

P97-067 • CHP OFFICE

- REQUEST:
- A. Environmental Determination: Exempt.
  - B. Special Permit to convert one non-conforming use (vacant 14,813± square foot printing shop) to another non-conforming use (CHP office space - 14,813±) in the Residential Mixed Use (RMX) zone on 0.58 acres in the R-Street Corridor Special Planning District.
  - C. Special Permit to waive 3 parking spaces of a required 33. *Withdrawn by staff.*
  - D. Variance to waive the parking lot shading requirement *Withdrawn by staff.*
  - E. Lot Line Adjustment to provide on-site parking

LOCATION: 1801 9th Street  
APN: 009-0071-001  
Council District 4

|                    |  |
|--------------------|--|
| APPLICANT:         | Mark Jonsson<br>PO Box 3024<br>El Macero, CA 95618<br>916-758-0547 |
| OWNER:             | Carl E. & Helen E. Spilman<br>PO Box 3024<br>El Macero, CA 95618   |
| APPLICATION FILED: | April 21, 1997   |
| STAFF CONTACT:     | Brad Shirhall, 916-264-7483  |

**SUMMARY:** The applicant proposes to convert a vacant 14,813± square foot printing shop to 14,813± square feet of office space for use by the California Highway Patrol. To provide space on-site for 29 parking spaces, the applicant has asked for a lot line adjustment. The primary issues relate to land use and design compatibility, aesthetics, and intensity of use.

**RECOMMENDATION:** Staff recommends approval of the project subject to conditions set forth herein. The recommendation is based on Staff's findings that the project is compatible with the land uses adjacent to the site, and is less intensive than the previous non-conforming use.

PROJECT INFORMATION:

|                             |                                 |
|-----------------------------|---------------------------------|
| General Plan Designation:   | Special Planning District       |
| Community Plan Designation: | Residential Mixed Use (RMX)     |
| Existing Zoning of Site:    | Residential Mixed Use (RMX-SPD) |
| Existing Land Use of Site:  | Vacant printing shop            |

Surrounding Land Use and Zoning (see Attachment B):

North: Office furniture warehouse; RMX-SPD zone  
 South: State office and warehouse; RMX-SPD zone  
 East: Warehouse / Office; RMX-SPD zone  
 West: Office; RMX-SPD zone

Setbacks:            Required    Provided

|            |    |     |
|------------|----|-----|
| Front:     | 8' | 0'  |
| Side(St):  | 5' | 3   |
| Side(Int): | 5' | 0'  |
| Rear:      | 6' | 12' |

|  |  |
|--|--|
| Property Dimensions:                   | 160' by 160'                           |
| Property Area:                         | 0.587± acres                           |
| Height of Existing Main Building:      | 18± feet                               |
| Height of Existing Accessory Building: | 25± feet                               |
| Square Footage of Building:            | 14,813± square feet                    |
| Exterior Building Materials:           | Exposed aggregate / Stucco             |
| Roof Material:                         | Not visible                            |
| Parking Provided:                      | 29 spaces                              |
| Parking Required:                      | 25 spaces minimum<br>30 spaces maximum |
| Hours of Operation:                    | 24 hour                                |
| Topography:                            | Flat                                   |
| Street Improvements:                   | Existing                               |
| Utilities:                             | Existing                               |

OTHER APPROVALS REQUIRED: In addition to the requested entitlement, the applicant will be required to obtain the following permits or approvals, including, but not limited to:

| Permits             | Agency                        |
|---------------------|-------------------------------|
| Design Review       | Design Review Staff           |
| Building Permit     | Development Services Division |
| Encroachment Permit | Development Services Division |

BACKGROUND:

The project site was previously used for a commercial printing plant in the Residential Mixed Use (RMX) zone. Prior to adoption of the R-Street Corridor Plan, the site was zoned Heavy Commercial (C-4). According to the applicant, the building has been in place for over 30 years. Staff found no record of any previous planning applications or approvals for the site.

STAFF EVALUATION: Staff has the following comments:

a. Policy Considerations

**General Plan.** The subject site is designated as "Special Planning District" by the General Plan. The applicant's proposal would result in a change to the present or anticipated land use of the site. However, the proposal is compatible with the goals of the General Plan which encourage land use compatibility, promote sensitivity to design, and is consistent with the City's policy to encourage and promote the use of existing commercial buildings in the Central City where possible.

