

P96-059 LEMON HILL OFFICE REZONE

- REQUEST:
- A. **Negative Declaration**
 - B. **South Sacramento Community Plan Amendment** of 0.32 developed acres from "Residential" to "Residential-Office" for an office conversion.
 - C. **Rezone** of 0.32 developed acres from "Multi-Family" (R-2A-R) to "Residential-Office" (RO) to convert a vacated, 3,894 square-foot residential care facility into an office building.
 - D. **Special Permit** to allow an office use in the RO zone.
 - E. **Variance** to exceed 40% (for 50%) compact-car parking spaces.
 - F. **Variance** to allow the installation of solid wood fencing in-lieu of the required masonry walls.

LOCATION: 5915 Lemon Hill Avenue
APN: 038-0011-027
Council District 6 (Area 3)
South Sacramento Community Plan Area

APPLICANT:	Jimmy Sou, 916-556-9922 8273 Summer Sunset Drive, Sacramento, CA 95828
OWNER:	Jimmy Sou, 916-556-9922 8273 Summer Sunset Drive, Sacramento, CA 95828
APPLICATION FILED:	June 6, 1996
STAFF CONTACT:	Mike Dale, 916-264-8309

SUMMARY: The owner is requesting the above entitlements to convert an existing, vacated, residential care facility into an office building at the above location. Office uses are not permitted in the R-2A-R zone. Therefore, the owner is requesting a Rezone to RO in conjunction with an appropriate Community Plan Amendment. The project includes a

remodeling of the building's interior to accommodate office use and improvements to the building's exterior. The existing parking lot would be modified to support additional parking stalls and landscaping. The site is bordered to the north and east by single-family development in the Standard Single-Family (R-1) zone. The Zoning Ordinance therefore requires masonry walls along the interior property lines. Due to site constraints, the owner is requesting a Variance to exceed the 40% compact-car parking space provision.

RECOMMENDATION: The project's primary issues relate to land use policy. The site is bordered by parcels which are designated for, and utilized by, low density residential development. The proposed Rezone and Community Plan Amendment would allow the development of an office building or higher density residential project which could be incompatible with the adjacent, low-density residential development. The site is a viable residential parcel, and vacant commercial space exists in the project vicinity and along Stockton Boulevard that is suitable for office development. To protect the surrounding properties, and to preserve the site for appropriate residential development, the current land use designation and zoning should be maintained. **Staff therefore recommends denial of the project as described in the findings of fact as shown in Attachment 1.** If the Planning Commission chooses to approve the project, then the project should be continued to the Planning Commission hearing of November 21, 1996, to allow Staff to revise Attachment 1 to reflect revised findings and include conditions of project approval.

PROJECT INFORMATION:

General Plan Designation:	Medium-Density Residential
Existing Community Plan Designation:	Residential (11-21 du/na)
Proposed Community Plan Designation:	Residential-Office (11-36 du/na)
Existing Zoning of Site:	Multi-Family-Review (R-2A-R)
Proposed Zoning of Site:	Residential-Office (RO)
Existing Land Use of Site:	Vacant, 1-level building w/parking lot

Surrounding Land use and Zoning (Attachment B):

North: Single-Family Residential; R-1-A
 South: Apartments; R-2B-R
 East: Single-Family Residential; R-2A-R
 West: Residential Care Facility: R-2A-R

Property Area Dimension (Size):	230' x 60' (0.32 acres)
Size of Existing Building:	3,894 sf, 1-story
Total Required Parking:	10 stalls (@ 1:400)
Total Proposed Parking:	10 stalls
Height of Existing Building:	12 feet
Height Limit of R-2A-R or RO zone:	35 feet
Street Improvements and Utilities:	Existing

OTHER APPROVALS REQUIRED: In addition to the above land use entitlements, the project will be required to obtain building permits.

BACKGROUND: The existing building was constructed in 1963 as a residential care facility (Royal Gardens Guest Home) and is now vacant. The building is now boarded-up, due to vandalism and persistent loitering.

