

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

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, June 23, 1999, the Zoning Administrator approved with conditions, a special permit to waive required parking for a commercial building and a variance to waive the required masonry wall for the project known as Z99-045. Findings of Fact and conditions of approval for the project are listed on pages 2 and 3.

Project Information

- Request: 1. Zoning Administrator Special Permit to waive three required parking spaces for a 1,100 square foot structure used for retail sales 0.08± developed acres in General Commercial (C-2) zone.
2. Zoning Administrator Variance to waive the required six foot masonry wall along all interior property lines.

Location: 1826 Capitol Avenue (D3, Area 1)

Assessor's Parcel Number: 007-0142-009

Applicant: James Lee
 927 Sunwood Way
 Sacramento, CA 95831

Property Same as Applicant
Owner:

General Plan Designation:	Community Neighborhood Commercial and Offices
Central City	
Community Plan Designation:	General Commercial
Existing Land Use of Site:	Commercial Building
Existing Zoning of Site:	General Commercial, C-2

Surrounding Land Use and Zoning:

North:	C-2; Commercial
South:	C-2; Commercial
East:	C-2; Commercial
West:	C-2; High Rise Apartment Building

Property Dimensions:	40 feet x 90 feet
Property Area:	0.08± acres
Parking Provided:	0 spaces
Parking Required:	3 spaces (2 spaces after credit)
Parking Credit:	2 spaces
Square Footage of Building:	1,100 square feet
Height of Building:	One Story
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

Project Plans: See Exhibits A and B

Previous Files: PB99-023

Additional Information: The applicant is requesting to waive the required two parking spaces for a 1,100 proposed retail use in an existing building. The existing building was previously used as a residence and office. The building had been used for commercial uses for the past 18 years. The applicant proposes to remodel the interior for a new retail use. The site is granted a parking credit of one space based on the previous residential use. The proposed retail use requires one space for 400 gross square feet. The Zoning Ordinance stipulates that the Zoning Administrator can issue a Special Permit to waive off-street vehicle parking for small buildings (less than 10,000 square feet). In addition to the findings required for approval of a Special Permit, findings must also be made that the granting of the deviation will not be materially detrimental to other properties or land uses in the area.

The Zoning Ordinance requires a six foot masonry wall be constructed between commercial properties and adjacent properties either zoned residential or with residential uses. There is a high rise apartment on the adjacent property to the west. The apartment building has a solid building facade adjacent to the subject site. The applicant is requesting a variance to the requirement.

The site is located within the Fremont Park Neighborhood Association area. The project plans were sent to the association. Staff received no comments from association. The project has been noticed and staff has not received any calls.

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) and Section 15303}.

Conditions of Approval

1. Size of use areas and floor plans of the structure shall conform to the plans submitted.
2. The applicant shall obtain all necessary building permits prior to commencing construction. The following are Building comments pertaining to the structure:

- a. Proposed conversion from the residential building into a retail commercial use requires that the owner submit an application for a permit to convert the building for the new intended use.
- b. It is necessary to submit a structural report prepared by a licensed engineer on the ability of the structure to reasonably comply with horizontal and vertical loads required for the intended use.
- c. Two required stairways from the upper floor shall meet public stairway requirements for the rise, run, handrails and guardrail per CBC Section 1006.
- d. No exterior openings will be permitted on the west wall which has less than 5 feet from the property line.
- e. The roofing shall be a fire retardant roof for the commercial M group building.

The project must comply with the Uniform Building Code for the proposed use to the satisfaction of the Building Division.

3. The applicant shall comply with all requirements of the Historic Preservation staff review of the proposed project.

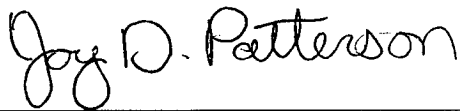
Findings of Fact- Special Permit:

1. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. the existing building has been a commercial use for many years with no on-site parking; and
 - b. there are many other properties in the area that have little or no on-site parking.
2. Waiving the parking will not be materially detrimental to the other properties or uses in the area in that there is adequate on-street parking in the area.
3. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that there is adequate on-street parking available.
4. The project is consistent with the General Plan and the Central City Community Plan which designate the subject site as Community Neighborhood Commercial and Offices and General Commercial respectively.

Findings of Fact- Variance:

1. Granting the variance does not constitute a special privilege extended to an individual applicant in that a variance would be and has been granted to other property owners facing similar circumstances.