**Special Planning District.** The subject site is located in the R-Street Corridor Special Planning District. The R-Street Corridor Plan was approved in 1997 and resulted in the rezoning of a majority of the land within the R-Street corridor from Heavy Commercial (C-4) to Residential Mixed Use (RMX). The RMX zone permits multi-family residential, office and limited commercial uses in a mixture established for an area through a special planning district. The SPD also provides for the continuation of existing non-conforming uses, buildings and lots.

The proposed land use is a conversion of one non-conforming use to another non-conforming use. Section 12 of the City Zoning Ordinance indicates that a Special Permit for such a conversion may be approved by the Planning Commission if the conversion of the non-conforming use is similar to, or less intense than the previous use. The Zoning Ordinance defines the intensity hierarchy as moving from least intensive uses (residential estates) to more intensive uses (heavy industrial). In the case of the proposed project, the conversion of a heavy commercial type use (printing plant) to office space is considered a conversion to a less intense use.

C. Site Plan Design/Zoning Requirements

1. Setbacks

The existing building is in non-conformance with the R-Street Corridor setback requirements because the building was constructed prior to adoption of the current requirements. The applicant is not proposing to reconstruct the building so no change to the existing building exterior dimensions will be made.

## 2. Parking/Circulation

The project site currently has 37 parking spaces. Four of these spaces are located inside an attached accessory building. While all the buildings on-site are vacant, the owner has been leasing the 33 on-site parking spaces to tenants of surrounding structures.

City staff has withdrawn the Special Permit to waive parking spaces. The R-Street Corridor section (2.99) of the Zoning Ordinance specifies that Offices Uses in the R Street Corridor are allowed a maximum of 1 parking space for every 500 square feet of gross floor area. It also requires no fewer than 1 space for every 600 square feet. Based on that minimum ratio, the project requires at least 25 parking spaces. For the intended land use, the applicant is proposing 29 parking spaces.

The original parking lot proposal had the gated entrance to the lot located off of 9th Street. The Public Works Department indicated that the entrance gate location would potentially result in vehicles blocking the sidewalk on 9th street. The applicant's only option was to leave the gate open during business hours, or move the entry gate to an access point from the alley. The applicant chose the alley entrance location in favor of leaving the gate open. Eighteen of the spaces will be enclosed within a security fence. The remaining eleven spaces will be outside the security fence. This redesign is reflected on the site plan (see Exhibit 1A).

## 3. Landscaping/Shading

Staff has withdrawn the Variance to waive the tree shading requirement. Historically, the area which is currently used for parking, has always been used for parking. This parking area was developed and paved prior to the tree shading requirement found in the Zoning Ordinance. As such, the Zoning Ordinance does not require that the applicant meet the minimum tree shading requirement. However, the *Draft Supplemental Design Guidelines for the R Street Corridor* encourage the placement of trees along the street frontages, and the extensive use of trees in employee parking areas to meet tree shading requirements.

The site currently has only two large landscaped planter boxes at the parking lot entrance adjacent to 9th Street. Neither of the boxes has a tree. The existing parking lot does not have any shading from trees and the applicant proposed no additional trees. At staff's request, the applicant agreed to incorporate three shade trees into the plan. One tree would be planted into each of the two new planter boxes at the rear of the site adjacent to the alley. The third tree will be planted in what would have been parking space 23 outside the security fence. Trees shall be chosen with approval of the City's Tree Services representative. The shade trees will provide approximately 10 percent parking lot shading and

will tend to soften the hard landscape. These changes are indicated on Exhibit 1A.

#### 4. Signage

No signage has been proposed by the applicant. However, should the applicant wish to provide signage later, that signage must be in accordance with the City's Sign Ordinance, and be subject to a Staff level review. This requirement is reflected in the Conditions of Approval.

The applicant's tenant wishes to place a flag pole in the public right of way, in the planter strip between the sidewalk and 9th Street. The tenant would place an American Flag, and a California State Flag on this pole. Because these are official flags, they are exempt from the City's Sign Ordinance. The applicant will still need to obtain an Encroachment Permit from the City's Development Services Division.

