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CITY OF SACRAMENTO

CITY MANAGER'S OFFICE  
**RECEIVED**  
NOV 8 1983

CITY PLANNING DEPARTMENT  
927 TENTH STREET SACRAMENTO, CA 95814  
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

November 4, 1983

City Council  
Sacramento, California

Honorable Members in Session:

**APPROVED**  
BY THE CITY COUNCIL  
NOV 15 1983  
OFFICE OF THE  
CITY CLERK

SUBJECT: 1. Environmental Determination;  
2. Tentative Map to create a one lot parcel with airspace subdivision for an existing office structure located on 1.2+ acres in the (C-3) Central Business District zone (P83-324)(APN: 006-056-14)

LOCATION: North side of "J" Street, between 14th and 15th Streets

SUMMARY

The applicant is requesting the necessary entitlements to convert an existing office into airspace ownership units. The purpose of the division is to separate the interests of A.T.&T. and P.T.&T. The staff and Subdivision Review Committee recommended approval of this request.

BACKGROUND INFORMATION

This project does not require Planning Commission review since there are no concurrent requests for rezoning, special permit, or plan amendment. The request is, therefore, being transmitted directly to the City Council for consideration.

Surrounding land use and zoning are as follows:

- North: General Commercial; C-3
- South: Commercial and Church; C-3
- East: Public Auditorium; C-3
- West: Residential and Commercial; C-3

The Environmental Coordinator has determined that the proposed project will not have a significant adverse effect on the environment and has filed a Negative Declaration.

This request involves a division of airspace in an existing office for the purpose of separating the interests of American Telephone and Telegraph Co. and Pacific Telephone and Telegraph. Since this request is a subdivision of airspace for office use, staff has no objections to the request.

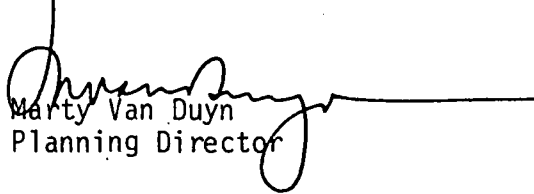
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RECOMMENDATION

The Parcel Map Advisory Agency, based upon review by the Subdivision Review Committee, recommends the City Council approve the project by:

1. Ratifying the Negative Declaration;
2. Adopting the attached resolution adopting findings of fact approving the tentative map.

Respectfully submitted,



Marty Van Duyn  
Planning Director

RECOMMENDATION APPROVED:



Walter J. Slipes, City Manager

MVD:SC:cp  
Attachments  
P83-324

November 15, 1983  
District No. 1



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**Pacific Telephone**

D. S. Cannon  
District Manager—Building Engineering

3707 Kings Way, Suite A-2  
P.O. Box 15038  
Sacramento, California 95851

SEP 22 1983

City of Sacramento  
Planning Department  
927 10th Street  
Room 300  
Sacramento, CA 95814

Gentlemen:

On behalf of The Pacific Telephone and Telegraph Company ("PT&T"), I hereby submit to you for review and approval a tentative map application and related documents for the proposed airspace division of our equipment building located at 1407 J Street, Sacramento, California. The land and building which are the subject of this application are presently owned by PT&T and occupied by it and American Telephone and Telegraph Company ("AT&T"). The buildings house highly complex and sophisticated switching and other telecommunications equipment of both companies.

On August 24, 1982, the United States District Court for the District of Columbia entered a Modification of Final Judgment ("Decree") in United States vs. Western Electric Company and American Telephone and Telegraph Company. Under the Decree, AT&T is required to divest itself of the portions of the Bell System companies throughout the entire country (the "Operating Companies"), including PT&T, that perform local telecommunications functions, and to sever joint ownership and operation by AT&T and its divested Operating Companies of all facilities (which includes real property as well as telecommunications equipment). The Decree specifically prohibits joint ownership of facilities, but allows for sharing, through leasing arrangements or otherwise, of multifunction facilities, such as those that are the subject of this application.

To implement the Decree, AT&T was required to submit a Plan of Reorganization to the Court. Over 50 interested parties filed comments on the Plan of Reorganization and, after eight months of briefing and deliberation, the Plan was approved by the Court on August 5, 1983.

