge, which is located directly to the north of the site. This accessibility is particularly important because over 95% of the students enrolled in the LCP classes access CSUS by means other than the single occupancy vehicle. All LCP students live either with host families, in the campus dormitories, or in nearby apartments. Most students live within walking distance or commute by bus or campus shuttle. Many students who live with host families are driven to and from school by their hosts. Less than 5% of the students drive their own cars and they often rideshare.

The proposed location is also considered appropriate in that it is screened from nearby residential units by heavy landscaping large setbacks and the presence of other office buildings.

STAFF EVALUATION: :

Policy Considerations

General Plan

The proposed project is use with the current General Plan designation Community Neighborhood Commercial Offices in that this designation is consistent with its Office Building (OB) zoning, which permits private schools subject to granting of a Special Permit.

The project, in providing an educational service which enhances and improves the academic experience of students attending CSUS, is consistent with General Plan goals and policies which encourage the provision of cultural amenities, such as schools, to help ensure a rich vital urban experience, and encourage City assistance in providing quality education facilities that will accommodate projected student enrollment growth.

In utilizing an existing building, the project is consistent with General Plan policy encouraging infill development.

In selecting a site which is within walking distance from the CSUS campus, the project is consistent with General Plan policy encouraging projects which minimize use of the single occupancy vehicle and therefore minimize impacts on traffic congestion and air quality.

Zoning Considerations

Zoning

The proposed project is located in the Office Building-R Review-Parkway Corridor-Campus Commons Planned Unit Development (OB(R)(PC)(PUD) zone. The project site is designated for commercial\office development in the PUD. The proposed use is allowed in the Office Building zone, subject to granting of a Special Permit.

Since the project involves a developed site with an existing building, and proposes no new signage, it is not subject to site plan review and other development standards related to the "R Review", "PC", or "PUD" overlay zones. The project does not propose a use which is prohibited or conditional in the "PC" overlay zone.

Land Use-Special Permit

The City's Zoning Ordinance requires a Special Permit for the establishment of a private school in any zone. Pursuant to the City's Zoning Ordinance, a finding must be made that a proposed project must be based on sound principles of land use, must not be detrimental to the public welfare nor result in the creation of a public nuisance, and must comply with the objectives of the general or specific plan for the area.

It is staff's position that such a finding can be made for the proposed project. The proposed use is ideally located within walking distance of the CSUS campus. The Guy West bridge, located directly adjacent to the site, will provide convenient pedestrian access for users of the facility (most of whom travel to CSUS by means other than the automobile) as these students will concurrently be enrolled in courses on the CSUS campus. This convenient access will result in minimal traffic and/or noise impacts to the immediate area. The use itself is quiet and innocuous, and the project is buffered from nearby residential uses by adjacent office development, heavy landscaping, and a large setback from University Avenue. Sufficient parking is available, on-site, for use by LCP employees, as the site was developed to meet off-site parking standards for office use. On street parking, if needed, is also available, on University Avenue, with a two hour time limit.

PROJECT REVIEW PROCESS

A. Environmental Determination

The City Environmental Coordinator has determined that the proposed project is exempt from environmental review pursuant to CEQA, Section 15301.

B. Public/Neighborhood Association Comments

The proposed project application was routed to the Campus Commons Park Corporation Homeowners Association and the Nepenthe Association. Land owners within a 500 foot radius of the project site were also notified of the project proposal. Staff received a letter of support for the project signed by three nearby tenants on University Avenue (Attachment D).

Staff also received two letters of opposition to the project (Attachment D). These letters were received from both the current owner (John Heinz) and prospective owners (Matt and Jay Michael) of the office building at 965 University Avenue (Attachment D). This property is directly adjacent to the proposed project site and shares parking with the proposed project with a reciprocal parking agreement. 965 University Avenue currently houses the administrative and advising offices of LCP. As stated in the letters, the opposition to the project was based upon parking problems which could occur as a result of the project, as well as the effect of increased student pedestrian traffic on the professional business park atmosphere of the site.

