

CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING ADMINISTRATOR
1231 I Street, Sacramento, CA 95814

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday, January 3, 1995, the Zoning Administrator approved with conditions a special permit to reduce the ground floor retail requirement in the CBD for the project known as Z93-111. Findings of Fact and conditions of approval for the project are listed on pages 3 and 4.

Project Information

Request: Zoning Administrator Special Permit to reduce the ground floor retail requirement from 75 percent to 46.9 percent in order to allow for 10,498 square feet of office space on 0.45± developed acres in the Central Business District- Special Planning District (C-3) zone.

Location: 1020 9th Street

Assessor's Parcel Number: 006-0097-012

Applicant:	Judson Landis 1127 11th Street Sacramento, CA 95814 Att: Mary Linn	Property Owner:	Same as Applicant
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General Plan Designation: Community Neighborhood Commercial and Offices
Central City

Community Plan Designation: General Commercial-Multi Use
Existing Land Use of Site: Commercial building. River City Band & vacant (ground floor), office on upper floors.

Existing Zoning of Site: Central Business District- Special Planning District (C-3)

Surrounding Land Use and Zoning:

North: C-3; Undeveloped (buildings recently torn down, fire damage)
South: C-3; State Offices and Retail
East: C-3; Commercial and Retail
West: C-3; Commercial and Retail

Property Dimensions:	123 feet x 161 feet
Property Area:	0.45± acres
Parking Required:	0
Parking Provided:	0
Square Footage of Ground Floor:	19,800 square feet
Square Footage of Non-Retail:	10,498 square feet
Existing Bank Square Footage:	9,302 square feet

Project Plans: See Exhibits A-C

Previous Files: None

Additional Information:

The applicant proposes to lease 10,498 square feet of the ground floor space for office uses. The remaining 9,302 square feet is leased by the River City Bank. The site is located in the Central Business District- Special Planning District. The Zoning Ordinance requires that this site must have 75 percent of the ground floor occupied by allowed retail or personal uses. The Zoning Ordinance requires a Zoning Administrator's Special Permit to locate non-retail or non-pedestrian oriented uses on the ground floor. The bank tenant is an authorized service provided the floor area does not exceed 50 percent. The applicant is requesting the Special Permit due to the inability to lease the space as retail space. The applicant's broker has contacted numerous potential retail users about leasing the property over the past two years with no success (See Exhibit C). The applicant has been approached about renting the space as office.

The site is located within SHRA's Downtown District. The proposed plans were initially sent to SHRA by Planning staff when the application was submitted in December of 1993. SHRA was emphatically against the use of the ground floor for non-retail uses. The agency suggested the applicant contact them for assistance in marketing the site for retail uses. Since a year has gone by and the applicant has still been unable to locate a retail tenant, SHRA has indicated through phone calls with Planning staff their support of a limited term office use for the building, citing that the current economic environment does not favor locating a retail tenant in the building. Due to the local economy, other designated retail sites have been permitted to have office uses for a limited period (the office building at 15th, S and P Streets {P94-046} and the City Parking Garage (retail to office at 10th and I Streets).

The Special Permit approval may be for a temporary limited period depending upon present economic conditions, existing physical conditions, or any special circumstance related to that particular location. One or more of the following findings must be made to support a time restricted permit:

- a. The proposed use is compatible with existing developments but may become incompatible once anticipated development or redevelopment of the area occurs.
- b. The proposed use has the potential to create adverse environmental impacts to surrounding land uses and it is necessary to evaluate whether such impacts have occurred once the use has been in operation.
- c. It is necessary to evaluate whether the proposed use has complied with the conditions imposed upon permit approval because such conditions are essential for mitigating the impacts generated by the use.

Agency Comments

The proposed project has been reviewed by the various City Departments. There were no comments.

Environmental Determination:

This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15301(a)}.

