

STAFF REPORT AMENDED 5-26-83
CITY PLANNING COMMISSION

927 - 10th Street, Suite 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Barbara Crocket & Albert Gallo, 4050 Manzanita Ave., Carmichael, CA		
OWNER	Barbara Crocket & Albert Gallo, 4050 Manzanita Ave., Carmichael, CA 95608		
PLANS BY	Seiss Wagner, architect, 1309-25th Street, Sacramento, CA 95816		
FILING DATE	4-22-83	50 DAY CPC ACTION DATE	REPORT BY: JP:bw
NEGATIVE DEC.	5-16-83	EIR	ASSESSOR'S PCL. NO. 004-283-011

- APPLICATION:
1. Environmental Determination
 2. Variance to change an existing non-conforming use (dance studio) to another non-conforming use (retail sales) in the R-1 zone
 3. Variance to allow 12 tandem parking spaces

LOCATION: 3839 'H' Street

PROPOSAL: The applicant is requesting the necessary entitlements to operate a retail dance garment sales establishment at the former location of a dance studio in the Single Family (R-1) zone.

PROJECT INFORMATION:

1974 General Plan Designation: Residential
1965 East Sacramento Community
Plan Designation: Light Density Residential
Existing Zoning of Site: R-1
Existing Land Use of Site: Dance garment sales

Surrounding Land Use and Zoning:

North: Single Family Residential; R-1
South: Multiple Family Residential; R-3
East: Multiple Family Residential; R-3
West: Single Family Residential; R-1

Property Area: 6,488± square feet
Parking Required: 12 spaces
Parking Provided: 12 spaces
Parking Ratio: Retail Store: 1 to 250; Residential; 1 to 1
Square Footage of Building: 4,670±
Significant Feature of Site: Existing non-conforming use
Topography: Flat
Street Improvements/Utilities: Existing

STAFF EVALUATION: Staff has the following comments and concerns regarding this proposal:

1. The subject site consists of a 6,488± square foot corner lot on which is located a two-story 4,670± square foot structure in the Single Family Residential (R-1) zone (Exhibits A & B). While the subject site is surrounded by residential uses, it has a history of non-conforming uses. Originally the first floor of the structure had been used as a grocery store, beauty salon and most recently a dance studio. The second floor of the structure remained residential until 1975 when a building permit was issued to expand the dance studio use to the second floor. This permit was issued in error as any proposed additions or enlargements to a non-conforming use require Commission review and approval.

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APPLC. NO. P83-126

MEETING DATE May 26, 1983

CPC ITEM NO. 19

In January of 1983 the Crocket Dance Studio vacated the subject site and Capezio Dance Supplies, a retail commercial use, took over the first floor of the structure. Staff informed the applicant that he was in violation of the Zoning Ordinance as changes in non-conforming uses require Commission review and approval (see Exhibit C). The applicant subsequently filed an application for the necessary entitlements to allow the retail commercial use to remain.

2. The proposed project was reviewed by the City Fire Department and Traffic Engineering Division and the East Sacramento Neighborhood Improvement Association. The following comments were received:
 - a. The East Sacramento Neighborhood Improvement Association feels that the garment sales use is an improvement over the dance studio use in that traffic and noise have been reduced;
 - b. Traffic Engineering finds the tandem parking layout unacceptable. They have calculated that eight standard parking stalls can be created on the subject site;
3. The applicant has informed Planning staff that the second floor of the structure has been abandoned and is only used for storage by the applicant. As the second floor was illegally converted to the dance studio use in 1975, staff recommends that the second floor revert back to single family use in conformance with the zoning of the subject site. Staff has no objection to the continued operation of the retail garment sales establishment on the first floor of the structure. It is a less intensive use than the dance studio and, with adequate parking, will not be injurious to the surrounding residential properties.
4. There are 12 existing tandem parking stalls on the subject site (Exhibit B). The 2,694± square foot retail garment sales establishment on the first floor requires 11 spaces (1:250), while the residential use on the second floor requires one space (1:1). City Traffic Engineering has indicated the tandem backout parking is unacceptable. Staff, however, supports the variance to allow 12 tandem parking spaces as on-street parking in the area is limited; a preferential parking program for residents is in effect, as the tandem parking lot has been in existence for several years and it provides the minimum required parking for the proposed uses.
5. Staff inspection of the subject site revealed that there are nine exterior signs for Capezio on the subject site. According to the City's Sign Ordinance, only one identification sign and one bulletin board sign, not exceeding a total of 16 square feet, is allowed per street frontage for non-residential uses in residential zones. In addition, Building Department records reveal that the applicant has installed these signs on the subject site without obtaining the necessary permits. The applicant, therefore, needs to comply with the provisions of the City Sign Ordinance.

STAFF RECOMMENDATION: Staff recommends the following actions:

1. Ratification of the Negative Declaration;

2. Approval of the Variance to change an existing non-conforming use (dance studio) to another non-conforming use (retail store), subject to conditions and based upon Findings of Fact which follow.
3. Approval of the Variance to allow 12 tandem parking spaces based upon Findings of Fact which follow.