The Plan of Reorganization provides that where both AT&T and PT&T will require use of the same building, they may share the facility under leasing arrangements for not more than 20 years. In places where this 20-year period would be inadequate, such as in the case of the 1407 J Street building,

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the Plan allows AT&T and PT&T to divide ownership of realty by means of condominium ownership or "similar arrangements". However, in light of the prohibition in the Decree of joint ownership, the creation of statutory condominiums has been rejected because Civil Code section 783 requires that the land and portions of the project (typically those areas used by all the owners, such as first floor lobbies, elevators, etc.), must be owned by the owners as tenants in common. Accordingly, AT&T and PT&T determined that a division of the airspace within buildings, allocating to AT&T and PT&T, respectively, portions of the buildings inclusive of the space they now occupy, would best meet the conditions of both the Decree and the Plan of Reorganization. Such a division of airspace has been frequently accomplished with governmental approval in urban areas of the East and occasionally here in California.

This proposed division will not change the use, occupancy or operation of the building, and it will not require the construction of any major improvements. The airspace division proposal described above materially differs from the type of development project to which state and local subdivision regulations are typically addressed. Our proposal raises none of the public policy issues of a typical subdivision. There are stringent time constraints within which AT&T and PT&T must work in order to comply with the Court's divestiture schedule. The Plan of Reorganization requires completion of all real estate transfers by December 31, 1983 in anticipation of full divestiture by January 1, 1984.

In light of the short time available, and the special nature and use of the buildings, we request your expedited review and approval of the proposed airspace division so that we will be able to prepare and record a proper map for the conveyance involved. We look forward to working with you and other City officials and will be happy to provide all necessary information that you or they may require.

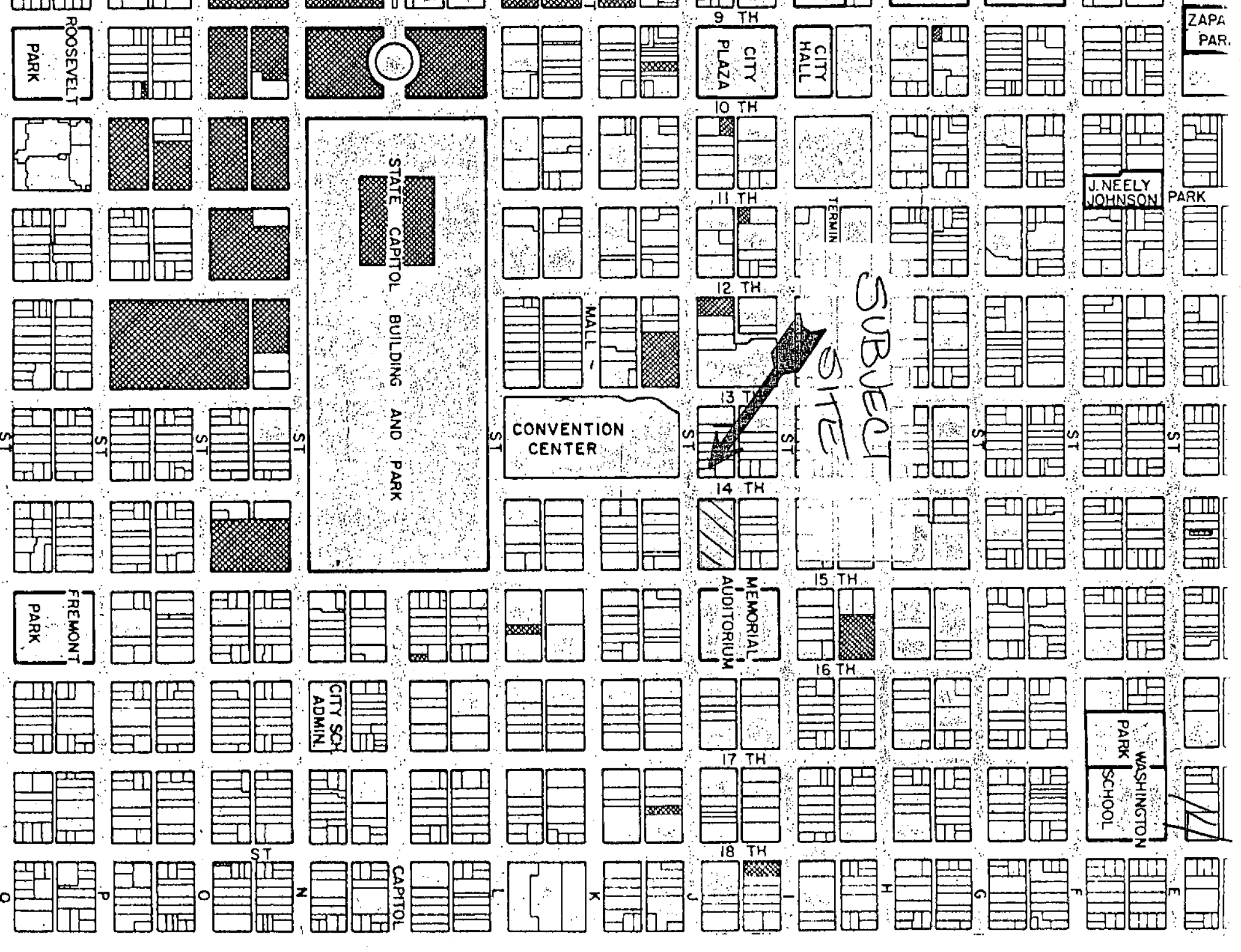
The Spink Corporation is authorized to act as agent for The Pacific Telephone and Telegraph Company for this application. Should you have any questions regarding this application, please contact Bob Hall or John Greenwood on 444-8170. Ed Castro, of my staff, will be your contact for Pacific Telephone. You can reach him on 972-2429, should you require any assistance.

