

CITY PLANNING COMMISSION
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	Richard Kann	2019 21st Street Sacto. CA. 95818
OWNER	C.K. McClatchy, Trustee	2119 V Street Sacto. CA. 95818
PLANS BY	Chinn Rusconi Architects	201 Lathrop Wy. STE. C Sacto. CA. 95815
FILING DATE	6-19-90	ENVIR. DET. Neg. Dec. REPORT BY bw
ASSESSOR'S PCL. NO.	010-101-013-016/portion of 012:010-093-021.022.RR	

- APPLICATION:
- A. Negative Declaration & Mitigation Monitoring Plan
 - B. Rezone 0.14± vacant acres from Single Family or Two Family (R-1B) to Residential-Office (R-0) for an ancillary use to the Driver Mansion Inn.
 - C. Special Permit to construct a 5,250 sq.ft. ancillary use to the Driver Mansion Inn on 0.43± vacant acres in the R-1B and R-0 zones.
 - D. Special Permit to locate 5 parking spaces on a portion of an adjacent lot to the east consisting of 0.11± vacant acres in the R-1B zone.
 - E. Variance to locate 40 of the required 53 parking spaces on an existing Rail Road right-of-way off-site on 0.46± vacant acres in the Heavy Commercial (C-4) zone.
 - F. Variance to locate 5 of the required 53 parking spaces off-site on a portion of an adjacent lot in the R-1B zone.
 - G. Variance to waive 8 of the required 53 parking spaces for the ancillary use on 0.43± vacant acres in the R-0 and R-1B zones.
 - H. Variance to waive the required paving and shading for the 40 off-site parking spaces on a Rail Road right-of-way.
 - I. Variance to exceed the maximum allowed 6 foot wall height by 2 feet along a portion of the south and along the entire east property lines to screen the new ancillary use.

- J. Variance to waive the 5 foot setback requirement to locate the proposed 8 foot wall on the south (street side) property line.
- K. Variance to waive the minimum 10 year lease requirement for the 40 off-site parking spaces.
- L. Variance to reduce the required rearyard setback from 15 feet to 13 feet for the ancillary use.
- M. Lot Line Adjustment to merge 4 partially developed lots into one lot for the existing Driver Mansion Inn and ancillary use on 0.58± acres in the R-1B and R-0 zones.

LOCATION: Northeast corner of 21st and U Streets

PROPOSAL: The applicant is requesting the necessary entitlements to merge four lots into one and construct a 5,250 square foot ancillary use to the Driver Mansion Inn in the R-1B and R-0 zones.

PROJECT INFORMATION:

General Plan Designation:	Medium Density Residential (16-29 du/na)
1980 Central City Community Plan Designation:	Low Density & Residential/Office
Existing Zoning of Site:	R-0 & R-1B
Existing Land Use of Site:	vacant

Surrounding Land Use and Zoning: Setbacks: Required Provided

North: Mansion Inn/Single Fam; R-0/R-1B	Front:	25'	37'-9"
South: Residential; R-0/R-1B	Side(Int):	5'	5'
East: Residential; R-1B	St. Side:	5'	8'- 7 1/2"
West: State Office Bldg.; C-2	Rear:	15'	13'

Parking Required:	53 spaces
Parking Provided:	45 off-site spaces (5 on adjacent lot/ 40 on RR right-of-way)
Property Dimensions:	irregular
Property Area:	0.43±
Building Square Footage:	5,250 sq.ft.
Height of Building:	20'
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Material:	Stucco
Roof Materials:	tile

BACKGROUND INFORMATION: On September 13, 1984, the City Planning Commission approved a Special Permit to establish a Bed and Breakfast Inn, with four guest rooms, to be known as Driver Mansion Inn, a Special Permit to allow ancillary uses in conjunction with the Inn and a Variance to waive one of the three required parking spaces (P84-313). On November 14, 1985 a Special Permit Modification to add three guest rooms in an existing carriage house for a total of seven rooms, as part of the Driver Mansion Inn was approved by the Planning Commission (P85-406). On May 14, 1987, the City Planning Commission approved a Special Permit to expand the existing bed and breakfast inn from seven to ten guest rooms (P87-180).

