

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

APPLICANT <u>La Mancha Development c/o Linnard Lane, 100 Webster Street #300, Oakland, CA 94607</u>
OWNER <u>La Mancha Development Company, 100 Webster Street, Suite #300, Oakland, CA 94607</u>
PLANS BY <u>Jerry Kler & Associates, Architects, 1306 Bridgeway, Sausalito, CA 94965</u>
FILING DATE <u>August 13, 1991</u> ENVIR DET. <u>Negative Declaration</u> REPORT BY: <u>D.Holm</u>
ASSESSOR'S PCL. NO. <u>237-0100-027-0000</u>

- APPLICATION:
- A. Negative Declaration
 - B. Mitigation Monitoring Plan
 - C. Amendment of Rezoning to amend existing conditions of zoning on 1.51± vacant acres in the Limited Commercial Review with conditions (C-1R w/c).
 - D. Special Permit to allow the sale of beer and wine for off-premises consumption within a proposed 2,500± square foot convenience market to be located within a proposed 15,027± square foot retail center.
 - E. Plan Review of a retail shopping center consisting of two separate buildings totaling 15,027± square feet.

LOCATION: NE Corner of Norwood Avenue and Jessie Avenue
(Council District #2)

PROPOSAL: The applicant is requesting the necessary entitlements to allow the construction of a 15,027± square foot retail shopping center with a 2,500± square foot convenience market which will sell beer and wine.

PROJECT INFORMATION:

General Plan Designation: 1984 North Sacramento Community	Community/Neighborhood Commercial & Office
Plan Designation:	Retail/General Commercial
Existing Zoning of Site:	C-1R w/c
Existing Land Use of Site:	Vacant

Surrounding Land Use and Zoning:

North:	Apartments; R-3
South:	Retail & Vacant; C-2
East:	Drainage Canal and Vacant; R-1A
West:	Vacant & Single Family; SC & R-1

Property Dimensions:	249 feet x 265 feet
Property Area:	1.51± acres

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MEETING DATE April 16, 1992

ITEM NO. 7

001447

Square Footage of the proposed Shopping Center:	15,027 \pm square feet
Required Parking:	60 parking spaces
Proposed Parking:	82 parking spaces
Height of Proposed Shopping Center:	Single Story
Exterior Building Materials:	Stucco Finish
Roof Materials:	Metal Roofing
Exterior Building Colors:	Cream, Green and Terra Cotta
Topography:	Flat
Street Improvements:	Existing
Utilities:	To be provided

BACKGROUND INFORMATION: On December 23, 1985 the City Council approved a rezone request (P85-364), rezoning the subject site from Single Family Alternative (R-1A) to Limited Commercial Review with conditions (C-1R w/c). The subject site was rezoned with conditions that stated that "liquor stores, convenience markets, service stations, and fast food restaurants are prohibited from locating on this site".

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of one parcel totaling 1.51 \pm vacant acres in the Limited Commercial Review with conditions (C-1R w/c) zone. The General Plan designates the site as Community/Neighborhood Commercial and Offices and the 1984 North Sacramento Community Plan designates the site as Retail/General Commercial. The surrounding land use and zoning includes vacant land, zoned SC and single family residences, zoned R-1, to the west; a drainage canal, zoned C-2 and vacant land, zoned R-1A, to the east; an AM/PM convenience market/gas station and vacant land, zoned C-2, to the south; and apartments, zoned R-3, to the north.

B. Applicant's Proposal

The applicant is requesting a plan review to allow the construction of a 15,027 \pm square foot retail shopping center on 1.51 \pm vacant acres in the Limited Commercial Review with conditions (C-1R w/c) zone. In addition to the plan review, the applicant is also requesting: an amendment of an existing zoning condition and a special permit to allow the sale of beer and wine within a proposed 2,500 \pm square foot convenience market to be located within the proposed shopping center.

C. Staff Analysis - Plan Review

Site Plan

The applicant is requesting to construct a retail shopping center totaling 15,027 \pm square feet. As shown on Exhibit A, the shopping center will consist of two separate retail buildings. Building

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A will be 8,500 \pm square feet and building B will be 6,527 \pm square feet. A 15,027 square foot retail building requires 60 parking spaces and the submitted site plan indicates that there will be 82 parking spaces constructed on the subject site. As the parking requirements for restaurants, medical offices, karate studios, and health clubs require more parking than a retail business, the applicant should be aware that adequate parking will need to be provided for each business in order to locate within the proposed retail center. In order to obtain tenant improvements the Planning Division will require that a list of tenants, their square footage, and for restaurants, the number of seats will be required to be provided in order to insure that adequate parking is maintained for the entire retail shopping center.

A trash enclosure is shown in the northeast corner of the property. In order to make the trash enclosure more accessible to employees and the waste removal company, Planning staff recommends that the trash enclosure be relocated south which would be adjacent to the north end of building B. In addition the elevations for the trash enclosure indicate that a chain link gate with redwood slats will be utilized on the west elevation. Section 34 of the Zoning Ordinance requires that the gates for a trash enclosure be a decorative heavy gauge solid metal gate. The applicant should be aware that this project will be subject to the City's Recycling requirements as stated in the Zoning Ordinance.

The submitted site plan indicates a 25 foot wide landscape setback along Norwood Avenue and a 12 1/2 foot landscape setback along Jessie Avenue. A landscape plan was submitted by the applicant which is attached as Exhibit F. The applicant is proposing to utilize three foot high berms with trees along Norwood Avenue and Jessie Avenue. The landscape plan indicates that 50 percent of the paved area will be shaded within fifteen years as required by the Zoning Ordinance. Planning staff has no objections to the proposed landscape plan.

The Zoning Ordinance requires that a commercial development adjacent to a residential development is required to install a minimum of a six foot high solid wall of masonry, brick, or similar material. The subject site abuts an existing residential apartment complex on the north, therefore, a wall will be required along the northern property line. In order to eliminate the possibility of persons loitering on the subject site Planning staff recommends that the trash enclosure and parking area located on the northeast corner of the subject site be secured after the shopping center closes. In addition, it is recommended that the area behind buildings A and B be secured by gates with panic hardware so that employees can exit the building but customers will not be able to access that area. The applicant should be aware that due to the existing problems in the surrounding area outside telephones have been prohibited for the Arco and on the proposed Jack-in-the-Box development. Planning staff recommends that, if the applicant wants to install pay phones on the subject site any phones be located inside of the businesses within the retail center and not on the outside of the buildings. Planning staff recommends that the applicant submit a revised site plan, indicating how the parking area and the rear of the buildings will be secured, to the Planning Director for review and approval prior to issuance of building permits.

Building Design

The proposed retail shopping center will consist of two separate buildings that are proposed to have a stucco exterior, eggshell in color, with green and terra cotta colored ceramic tile at the base and a raised terra cotta metal roof. The storefront windows and doorways will have aluminum frames with clear glass. The applicant has worked with Design Review staff and Planning staff in order to enhance the original elevations which were submitted with this request. A colored rendering has been submitted by the applicant indicating the placement of the ceramic tile and the exterior building colors. Planning staff has no objections to the proposed retail shopping center design as shown on the colored rendering.

D. Staff Analysis - Amendment of Rezoning and Special Permit

The subject site was rezoned in 1985 to Limited Commercial Review with conditions (C-1R w/c) (Ordinance No. 85-107, Exhibit H). In order to obtain support for the subject site to be rezoned to commercial the property owner had meetings with the Councilmember for District 2 (Grantland Johnson) and the community. During these meetings several conditions were agreed upon in order to prevent this site from becoming a nuisance to the surrounding residential neighborhoods. The following is the existing language of the existing condition in question which exists on the subject site:

"Liquor stores, convenience markets, service stations, "fast food" restaurants (establishments that serve meals and have no table service) are prohibited from locating on this site. The applicant shall record this condition with the deed for the property 30 days after approval of the zoning by the City. Evidence of recordation shall be given to the Planning Director prior to issuance of building permits. Medical offices are permitted subject to meeting the required parking ratio and the plan review and approval by the Planning Director".