#### 5. Lot Line Adjustment

The applicant has proposed a Lot Line adjustment wherein the existing southern lot line would be placed directly over the southern lot line of the parcel to the south. The property owner owns both parcels. The adjustment is being requested so that parking can be located on-site. Staff suggested a Lot Merger in place of the Lot Line Adjustment. However, the applicant indicated that in the future he wanted the option of readjusting the Lot Line to its existing position. Staff supports the Lot Line Adjustment.

#### D. Building Design

The existing building is really a combination of three structures. The main building is a single story concrete tilt-up structure about 18 feet high. With the exception of the main entrance on 9th Street, there are no exterior windows. The exterior wall facing R Street and 9th Street is comprised of exposed aggregate. The back wall (facing the alley) is smooth concrete with a single garage type entrance. The only change proposed to this structure is a redesign of the main entrance to meet requirements of the new tenant (California Highway Patrol). The applicant will remove the existing cup shaped concrete awning and replace it with a metal canopy (see Exhibit 1B).

Directly to the east and attached to the main building is a two story equipment shelter. The exterior entrances to this structure consist of a roll-up garage door and a single doorway. The exterior of the second story of this structure is covered by louver type venting. The applicant proposes to replace the entire exterior wall of this structure with a solid wall and a narrow row of three windows at a height of about 6 feet.

Facing the rear of the site and located at the eastern portion of the site is a pitched roof, garage type structure. This structure has a side-sliding garage door and is suitable for vehicle storage. No changes to this structure are proposed.

The final design issue is the placement of a security fence around two-thirds of the parking spaces at the rear of the building. The applicant had originally proposed to install a six foot chain link fence with a one foot barbed wire extension meeting the specification of the tenant. This would have given the fence a total height of seven feet. The fence would have had a vehicle entrance gate off of 9th Street. Both Planning and Design Review Staff were concerned that a chain link fence would be incompatible with the residential mixed use zoning of the site and surrounding sites. The applicant agreed to install a green painted, security style, tubular steel fence in lieu of the chain link fence. This fence will be eight feet high with spikes on top. The fence meets the security requirements of the applicant's tenant.

The project site is within the Central City Design Review District. The proposed exterior changes to the structure are subject to a staff level Design Review because they are estimated at less than \$100,000. Design Review staff has already met with the applicant and suggested changes which the applicant has incorporated such as exterior windows on R Street, and the redesigned security fence. Final Design Review decision will occur after the Planning Commission hearing.

Staff feels that the exterior changes proposed by the applicant, and the fence redesign requested by staff, will make the structure and land use more compatible with the residential mixed use zoning of the site.

#### PROJECT REVIEW PROCESS:

##### A. Environmental Determination

The activity involves a Special Permit to convert one non-conforming use with another, a Variance to waive the parking lot shade requirement, and a Lot Line Adjustment to provide space for on-site parking. The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301 §a-3).

##### B. Public/Neighborhood/Business Association Comments

The project application has been routed for review to the Fremont Park Neighborhood Association (FPNA), and the Winn Park-Capitol Avenue Neighborhood Association (WPCANA).

Debra Banes of the FPNA responded by phone and stated an objection to the originally proposed chain link fence.

There has been no response from WPCANA.

##### C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following summarizes the comments received:

1. Public Works Department

Comments regarding maneuvering area behind parking spaces, entry gate, and lot line adjustment exhibit have been addressed by the applicant through a redesign or submittal of additional materials. Specifically, the applicant redesigned the secured parking area so that the entry is accessed from the alley rather than from 9th Street. The applicant also changed the 90 degree unsecured parking to angle parking.

2. Utilities Department

Comments regarding abandonment of domestic water service have been incorporated into the Conditions of Approval.

3. Solid Waste

Comments were received indicating that the project is in compliance with recycling information required by Section 34 of the Zoning Ordinance. Other suggestions regarding recycling were passed on to the applicant.

4. Police Department.

Comments have been incorporated as Conditions of Approval.

5. Tree Services

Tree Services recommended against placing two trees adjacent to 9th Street due to the proximity of existing Chinese Pistache trees. These two trees have been omitted on the site plan.