A meeting between staff, the applicant, and the project opponents was held on December 8. At this meeting, the parties discussed methods of directing student traffic and controlling parking in order to mitigate the opponents concerns. It was agreed at this meeting that the parking concerns could be resolved between property owners. In order to meet concerns regarding the direction of student pedestrian traffic, all parties agreed to the conditions (A.1-A.6) specified in the attached Notice of Decision. The conditions serve to direct students to the 955 University site without the necessity of passing through the shared parking facilities or in front of 965 University Avenue.

The project opponents also desired a condition limiting the number of students using the facility to 75 per day. Staff is of the position, however, that, particularly given the conditions directing students to 955 University Avenue from the pedestrian bridge, the proposed use of up to 4 classrooms accommodating 12-15 students per classroom on an hourly basis, from 9am to 3pm, will not result in a negative parking impact, nor impacts related to LCP student pedestrian traffic, to 965 University Avenue. Also, this condition would not be enforceable, were it to be imposed.

C. Summary of Agency Comments

The proposal was routed to several City Departments and other agencies. Staff received no comments from other agencies regarding this proposal.

PROJECT APPROVAL PROCESS:

The Planning Commission has the authority to approve or deny item A. The Planning

Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to operate a private school in the OB(R)(PC) (PUD) zone.

Report Prepared By,



Mark Kraft
Associate Planner

Report Reviewed By,



Steve Peterson
Senior Planner

Attachments

| | |
|--------------|--------------------------------------|
| Attachment A | Vicinity Map |
| Attachment B | Land Use and Zoning Map |
| Attachment C | Notice of Decision |
| Exhibit C-1 | Site Plan |
| Attachment D | Neighborhood\ Property Owner Comment |

ATTACHMENT C
NOTICE OF DECISION AND FINDINGS OF FACT FOR
***(LCP International Institute)*, LOCATED ON 955 UNIVERSITY AVENUE ,**
SACRAMENTO, CALIFORNIA IN THE
OB(R)(PC)(PUD) ZONE. (P97-103)

At the regular meeting of December 18, 1997 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. Approved the Special Permit to operate a private school in the OB(R)(PC) (PUD) zone.

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

FINDINGS OF FACT

- A. The Special Permit to operate a private school in the OB(R)(PC) (PUD) zone is hereby approved subject to the following findings of fact:
1. The project is based upon sound principles of land use in that the proposed use is compatible with existing development, and in that the proposed location of the facility is appropriate, particularly given its close proximity and ready access to California State University, Sacramento.
 2. The project will not be detrimental to the public health, safety and welfare in that the proposed use will not result in significant noise, traffic, or parking impacts to the surrounding area.
 3. The project is consistent with the General Plan in that
 - a. The use is consistent with the current General Plan land use designation for the site.
 - b. The project is consistent with General Plan goals and policies related to the provision of educational facilities, the reuse of existing structures and the minimization of traffic and air quality impacts.

CONDITIONS OF APPROVAL

- A. The Special Permit to operate a private school in the OB(R)(PC) (PUD) zone is hereby approved subject to the following conditions of approval:
- A1. The applicant shall construct a fence, from the southeast corner of the building at 955 University Avenue, to the existing fence along the southern boundary of the site. This fence is to be constructed prior to occupancy of this building, by LCP.
- A2. The applicant shall construct a fence so as to completely enclose the trash enclosure on site, thereby closing the existing access to the site, from the levee to the south through the trash enclosure area. This fence is to be constructed prior to occupancy of this building, by LCP.
- A3. The applicant shall construct a gate along the fence running along the southern perimeter of the site, such that the patio located at the southern side of the existing building may be accessed directly from the levee, without the necessitating entrance into the parking lot at 955 University Avenue. This gate is to be constructed prior to occupancy of this building, by LCP. The gate shall be left open during business hours, and this entrance shall be marked with a sign stating "Entrance for LCP Students Only"
- A4. The gate located at the northwest corner of the building at 955 University Avenue shall be left open during business hours, and this entrance shall be marked "LCP Student Entrance".
- A5. The applicant shall provide all LCP students with an informational handout with a map indicating the gated student entrances provided at the southern boundary of the site and the northwest corner of the site, and shall explain that the students are to use these entrances rather than accessing the site through the parking lot at 965 University Avenue.
- A6. The applicant shall post a notice in the student lounge area of the building at 955 University Avenue, stating that "Social Gathering shall be done in the student lounge area and the patio area of 955 University Avenue only, and shall not occur in the parking lot areas or front entrances of the buildings at 955 or 965 University Avenue.