STAFF EVALUATION: Staff has the following comments:

A. **Policy Considerations**

General Plan. The "Medium-Density Residential" designation of the General Plan is intended to accommodate multiple-family dwellings with a density range of 16-29 dwelling units per net acre (du/na). Development may consist of condominiums, garden apartments, and/or light-density apartment uses. Limited commercial or office uses are allowed - especially when located adjacent to a major street (Sec. 2-4). The designation has been determined by Staff to be compatible with the proposed RO zone in that a residential density of up to 29 du/na is possible under both land use categories. The proposal is therefore compatible with the General Plan designation.

Policies of the General Plan discourage the proposed office use within a residential area. Section 2-10 states as a goal: "Improve the quality of neighborhoods City-wide by protecting, preserving and enhancing their character." According to the General Plan: "Improper land use mixes such as non-conforming commercial and industrial uses in residential neighborhoods distract from the residential character of the neighborhood and add to its decline" (Section 2-12). The project is therefore in conflict with this goal of the General Plan.

Community Plan. The current "Residential" (11-21 du/na) designation of the South Sacramento Community Plan (SSCP) is intended to accommodate halfplexes, duplexes, townhouses, condominiums, and garden apartments. Office uses are not compatible with this designation. Likewise, the designation is not compatible with the proposed RO zone which may support a residential density of up to 36 du/na. The proposed "Residential-Office" (11-36 du/na) designation is compatible with the RO zone in that it may allow office uses and higher density residential development. The proposed designation is appropriate along major streets and in commercial areas where mixed-use development is encouraged (SSCP, p.19). However, the site is not well suited for the proposed designation due to its narrow width and small size and due to the potential impacts upon the adjacent residential development. Staff is therefore not supportive of the proposed Community Plan Amendment and recommends denial of the project as shown in Attachment 1.

Zoning. The current "Multi-Family" (R-2A-R) zone is intended to accommodate garden apartments and cluster housing projects of up to 17 du/na. Under the current zoning, a residential project of up to 5-6 units could be developed on the site. The "R" suffix requires Planning Commission "Plan Review" for all construction projects affecting site layout and structural design. Office uses are not allowed in the R-2A-R zone. The owner is therefore requesting a Rezoning of the site to "Residential-Office" (RO). The RO zone is a higher density, multiple-family zone which permits the development of office uses subject to Planning Commission approval of a Special Permit. Only office uses and residential uses of up to 36 du/na are allowed in the RO zone. Under the proposed zoning, a residential project of up to 11-12 units may be developed on the site.

The RO zone is compatible with the General Plan and the SSCP, as discussed above. However, the RO zone could result in an office or higher density residential project that may not be compatible with the adjacent low density residential development. In addition, the proposed Rezoning could result in the loss of the viable, residentially designated site. Staff is therefore not supportive of the proposed Rezone and recommends denial of the project as shown in Attachment 1. If the Planning Commission chooses to support the project, then Staff recommends that the maximum allowable density be limited to 17 du/na as allowed under the current R-2A-R zone.

B. Site Plan / Design

Existing. The 0.32-acre site supports a 3,894 square-foot, single-level building with a paved parking lot and driveway oriented toward Lemon Hill Avenue. Three-foot wide vegetated planter areas exist along the north, east, and west property lines. A combination of chain-link and wooden fences exist on the east and west property lines, and a masonry wall exists along the north property line. The 6'x4' storage shed, located behind the main building, is proposed for removal.

Proposed. The owner proposes to remodel the building's interior to support office space. A physical expansion of the building is not proposed. The building's exterior would be remodeled to enhance its appearance. The parking lot would be reconstructed to accommodate more vehicles, and additional planter areas would be constructed. The parking lot would be setback a minimum of 25 feet in accordance with the Zoning Ordinance.

Due to the narrow width and small size of the site, the original plan showed one row of eight standard parking stalls located along the west property line and in the front setback area. Sufficient space existed for only two, seven-foot wide, planter areas adjacent to Lemon Hill Avenue. Staff worked with the owner to revise the site plan to show all of the required parking spaces in two rows with two 25-foot

wide landscape planters in the front setback area. Landscape planters, capable of supporting trees, are also now proposed on the west side of the parcel. The site plan now meets the City's standards for parking, setbacks, and landscaping.

The proposed improvements would enhance the site's function and appearance by providing additional parking stalls and landscaping. The improvements would also afford greater vehicular stacking distance by locating the stalls further away from Lemon Hill Avenue. The Zoning Ordinance allows the stalls to include a two-foot overhang into the planter areas. The stall depth should therefore be reduced by two feet in order to increase the size of the planter areas to four feet. If the Planning Commission chooses to approve the project; then Attachment 1 should be revised to include these recommendations as conditions of project approval.