The applicant submitted the original application for the plan review in August of 1991. In November of 1991 a prospective tenant for the retail center contacted the Planning Division in regards to obtaining approval for a liquor store within this shopping center. The person inquiring was informed that there was an existing restriction on the subject site that prohibited a liquor store from locating on the subject site. In December of 1991, the applicant met with Councilmember Ferris, representatives from the Police Department and Planning staff to discuss the zoning of the subject site. During this meeting the applicant stated that he had not been informed by the seller that this condition existed on the subject site and that the condition had not been recorded on the deed of the property. At the conclusion of this meeting the applicant requested to add the necessary entitlements in order to allow a convenience market which could sell beer and wine and to allow restaurants that do not provide seats within the proposed retail center.

The applicant's request involves two separate issues the first being that one part of the condition states that "fast food" restaurants (establishments that serve meals and have no table service) are prohibited from locating on the site. During meetings with the applicant, Planning staff was informed that some existing chain restaurants are now locating in a smaller area without table service (Subway, Pizza Hut, etc.). In considering this portion of the condition it appears that the existing language is not clear as to whether or not a business only has to provide seats or whether they actually have to provide waiter/waitress service to the table. The existing C-1 zoning prohibits the establishment of a drive-through restaurant from locating on the site under Section 2 of the Zoning Ordinance. As there is already a provision in place that would prevent a drive through restaurant on the subject site, Planning staff has no objections to eliminating this portion of the condition.

The second part of the applicant's request involves removing the existing restriction that prohibits a convenience market from locating on the subject site. The applicant has submitted a request for a special permit to allow a 2,500± square foot convenience market which would sell beer and wine for off-premises consumption within the retail center. The original restrictions were placed on the property in order to assure that a neighborhood oriented shopping center would be constructed on the site and to insure that the commercial development would not create any negative impacts on the neighborhood. Based upon information that has been provided by the community and the Police Department, Planning staff does not feel that the area has changed substantially since the conditions were placed on the subject site. The subject site has remained vacant since it was rezoned and the proposed development is the first development request on the subject site. Directly south of the subject site is an Arco AM/PM gas station/convenience market which provides a retail service to the surrounding neighborhood. When the application for the Arco station was submitted to the Planning Division in 1988 (P88-200) it involved a rezone of the property from highway commercial to general commercial in order to allow the sale of beer and wine. Planning staff and the Planning Commission recommended denial of the rezone and the special permit based upon the negative impacts that alcohol sales could have on the surrounding neighborhood.

Based upon the information that has been received from the Police Department it appears as though the existing Arco convenience market has had a high demand for police service in the past five months. In addition there was an armed robbery of the Arco in March of 1992. To the west of the subject site is an existing ten acre shopping center site which is designated for a retail shopping center with a grocery store and a drug store. The Zoning Ordinance restrictions for alcohol sales do not apply to a major retailer which exceeds 15,000 square feet in gross floor area and has less than 10 percent of the shelf space devoted to alcohol sales. Therefore, there is a potential for two additional licenses at this intersection which would not be required to go through the special permit process. In eliminating the convenience market/liquor store portion of the existing zoning condition on the subject site there would be a potential in the future to have alcohol available for off-premises consumption at three of the four corners at the intersection of Norwood and Jessie Avenues.

Planning staff has met with the applicant, representatives from G.R.I.N. and the Meadows Development Associations, the Police Department and Councilmember Ferris in regards to the requested change in conditions. Section 2 of the Zoning Ordinance regulates establishments that sell alcoholic beverages for off-premises consumption and convenience markets under separate special permits. Planning staff has no objections to removing the restriction for a convenience market provided that a restriction prohibiting the sale of alcoholic beverages for off-premises consumption is placed on the subject property. In removing the restriction regarding a convenience market the proposed retail center could lease to a market. The applicant should be aware that if a proposed convenience market wished to operate before 6:00 a.m. or after 11:00 p.m. that a special permit would be required as the proposed location is within 500 feet of residentially zoned property.

In considering everything that has been discussed during these meetings Planning staff feels that the reasons for originally placing the condition on the property still exist. The condition regarding convenience stores and liquor stores was placed on the property in order to assure that the subject site did not contribute to the police problems in the surrounding area. Based upon the existing police problems within the surrounding area and the potential for creating an area that is concentrated with establishments that provide off sale alcohol, Planning staff recommends that the convenience market restriction be replaced with a restriction prohibiting the sale of alcoholic beverages for off-premises consumption on the subject site.

E. Agency Comments

The project was reviewed by City Traffic Engineering, Engineering Development Services, Building Inspections, Fire, Police, Community Services, Regional Transit, and Waste Removal Divisions. The following comments were received:

Engineering Development Division

1. Trash enclosure appears to be a difficult location for pick up, verify with Waste Removal;
2. On-site grading, paving, and drainage shall be approved by Public Works prior to issuance of a building permit; and
3. Notice: Property to be developed in accordance with this special permit 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.

Police DepartmentAmendment of Rezoning Condition Comments

The following is taken from a letter signed by Assistant Chief of Police Finney, which is attached as Exhibit I.

We are opposed to the granting of any more permits for the sale of alcoholic beverages for off-site consumption in the vicinity of Norwood and Jessie Avenues. This area has a lengthy history of police related problems. Since December 1, 1991, we have received in excess of 15 calls for service at the Willowtree Apartments, located on the 4200 block of Norwood, and 6 additional calls for service at the small apartment building located at 450 Jessie Avenue. The Arco AM/PM market, located at 4000 Norwood Avenue, has been a major source of demand for police service. Since December 1, 1991, we have received 27 calls to that location. Many of the 58 calls for these three sites involved assaults and disturbances of the peace. Given these circumstances, we will oppose any further special permit requests for this area which would allow the sale of alcoholic beverages.

Plan Review Comments

1. North side to be buffered from existing residential development by a minimum six foot high solid masonry wall or wrought iron fence designed to the satisfactions of the Police Department.
2. Access to the north and east side setback area and rear of buildings to be secured during non-business hours to the satisfaction of the Police Department.
3. Bicycle rack to be moved to an area visible from the main entrance to the buildings.
4. East side of the project to be protected from access via drainage canal by a minimum six foot high chain link fence designed and installed to the satisfaction of the Police Department.

Waste Removal Division

No effect on Solid Waste Division, present commercial routes can accommodate retail stores. The storage areas will be reviewed for access and volume when detail drawings are available.

F. Neighborhood Comments

In order to inform the surrounding property owners of the proposed project, the applicant sent a letter/petition out describing the proposed project. The applicant has submitted copies of the returned letters which are attached as Exhibit L. The subject site is located within the boundaries of the G.R.I.N. (Group of Residents Improving Neighborhoods) and the Meadows Development neighborhood associations. The project was routed to these associations and the following comments were received:

G.R.I.N.

G.R.I.N. a Robla/North Natomas/North Sacramento community awareness group, has reviewed the applicant's request and has submitted a letter stating that they would not be opposed to the amendment to the zoning condition and the special permit provided that there are conditions placed on the convenience market (see Exhibit J).

Meadows Development Association

The Meadows Development Association reviewed the applicant's request and submitted a letter stating that they are opposed to the change in conditions and to the proposed convenience market (see Exhibit K).

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified effects or to mitigate such effects to a point where clearly no significant effects will occur. A Mitigation Monitoring Plan has been developed and is attached Exhibit G.