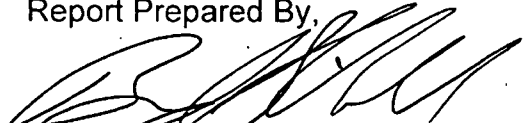
**PROJECT APPROVAL PROCESS:** Of the entitlements below, Planning Commission has the authority to approve or deny the Special Permit for the non-conforming use, and the Lot Line Adjustment. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Finding of Fact approving a Special Permit to convert one non-conforming use (vacant 14,813± square foot printing shop) to another non-conforming use (CHP office space - 14,813± square feet) in the Residential Mixed Use (RMX) zone on 0.58± acres in the R-Street Corridor Special Planning District.

- B. Adopt the attached Notice of Decision and Finding of Fact approving a Special Permit to waive 3 parking spaces of a required 33. *Withdrawn by Staff.*
- C. Adopt the attached Notice of Decision and Finding of Fact approving a Variance to waive the parking lot shading requirement. *Withdrawn by Staff.*
- D. Adopt the attached Notice of Decision and Finding of Fact approving a Lot Line Adjustment to provide on-site parking.

Report Prepared By,

  
Brad Shirball, Associate Planner

Report Reviewed By,

  
Steve Peterson, Senior PlannerAttachments

|              |                                       |
|--------------|---------------------------------------|
| Attachment 1 | Notice of Decision & Findings of Fact |
| Exhibit 1A   | Site Plan                             |
| Exhibit 1B   | Elevations                            |
| Exhibit 1C   | Floorplan                             |
| Attachment 2 | Vicinity Map                          |
| Attachment 3 | Land Use and Zoning Map               |



**ATTACHMENT 1:**  
**NOTICE OF DECISION AND FINDINGS OF FACT FOR**  
**CHP Offices @ 1801 9th Street**  
**SACRAMENTO, CALIFORNIA IN THE**  
**ZONE. (P97-067)**  
**APN: 009-0071-001**

---

At the regular meeting of October 9, 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. Environmental Determination: Exempt.
- B. Approved the Special Permit to convert one non-conforming use (vacant 14,813± square foot printing shop) to another non-conforming use (CHP office space - 14,813± square feet) in the Residential Mixed Use (RMX) zone on 0.58± acres in the R-Street Corridor Special Planning District.
- C. Approved the Special Permit to waive 3 of a required 33 parking spaces.  
*Withdrawn by Staff*
- D. Approved the Variance to waive the parking lot shading requirement.  
*Withdrawn by Staff*
- E. Approved the Lot Line Adjustment to provide space for on-site parking.

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

---

**FINDINGS OF FACT**

- A. Categorical Exemption: the City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section #15301 of the CEQA Guidelines.
- B. Special Permit The Special Permit to convert one non-conforming use (vacant 14,813± square foot printing shop) to another non-conforming use (CHP office space - 14,813± square feet) in the Residential Mixed Use (RMX) zone on 0.58 acres in the R-Street

Corridor Special Planning District is hereby approved subject to the following findings of fact:

1. The Special Permit, as conditioned, is granted upon sound principles of land use in that:
  - A. The project will utilize a commercially built location;
  - B. The project will not adversely affect the surrounding land uses; and
  - C. The proposed new non-conforming use is similar to, or less intensive than, the existing non-conforming use; and
  - D. The benefit to the public health, safety or welfare that will result from the change of non-conforming use exceeds any detriment which may result from such change.
  
2. The Special Permit as conditioned, complies with the objectives of the General and Community Plans in which it is to be located in that:
  - A. The project will not alter the present or anticipated density of the subject site or region; and
  - B. The project is in furtherance of policies to reuse existing structures
  
- C. Lot Line Adjustment: The Lot Line Adjustment to provide space for on-site parking is hereby approved subject to the following findings of fact:
  1. The Lot Line Adjustment is consistent with the General Plan and conforms with existing planning and zoning designation.