C. Special Permit (to allow an office use in the RO zone):

The Zoning Ordinance requires Planning Commission approval of a Special Permit to allow an office use in the RO zone. The Special Permit enables the City to review office projects for compatibility with the adjacent residential land uses. The owner proposes to operate the office building between 8:00 AM and 6:00 PM, Mondays through Saturdays. Staff has expressed concerns regarding the compatibility of the office use in relation to the site and adjacent residential uses and is therefore recommending denial of the Special Permit. However, if the Planning Commission chooses to approve the project, then Attachment 1 should be revised to include these hours as a condition of project approval.

D. Variance (to exceed 40% (for 50%) compact-car parking spaces):

The site plan provides the ten required off-street parking stalls. The Zoning Ordinance allows up to 40% of the spaces to be sized for compact cars. However, due to the narrow width and small size of the parcel, five (50%) of the stalls are proposed as compact spaces. Staff has expressed concerns regarding the compatibility of the proposed office use in relation to the subject site and the adjacent residential uses and is therefore not supportive of the Variance. Staff therefore recommends denial of the Variance. However, if the Planning Commission chooses to approve the project, then Attachment 1 should be revised to reflect new findings of fact and conditions of approval.

E. Variance (to allow the installation of solid wood fencing in-lieu of the required masonry wall):

The Zoning Ordinance requires the placement of a solid masonry wall along all property lines which separate a non-residential use from a residential zone or use. A masonry wall already exists on the site's northern boundary. A combination of chain-link and wooden fencing exists on the site's east and west property lines.

The owner proposes to install a solid wood fence along the east and west property line instead of providing the required masonry walls. The reason for the owner's request is to reduce construction costs.

The required masonry wall is intended to serve as a long-term (permanent) buffer between non-residential and residential uses. A wooden wall would have less structural integrity than a masonry wall and would require more frequent maintenance. Staff therefore recommends denial of the Variance. If the Planning Commission chooses to approve the Variance, then Attachment 1 should be revised to reflect new findings of fact and conditions of approval.

PROJECT REVIEW PROCESS:

A. Environmental Determination

An Initial Study was conducted which identified no significant project-related impacts to human health or the environment. A Negative Declaration has therefore been prepared which requires no mitigation measures. Staff recommends that the Planning Commission ratify the Negative Declaration as shown in Attachment 1.

B. Neighborhood Response

An early notice of the project application was routed to the following organizations:

- South Sacramento Chamber of Commerce
- South Sacramento Neighborhood Coalition (SSNC)
- Florin Road Community & Business Association
- Area Churches Together
- Sacramento Housing and Redevelopment Agency
- Stockton Boulevard Project Area Committee (PAC)

A notification of the Planning Commission hearing was also sent to the above organizations and to all owners of property located within 500 feet of the site.

The PAC "unanimously recommended approval of the project" and said: "Generally, the PAC supports converting residential uses to commercial when the residential use is located on a major thoroughfare." The SSNC responded with "no comment." Staff followed-up with a phone call to the other organizations. At the time of this writing, Staff has received no other comments regarding the proposal.

The owner has submitted a list of 81 signatures in support of the project (Attachment 5).

C. Summary of Agency Comments

Staff routed copies of the project application and drawings to the appropriate City Departments and local agencies. The only comment received pertained to the location of the proposed parking lot and number of parking spaces on the original site plan. These issues were resolved through the revised site plan.

STAFF RECOMMENDATION ANALYSIS: Staff is recommending denial because the proposed project would allow a commercial use within an existing residential neighborhood. From a planning perspective, this project could set an undesirable precedent for supporting and approving similar "spot" Community Plan Amendments and Rezoning in the City. Such actions are viewed as compromising to the integrity of existing residential neighborhoods. However, other considerations, such as: a) the current quasi-commercial character of the existing building and site, b) the level of community support for the project, and c) the acceptability of the proposed site plan, may be equally important factors to the Planning Commission and City Council. In such case, special attention should be given to adding appropriate conditions to the project which would reduce the possibility or severity of conflicting land uses, such as: 1) limiting the residential density to 17 du/na, 2) requiring landscaping to meet the City's landscaping and shading ordinances, 3) modifying the parking dimensions to allow larger landscape areas, 4) limiting the hours of operation, and 5) regulating the design of the walls.

