

CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:

ITEM # 2
JULY 11, 1996
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P95-123 - 1131 S Street

- REQUEST:
- A. Negative Declaration
 - B. Special Permit to allow 100% office use in an existing 23,540 square foot building on \pm .81 acres in the C-4 zone.
 - C. Special Permit to allow off-site parking, under the same ownership, for a 23,540 square foot building in the C-4 zone.

LOCATION: 1131 S Street
APN 009-0075-008
Central City Community Plan Area
Council District 4

APPLICANT:	John V Diepenbrock The Diepenbrock Law Firm 400 Capitol Mall, 18th Flr Sacramento, CA 95812-2511
OWNER:	Wells Fargo Bank Co-Trustee of the Elena F. Teller Trust P.O. Box 2511 Sacramento, CA 95812-2511 c/o Gerald Shupe
APPLIC. FILED:	December 14, 1995
STAFF CONTACT:	Mark Kraft, 264-8116

SUMMARY:

The applicant is requesting entitlements to allow an existing non-conforming office



building, which has been vacant for over one year, to be used for 100% office. The site is currently developed with a 23,540 square foot office building.

RECOMMENDATION:

Staff recommends approval of the project. This recommendation is based on the project's consistency with existing General Plan, Community Plan, and zoning designations and its consistency with the intent of the non-conforming use regulations developed for the proposed R Street Corridor Special Planning District.

PROJECT INFORMATION:

General Plan Designation:	Heavy Commercial or Warehouse
Community Plan Designation:	Heavy Commercial
Existing Land Use of Site:	Office with surface parking
Existing Zoning of Site:	C-4
Proposed R Street Zoning:	RMX

Surrounding Land Use and Zoning:

North: CADA Warehouse and Surface Parking; C-4
South: Office, Surface Parking, and Residential; C-2(NC)
East: Church; C-4
West: Auto Repair; C-4

OTHER APPROVALS REQUIRED: No known additional approvals are required to continue office use on the site. Accommodation of future tenants may require building permits for tenant improvements.

BACKGROUND INFORMATION:

The project site is occupied by an existing structure with 23,540 square of leasable space. The site includes 27 parking spaces. 18 additional parking spaces are located off-site, directly across S Street from the subject site, under the same ownership as the subject site.

The subject building was originally constructed as a warehouse structure. The structure was converted to an office in the mid 1970's and has housed State tenants since that time. In 1984, the City's Zoning Ordinance was amended to restrict office use in the C-4 zone to 25% of the gross floor area of the building or buildings on the site. An increase in this percentage may be allowed subject to the approval of a Special Permit. Since the building was converted to office use prior to this ordinance, the use became a legal non-conforming use, and subject to the Zoning Ordinance's Non-Conforming Use regulations.

Since the existing office has been vacant for over one year, it requires a Special Permit to re-establish office use on the site.

The proposed R Street Plan proposes to rezone the site to Residential Mixed Use. During the course of Planning Commission hearings on R Street Corridor Plan, representatives for the subject site argued that the site should be exempted from the Plan, given that the structure is a viable office building in good repair and particularly given that significant investment has recently been made in the property, including a \$110,000 facade renovation in 1993, which was reviewed and approved by the Design Review/Preservation Board (DR93-242).

Largely as a result of the applicant's concerns, the R Street Special Planning District was amended to add a Non Conforming Use section. The provisions of this section allow a three year vacancy period for legal non-conforming uses, with the opportunity for two extensions totalling an additional four years. The provisions also allow for the commencement of reconstruction of damaged or destroyed buildings within three years, with the opportunity for one two year extension. Finally, the provisions allow that applications pending as of January 1, 1996 may be processed and approved pursuant to the provisions of the ordinance as it exists prior to adoption of the R Street Plan.

These amendments to the R Street Plan were recommended by the Planning Commission in order to maintain the current economic life of viable office and commercial uses without undermining the long term mixed use goals of the R Street Plan, and to provide for equitable treatment of landowners who have made recent improvements to properties based on current allowable land use.

Approval of the proposed project will allow the applicant to establish office use as a legal use under existing zoning. Upon adoption of the R Street Plan, the site would become a legal non-conforming use, subject to the regulations specified in the R Street Special Planning District.

STAFF EVALUATION: Staff has the following comments:

Policy Considerations

General Plan/Central City Community Plan

The proposed project is consistent with the current General Plan and Central City Community Plan designation of Heavy Commercial, which permits office use subject to granting of a Special Permit.