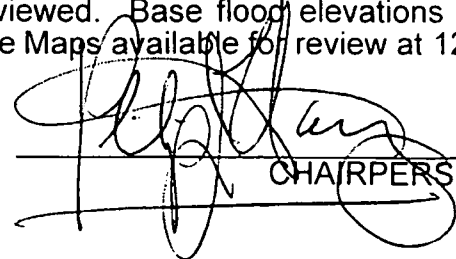
#### **CONDITIONS OF APPROVAL**

- A. The Special Permit to convert one non-conforming use (vacant 14,813± square foot printing shop) to another non-conforming use (CHP office space - 14,813± square feet) in the Residential Mixed Use (RMX) zone on 0.58 acres in the R-Street Corridor Special Planning District is hereby approved subject to the following conditions:
  - A1. The applicant shall obtain all necessary building and encroachment permits prior to commencing construction.
  - A2. Any modification to the project shall be subject to review and approval by Planning staff prior to the issuance of building permits.

- A3. Applicant shall illuminate the parking lot from dusk to dawn at 1.5 foot candles per square foot.
  - A4. Applicant shall maintain all landscaping at a maximum plant or shrub height of 30 inches and trees maintained at a minimum distance of 6 feet from the lowest branch to the ground.
  - A5. Applicant shall construct a tubular steel fence no greater than 8 feet in height. Fence shall be painted dark green.
  - A6. Entrance gate to the secured parking lot shall be accessed from the alley between R and S Streets.
  - A7. Should the applicant wish to mount or place any signage, that signage shall be in compliance with the City Sign Ordinance and shall be subject to a Staff level review.
  - A8. Handicap parking spaces shall be constructed according to design standards found in the California State Accessibility Standards. All other parking spaces shall be constructed according to dimensions found in Section 6 of the City's Zoning Ordinance.
  - A9. Applicant shall plant three shade trees (one in each of two planter boxes as shown on site plan and one tree in what was to be parking space 23 on the site plan). Tree selection and size shall be approved by the City's Tree Services representative.
  - A10. Planter boxes (marked as "P" on the site plan) shall be properly irrigated, landscaped, and adequately maintained indefinitely.
- B. The Lot Line Adjustment to provide space for on-site parking is hereby approved subject to the following conditions:
- B1. File a Certificate of Compliance, submit all required documents according to the submittal requirements checklist, and pay necessary fees.
  - B2. File a waiver of Parcel Map.
  - B3. Pay off or segregate any existing assessments.
  - B4. Place note on Certificate of Compliance: Sewer and water services to each lot shall be provided at time of obtaining building permits.
  - B5. Properly abandon any excess water services to the satisfaction of the Utility Department.
  - B6. Provide separate water and sewer services for each unit to the satisfaction of

the Utilities Department.

- B7. Notice: Property to be adjusted/merged in accordance with this certificate of compliance may be subject to flooding. Interested parties should ascertain whether and to what extent such flooding may occur. The applicable base flood elevations for the property should be reviewed. Base flood elevations are shown on preliminary Flood Insurance Rate Maps available for review at 1231 I Street, Room 200.

  
 \_\_\_\_\_  
 CHAIRPERSON

ATTEST:

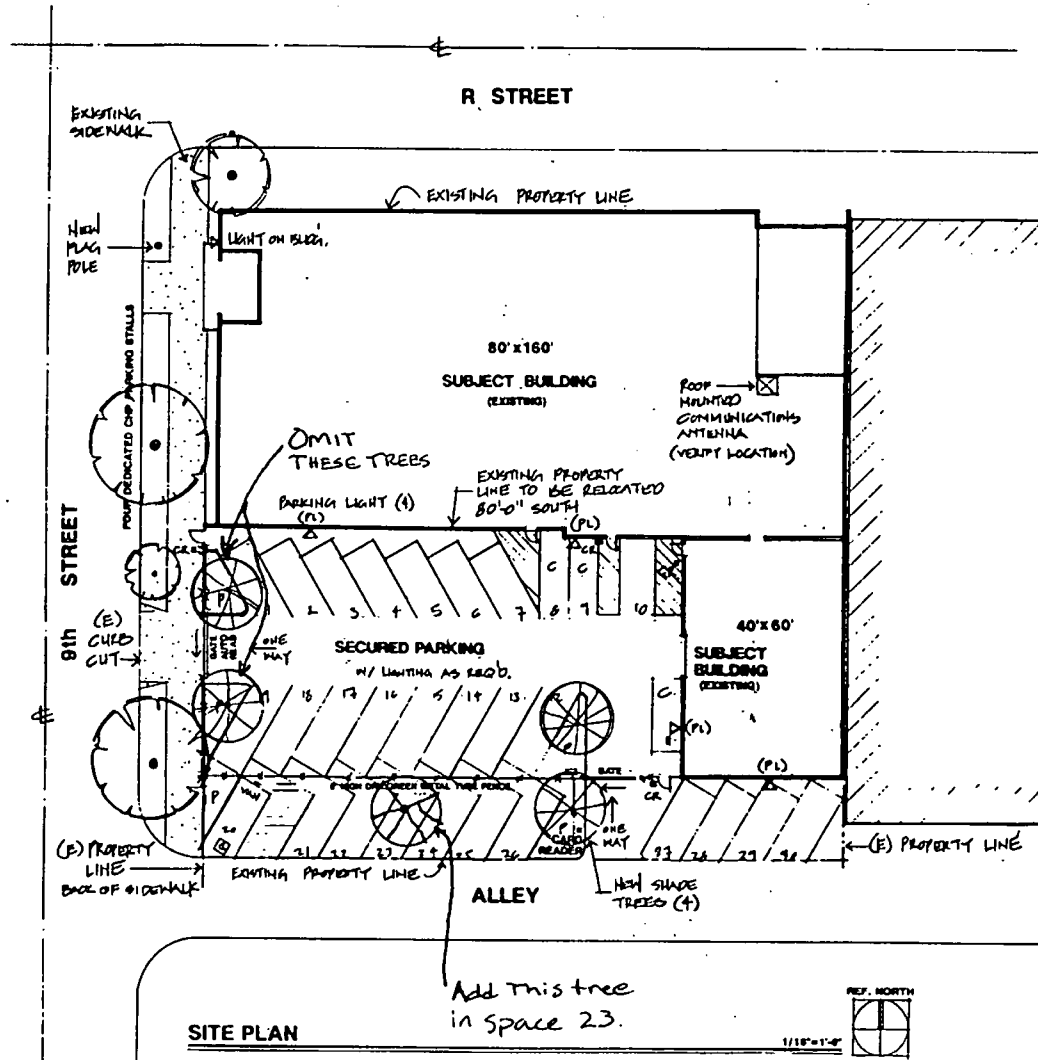
  
 \_\_\_\_\_  
 SECRETARY TO CITY PLANNING COMMISSION

10-9-97  
 \_\_\_\_\_  
 DATE (P97-067)

Attachments

- |            |            |
|------------|------------|
| Exhibit 1A | Site Plan  |
| Exhibit 1B | Elevations |
| Exhibit 1C | Floorplan  |

Exhibit 1A  
Site Plan



Project

A TENANT ALTERATION FOR:

**CALIFORNIA HIGHWAY PATROL**

1801 9th STREET  
SACRAMENTO, CA

The undersigned architect does not represent that these plans or the specifications in connection therewith are complete, whether or not specified for any other use than the one for which they were specifically prepared. The architect accepts responsibility for these plans and specifications if they are used in whole or in part for any other use.

The architect shall verify and be responsible for all dimensions and quantities on the job and that all work shall be finished in writing of any variation from the dimensions and conditions shown by these drawings.

The drawing is not to be used for construction until signed by the architect and owner.

All drawings and written material accompanying these drawings are original and unreplicated copies of the architect and the same may not be reproduced, used or altered without written consent of the Architect.