Very truly yours,



D. S. Cannon  
District Manager-Building Engineering

Enclosures



ZAPA PAR.

ROOSEVELT PARK

CITY PLAZA

CITY HALL

STATE CAPITOL BUILDING AND PARK

CONVENTION CENTER

9 TH

10 TH

11 TH

12 TH

13 TH

14 TH

15 TH

16 TH

17 TH

18 TH

TERMIN

SUBJECT SITE

J. NEELY JOHNSON PARK

FREMONT PARK

CITY SCH. ADMIN.

MEMORIAL AUDITORIUM

WASHINGTON SCHOOL PARK

Capitol Blvd, N, O, P, Q

Capitol, L, K, J, I, H, G, F, E

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RESOLUTION NO. 83-900

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING CITY COUNCIL  
A TENTATIVE MAP FOR LOTS 5, 6, 7 & 8 IN THE BLOCK  
BOUNDED BY 14TH, 15TH, I, AND J STREETS OF THE CITY NOV 15 1983  
OF SACRAMENTO  
(P- 83-324)(APN: 06-056-14)

OFFICE OF THE  
CITY CLERK

WHEREAS, the City Council, on November 15, 1983, held a public hearing on the request for approval of a tentative map for lots 5, 6, 7 and 8 in the block bounded by 14th, 15th, I and J Streets of the City of Sacramento ;

WHEREAS, all governmental and utility agencies affected by the development of the proposed subdivision have been notified and given the opportunity to respond;

WHEREAS, the City Environmental Coordinator has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration;

WHEREAS, the Parcel Map Advisory Agency has submitted to the City Council its report and recommendations on the proposed subdivision;

WHEREAS, the City Council has considered the design of the proposed subdivision in relation to feasible future passive or natural heating and cooling opportunities; and

WHEREAS, the City Council has considered the effects that approval of the proposed subdivision would have on the housing needs of the Sacramento Metropolitan area and balances these needs against the public service needs of City residents and available fiscal and environmental resources.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The Negative Declaration has been prepared in compliance with CEQA, State and City Guidelines, and the Council has reviewed and considered the information contained therein.
2. None of the conditions described in Government Code Section 66474, subsections (a) through (g) inclusive, exist with respect to the proposed subdivision.
3. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, and Chapter 40 of the City Code, which is a Specific Plan of the City. Both the City General Plan and the Central City Community Plan designate the subject site for multiple use(s).

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4. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in violation of the applicable waste discharge requirements prescribed by the California Regional Quality Control Board, Central Valley Region in that existing treatment plants have a design capacity adequate to service the proposed subdivision.
5. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
6. The Tentative Map for the proposed project is hereby approved as submitted.