3. Granting the variance request does not constitute a use variance in that the commercial structure for retail use is an allowed use that is permitted in the General Commercial (C-2) zone.
4. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. there is an existing fence around the entire property;
 - b. the commercial use has been operating at the site for many years; and
 - c. the surrounding area is primarily commercial with a high rise apartment building adjacent to the site with a solid building wall facing the commercial property.

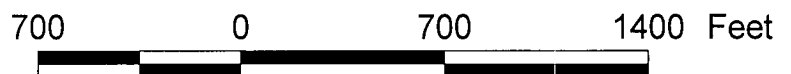
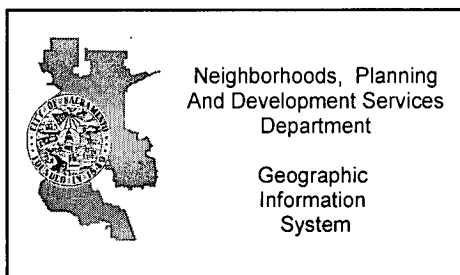
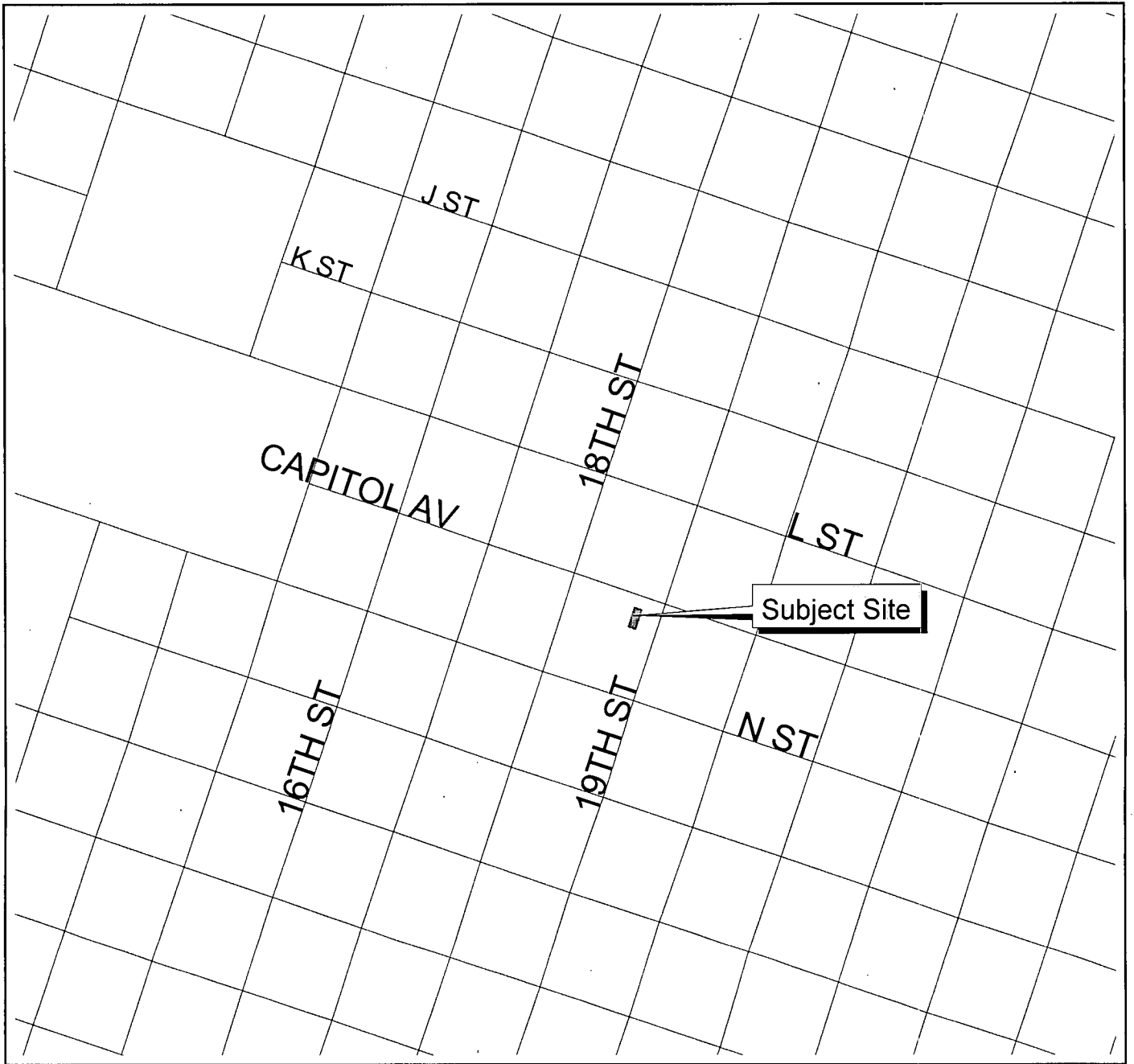


Joy D. Patterson
Zoning Administrator

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.