PROJECT APPROVAL PROCESS: The Planning Commission is authorized to ratify the Negative Declaration and to approve or deny the Special Permit and Variances. The Commission may recommend approval or denial of the Community Plan Amendment and Rezone to the City Council. If the Commission favors the project, then the project should be continued to the November 21, 1996, Planning Commission hearing to allow Staff to modify Attachment 1 to reflect revised findings of fact and conditions of approval. The Planning Commission's action(s) may be appealed to the Council within 10 days following the Commission's action(s).

RECOMMENDATION: Staff recommends that the Planning Commission take the following action(s):

- A. **Ratify** the Negative Declaration
- B. **Approve** the Notice of Decision and Findings of Fact (Attachment 1) recommending denial of the **South Sacramento Community Plan Amendment** of 0.32 developed acres from "Residential" to "Residential-Office" for an office conversion.
- C. **Approve** the Notice of Decision and Findings of Fact (Attachment 1) recommending denial of the **Rezone** of 0.32 developed acres from "Multi-Family" (R-2A-R) to "Residential-Office" (RO) to convert a vacated, 3,894 square-foot residential care facility into an office building.


- D. **Approve** the Notice of Decision and Findings of Fact (Attachment 1) **denying** the **Special Permit** to allow an office use in the RO zone.
- E. **Approve** the Notice of Decision and Findings of Fact (Attachment 1) **denying** the **Variance** to exceed 40% (for 50%) compact-car parking spaces.
- F. **Approve** the Notice of Decision and Findings of Fact (Attachment 1) **denying** the **Variance** to allow the installation of solid wood fencing in-lieu of the required masonry walls.

Report Prepared By:



Mike Dale, Associate Planner

Report Reviewed By:

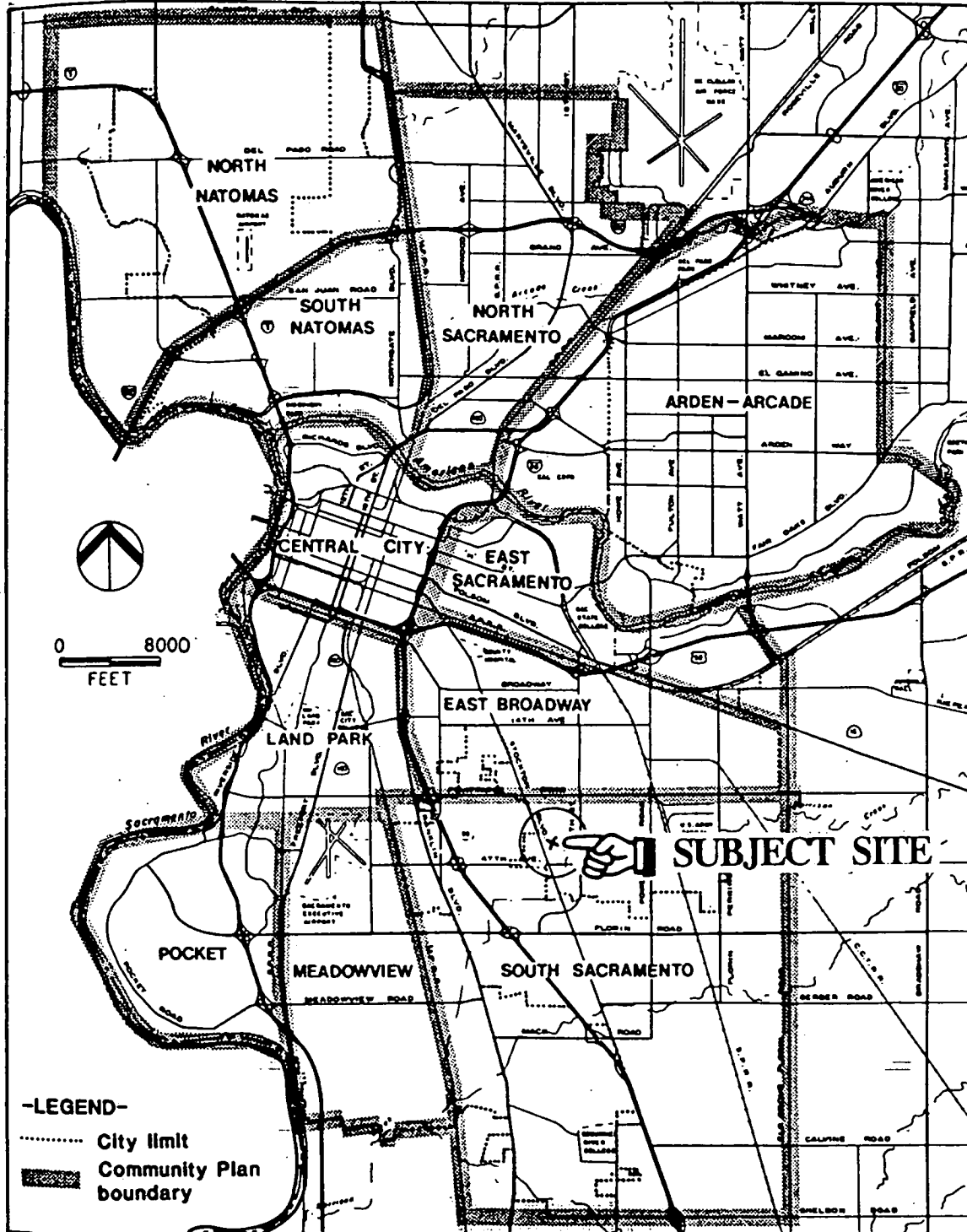


Barbara L. Wendt, Senior Planner

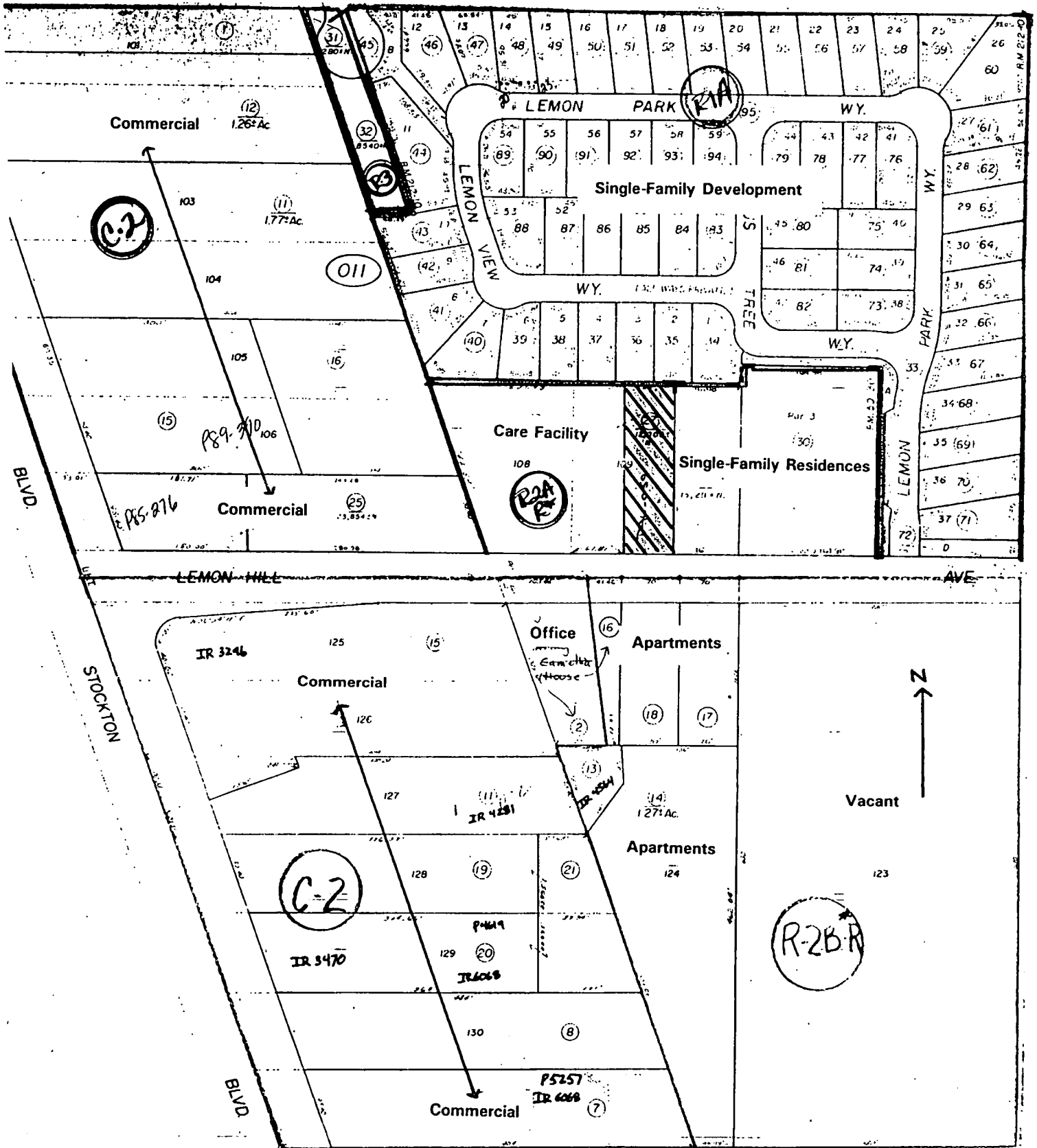
ATTACHMENTS

Attachment 1	Notice of Decision and Findings of Fact
Exhibit 1A	Site Plan Details
Exhibit 1B	Floor Plan and Front Elevation
Attachment 2	Vicinity Map
Attachment 3	Land Use and Zoning Map
Attachment 4	Community Signatures

Attachment 2
Vicinity Map



Attachment 3
Land Use and Zoning Map



Attachment 4
Community Signatures
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5915 LEMON HILL REZONE FROM RESIDENTIAL TO COMMERCIAL

We're strongly in support to the above said rezoning. We are the people in this community would urge the CITY OF SACRAMENTO PLANNING COMMISSION AND THE CITY COUNCIL to approve the rezoning. The owner of this property, Jimmy Sou, professional real estate broker will turn this vacant, empty, ugly, boarded up, vandalized building into a professional real estate office. This means jobs creating, real estate service and add true value to our community, therefore, once again, we're in support to the above said REZONING.

DATE

NAME	ADDRESS	SIGNATURE
Harris Cui	6940 PECK DR Sacto 95828	Harris Cui
Alan Chan	6056 Rutland Dr #8 COMMERCIAL CENTER	Alan Chan