Conditions of Approval

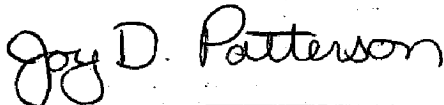
1. The ground floor retail square footage requirement may be reduced to 46.9 percent using 10,498 square feet for office for a period of five years (until January 3, 2000). One year prior to January, 2000, (January, 1999) the owner shall actively seek retail tenants for the 10,498 square feet of space. The applicant shall list the property with a real estate brokerage. An active marketing campaign shall be initiated as follows:
 - * cold calling with prospect call sheets to monitor telemarketing activity,
 - * a follow up call would be made to prospective clients,
 - * leasing signs would be posted and maintained in good order,
 - * lease proposals and prospect responses would be maintained and filed with reasons why transactions were not completed.

Should tenants for the retail space not be found, the owner shall keep the retail space vacant or seek relief through the appropriate City entitlement process.

2. Any proposed exterior modifications or signage shall be reviewed by the Design Review/Preservation Board staff and have the appropriate permits.

Findings of Fact:

1. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. the proposed temporary office use is compatible with existing developments and prevents the building from remaining vacant, but is incompatible with the long range goals and policies for the downtown district for predominate retail uses on the ground floor;
 - b. the allowed use is for a five year time period to allow for a change in the economic environment that will be more suited to attracting the desired retail street frontage uses.
2. The project will not be detrimental to the public health, safety, or welfare nor result in a nuisance in that:
 - a. the 10,498 square feet of retail space shall be retained in that in January 2000, the building owner shall be required to reestablish the retail space request entitlements to waive the retail space; and
 - b. office use is an less intense use than retail use in parking requirements.
3. The project is consistent with the General Plan and Central City Community Plan which designate the subject site as Community Neighborhood Commercial and Offices and General Commercial-Multi Use respectively.