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site is located on three vacant parcels totaling 0.29+ acres in the Residential Office (R-O) and Single Family or Two Family (R-1B) zones. The five proposed parking spaces adjacent to the subject site (east) are on a portion of a vacant lot in the Single Family or Two Family (R-1B) zone. The 40 off-site parking spaces are located on the Railroad right-of-way on 0.46+ vacant acres in the Heavy Commercial (C-4) zone. The General Plan designates the site for Medium Density Residential (16-29 du/na) and the 1980 Central City Community Plan designates the site for Low Density and Residential/Office. Surrounding land uses include the Driver Mansion Inn and office uses to the north, zoned R-O; residential uses to the south, zoned R-O and R-1B; a single family dwelling to the east, zoned R-1B; and office uses to the west, zoned C-2. The project is also located within the Poverty Ridge Preservation Area. The project site has been vacant for over 15 years.

Limited ancillary uses to a Bed and Breakfast Inn are allowed subject to a Special Permit. Limited ancillary uses include social gatherings, such as conferences, weddings, fund raisers and similar events, attended by any non-lodger.

B. Applicant's Proposal

The applicant proposes to construct a 5,250 square foot "reception/meeting hall" on the subject site. The reception/meeting hall will include a 1,050 square foot catering kitchen, two reception rooms of 1,310 square feet each, an entrance/hallway of 350 square feet and the remaining 2,540 square feet of space will be allocated for storage and restrooms. The catering kitchen at the reception/meeting hall is proposed to serve only on-site functions, not off-site events. A Special Permit is required to locate a reception/meeting hall on a R-O zoned lot. Also proposed on the site are formal front and rear gardens, fountains, and sculptures. Most of the garden area will be located in the proposed out-door patio area at the rear (east) of the subject site. The applicant is also requesting a Variance to locate parking on two separate parcels off-site for the

proposed use. A portion of the building is located on a R-1B zoned lot (see Exhibit D). The applicant is requesting a Rezone of that property from R-1B to R-0. The applicant is also requesting a Variance to locate an 8 foot high wall along a portion of the south property line and the entire east property line (see Exhibit F). A Variance is also requested to locate the wall on the southerly property line. Lastly, the applicant is requesting a Variance to locate 40 of the required 53 parking spaces off-site, a Special Permit to locate 5 of the required parking spaces on a residentially zoned lot (R-1B) and a Variance to waive 8 of the required parking spaces.

The applicant has indicated to staff that the new facility will be operated in connection with the already existing Driver Mansion Inn. The applicant is proposing to utilize the facility for weekday meetings and evening receptions, and weddings and receptions on the weekends. The applicant proposes to limit the outdoor functions to wedding ceremonies (exclusive of wedding receptions) and fundraiser-type receptions during the months of May through October, weekdays between the hours of 5:00 P.M. and 8:00 P.M. and weekends between the hours of 11:00 A.M. and 8:00 P.M. With regards to indoor functions, the applicant proposes business meetings, weddings and receptions year round between the hours of 7:00 A.M. and 11:30 P.M.

The applicant informed staff that based on the experience of the Sterling Hotel, the average number of individuals attending an event will be 25-40 people for a business meeting and 60-100 people for a wedding or reception. The applicant indicated that the fundraising-type events will generally capture attendees who are on their way home from work and who only stay for short periods of time.

The estimated number of employees on the site will be 5 to 7 full time employees and 5 to 7 part time employees once the business is fully established.

C. Staff's Analysis

Staff surveyed the immediate area and found a mixture of mostly commercial, residential and offices along 21st Street and residential uses along U Street. The subject site is located in the Residential-Office (R-O) zone which is intended to allow medium density residential and office uses subject to a Special Permit. The R-O zone was established to reduce the impact between commercial and residential areas. The R-O zone also allows Bed and Breakfast Inn uses subject to a Special Permit. The proposed use is subject to a Special Permit because it is ancillary to the existing Driver Mansion Inn. Staff feels that the proposed ancillary use is an acceptable and compatible land use on the subject site and would not impact surrounding uses provided that certain limitations were met. Staff met with the applicant and expressed staff's concerns regarding the loss of residential land, the exclusion of parking on the site, the