CHAIRPERSON

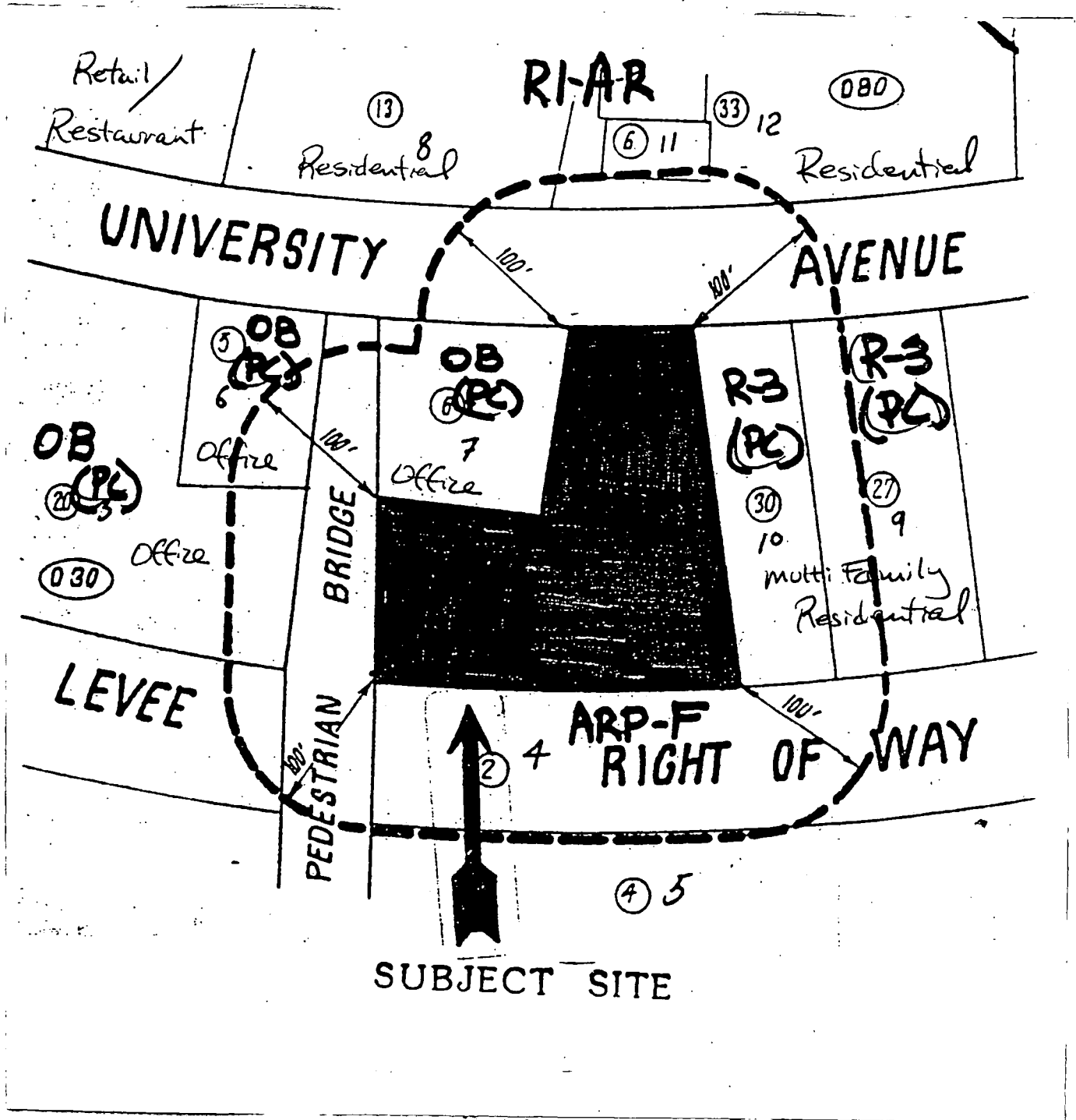
ATTEST:

SECRETARY TO CITY PLANNING COMMISSION

DATE _____

(P97-103)

ATTACHMENT B-LAND USE AND ZONING MAP



ATTACHMENT A
VICINITY MAP

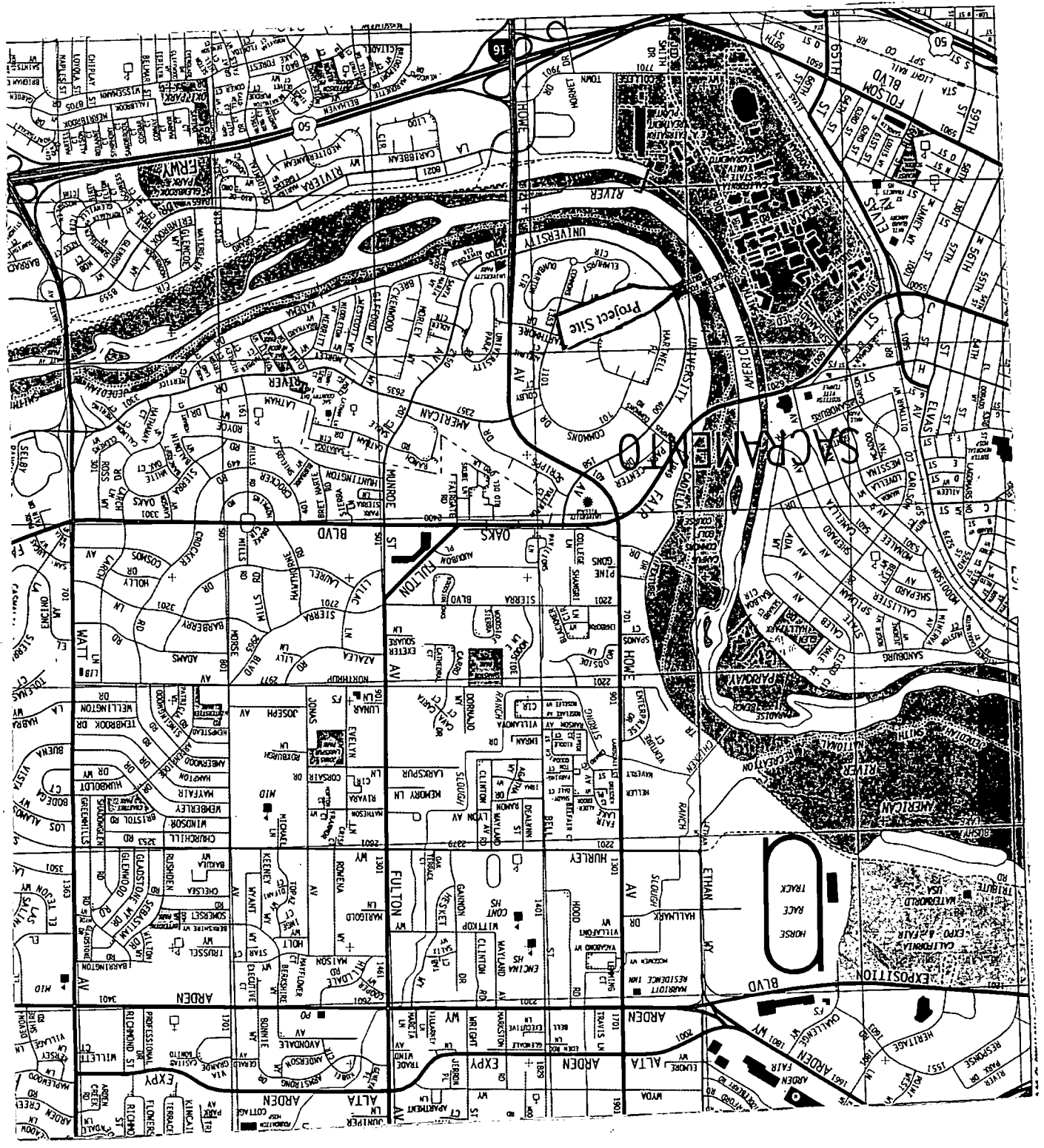