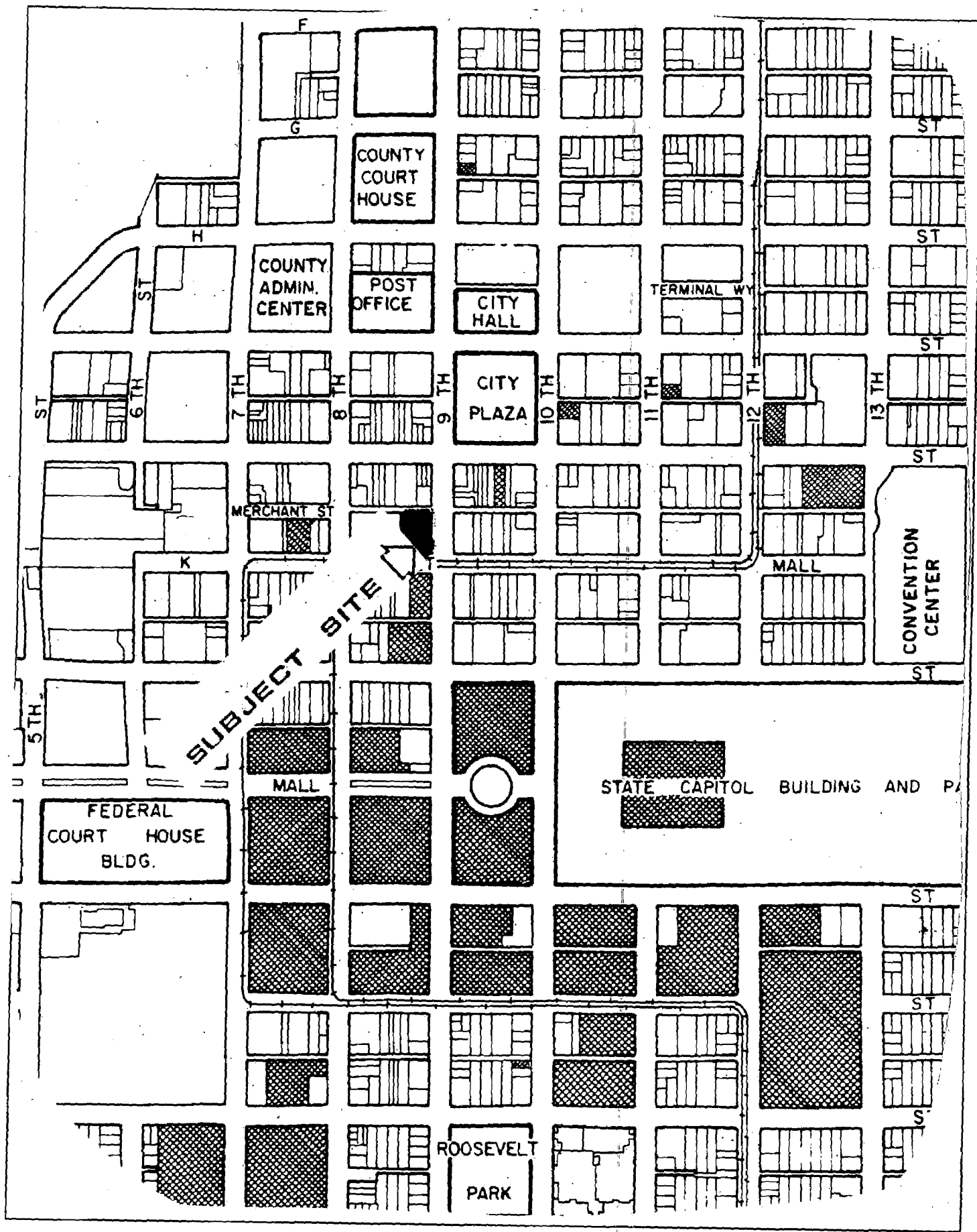


Joy D. Patterson
Zoning Administrator

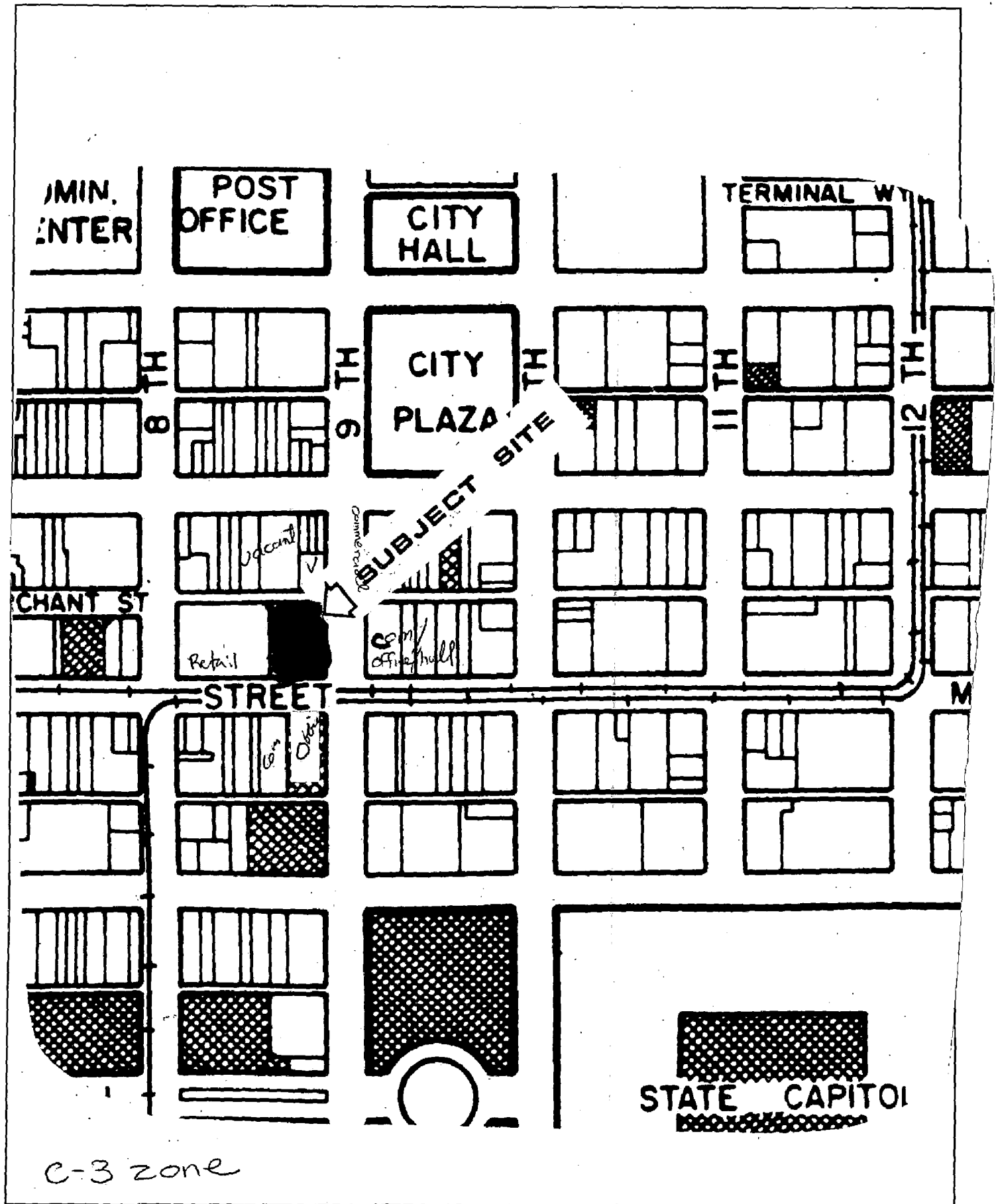
A use for which a Special Permit is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit use which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File Celia Yniguez-SHRA
Applicant ZA Log Book