potential parking problem in the immediate area, the proposed scale of the ancillary use and the encroachment of off-site parking on residentially zoned property. In order to mitigate some of staff's concerns an alternative site plan proposal was presented to the applicant (see Exhibit G). The alternative staff presented included scaling down the building and relocating the courtyard area between the existing Driver Mansion Inn and the proposed ancillary use in order to provide parking on the subject site. A 25 foot front yard setback is required along 21st Street and a 15 foot rear yard setback is required. Because the ancillary use is setback 38 feet off of 21st Street, there will be sufficient space in the front yard area to shift the building slightly to the west to provide parking at the rear and the building would meet the required 15 foot rear yard setback.

With regards to the proposed 8 foot wall, staff is not opposed to the proposed height but recommended to the applicant that the wall be set back a minimum of 5 feet from the side property line along U Street. Allowing an 8 foot wall on the property line would be an intrusion to pedestrians and would be unattractive on U Street. The Zoning Ordinance requires a minimum 5 foot setback along street side yards. Requiring the 5 foot setback would allow for a landscape buffer between the sidewalk and the 8 foot wall and the landscaping would soften the wall's appearance. The applicant, however, was not willing to relocate the 8 foot wall 5 feet from the property line nor provide any landscaping along U Street.

Relocating the parking on-site would also eliminate parking on a buildable residential lot. The residential lot immediately to the east (APN: 010-0101-013) in the R-1B zone is only 20 feet wide and 80 feet in depth and could be included as part of the ancillary use site since it is not a buildable lot (see Exhibit D). On the other hand, the five designated parking spaces off-site (APN: 010-0101-012) are located on a 90 foot wide by 80 feet deep residential (R-1B) lot which could contain two dwellings on the site. Staff feels that the alternative recommendation would be more feasible. The revision would make space available on the site for parking and would eliminate parking on a buildable residential lot. The applicant, however, was not willing to provide parking on the site, relocate the courtyard area, meet the required rear yard setback nor reduce the square footage of the building. Staff, therefore, cannot make a favorable recommendation.

D. Parking

It is the City's policy to discourage non-residential uses, particularly parking lots, on residentially zoned lots. Staff found only two surface parking lots along 21st Street between R and W Streets and both were on commercially zoned lots. There were no surface parking lots along U Street nor on 21st Street on a residentially zoned lot. A parking lot along U Street would be a commercial encroachment into the residential area and would alter the

residential character along U Street. U Street would be significantly impacted without parking on the subject site. Staff surveyed the parking availability on weekdays and weekends on U Street between 21st Street and 22nd Street, and 21st Street between T Street and U Street. Staff found that there were some parking spaces available on the weekends all during the day but only one or two spaces available on weekdays between 8:00 A.M. and 5:00 P.M. After 5:00 P.M. on weekdays there were several spaces available.

The applicant indicated to staff that the 40 off-site parking spaces on the railroad right-of-way will be ample parking for the facilities day and night time functions. Staff, however, has some concerns with the year to year lease agreement on the railroad right-of-way. It is staff's experience that lease agreements between the railroad owners and lessors or not always guaranteed for a long period of time. This is one of the reasons that City staff recently adopted a policy requiring that off-site parking lots have a minimum ten year lease. Staff found that some of the existing operations downtown are unsuccessful at encouraging their guests to park on railroad right-of-ways because the railroad right-of-ways are not in close proximity to the use and the on-street parking is conveniently located. Staff found that most of the guests will park on the street rather than on the railroad right-of-way. Provided that the project is modified to satisfy staff's concerns, the applicant would be required as a condition of approval that if the lease were terminated for the off-site parking, parking must be made available on an alternative parking lot. The alternative site will be subject to review and approval by the Planning Commission.

Parking available on the project site would make space available on the site for truck delivery, employee parking, handicapped parking and visitor parking. The applicant informed staff that trash pick-up will be twice a week and will continue in the existing alley adjacent to the Driver Mansion Inn. The City's Parking Division currently received a petition from the residence in the area requesting preferential parking in their area. The City's Parking Division has since began a parking study between Q Street and R and W Streets between 19th and 29th Streets to determine if there is a need for preferential parking. Staff spoke with the person in charge of the study and was informed that there appears to be a need for preferential parking in this area. The estimated time for completion of this study is late February 1991.