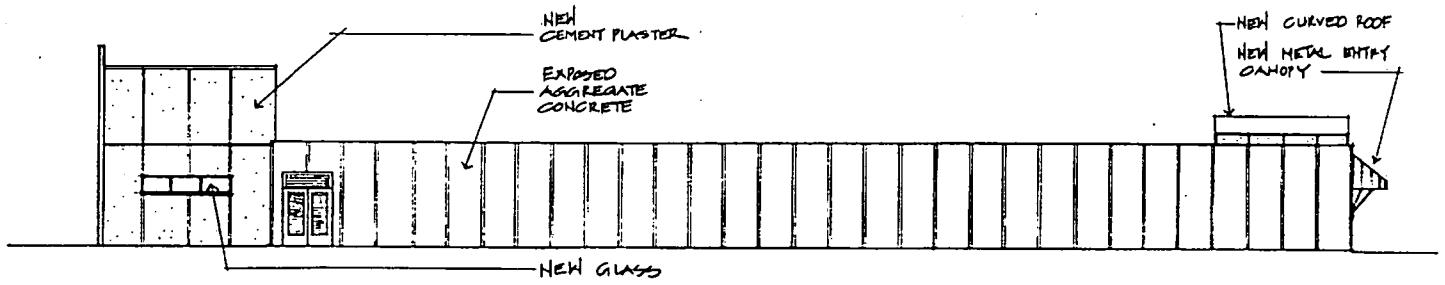
SITE PLAN

|   |   |
|---|---|
| Total Office Area _____<br>Net Storage Area _____<br>Misc. Facilities _____<br><b>TOTAL NET AREA</b> _____<br>TOTAL INSIDE GROSS _____<br>Parking _____ | EXHIBIT<br><b>A</b><br><br>SHEET NO.<br><b>2</b><br>OF 2 SHEETS   |
| TRACEL INC. 0007910<br>DATE 4 AUG 97<br>DESIGNER R. WITTEBERG   | AGENCY CALIFORNIA HIGHWAY PATROL - PROTECTIVE SERVICES BUREAU<br>LOCATION 1801 - 9TH STREET, SACRAMENTO, CA |
| <b>Office of REAL ESTATE &amp; DESIGN SERVICES</b><br>Department of General Services - State of California  |   |

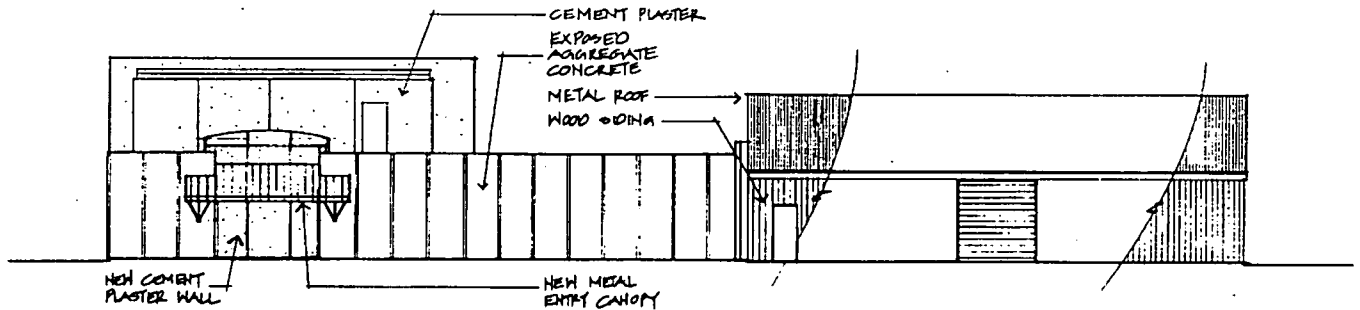
| NO. | DATE    | DESCRIPTION    |
|-----|---------|----------------|
| 20  | AUG 97  | PLANNING       |
| 24  | SEPT 97 | CHP / PLANNING |
| 1   | 197022  |                |
| 4   | SEPT 97 |                |