VICINITY MAP



LAND USE & ZONING MAP

293-111

JANUARY 3, 1995

ITEM 3

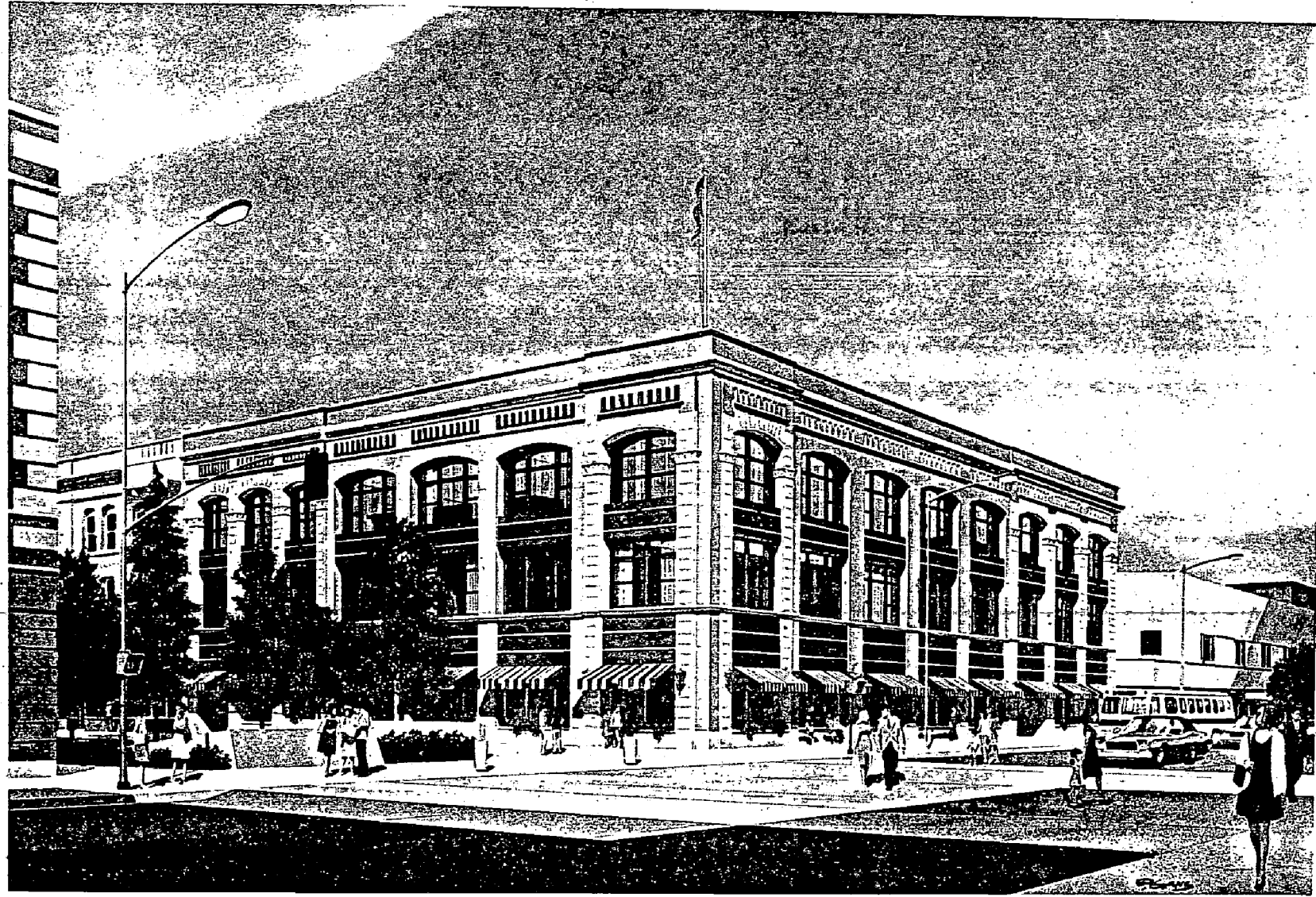


EXHIBIT B

293-111

OFFICE BUILDING
 9th & K STREETS
 SACRAMENTO, CALIFORNIA
 FOR: KIMMEL PROPERTIES

CARISSIMI-ROHRER ASSOCIATES
 ARCHITECTS AND PLANNERS, INC.
 SACRAMENTO, CALIFORNIA

EXHIBIT - C**TENANTS CONTACTED
FOR
RIVER CITY BANK BUILDING**

Longs Drug
Big 5 Sporting Goods
Marshalls
Country Harvest Buffet
98¢ Store
Barnes and Noble Bookstore
Borders Books
P&P Outlets
Aerobifit
Ben Franklin
Colton Piano Co.
McDuff Electronics/Tandy
Office Place
Picadilly Cafeteria
Pier 1 Imports
Play Company Toys
Sherman Clay
Stances
Women's Workout World
Walden Books
Business Land
Furr's
Homestyle Buffet
Lady of America
Oshman's
Paper Tree Stationers
Souplantation
Lamps Plus
Rainbow Records
Tower Records
King's Table
Soup Exchange
Computer Land Corp.
Cost Plus Imports
Egghead Discount Software
Office Depot
Rent-a-Center, Inc.

**TENANTS CONTACTED
FOR
RIVER CITY BANK BUILDING**

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Software, Etc.
Williams-Sanoma
Copeland Sports
Sportmart
The Nature Co.
Whole Earth Access
Taylor Made Office Systems, Inc.
McCurry's Kit's Camera
Sharper Image
National Dollar Stores
Pic n Save
Cost Plus, Inc.
Corner Stores
98¢ Clearance Center
Stacks and Stacks
Pagic Pan International, Inc.
California Cafe
American Rest. Group
Eppie's Restaurants
The North Face
Any Mountain
Big 5
McWhorter Stationary
Mistic Plus
World Gym
Weight World
American Health
California Fit
Capital Athletic Club
LA Workout
Living Well Lady Fitness Center
Healthquest Fitness Center
Wenmat, Inc.
Traveler's Health Club

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