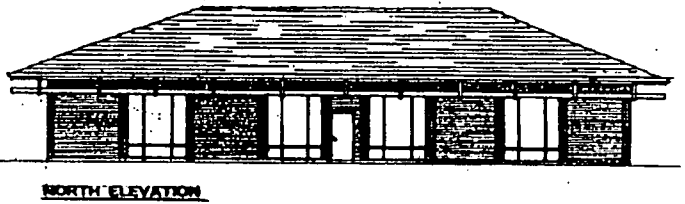
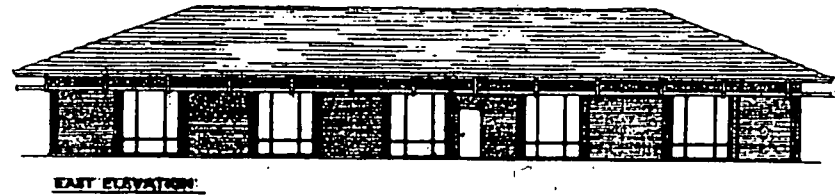
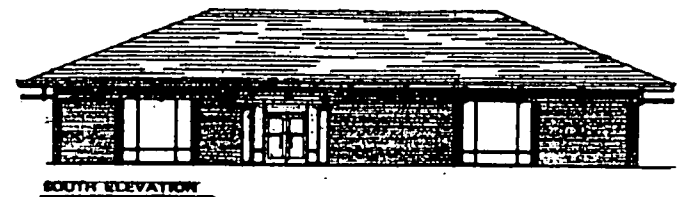
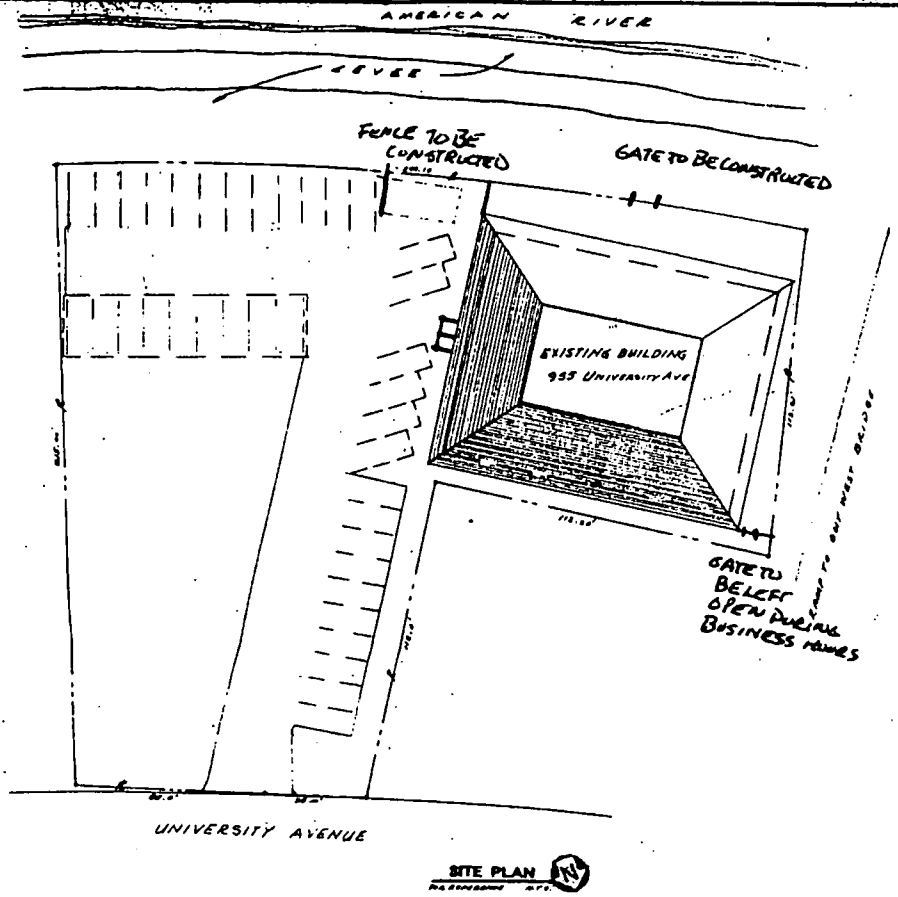