The applicant has informed staff that in addition to the proposed 40 off-site parking spaces, the owner (Union Pacific) has agreed to lease an additional ten spaces on the Railroad right-of-way. The applicant also indicated to staff that guests using the facility will be informed of the available parking on the off-site parking lot. The applicant also informed staff that efforts have been made to obtain some parking from the adjacent property owner (west/State Office Building) after 5:00 P.M. The applicant, however, has not been able

to obtain an agreement at this time. Staff feels that the 40 off-site parking spaces will not mitigate the potential parking problems during a daytime event, since most of the vehicle parking will spill over onto residential streets and no assurance can be made that an alternative site would be provided for parking if Union Pacific terminates the lease. Staff also feels that the proposed 40 off-site parking spaces are too far. The applicant was still not willing to provide any parking on the subject site nor guarantee staff alternative parking would be available. Staff, therefore, can not support the applicant's request for off-site parking.

E. Lot Line Adjustment

The proposed building is crossing over existing property lines which is prohibited in the City. The applicant is, therefore, requesting a Lot Line Adjustment to merge four of the parcels into one. Three of the parcels are vacant (APN: 010-0101-013,014,015) and the fourth parcel (APN: 010-0101-016) contains the existing Driver Mansion Inn (see Exhibit A). Merging the parcels would allow parking on-site and create one lot with both the Driver Mansion Inn and the ancillary use.

F. Hours of Operation/Number of Events

Currently, conditions of the Special Permit for the Driver Mansion Inn's ancillary events requires that the hours of operation be limited to 6:00 A.M. to 8:00 P.M. weekdays and 10:00 A.M. to 10:00 P.M. weekends for any outdoor or indoor functions year round. Additional conditions required that no more than five events shall occur during any one month and that the maximum number of persons attending the facility is restricted to 25.

As previously mentioned, the applicant wishes to have outdoor functions at the new 5,250 square foot ancillary facility during the months of May through October, weekdays between the hours of 5:00 P.M. and 8:00 P.M. and weekends between the hours of 11:00 A.M. and 8:00 P.M. The applicant proposes to have indoor functions at the new ancillary facility year round between the hours of 7:00 A.M. to 10:30 P.M. weekdays and 7:00 A.M. and 11:30 P.M. weekends. The applicant indicated to staff that the average number of persons attending an event at the new facility will be 25-40 for a business meeting and 60-100 for a wedding or reception.

The Environmental Services Division required as a mitigation measure that the new ancillary use hours of operation for specific functions be limited to the following:

- a. Outdoor wedding ceremonies shall be allowed only during the months of May thru October and shall be limited to Friday evenings between 5:00 p.m. and 8:00 p.m. or sundown (whichever occurs first) and weekends between 11:00 a.m. and 8:00 p.m. or sundown (whichever occurs first).

- b. Fundraiser-type receptions shall be allowed only during the months of May thru October and shall be limited to evenings between 5:00 p.m. and 8:00 p.m.
- c. Indoor functions held on Sunday thru Thursday shall occur no earlier than 7:00 a.m. and no later than 10:00 p.m.
- d. Indoor functions held on Friday and Saturday shall occur no earlier than 7:00 a.m.
- e. Indoor functions held on Friday and Saturday shall cease by 10:00 p.m.

No mitigation measures were required which limited the number of events or persons attending an event for the new 5,250 square foot ancillary use.

The applicant has also informed staff that he wishes to remove the restriction on the existing Driver Mansion Inn facility limiting the number of events per month, the number of persons attending an event and the hours of operation. These modifications were not a part of the applicant's original application and the Environmental Services Division did not evaluate any modifications to the existing facility. The applicant should be aware that any limits on hours of operation, number of events and number of persons attending an event for the existing Driver Mansion Inn facility cannot be changed unless this request is noticed and the request is reviewed by the Environmental Services Division.

G. Landscaping

Staff recommended that the proposed courtyard/garden area be relocated between the existing Driver Mansion Inn facility and the proposed ancillary use in order to provide parking on-site and eliminate parking on a viable residential lot. Staff feels that the courtyard's relocation would still be in an appropriate location and would be a better linkage between the existing and proposed facility.