SU, VALINTINO	6129 LEMON HILL AVE SACTO CA 95824	SU, VALINTINO
To Hue Lou	6183 LEMON PARK WAY	To Hue Lou
Thang Le	5987 LEMON PARK WAY	Thang Le
Loanh Trinh	5991 LEMON PARK WAY	Loanh Trinh
Phan Tran	5995 LEMON PARK WAY	Phan Tran
Linh-Rau	5999 LEMON PARK WAY	Linh-Rau
Melissa-Hoang	5923 LEMON PARK WAY	Melissa-Hoang
Chan Hoang	5919 LEMON PARK WAY	Chan Hoang
Kem Xiong	5915 LEMON HILL AVE	Kem Xiong
Mee Xiong	5945 LEMON HILL AVE #2	Mee Xiong
Chan Hoang	5945 LEMON HILL AVE #2	Chan Hoang
Chu Tze	5927 LEMON HILL AVE	Chu Tze
Tonia Nerez	5901 LEMON HILL AVE	Tonia Nerez
Vikki Gagner	5901 LEMON HILL AVE Sacto	Vikki Gagner
Richard	6019 STOCKTON BL	Richard
John Lee	6019 Stockton Blvd 421-9428	John Lee
Lee	6015 Stockton Blvd 421-9960	Lee
Bao Tu Van	KHAN HING TONG	Bao Tu Van
Dan Bai	Khan Hing Tong	Dan Bai
Sam Loung	Lemon Hill Ave	Sam Loung
Le Duc Chi	Khan Hing Tong	Le Duc Chi
Shing Hing	Khan Hing Tong	Shing Hing
Xia Pu Per	8006 39th Ave Sacramento, CA 95824 (916)-381-8999	Xia Pu Per
Bun Phong Lam	2505 GERTNER AVE CA 95828 916 688 0716	Bun Phong Lam
Sam Situl	7505 GARDNER AVE CA 95828 916 397-1982	Sam Situl
Quay A	THUNDERBOLT CT SACTO CA 95824 (916) 386-2997	Quay A
Amy Dier	6112 Cougar DR Sacto, CA (916) 381-8662	Amy Dier