The project is consistent with General Plan and Central City Community Plan goals and policies in that:

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- ◆ The project promotes re-use and revitalization of existing developed areas
 - ◆ The project maintains and strengthens Downtown's role as a center of office activity
 - ◆ The project supports employee intensive uses along transportation corridors and near light rail stations
 - ◆ The project reduces crime and blight by utilizing an existing vacant building
 - ◆ The project is a viable transitional land use which is compatible with adjacent development

R Street Corridor Plan

The project is inconsistent with the proposed land use designation of Residential Mixed Use, which requires a minimum of 80% residential uses and a maximum of 20% commercial uses. Granting of the proposed entitlement could have the effect of slowing the transition from the current warehouse and office character of the Corridor to the desired residential mixed use character. However, the proposed project is consistent with the intent of the non-conforming use section of the R Street Corridor Special Planning district, which is to maintain the economic life of existing well maintained viable office structures without undermining long term mixed use goals, and to deal equitably with land owners who have made recent improvements to properties based on current allowable land use.

Zoning Considerations

Land Use-Special Permit

The proposed project requires a Special Permit for the re-establishment of office use on the project site. 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. For reasons explained in the "Policy Considerations" section of this report, staff feels that these findings can be made for this project.

Parking

The applicant is seeking a Special Permit to provide required parking off-site on property under the same ownership. The proposed off-site parking meets the zoning ordinance requirement that it be within 300 feet of the project site. Off-site parking is necessary for this project as the existing development on the site does not allow for the provision

of sufficient parking on site.

Including the off-site parking, the project proposes 45 spaces. This includes 27 spaces on site and 18 spaces off site. A new development with the square footage of the proposed project would require 52 spaces. However, the City's Zoning Ordinance states that for buildings or structures constructed prior to the operative date of the off-street parking requirements of Section 6, the applicant shall be credited with having the off-street parking that would have been required for the land use made of the building or structure on the operative date of the parking requirements. On the operative date of the off-street parking requirements, the subject site was operating as an office with the parking currently proposed for the re-establishment of the office use. Therefore, the applicant may be credited with having sufficient parking.

The Zoning Ordinance gives Planning Commission authority to require additional parking as a condition of a Special Permit. However, staff does not recommend that this authority be exercised for the following reasons.

- 1) The site has functioned for many years with the currently proposed amount of off-street parking.
- 2) The site is within 660 feet of the 13th Street Light Rail Station and is also served by Bus Route #15, so alternative modes of transportation are available.
- 3) In an effort to encourage alternative modes of transportation, the R Street Corridor Plan proposes to alter parking standards for office development within the Corridor. The Special Planning District Ordinance specifies a minimum of one space per 600 square feet and a maximum of one space per 500 square feet. Under these standards, the project would be required to provide between 39 and 47 spaces, so the proposed amount of parking would be sufficient.

Residential Permit parking is in effect throughout the area surrounding the project, with a mixture of 1 and 2 hour limits. On-street parking in the area is currently not constrained.

Development Standards

Since the building is existing, and the project proposes no additions, height and area regulations do not apply to this project.

PROJECT REVIEW PROCESS**A. Environmental Determination**

The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. No mitigation measures are required as conditions of approval for this project.

B. Public/Neighborhood Association Comments

The proposed project application was routed to The Southside Neighborhood Association, the Richmond Grove Neighborhood Association, the Sacramento Old City Association, the R Street Steering Committee, the Bridgeway Towers Homeowners Association, and the Central City Alliance of Neighborhoods. Land owners within a 500 foot radius of the project site were also notified of the project proposal. The R Street Steering Committee expressed opposition to the project stating that no special permits to increase office utilization should be granted. (Attachment C).

C. Summary of Agency Comments

The proposal was routed to several City Departments and other agencies. The following summarizes the comments received:

Public Works

The 11 parking spaces at the northwest corner of the site do not have adequate back-out room. (22 feet provided, 26 feet required). Remove fence along alley adjacent to these stalls.

PROJECT APPROVAL PROCESS:

The Planning Commission has the authority to approve or deny items A, B, and C. 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 ratifying the Negative Declaration.
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to allow 100% office use in an existing 23,540 square foot building on ± .81 acres in the C-4 zone.
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit allow off-site parking, under the same ownership, for a 23,540 square foot building in the C-4 zone.