\_\_\_\_\_  
MAYOR

ATTEST:

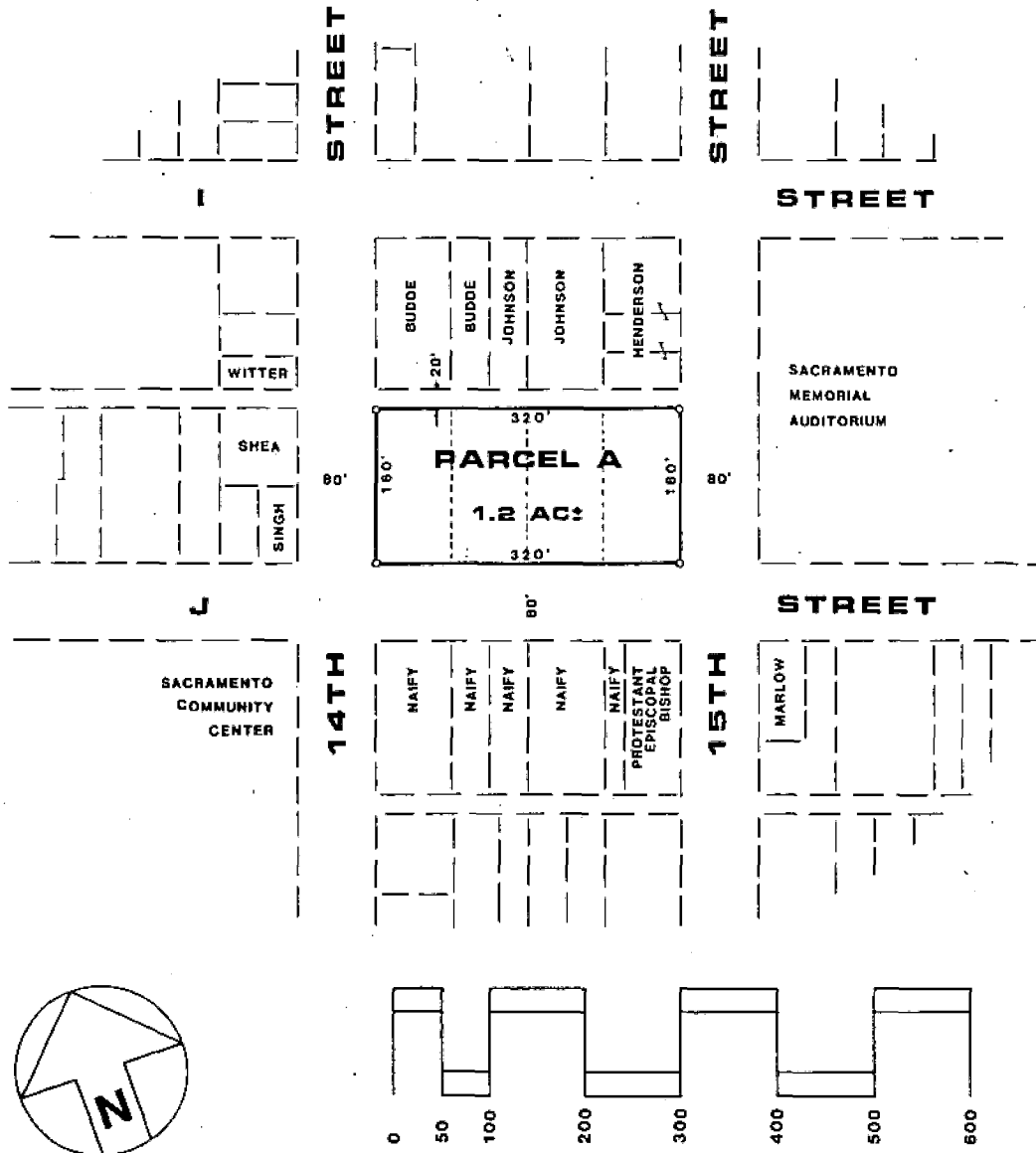
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CITY CLERK