RECOMMENDATION: Staff recommends that the City Planning Commission take the following actions:

- A. Ratify the Negative Declaration;
- B. Approve the Mitigation Monitoring Plan;
- C. Recommend Approval of the Amendment of Rezoning to amend existing conditions of zoning on 1.51 \pm vacant acres in the Limited Commercial Review with conditions (C-1R w/c) subject to conditions which follow.
- D. Deny the Special Permit to allow the sale of beer and wine based upon findings of fact which follow;
- E. Approve the Plan Review of a retail shopping center consisting of two separate buildings totaling 15,027 \pm square feet subject to conditions and based upon findings of fact which follow;

Amendment of Rezoning Conditions

- 1. The following condition shall be recorded on the deed of the property. Evidence of recordation shall be given to the Planning Director within 60 days from the date of the City Council approval:

"Service/gas stations and establishments selling alcoholic beverages for off-premises consumption are prohibited from locating on this site. Medical offices are permitted subject to meeting the required parking ratio. A convenience market is permitted only if located within a retail shopping center (not a separate building or pad)."

2. Prior to issuance of any building permits, the applicant shall enter into a maintenance agreement with the City for the long-term upkeep of the site (see attached Exhibit H for provisions of agreement).

Plan Review Conditions

1. Any proposed attached signs and the detached monument sign are required to meet the requirements of the City Sign Ordinance. A detached pole sign is prohibited from being located on the subject site;
2. The proposed trash enclosure shall meet the requirements of Section 34 of the Sacramento City Zoning Ordinance;
3. The applicant shall meet the required 50 percent shading as required for all parking and maneuvering areas.
4. A public telephone shall not be located within the parking lot or on the outside of the shopping center buildings;
5. The materials and colors of the proposed shopping center shall be consistent with the colored rendering which was submitted with this application if any changes are made the applicant shall submit a letter and a revised colored rendering to the Planning Director for review; and
6. The applicant shall submit four sets of revised plans to the Planning Director prior to issuance of building permit indicating compliance with the following:
 - a. the relocation of the trash enclosure adjacent to the north end of Building B;
 - b. the location and design of the required six foot high solid wall along the northern property line;
 - c. the location and type of gates (including a detail on the panic hardware) to be installed to secure the rear of the proposed retail buildings;
 - d. the bicycle racks shall be located so that they are visible from the main entrances of the retail stores; and

- e. the location and type of gate to be installed between Buildings A and B in order to secure the rear parking area and trash enclosure area after the shopping center closes.

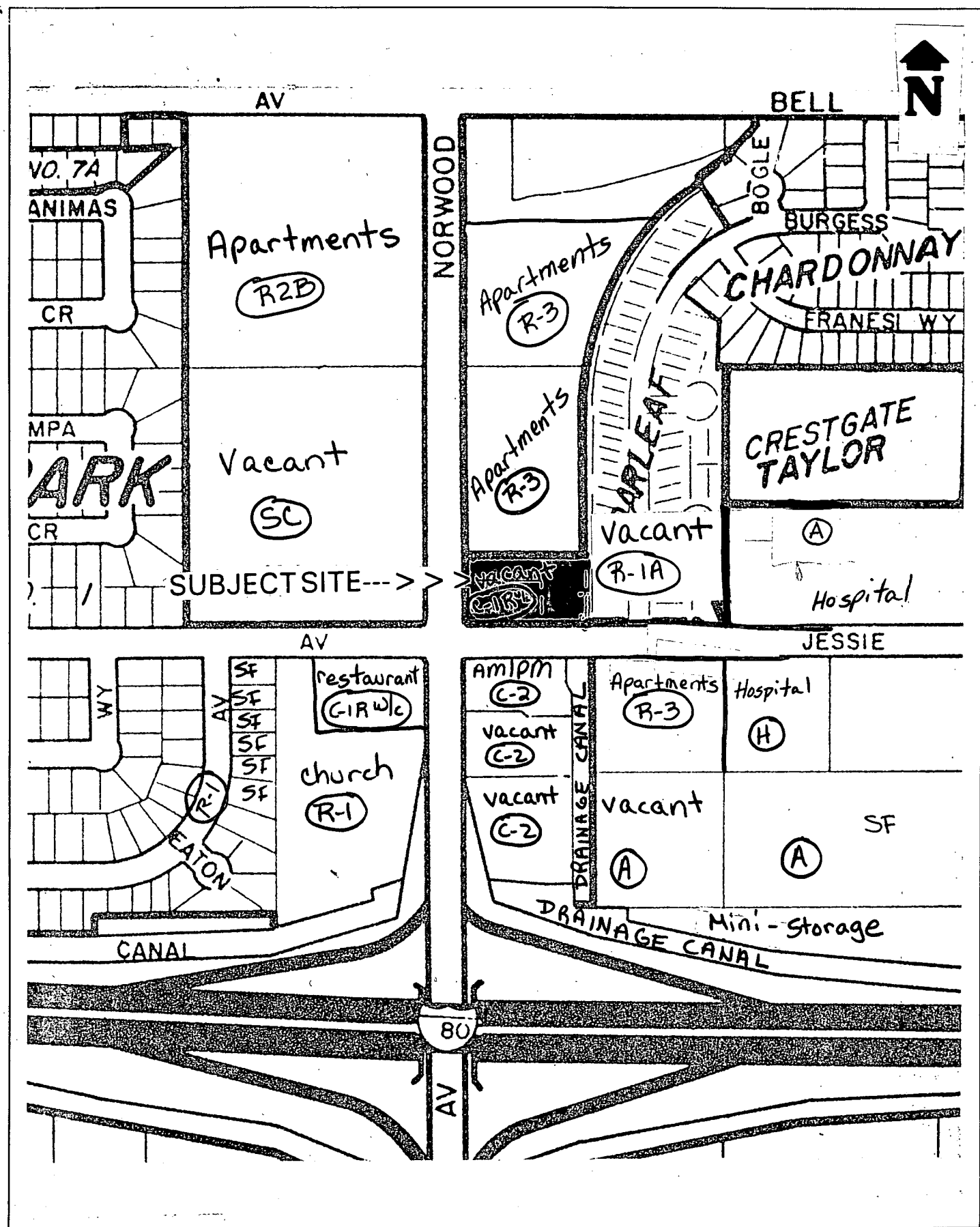
The Planning Director will forward a copy of these plans to the Police Department for their approval and will then incorporate any comments from the Planning Department and the Police Department on the plans and return two sets of plans to the Building Department.

Findings of Fact - Plan Review

1. The project, as conditioned, is based upon sound principles of land use in that the proposed retail shopping center is compatible in design and materials with the surrounding residential neighborhood and existing commercial land uses in the area.
2. The project, as conditioned, will not be detrimental to the public safety or welfare, nor result in the creation of a public nuisance in that:
 - a. adequate parking, setbacks and landscaping will be provided on the subject site; and
 - b. lights on the subject site will be shielded to focus downward and away from adjacent properties and on-going traffic;
3. The project is consistent with the General Plan which designates the site for community/neighborhood commercial and offices; and the 1984 North Sacramento Community Plan which designates the site as retail/general commercial.

Findings of Fact - Special Permit

1. Granting the special permit would constitute a special privilege extended to an individual property owner in that:
 - a. the proposed use will adversely affect the peace and general welfare of the surrounding residential and commercial neighborhood; and
 - b. the proposed use has a potential to create the development of a crime problem in the area.
2. Granting the special permit would be injurious to the welfare of the public and neighboring residences in that the proposed special permit to allow the sale of beer and wine for off premises consumption increases the potential for an increase in crime in the area.
3. The special permit is inconsistent with the General Plan which designate the site Community/Neighborhood Commercial and Offices. The sale of beer and wine in this location is in conflict with the policy of the General Plan to enhance and maintain the quality of life.