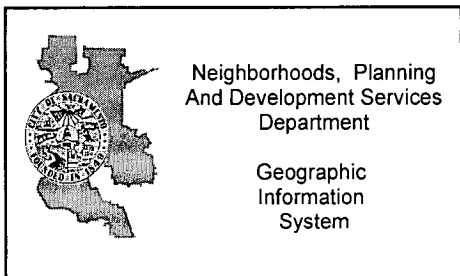
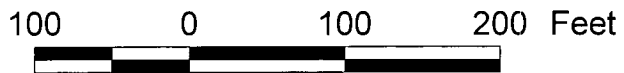
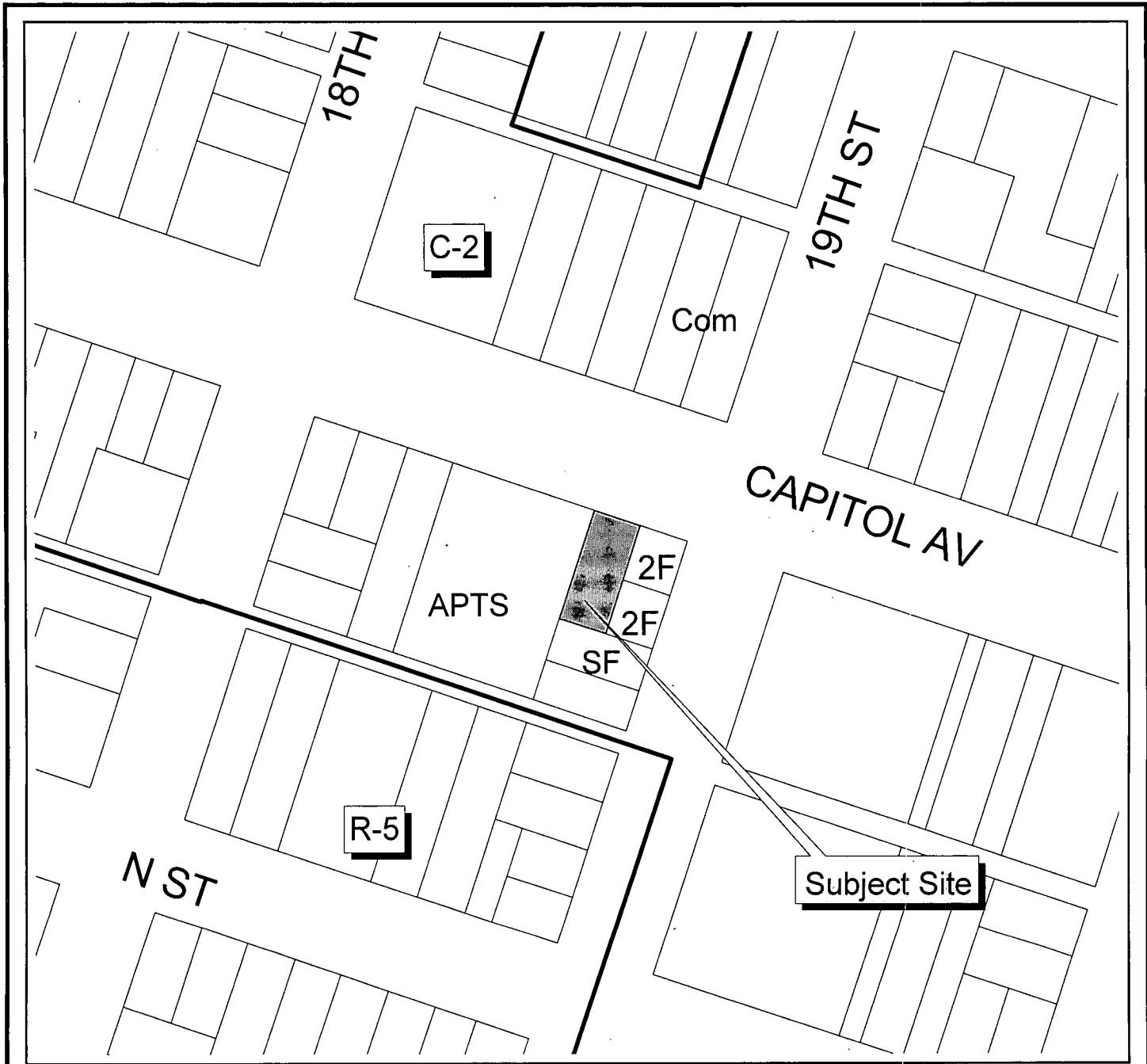
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File
Applicant
ZA Log Book