P83-324

# TENTATIVE PARCEL MAP

LOTS 5, 6, 7 & 8 OF BLOCK BOUNDED BY  
14TH, 15TH, I & J STREETS  
CITY OF SACRAMENTO

## PACIFIC TELEPHONE



**OWNER & SUBDIVIDER:**

THE PACIFIC TELEPHONE and TELEGRAPH CO.  
140 NEW MONTGOMERY STREET  
SAN FRANCISCO, CA 94105

**ENGINEER:**

THE SPINK CORPORATION  
P.O. BOX 2511  
SACRAMENTO, CA 95811

**PRESENT ZONING:**

C-3

**PROPOSED ZONING:**

SAME

**PRESENT USE:**

TELEPHONE EXCHANGE/OFFICE

**PROPOSED USE:**

SAME

**NO. OF LOTS:**

ONE

**NET AREA:**

1.2 AC±

**ASSESSOR PARCEL NO.:**

6-056-14

**WATER SUPPLY:**

CITY OF SACRAMENTO

**SEWAGE DISPOSAL:**

CITY OF SACRAMENTO

**SCHOOL DISTRICT:**

SACRAMENTO CITY UNIFIED

**EXISTING UTILITIES:**

SEE SHEET 2 OF 2

**EXISTING BUILDINGS:**

TOTAL COVERAGE OF LOT

AUGUST, 1983

6760-613

**THE SPINK CORPORATION**  
ENVIRONMENTAL PLANNING · ENGINEERING  
ARCHITECTURE · SURVEYING · MAPPING · SYSTEMS  
720 F STREET · SACRAMENTO, CALIFORNIA 95811 · PHONE (916) 441-1170





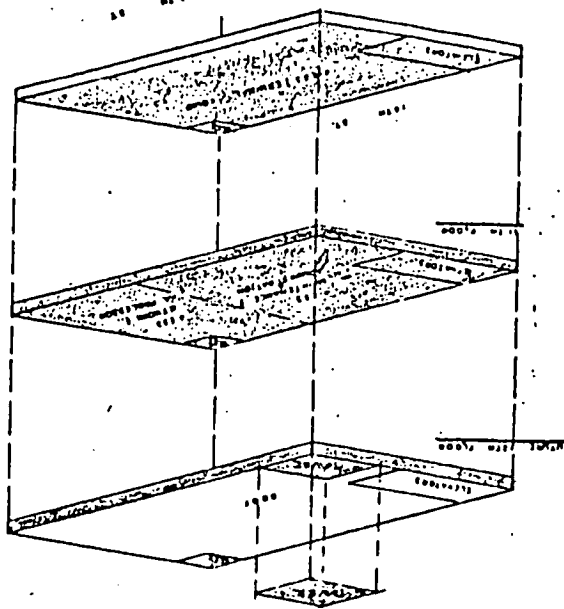
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FOR CONCEPTUAL PURPOSES ONLY

RES 1022-14  
mfo  
7-26-83

ALL OTHERS TO REMAIN WITH PFT.  
- AIRSPACE INDICATED BY HATCHED AREAS TO BE CONVERTED TO ATMK.

PLANNING BOARD'S OFFICE	DATE	BY
PLANNING BOARD'S OFFICE	DATE	BY
PLANNING BOARD'S OFFICE	DATE	BY
PLANNING BOARD'S OFFICE	DATE	BY





# CITY OF SACRAMENTO

## OFFICE OF THE CITY CLERK

915 I STREET

CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 449-5428

LORRAINE MAGANA  
CITY CLERK

November 17, 1983

PACIFIC TELEPHONE & TELEGRAPH COMPANY  
140 New Montgomery Street  
San Francisco, CA 94105

Dear Sir or Madam:

On November 15, 1983, the Sacramento City Council took the following action(s) for property located NE corner of J and 14th Streets:

Adopted a Resolution adopting Findings of Fact and approving a Tentative Map for a 1 lot subdivision to create 1 lot with individual airspace lots in an existing structure to meet a court ordered divestiture (P-83324).

Enclosed, for your records, is a fully certified copy of above referenced resolution.

Sincerely,

Lorraine Magana  
City Clerk

LM/sl/14

Enclosure: **RESOLUTION NO. 83-900**

cc: Planning Department

The Spink Corporation  
P. O. Box 2511  
Sacramento, CA 95811