LAND USE & ZONING MAP

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APRIL 16, 1992

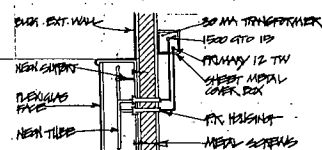
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SITE DATA

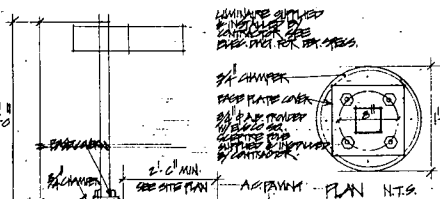
CITY.....SACRAMENTO, CA
 ADDRESS.....NE CORNER OF JESSIE AVE. AND HUNTER AVE.
 PARCEL NO.....237-0100-027
 ZONING.....C-2-R
 HEIGHT.....35 FT.
 SETBACKS: FRONT.....25 FT. Note: BASEMENTS MAY DETERMINE
 REAR.....15 FT. GREATER SETBACKS.
 NORTH SIDE.....7'-6"
 SOUTH SIDE.....5'
 PARKING RATIO.....1:290 SQ. FT.
 PARKING SIZES: STANDARD.....8' X 18'
 COMPACT.....7'-6" X 16'
 BACKUP.....26'
 DRIVEWAY.....26'
 % COMPACT.....60%
 PARKING REQ. FOR 15,027 SQ. FT.....60 CARS
 PARKING PROVIDED.....82 CARS

Individual interior illuminated channel letters with 5" return.
 Aspire 1/4" translucent (aspire or Bole & Rose) plastic letter face.
 Letter to be approved by landowner.
 Illumination by 100W single or double tube neon w/ P.E. housing.
 Overall sign area not to exceed 10' in height or 5'-0" in length.
 (If upper and lower case letters are used they must be within 10' area.)
 Company logo to be allowed (upon approval of landowner) and shall be
 installed, centered above letters or as directed by landowner.
 Landowner to approve in writing all signage prior to obtaining permits
 and the fabrication of letters/signs.
 Contractor to supply landowner with 3 copies of detailed drawings.
 Indicating sign location, method of attachment, and materials.
 Color of letter face to be chosen by tenant. Color of casing and return
 to match color of building.

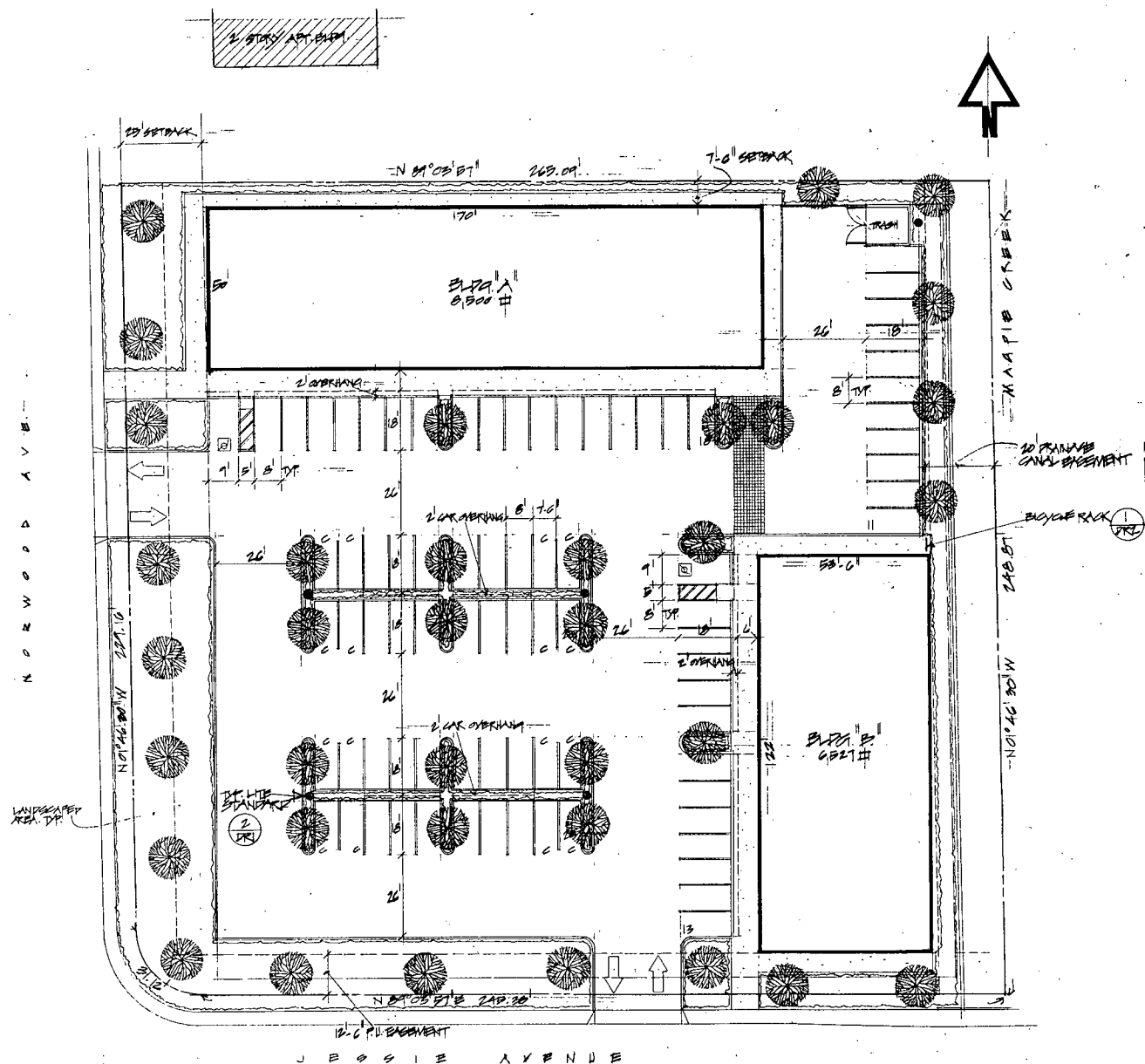


LETTERS OF SIGN (ILLUSTRATED
 P.K. HOUSE)

1. SITE SIGNAGE
 NO SCALE



2. SITE LIGHT STANDARDS
 NO SCALE



SITE PLAN 1/16"=1'

CONSULTANTS

CONSULTANTS

CONSULTANTS

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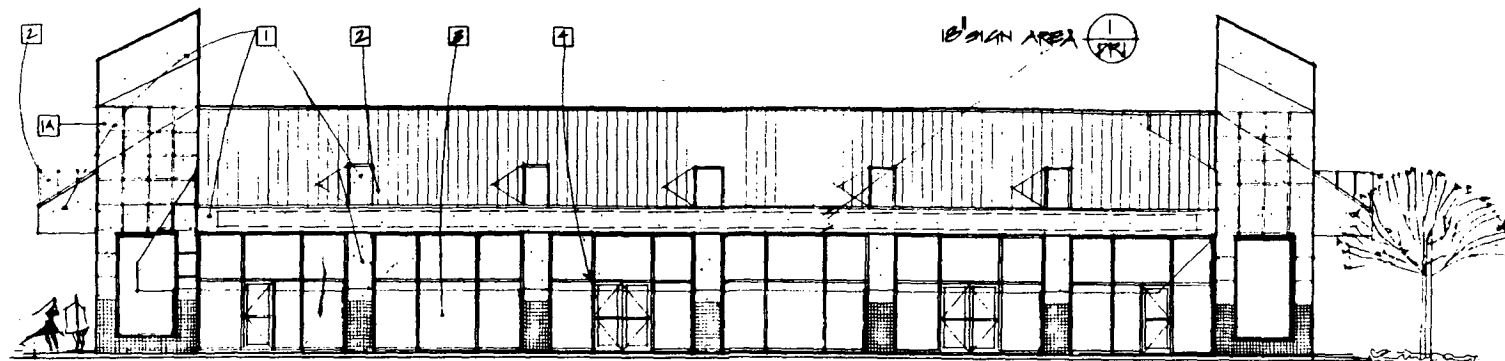
242
P91
CITY OF SACRAMENTO
CITY PLANNING DIVISION