The applicant will be eliminating two small locust trees and 14 large trees. The City's Tree Arborist is not opposed to the applicant's proposal since most of the trees are in poor condition and 14 new trees will be replanted. The applicant is also proposing to replant seven popular trees at the rear of the property. Staff feels that since the applicant can provide such a significant amount of landscaping, attractive landscaping could be provided in the required five foot side yard setback area and around the on-site parking location. The landscaping provided could attractively screen both the eight foot wall and the on-site parking area.

H. Related City Departments and Community Comments

The proposed project has been reviewed by the City's Traffic Engineer, Engineering, Building Inspections, City Water and Sewer, the Poverty Ridge Neighborhood Association, Sacramento Old City Association and the Midtown Business Association. The following comments were received:

Engineering

1. File Certificate of Compliance, submit all required documents according to the submittal requirements checklist, and pay necessary fees.
2. File a waiver of Parcel Map.
3. Notice: Property to be 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 contained in the U.S. Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available for review at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street.
4. Applicant shall verify with Sewer and Flood Control the integrity of the existing combination sewers adjacent to parcel. Applicant shall pay fair share of conversion to separate separate sanitary and storm systems. Applicant shall replace any sewer lines determined to be inadequate.
5. On site grading, paving and drainage shall be approved by the Public Works Department prior to approval of a building permit.

Police Department

The City Police Department indicated to staff that they were not opposed to the proposed ancillary use and that no major complaints had been filed on the existing Driver Mansion Inn.

Neighborhood

A community meeting was held to allow the applicant to present the proposal to the neighborhood. At that meeting, the neighbors were adamantly opposed to the proposed project. The neighborhood was concerned with the proposed use being out of scale with the area and being a commercial intrusion in the residential area. The neighbors also indicated that the proposed use would generate an increase of

traffic and an increase in the number of people utilizing the facility which would, therefore, impact the availability of parking on residential streets. Staff was informed by the neighborhood that cars have been parking in the alley during reception hours and parking by tenants of the facility has been a problem. Lastly, the neighborhood is concerned with the loss of privacy, loss of trees and noise generated by the proposed use. Staff has attached a more detailed letter submitted by the Poverty Ridge Neighborhood Association, outlining their concerns. Also attached are letters in opposition and support of the proposed project.

Sacramento Old City Association

The Sacramento Old City Association informed staff that they were not opposed to the project. The Association felt that the proposed project was unique in and is a well designed building (see Exhibit J).

Midtown Business Association

The Midtown Business Association indicated to staff that they are not opposed to the proposed project. The Association feels that the applicant has done first class projects in the past and look forward to this new project in Midtown.

I. Conclusion

Staff feels that the proposed use will not significantly impact and/or alter the residential characteristics in the area provided that the project is modified to include four or five parking spaces on-site, a closer off-site parking lot, landscaping on the street side, elimination of the designated parking on a residential lot and the applicant abides by the previously approved conditions for the Driver Mansion Inn. Without these modifications, the proposed project will result in vehicle parking and traffic spilling over onto local residential streets. In addition, parking on a residential lot will be an encroachment into an established residential area and will create a loss of privacy in the residential neighborhood. Staff also feels there is sufficient space on the site to shift the proposed facility and relocate the courtyard/garden area in order to provide parking on-site. Lastly, an eight foot wall along the property line without sufficient landscaping would create a barrier along U Street and would be an impact on pedestrians. Staff, therefore, is recommending denial of the proposed project since the applicant is unwilling to alter the project to address staff's concerns.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project as proposed will not have a significant impact to the environment, therefore, a Negative Declaration (attached) with mitigation measures (see below) has been prepared. The mitigation measures focus upon the areas of air quality (dust during construction), trees, noise (from the project), circulation, and cultural resources (archeological/historical

remains). The applicant is in disagreement with mitigation measure K. regarding a curfew hour of 10 p.m. until the results of noise monitoring of the use during the first six months of operation are known. The applicant is requesting an 11:30 p.m. curfew for friday and saturday evenings. Staff is concerned that the noise from people leaving events(e.g. wedding receptions) after 10 p.m. will be disruptive to the residents and may result in violations of the City Noise Ordinance. Two noise monitorings have been conducted to date to determine the ambient noise level--one by the applicant's consultant and one by the City's. The City's noise monitoring substantiates that there is a potential for a significant noise impact to occur. This is based on the ambient noise reading and the fact that the noise ordinance recognizes that speech or music noises can be more detectable than background noise. Additionally, section 66.301 of the Noise Ordinance, addresses the unlawfulness of "making unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area." Based upon this information, staff has identified the 10 p.m. curfew as the mitigation measure that will mitigate the potential impact.