Exhibit C-1 - Site Plan - Elevations
View -
PAGE 11

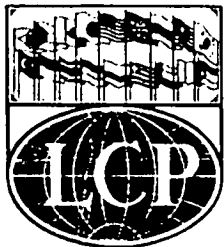


San Francisco
L.O.P. INTERNATIONAL
100 Montgomery Ave.
San Francisco, Calif.



JOHN MASTROTOTARO Associates
1000 Broadway Street, Berkeley, CA 94702
415-841-0000
Licensing No. 6-00000

DATE: 9/11/79
SCALE: 1/8" = 1'-0"
DRAWN BY: JH
CHECKED BY: JH
PROJECT NO.: 79-001



ATTACHMENT D -

AMERICAN LANGUAGE AND CULTURE PROGRAM
California State University, Sacramento

LCP INTERNATIONAL INSTITUTE



October 9, 1997

City Planning
Mark Kraft - Associate Planner
1231 I Street #300
Sacramento, CA 95814

RE: 955 University Avenue
LCP, Inc.
Conditional Use Permit
Permit/ File No. P97 - 103

To Whom It May Concern:

Please be advised that the entities represented on the attached signature pages, pledge our full support to LCP, Inc. in obtaining the permit needed to occupy the premises located at 955 University Avenue. LCP, Inc. has been a welcome addition to our neighborhood, and we are all looking forward to a long and mutual satisfactory relationship in the coming years. We are confident that LCP's continued presence in our neighborhood will provide a positive impact to the businesses and residence along University Avenue.

We are looking forward to the City of Sacramento approving LCP's permit application.

Sincerely,

Barbara Anthony
Director

Executive Office: 930 AT&T Tower, 8001 Irvine Center Drive, Irvine, CA 92718
Tel: (714) 753-0660 Fax: (714) 753-0880

California State University, Sacramento Center: 965 University Avenue, Suite 200, Sacramento, CA 95825
Tel: (916) 929-4402 Fax: (916) 929-2074

Name: Linda Meusing-Bleachers
Address: 900 University Ave.
Sacto, CA 95825
Signature: Linda Meusing
Date: 10/9/97

Name: Zakia Shehadeh Cobblestone Cafe
Address: 910 University Ave
Sacramento CA 95824
Signature: Zakia Shehadeh
Date: 10/9/97

Name: Riverbridge Apts
Address: 1025 University Ave
Sac Ca 95825
Signature: Cathy Scarborough
Date: 10-9-97

Name: _____
Address: _____

Signature: _____
Date: _____

Name: _____
Address: _____

Signature: _____
Date: _____

John P. Heintz
3460 Business Drive, Suite 104
Sacramento, CA 95820

November 20, 1997

City of Sacramento
Neighborhoods, Planning and Development Services Department
1231 "I" Street room 300
Sacramento, CA 95814

Re: P97-103, 955 University Avenue Special Permit

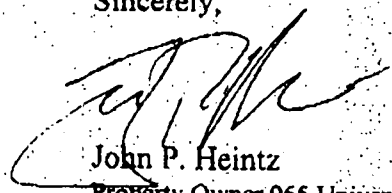
Dear Mark Kraft:

I am the owner of 965 University, which is adjacent to 955 University. These two buildings share a parking lot, and together, this creates a small office park. I am currently a tenant in my building, and we have experienced a significant amount of loitering and student traffic due to their presence.

My concern is that this loitering and student traffic will increase; this is not conducive to a professional business park atmosphere. If these items can be addressed and solved, I would be more willing to support their request for a Special Permit.

Unfortunately, my downstairs tenants and I cannot attend the meeting tonight; therefore, we are requesting a postponement of tonight's ruling. We would like to meet with both you, LCP and the other tenants to discuss ways to mitigate these problems - so we could support their request for a Special Permit.