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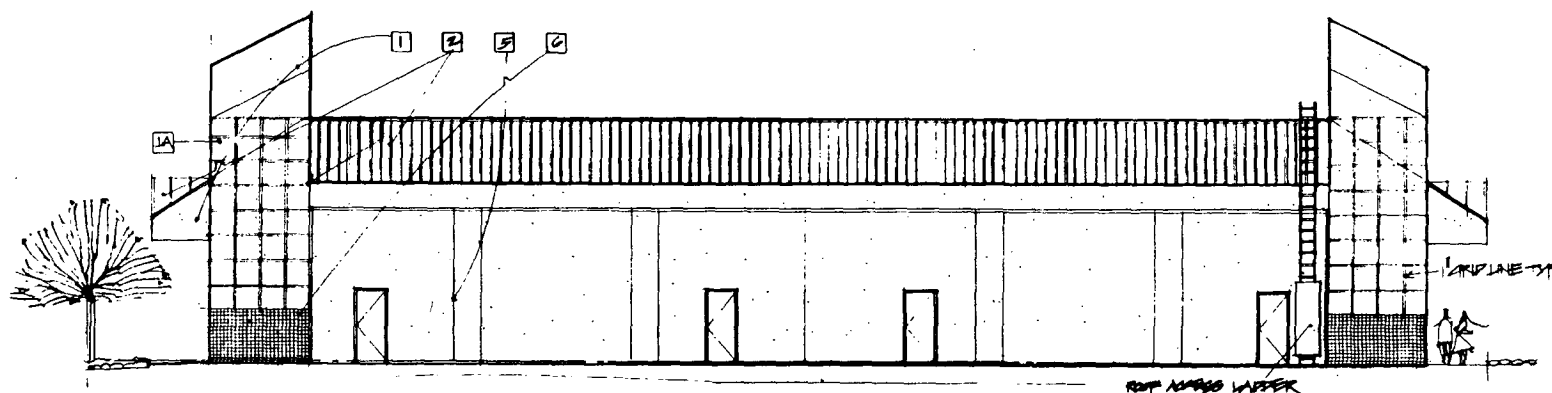
RECEIVED

EXHIBIT - B

ELEVATIONS



BUILDINGS A & B STREET FRONT ELEVATIONS



BUILDINGS A & B REAR ELEVATIONS

EXTERIOR FINISH SCHEDULE

TYPE	MATERIAL	FINISH	COLOR	REMARKS
1	STUCCO	L.A. HERRA SAND FLOAT	X-73 EGGSHELL	
2	METAL ROOFING	A.S.C. PACIFIC	BASE ZINC	
3	GLASS		CLEAR	
4	ALUM. GLASS FRAME	L.A. PARKERIZING	K/NAR IVORY 817 V1	
5	STUCCO REVEAL 1/2"		TO MATCH STUCCO	
1A	PAINT	BENJAMIN MOORE	726; 032	ALL BUILDING CORNER PYLONS (4 PER BLDG.) PAINTED COLOR OVER STUCCO.
6	CERAMIC TILE			

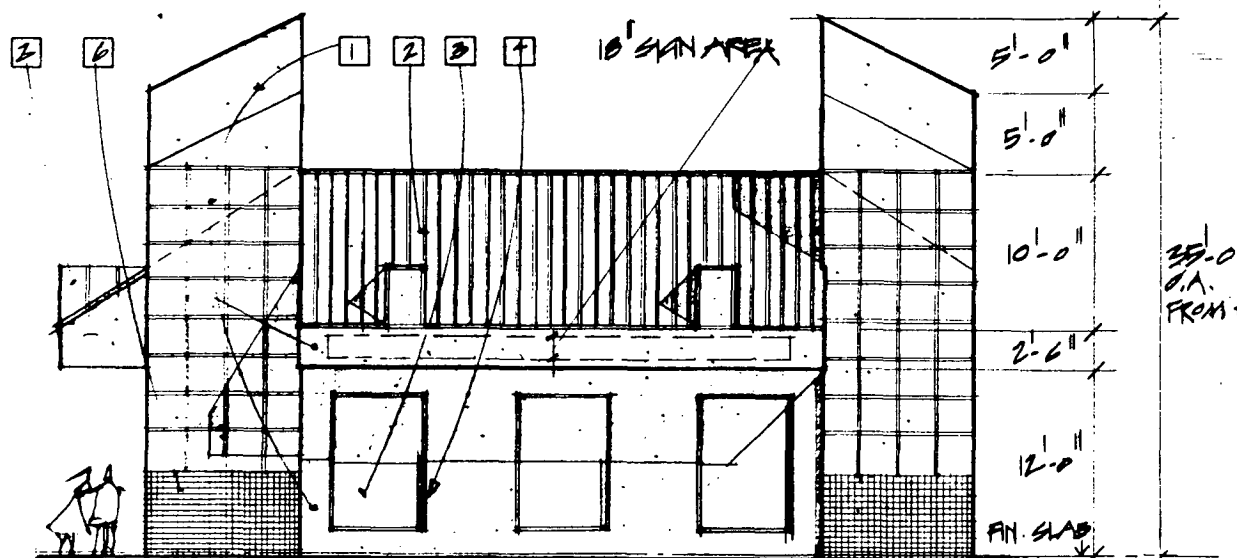
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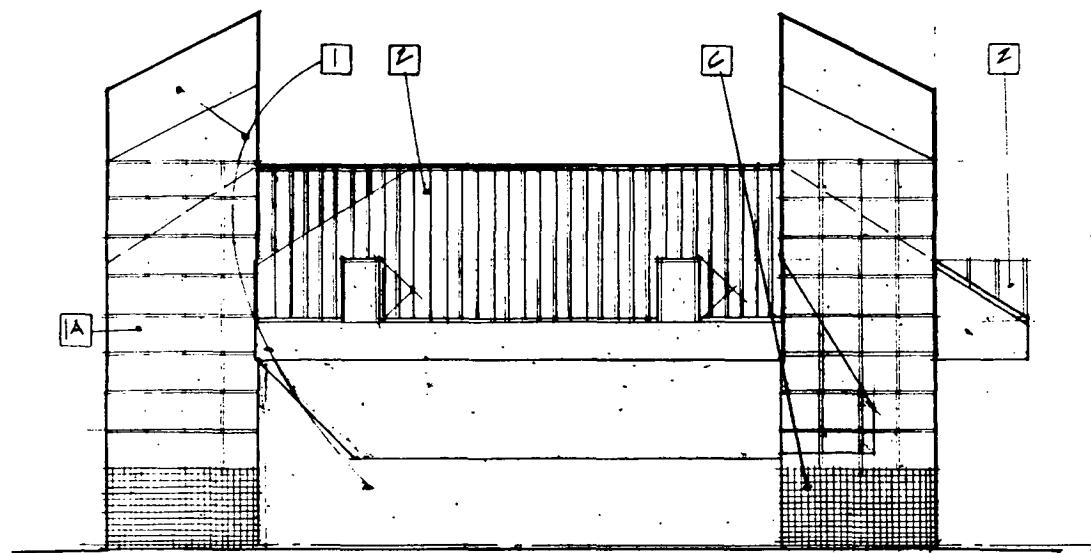
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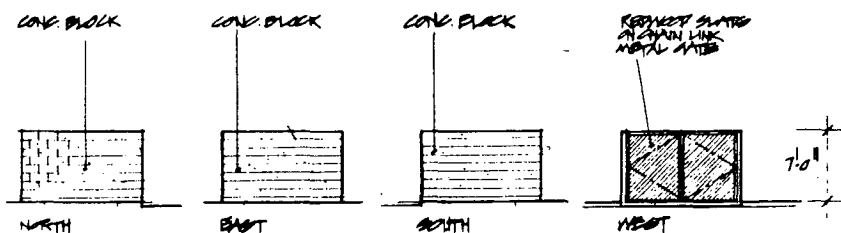
EXHIBIT - C
ELEVATIONS