An appeal(attached) of the Environmental Coordinator's determination to prepare a Negative Declaration was submitted by the Poverty Ridge Neighborhood Association. Their appeal focuses upon three areas of concern: comprehensiveness of the negative declaration; adoption of the mitigation measures as conditions of approval; and various comments regarding the significance of the project upon earth, air, noise, land use, population, housing, transportation/circulation, public services, utilities, aesthetics, and cultural resources. Subsequent to distribution of the Negative Declaration for public review additional entitlements were applied to the project. Environmental Services Division staff reviewed the new entitlements, revised the Initial Study and recirculated a revised Negative Declaration for a minimum 21 day review period. Should the Commission and/or Council choose to approve the project, mitigation measures would become conditions of approval.

Earth. It is anticipated that the construction of the proposed project will result in some displacement, compaction and uncovering of soil. The site is designated for urbanized land uses in the General Plan. Any development of the site would result in displacement, compaction and uncovering of the soil. However, the impacts from the project are not expected to be of a significant nature.

Air. It is not anticipated that traffic associated with the project will increase the level of emissions to a significant level. The level of service on 21st Street is projected to be better than level of service C at buildout of the General Plan.(See Transportation/Circulation). It is not anticipated that the trips related to the proposed use will increase the reactive organic gas and carbon monoxide emissions to a significant level.

It is not anticipated that odors from cooking or garbage will result in a significant impact on the area. Garbage will be picked up regularly.

Noise. The Negative Declaration recognizes that there may be noise impacts from the project and includes a series of mitigation measures, including noise monitoring, to reduce the impacts to a less than significant level. These measures address hours of operation and type of function for indoor and outdoor activities at the facility and restrictions on the use of amplified music.

Land Use/Population/Housing. The Initial Study discusses the allowance of ancillary uses to bed and breakfasts and determines that the use does not result in a substantial change from the designated land uses for the project site. The loss of a small number of potential units of housing from the Central City will not result in a significant impact on the City's proposed housing stock.

Transportation/Circulation. The project will result in additional traffic over what exists in the area currently. However, given the existing and projected levels of service in the General Plan, the project trips will not result in a significant impact. The project proposes on-site and off-site parking. In addition, for weekend and evening events, it is anticipated that on-street spaces will be available on 21st Street. The majority of the proposed parking to serve the project site is located to the west and should not result in significant traffic hazards for the residents. It is not anticipated that parking will result in a potentially significant environmental impact.

Public Services/Utilities. It is anticipated that the project's impacts on police, water, sewerage, and solid waste services will not be significant.

Aesthetics/Cultural Resources. Projects located in a Preservation Area are required to be reviewed and approved by the City's Preservation Board. The goals of the Preservation Area designation are to encourage new construction to be integrated and compatible with the character of the Preservation Area. It would appear that the project design attempts to be compatible with architectural features of nearby structures. The Preservation Board will review the project design for compatibility and approve a final design. The impacts on aesthetics and cultural resources are anticipated to be less than significant.

The Negative Declaration prepared includes the following Mitigation Measures:

- A. Require construction contractors to implement a dust abatement program that will reduce the effect of construction on local PM 10 levels in the vicinity of construction zones. Elements of this program should include the following:
- Sprinkle all unpaved construction areas with water at least twice per day during demolition and excavation to reduce dust emissions. Additional watering should be carried out on hot or windy days. Watering can reduce particulate emissions by about 50%.