Drawing No. **A - 2**

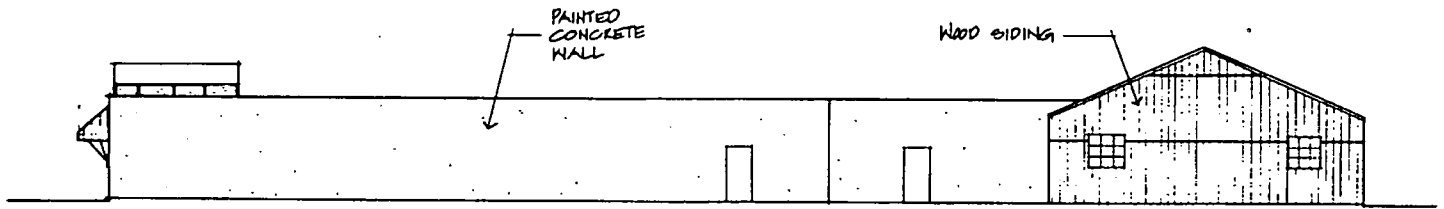
Exhibit 1B  
Elevations



**NORTH ELEVATION**



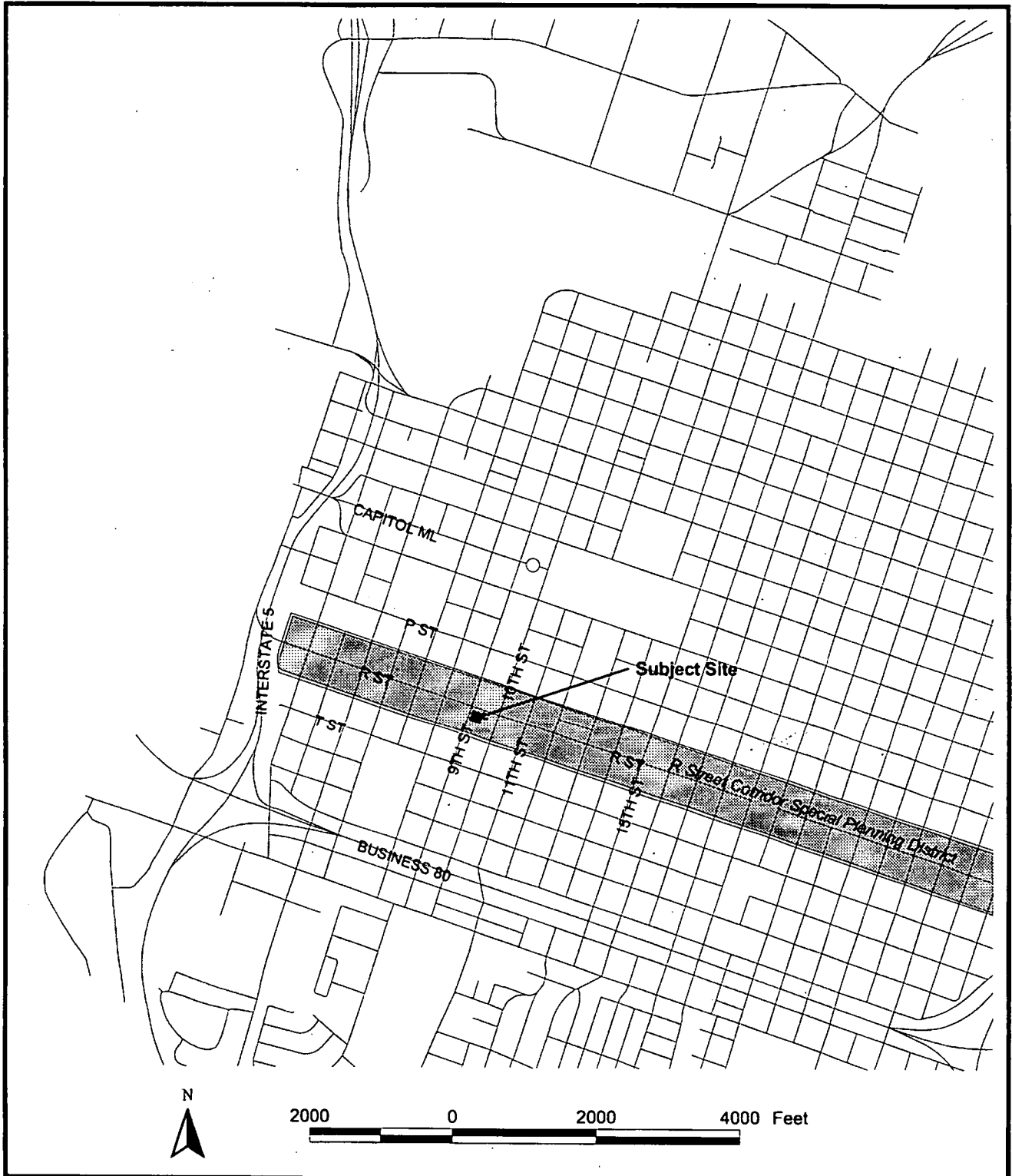
**WEST ELEVATION**



**SOUTH ELEVATION**



**Attachment 2  
Vicinity Map**





Attachment 3  
Land Use and Zoning Map