BUILDINGS A & B / STREET SIDE ELEVATIONS



BUILDINGS A & B NE CORNER ELEVATIONS

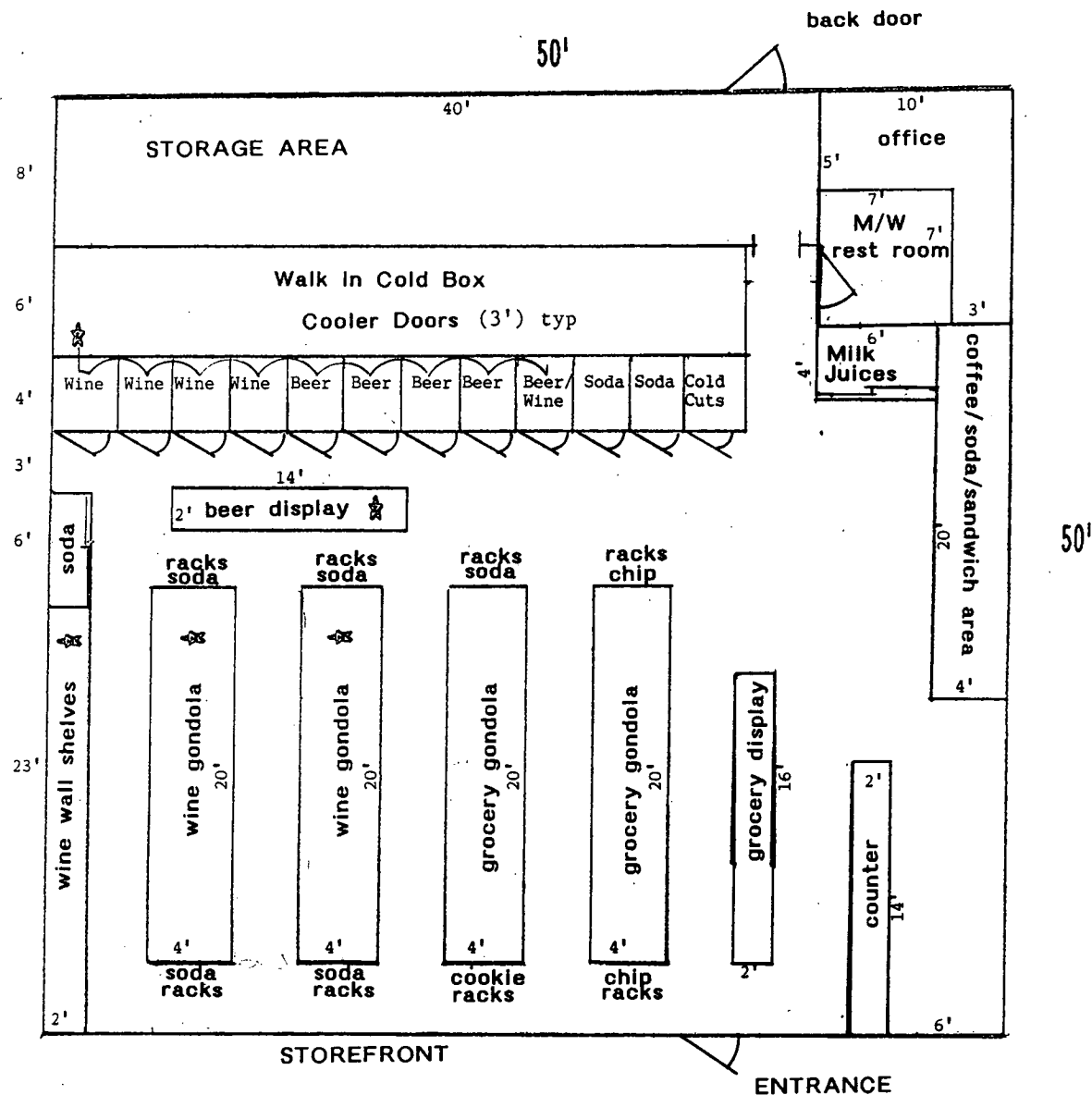


TRASH ENCLOSURE

001461

EXHIBIT - D

PRELIMINARY FLOOR PLAN



Total Store Area 2,500 sf
 Total Service Area 1,828 sf
 Total Alcohol Area 342 sf
 % of Alcohol To Total Store Area 13.68%
 % of Alcohol To Total Service Area 18.70%
 Scale 1/8" = 1' Alcohol Areas ★

Convenience Market Norwood Ave. & Jessie Ave.