- Cover stockpiles of sand, soil, and similar materials with a tarp.
 - Cover trucks hauling dirt and debris to reduce spillage onto paved surfaces.
 - Sweep up dirt or debris spilled onto paved surfaces immediately to reduce resuspension of PM 10 through vehicle movements over these surfaces.
 - Require construction contractors to designate a person or persons to oversee the dust abatement program and to order increased watering, as necessary.
- B. A locust tree and live oak exist on the northwest corner of the property. Per City Arborist's recommendations, these trees shall be saved, with a chain link barrier around drip line of tree during all phases of construction. No storage of vehicles or material, or change of grade within drip line of this tree. In addition, ivy in both trees is to be removed.
- C. The 24" tree located on the 21st Street easement may be removed because of its condition, but four 24" box trees (camphor) should be planted on either side of the curved brick walkway as shown in Attachment D, Preliminary Design. In addition, tree grates are not to be placed around these trees.
- D. The 18" locust tree shown on the northwest corner of the building footprint can be removed, since the extensive landscaping as shown on Attachment D, Preliminary Design, would serve as a replacement for the locust tree.
- E. Outdoor functions shall be limited to wedding ceremonies (exclusive of wedding receptions) and fundraiser-type receptions.
- F. Outdoor wedding ceremonies shall be allowed only during the months of May thru October and shall be limited to Friday evenings between 5:00 p.m. and 8:00 p.m. or sundown (whichever occurs first) and weekends between 11:00 a.m. and 8:00 p.m. or sundown (whichever occurs first).
- G. Fundraiser-type receptions shall be allowed only during the months of May thru October and shall be limited to evenings between 5:00 p.m. and 8:00 p.m. Noise monitoring shall be conducted by the City by a qualified noise analyst at the cost of the applicant at events to be determined by the City's Environmental Manager three times during the first

year of operation. If the noise monitoring indicates that the noise level is exceeding the levels allowed by the City's Noise Ordinance, additional mitigation measures shall be applied to the project at the discretion of the City's Environmental Manager.

- H. No amplified sound shall be allowed in the outdoor area (including but not limited to music and speech) at anytime.
- I. Indoor functions held on Sunday thru Thursday shall occur no earlier than 7:00 a.m. and no later than 10:00 p.m.
- J. Indoor functions held on Friday and Saturday shall occur no earlier than 7:00 a.m.
- K. Indoor functions held on Friday and Saturday shall cease by 10:00 p.m. Noise monitoring shall be conducted by a qualified noise analyst contracted by the City at the expense of the applicant at three evening events during the first six months of operation. This period may be shortened to 4 months if the first four months of operation include late spring and early summer months. The events to be monitored shall be determined by the City's Environmental Manager. The purpose of the monitoring is to determine the noise generated by the project. If the results of the project noise monitoring, coupled with the results of the ambient noise monitoring indicate that the use does not violate the City's noise ordinance, the City's Director of Planning and Development shall have the ability to extend the hours of operation of indoor functions up until 11:30 p.m. If the Director of the Planning and Development Department proposes to change the hours of operation, notices shall be sent to property owners abutting the project site and located across U Street west of 22nd street from the project site.
- L. The operator of the facility shall place provisions in the contract with the lessee of the facility for each event that in an effort to reduce noise impacts to the neighborhood attendees shall remain in the building during the event, that doors and windows are to remain closed, and that attendees shall leave quietly from the 21st and U Street exit.
- M. The facility staff shall be responsible for enforcing the provisions identified in measure L.
- N. The operator of the facility shall provide the monthly schedule of events for the facility to the City's Environmental Manager no later than the last day of the month preceding the monthly schedule (e.g. September 30 for the month of October).

- O. To ascertain ambient noise levels, noise monitoring shall be conducted twice prior to occupancy of the facility. The monitoring shall be conducted by a qualified noise analyst at the discretion of the City's Environmental Manager. The applicant shall be responsible for paying for the monitoring.
- P. Prior to applying for a building permit, the applicant shall contract at his/her cost, with the City's Environmental Services Division for an acoustical report by a qualified noise analyst to determine appropriate construction methods and materials to attenuate any potential noise from the use inside the building to assure that the City's Noise Ordinance standards will be achieved.
- Q. An eight foot high masonry sound wall shall be constructed as delineated on Exhibit F.
- R. All exterior lighting will be directed away from or properly shaded to eliminate glare on existing or potential residential uses or oncoming traffic.
- S. Applicant shall provide to all clients location maps of on-site, off-site, and commercial on-street parking, promotional material encouraging carpooling and transit use, and information regarding public transit routes/stops serving the project site.
- T. If subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