Conditions

- a. The non-conforming use shall be confined to the first floor of the structure. The second floor shall remain vacant or revert back to residential use;
- b. The applicant shall comply with the regulations of the Sign Ordinance.
- c. *The use shall be limited to dance garment sales (added by CPC).*

Findings of Fact

- a. The proposal, as conditioned, does not constitute a special privilege extended to one property owner in that approval of such a request for other property, where substantially the same conditions exist, would also be warranted;
- b. The proposal, as conditioned, does not constitute a use variance in that the subject site had a non-conforming use;
- c. The Variance, as conditioned, will not be injurious to the general public nor surrounding properties in that adequate parking is provided for the proposed uses on the site;
- d. The proposal, as conditioned, conforms with the 1974 General Plan and 1965 East Sacramento Community Plan which designate the site for residential and light density residential uses respectively. Changes to non-conforming uses are allowed in residential zones when it is determined that the "benefit to the public health, safety or welfare exceeds any detriment inherent in such change."

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Location Map

AND

KIMBROUGH

Site

Exhibit A



SOUTH ELEVATION



CORNER ELEVATION



EAST ELEVATION



PARKING AREA

PROPERTY ELEVATIONS
CAPEZZIO DANCE SUPPLY-AL GALLO
3839-H STREET - SACRAMENTO, CA.
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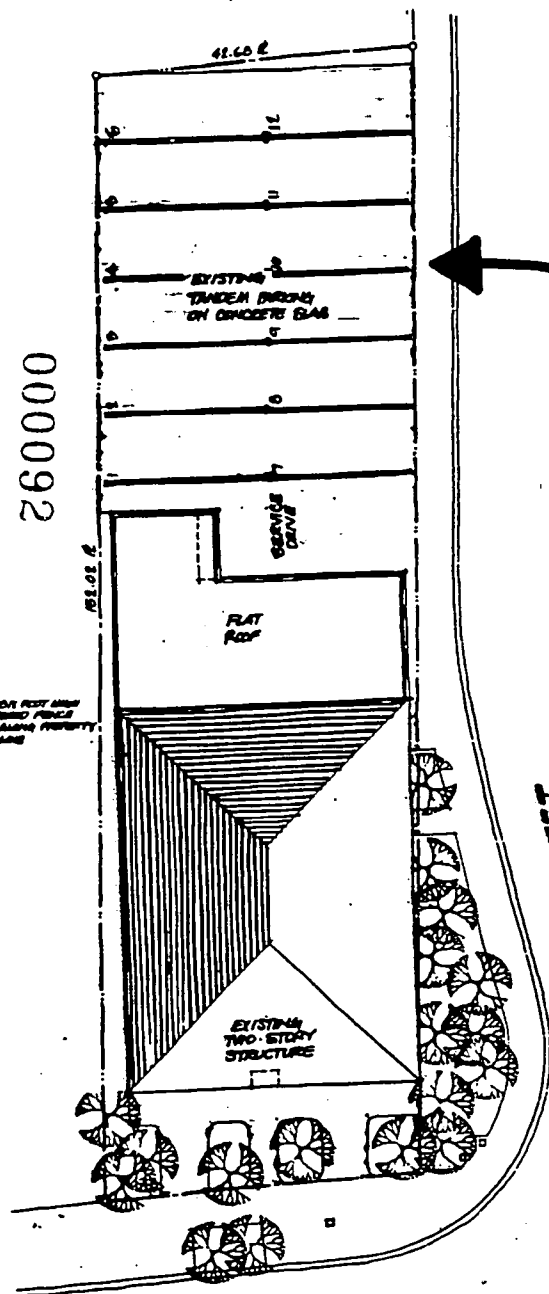
CAPEZZIO DANCE SUPPLY
3039-H STREET-SACRAMENTO, CA



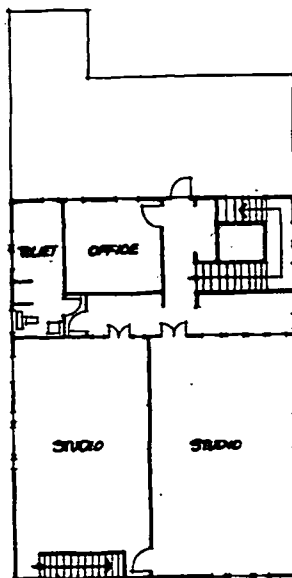
LOCATION MAP

Exhibit B

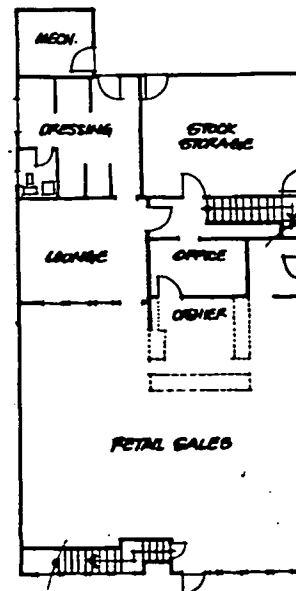
Existing Tandem
 Parking - 12 Spaces



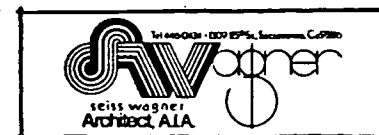
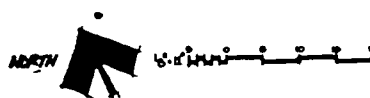
SITE PLAN



ABANDONED SECOND FLOOR



RETAIL FIRST FLOOR



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