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EXHIBIT - E

TENTATIVE LEASE SPACE LAYOUT

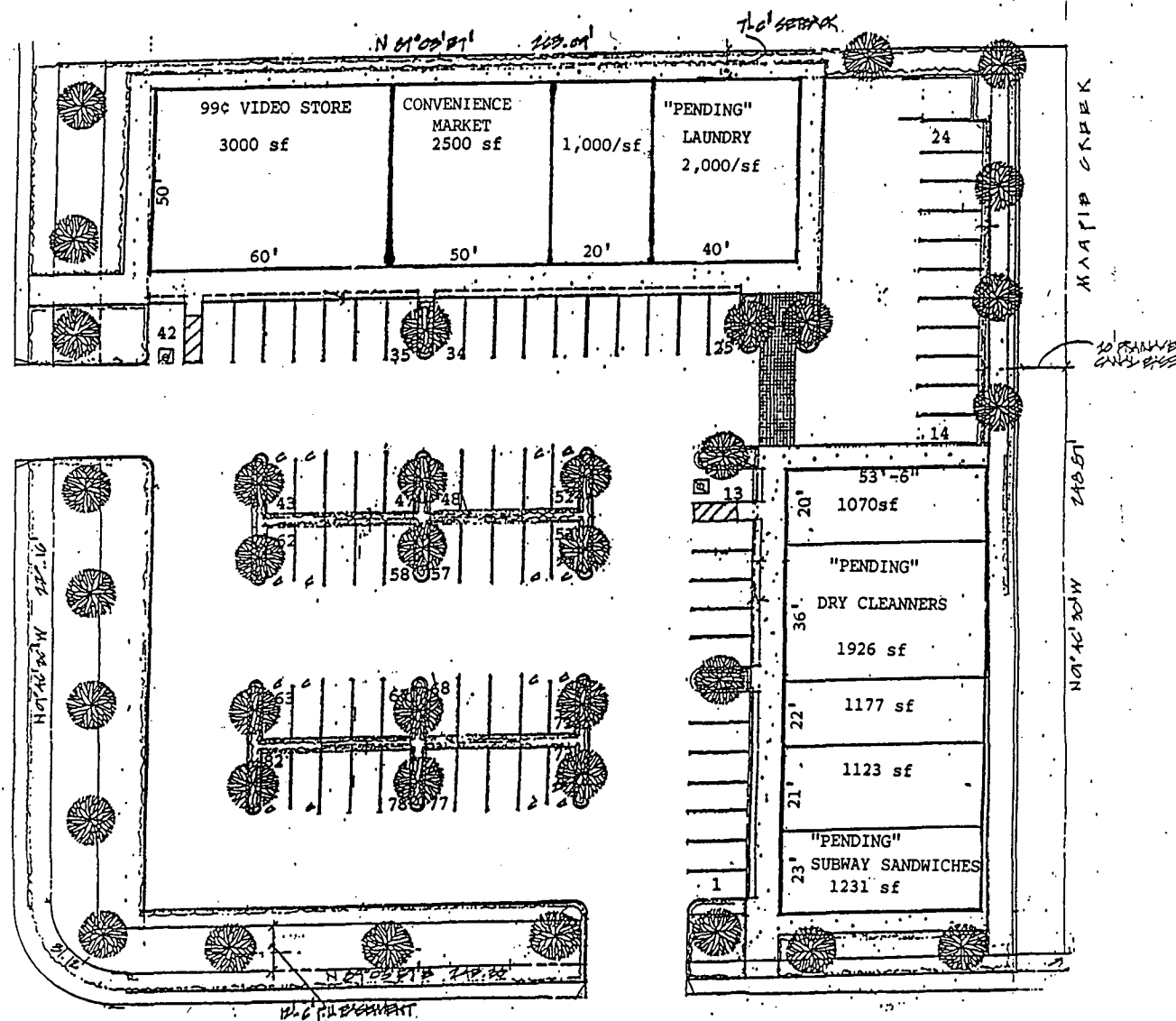
LA MANCHA DEVELOPMENT COMPANY

JACK LONDON SQUARE, 100 WEBSTER STREET, PENTHOUSE
OAKLAND, CALIFORNIA 94607

(415) 465-3130



NORWOOD AVE



JESSIE AVE

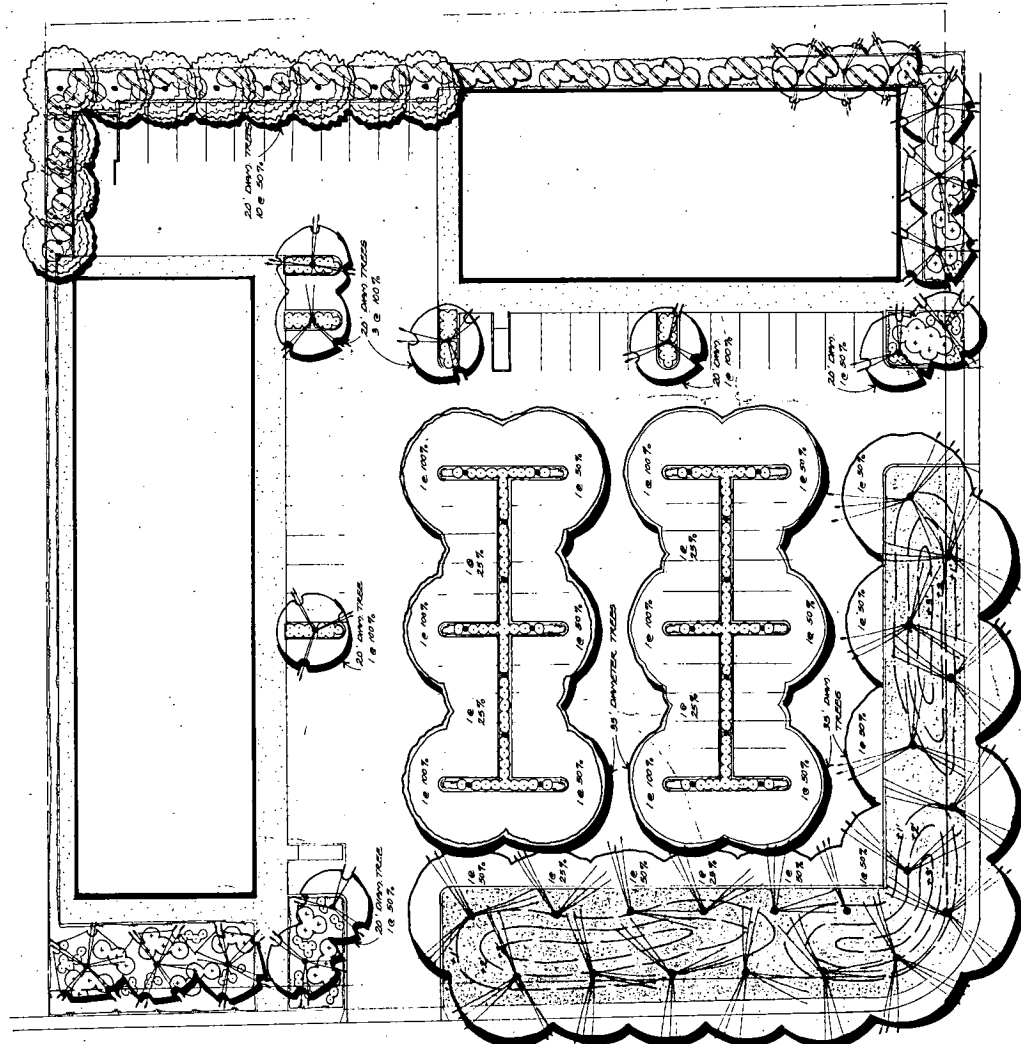
ALL INFORMATION OR DESIGN
INDICATED HEREON IS PRELIMINARY
ONLY. IT IS SUBJECT TO MODIFICATION
BY SURVEY AND APPROVAL BY
GOVERNING AGENCIES.

P91-242

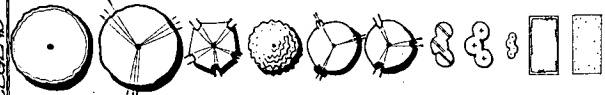
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LEGEND



CELSTIS SINENSIS
CHINESE MULBERRY

QUERCUS RUBRA
RED OAK

LARIX MOKUS 'BRISTOL'S'
SHOGUN LAUREL

MYRTUS BOMBA
MYRTLE TREE

PIRUS CALLERYANA 'EMMENTAL'
ORIENTAL PEAR

PIRUS CALLERYANA 'BRISTOL'
ORIENTAL PEAR

BERBERIS SPECIOSA - 'ATLAS'
KIDNEY GONISTEM, ILEX
SINENSIS 'EMMENTAL', RHO-
DO DENDR.

AMANTHIUM, ILEX GONISTEM
"HEDERA HELIX, THAMNOCORUS"
"VIBURNUM"

BOD - PINE LEAF MALL PEARL

SHADE CALCULATIONS:

TOTAL TREES = 99,200 #	
50 % SHOES AREA REQUIRED = 4,800 #	
TOTAL SHOES PROVIDED = 6,931 #	
35 % CONCRETE TREES	
10 % SHOES = 100' x 3 TREES = 5,710 #	
50 % SHOES = 481' x 13 TREES = 6,253 #	
50 % SHOES = 240' x 8 TREES = 1,920 #	
20 % CONCRETE TREES	
10 % SHOES = 100' x 5 TREES = 1,570 #	
50 % SHOES = 150' x 12 TREES = 1,800 #	
60 % SHOES = 180' x 12 TREES = 2,160 #	
TOTAL	
SIZES OF TREES AND SHOES ARE BASED UPON 10 TO 15 YEARS OF GROWTH PERIOD. LIST OF TREES PROVIDED BY ARCHITECTS CITY PLANNING DEPARTMENT	

SIZE OF TREES AND SHADE AREA PROVIDED
WHEN 15 YEARS OF GROWTH, TAKEN FROM
LIST OF TREES PROVIDED BY SACRAMENTO
CITY PLANNING DEPARTMENT

P91 242
RECEIVED

AUG 13 1991

CITY OF SACRAMENTO
CITY PLANNING DIVISION

Recording
Not
Required

-
-
-
-
-

MITIGATION MONITORING PLAN

FOR

P91-242

Initial Study

Prepared By:
City of Sacramento Environmental Services Division
September 6, 1991

Adopted By:
City of Sacramento City Council

Date: _____

MAYOR

City Clerk

Project No. P91-242

P91-242

April 16, 1992

001465

Item No. 7

EXHIBIT G - PAGE #2

MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been required and prepared by the Department of Planning and Development, Environmental Services Division, 1231 I Street, Suite 301, Sacramento, CA 95814, (916) 449-2037, pursuant to California Environmental Quality Act Guidelines Section 21081.