RECOMMENDATION: Staff recommends the following actions:

- A. Ratify the Negative Declaration & Mitigation Monitoring Plan;
- B. Recommend denial of the Rezone of 0.14± vacant acres from Single Family or Two Family (R-1B) to Residential-Office (R-O) and forward to City Council;
- C. Deny the Special Permit to construct a 5,250 sq.ft. ancillary use to the Driver Mansion Inn on 0.43± vacant acres in the R-1B and R-0 zones, based on findings of fact which follow;
- D. Deny the Special Permit to locate 5 parking spaces on a portion of an adjacent lot to the east in R-1B zone, based on findings of fact which follow;

- E. Deny the Variance to locate 40 of the required 53 parking spaces on an existing Rail Road right-of-way off-site in the Heavy Commercial (C-4) zone, based on findings of fact which follow;
- F. Deny the Variance to locate 5 of the required 53 parking spaces off-site on a portion of an adjacent lot in the R-1B zone, based on findings of fact which follow;
- G. Deny the Variance to waive 8 of the required 53 parking spaces for the ancillary use in the R-0 and R-1B zones, based on findings of fact which follow;
- H. Deny the Variance to waive the required paving and shading for the 40 off-site parking spaces on a Rail Road right-of-way, based on findings of fact which follow;
- I. Deny the Variance to exceed the maximum allowed 6 foot wall height by 2 feet along a portion of the south and along the entire east property lines, based on findings of fact which follow;
- J. Deny the Variance to waive the 5 foot setback requirement to locate the proposed 8 foot wall on the south (street side) property line, based on findings of fact which follow;
- K. Deny the Variance to waive the minimum 10 year lease requirement for the 40 off-site parking spaces, based on findings of fact which follow;
- L. Deny the Variance to reduce the required rearyard setback from 15 feet to 13 feet, based on findings of fact which follow;
- M. Deny the Lot Line Adjustment to merge 4 partially developed lots into one lot for the existing Driver Mansion Inn and ancillary use in the R-1B and R-0 zones, based on findings of fact which follow;

Findings of Fact/Special Permit

1. Granting the Special Permit will be detrimental to the public health and safety and to neighboring properties in the vicinity, in that:
 - a. the project does not provide on-site parking;
 - b. the project will result in the creation of a nuisance, in that noise will be apparent after 10:00 P.M.
 - c. the project will be an encroachment into an established residential area;
 - d. vehicle parking may spill out onto local residential streets;

- e. the project will be a loss of privacy in the residential neighborhood; and
 - f. adequate landscaping, setbacks, and parking is not being provided; and
 - g. parking on a residential lot may potentially generate noise on adjacent residential properties and alter the residential character in the area.
 - h. parking on a residential lot will be a loss of potentially sound housing units in the R-1B zone.
2. Granting the Special Permit would be inconsistent with the Policy of the Central City Community Plan which discourages non-residential development on buildable residential lots and inconsistent with Central City's Community Plan's transportation goal to "provide adequate off-street parking to meet the needs of shoppers, visitors and residents".

Findings of Fact

- 1. Granting the Variance's would constitute a special privilege extended to one individual property owner, in that:
 - a. no hardship exists which is unique to the subject site;
 - b. previous property owners in similar circumstances have been discouraged and even denied development if parking could not be provided on the site;
 - c. no other property owner facing similar circumstances would be granted a Variance;
- 3. Granting the Variance's would be injurious to the welfare of the public and neighboring residential uses in the area, in that:
 - a. allowing parking on a residentially zoned lot would reduce available housing in midtown area;
 - b. City policy discourages non-residential development on buildable residential lots;
 - c. without landscaping along an eight foot high wall would create an unattractive barrier along U Street, be out of scale with the pedestrian and change the perception of U Street as a residential street; and
 - d. there is adequate space on the subject site to shift the building slightly in order to meet the rear yard

setback and provide on-site parking.