VICINITY MAP

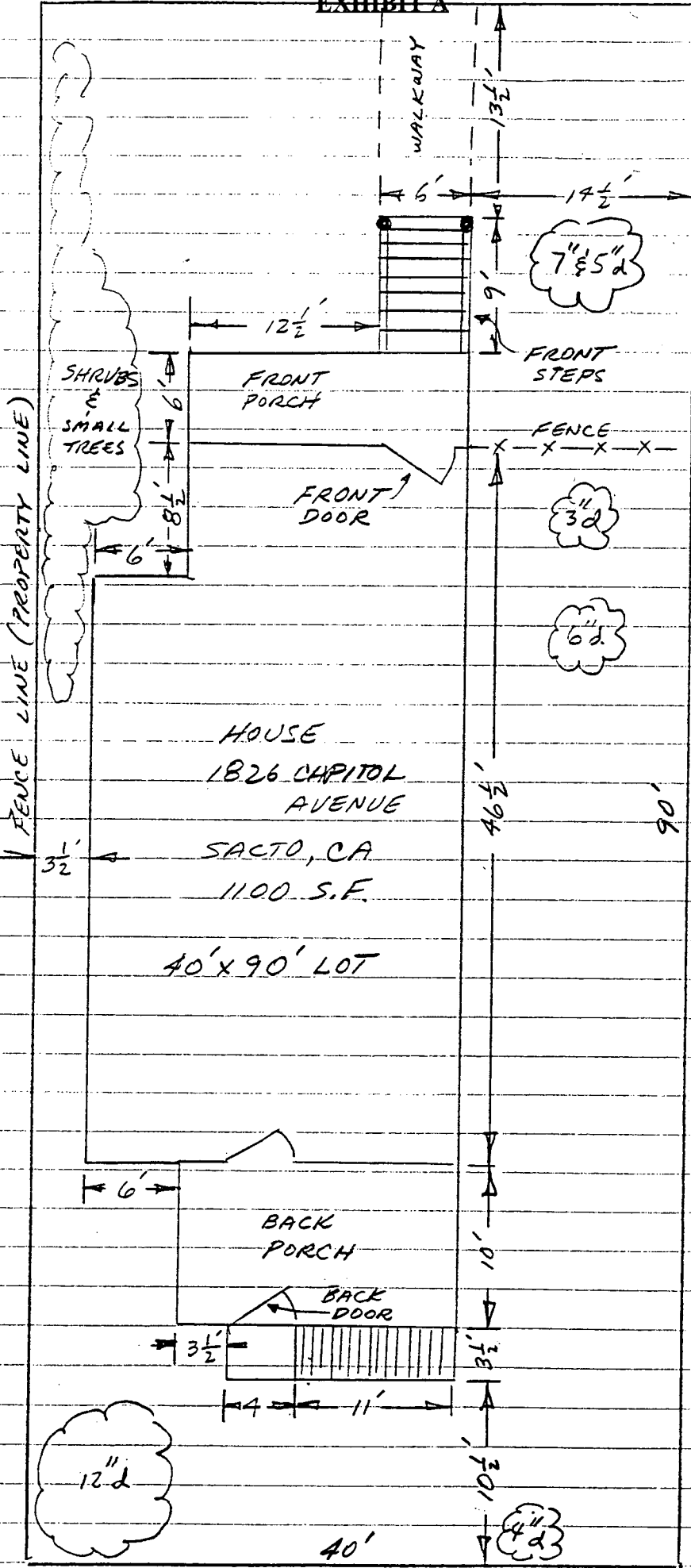




LAND USE AND ZONING



CITY SIDEWALK
EXHIBIT A



SITE PLAN

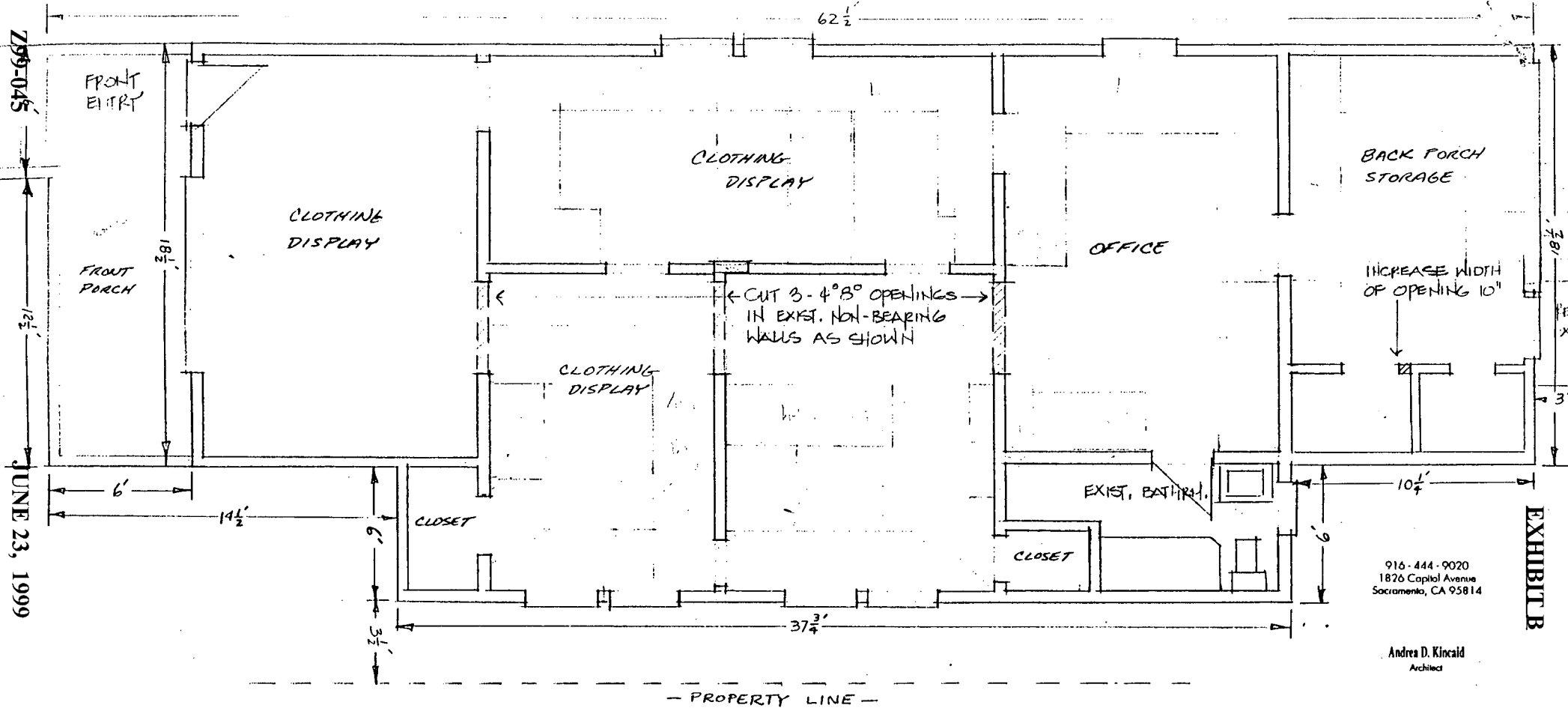
SCALE:
10' = 1"

DRAWN BY:
JAMES L. LEE
P.E. LIC # 56695
4-9-99

Z 99-045

FENCE LINE
JUNE 23, 1999

ITEM 4



Z99-045
12 1/2'
JUNE 23, 1999

EXHIBIT B

916-444-9020
1826 Capitol Avenue
Sacramento, CA 95814

Andrea D. Kincaid
Architect

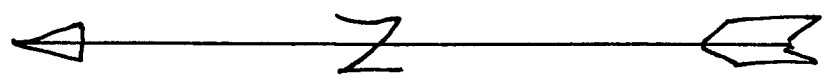
- PROPERTY LINE -



1326 CAPITOL AVE, SACRAMENTO - MINOR MODIFICATIONS

2/7/96

1/4"
JES



ITEM 4