Sincerely,



John P. Heintz
Property Owner 965 University

MICHAEL & SONS REAL ESTATE INC.
965 UNIVERSITY AVE, SUITE 100
SACRAMENTO, CA 95825
916 646-6492
FAX 916 646-6502

November 20, 1997

Planning Commission
123 I Street, Suite 300
Sacramento, CA 95814-2904

Re: P97-103 L.C.P. International

Dear Commissioners;

My name is Matthew Michael and on approximately December 5, 1997, escrow will close on 965 University Avenue, transferring title to my brother, Jay Michael, and I. The seller of the building received notice of your November 20, 1997, meeting on November 12th, last Wednesday. He passed the notice to us on Monday November 17, 1997.

Both Jay and I have professional commitments Thursday November 20, 1997 and are not able to address the Commission in person. We regret not being able to attend, but with three days notice I am sure you understand.

I was not able to speak with Mark Kraft of the Planning Division until Wednesday, November 19, 1997. He was very helpful answering my questions about L.C.P.'s intentions at 955 University Avenue.

The intentions of L.C.P. to expand their existing school and classrooms into 955 University will clearly negatively impact our commercial office space at 965 University Avenue.

The parking lot shared by our buildings is already packed, all day every day. If L.C.P. has represented to you that few or none of their students drive to their language classes, they

have misrepresented the truth. The subject building, 955 University, is currently professional office space, accountants and attorneys. The lot is full each day all day. We have to tell students double parked to please let us out every day. The 10,000 square feet of office space (955 & 965 University Avenue) share 32 parking spaces and two of these are designated handicap spaces. This is one parking space for every 312 square feet of rentable space. We are not in a position to expand the use of 955 University Avenue which will increase pressure on our already limited parking. L.C.P. entered into a purchase agreement to purchase a building which is not zoned for their intended use. The extremely limited parking of the 955 building and the fact that this limited parking is shared with our building, 965 University Avenue, means that granting a zoning or use variance from professional office space to Private School is a tremendous burden on 965 University Avenue, and a valuable gift to 955 University.

While Real Estate Brokers with an interest in closing this deal and Land use consultants paid by L.C.P. may contradict our position on parking or claim that students will all walk to 955 if you grant this variance/use, the students currently drive . . . they will continue to drive.

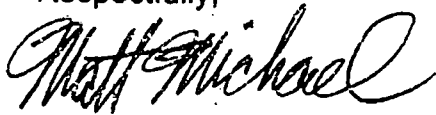
The second negative impact on 965 University Avenue by granting this variance will be the increase in socializing. This may sound petty, but Mark Kraft gave me the numbers and there will be hundreds of additional students per week. Currently students sit on the brick area along side of 965 University smoking and talking before and after class. The students are well dressed, polite and happy souls, but let's be clear: it does not enhance our building's professional image to have a dozen students smoking clove cigarettes on the step to our front door. Our clients pardon themselves and indicate that they need to enter our office and the kids apologize and move.

The students are primarily Asian and Middle Eastern exchange students and they chat with each other in their native languages as a matter of course before and after each class. This is natural and at existing levels is fine, perhaps even charming, but it would be unfair to burden us with substantially more of the same. We purchased professional office space so that we could run our business in a professional environment; our tenants expect the same. By granting this varrience/special use permit, L.C.P. is given a valuable right while the burden and obligation is borne by us, as our building would be clearly less valuable to professional tenants who need to present/communicate their professionalism in part through their office space.

We feel very strongly that no special use permit should be granted to L.C.P. to run a school out of a building restricted to office space. At the very least, the Planning Commission should postpone the decision until we have an opportunity to be heard in a public forum. Through no fault of Mark Kraft's, our awareness of this issue did not occur until three days before your November 20, 1997 meeting. My sense of due process would be offended if this requested varrience/special use were granted without an opportunity to present the Commission with our arguments of its considerable negative impact on 965 University Avenue.

Thank you for you consideration.

Respectfully,



Matthew Lee Michael
965 University Ave Owner



Jay Dee Michael, Jr.
965 University Ave Owner

MLM:sc