Attachment 4
Community Signatures
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DATE

NAME	ADDRESS	SIGNATURE
TUAN LI	15000 VICTORY WAY SAC	[Signature]
LEBORAN MATHIAS	5947 LEMON VIEW WY SAC 95824	[Signature]
WILLIAM WRIGHT	5947 LEMON VIEW WY SAC 95824	[Signature]
Mai Hoang	5943 LEMON PK WY SAC 95824	[Signature]
Cong Lu	5939 LEMON PK WY SAC 95824	[Signature]
Justin Lu	5931 LEMON PK WY SAC 95824	[Signature]
Quee Cuck	5931 LEMON PK WY SAC 95824	[Signature]
Alex	5915 59th LEMON PK WY SAC 95824	[Signature]
PHO CHUNG	5915 LEMON PK WY SAC 95824	[Signature]
SANDY H PHU	8208 DIERS RD 95822	[Signature]
LISA SOU	9709 SCOTTSDALE DR 95822	[Signature]
Mahe Hoang	1000 Cobalt WY CTT CA 95621	[Signature]
WING PHAT SUPERMARKET SUPPORT 110%		
KHY CA VO NG		[Signature]
SAY DO NG	6105 STOCKTON BL SAC TO	[Signature]
Samy Tray	6132 62RD ST #4 SACTO CA 95824	[Signature]
Lam Nguyen	2500 71th SACTO CA 95822	[Signature]
SU PHU	6129 VICTORY WAY SAC CA 95824	[Signature]
Becher	Lowland way 95823 SACTO	[Signature]
Yang Weixin	3928 Thorne apt 8 Sacramento CA 95823	[Signature]
TRAI QUOC TAN'S	6125 Stockton BLVD SACramento CA 95824	[Signature]
Minh Tin Truong	6125 Stockton BLVD #66 CA 95824	[Signature]
THAM CHAY	7457 HAWKSPORT WY SACTO CA 95824	[Signature]
VINH QUOC BANG	HO TH. VAE 77108 CA 95824	[Signature]
Sea Cam Son	7454 SUNDOWNER CT SACTO CA 95828	[Signature]
THOMAS TRAN	6100 76th St SAC CA 95828	[Signature]
WING ON SUM	6100 Stockton BLVD CA 95824	[Signature]
VI BANG	7104 KERRICK ST SAC CA 95824	[Signature]
THUY NGUYEN	8652 TIGAWOOD DR SACTO CA 95828	[Signature]

Attachment 4
Community Signatures
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NAME	ADDRESS	SIGNATURE
DAN VOANG	5709 MANMAR WAY	[Signature]
VICTOR QUAN	856 Euway Blvd	[Signature]
JACKSON LU	6917 Celia Del Sol Way	[Signature]
HOA NGO	5632 MANMAR WAY	[Signature]
VINH PHUAT	Supplement 6105 STOCKTON BL	[Signature]
STOCKTON APT	6125 STOCKTON BLVD	[Signature]
(We represent the apt. across from court)		
PHAM AL	- 383-9236	
HOA VAN NGUYEN	5536 Lemon View Way #7	[Signature]
SON HOANG	5532 Lemon View Way #7	[Signature]
	5528 Lemon View Way	[Signature]
SINH NGU	5524 LEMON VIEW WAY	[Signature]
Phuoc Truong	5520 Lemon View Way	[Signature]
Wan Hung	6019 Stockton Blvd B	[Signature]
LORI NG	6019 D-1 STOCKTON BLVD.	[Signature]
SCOTT WATSON	6094 Stockton Blvd 421-2122	[Signature]
Susan Wong	6088 Stockton Blvd 424-8544	[Signature]
MY THU	Restaurant 6070	[Signature]

WHDZ

N/H

Heaven Hieu DANH 7207 Willowcrest, CA 95828
 Phuong Hieu 3327 Alhds Sect W 95821
 Dong 6691 Camp Verde Way CA 95828
 Thuy Trang 6105 Stockton Blvd CA 95824