Report Prepared By,

Report Reviewed By,



Mark Kraft
Associate Planner

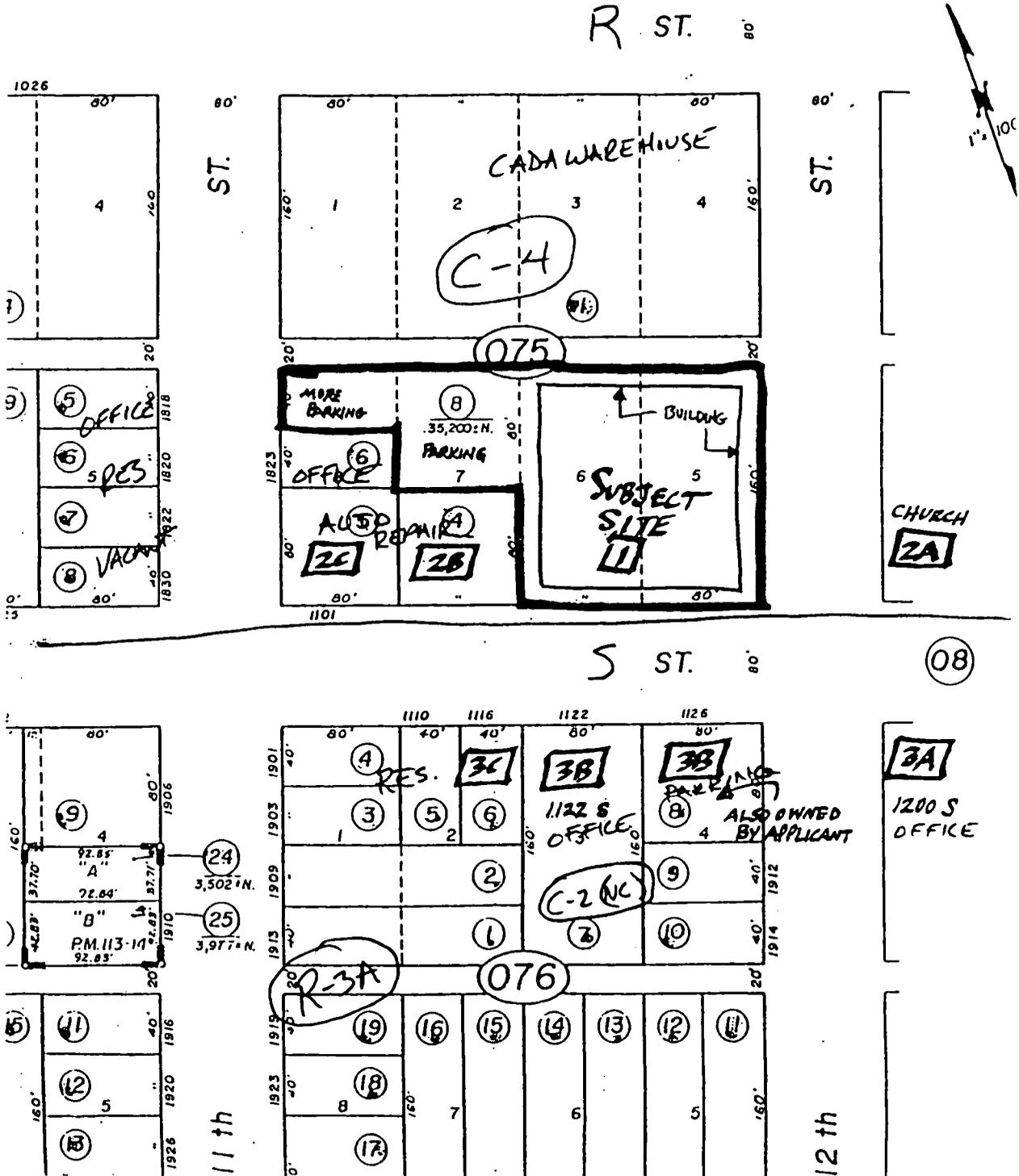


Steve Peterson
Senior Planner

Attachments

- | | |
|--------------|-----------------------------------|
| Attachment A | Vicinity, Land Use and Zoning Map |
| Attachment B | Notice of Decision |
| Exhibit B-1 | Site Plans |
| Attachment C | Neighborhood Comment |

ATTACHMENT A
VICINITY, LAND USE, AND ZONING MAP





Attachment C
Neighborhood Comment

EARLY PROJECT NOTIFICATION RECEIPT

Project Manager Mark Kraft File Number P95-123

PLEASE CHECK ONE AND RETURN BY: 1/16/96

- We have reviewed this application and have no comments.
- We have reviewed this application and will need until _____ (date) to complete our review of this project.

We have reviewed this application and our comments are attached.

No special permits to increase office utilization,
Association Name: The "R" Street Steering Committee
Please Print

Association Contact: Marguerite W. Crouse
Please Print

Phone Number: 902 G St. 442-5568