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: La Mancha Retail Center / P91-242
Applicant/Developer/Owner - Name: Jerry Kler & Assoc., Architects
Address: 1306 Bridgeway, Sausalito, CA. 94965

Project Location / Legal Description of Property (if recorded):

That certain real property situated in the State of California, County of Sacramento, City of Sacramento, Described as follows:

Parcel 2 as shown on that certain parcel map filed in the office of the County Recorder, Sacramento County, on March 7, 1989 in Book 110 of Parcel Maps, at Page 16.

SECTION 2: GENERAL INFORMATION

The project as approved includes mitigation measures for noise and cultural resource impacts. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Negative Declaration. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the applicant/developer/owner.

SECTION 3: PLAN CONTENTS

Noise Exposure

- A. All joints in exterior walls shall be grouted or caulked airtight.
- B. Window or through-the-wall ventilation and air conditioning units shall not be permitted.
- C. All penetrations of exterior walls shall include a 1/2 inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
- D. Windows must have a minimum STC rating of 29 or better. Windows facing the noise source should comprise less than 25 percent of the wall area. Windows shall have an air filtration rate of less than or equal to 0.20 CFM/lin. ft. when tested with a 25 mile an hour wind per ASTM standards.

EXHIBIT G - PAGE #3

- E. Exterior entrance doors should have a minimum STC rating of 30. They must include complete perimeter door seals.

ENTITY RESPONSIBLE FOR ENSURING COMPLIANCE

Department of Planning and Development, City of Sacramento

MONITORING PROGRAM

Prior to issuance of Building Permit the Building Division shall require that the final building plans incorporate the applicable noise attenuation measures. The Building Division shall also require that site inspections are included on the Special Conditions Attachment. Prior to finaling the permit, Certificate of Compliance or Certificate of Occupancy, the Building Division shall require full compliance and completion of the specified noise attenuation measures.

Cultural Resources

- A. If buried archeological material, such as flakes, tools, grindstone, or human bone are encountered during the course of construction, work in the immediate vicinity shall be temporarily halted until a qualified archeologist is consulted.

ENTITY RESPONSIBLE FOR ENSURING COMPLIANCE

Department of Planning and Development, City of Sacramento
Department of Public Works, City of Sacramento

MONITORING PROGRAM

Both the public improvement plans and building plans shall be noted to state that work shall be stopped and an archaeologist shall be consulted in the event that any archaeological materials are found.

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.

Site inspections by the Building Division and the Department of Public Works shall watch for any potential archeological resources during site visits. A City contact person shall be notified (in Permit Services) in case of an archeological discovery. The Building Division and the Department of Public Works shall attach this requirement to the approved permit plans and include this measure as an inspection item on the Special Conditions Attachment.

RESOLUTION NO.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO

ON DATE OF _____

**MITIGATION MONITORING PLAN FOR P91-242, TO
CONSTRUCT A 15,027± RETAIL SHOPPING CENTER ON
1.51± VACANT ACRES IN THE NORTH SACRAMENTO
COMMUNITY PLAN AREA. (APN: #237-0100-027)**

WHEREAS, the City Council held a public hearing to review the above described project;

WHEREAS, the above described project has been given a Negative Declaration by the Environmental Coordinator; and

WHEREAS, the proposed Negative Declaration finds that the proposed project will not have a significant effect on the environment because mitigation measures have been added to the project; and

WHEREAS, in accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan be developed for implementing mitigation measures as identified in the Initial Study for the project; and

WHEREAS, the applicant for the project has agreed to the provisions of the Mitigation Monitoring Plan as indicated on the Agreement contained in the attached Mitigation Monitoring Plan.

EXHIBIT G - PAGE #5

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

1. The Mitigation Monitoring Plan for the La Mancha Retail Center (P91-242)
project be approved and adopted as shown in the attached Mitigation Monitoring Plan dated
September 6, 1991.

MAYOR

ATTEST:

CITY CLERK

P91-242


PROJECT NO.: _____

MEETING DATE: _____

MITIGATION AGREEMENT

I, LINARD CANE for M.S. Partnership, P., agree to amend the application (P91-242) to incorporate the attached mitigation measures in the initial study. I understand that by agreeing to these mitigation measures, all identified potential significant environmental impacts should be reduced below a level of significance, thereby enabling the Environmental Coordinator to prepare a Negative Declaration of environmental impact on the above referenced project.

I also understand that the City of Sacramento is contemplating the adoption of a mitigation monitoring ordinance. I acknowledge that this project would be subject to this ordinance at the time of its adoption and agree to abide by the provisions of such ordinance.


Signature Div. Mgr-

10/22/91
Date

001470

ORDINANCE NO. 85-107

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

DEC 23 1985

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY
THE COMPREHENSIVE ZONING ORDINANCE NO. 2550,
FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY
LOCATED AT THE SOUTHWEST CORNER OF BELL AVENUE
AND TAYLOR STREET FROM THE TOWNHOUSE,
R-1A

ZONE(S) AND PLACING
THE SAME IN THE GARDEN APARTMENT-REVIEW, R-2B-R
AND LIMITED COMMERCIAL-REVIEW, C-1-R ZONE(S)
(FILE NO. P85-364) (APN: 237-100-04,17,23)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The territory described in the attached exhibit(s) which is in the Townhouse,
R-1A zone(s).
established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed
from said zone and placed in the Garden Apartment-Review, R-2B-R and Limited
Commercial-Review, C-1-R zone(s).

This action rezoning the property described in the attached exhibit(s) is
adopted subject to the following conditions and stipulations:

a. A material consideration in the decision of the Planning Commission to
recommend and the City Council to approve rezoning of the applicant's property
is the development plans and representations submitted by the applicant in
support of this request. It is believed said plans and representations are an
integral part of such proposal and should continue to be the development program
for the property.

b. If an application for a building permit or other construction permit is
filed for said parcel which is not in conformity with the proposed development
plans and representations submitted by the applicant and as approved by the
Planning Commission November 14, 1985, on file in the office of the
Planning Division, or any provision or modification thereof as subsequently
reviewed and approved by the Planning Commission, no such permit shall be
issued, and the Planning Division shall report the matter to the Planning
Commission as provided for in Ordinance No. 3201, Fourth Series.

ORDINANCE No. 85-107

DEC 23 1985

P91-242

April 16, 1992

001471

Item No. 7

EXHIBIT H - PAGE #2

-2-

c. Liquor stores, convenience markets, service stations, "fast food" restaurants (establishments that serve meals and have no table service) are prohibited from locating on this site. The applicant shall record this condition with the deed for the property 30 days after approval of the zoning by the City. Evidence of recordation shall be given to the Planning Director prior to issuance of building permits. Medical offices are permitted subject to meeting the required parking ratio and the plan review and approval by the Planning Director.

d. Prior to issuance of any building permits, the applicant shall enter into a maintenance agreement with the City for the long-term upkeep of the site (see attached for provisions of agreement).

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION: 12/17/85

PASSED: 12/23/85

EFFECTIVE: 1/22/86

Arue Kudva
MAYOR

ATTEST:

Gene G. Mason
Assistant
CITY CLERK

P85-364

7

85-107
ORDINANCE No.

DEC 3 1985

P91-242

April 16, 1992

001472

Item No. 7

LEGAL DESCRIPTION

The land referred to in this Report is situated in the State of California, County of Sacramento, City of Sacramento and is described as follows:

PARCEL ONE:

Lot 39 as shown on the "Plat of Subdivision of Section 11 of Rancho Del Paso," recorded in book 14 of Maps, Map No. 5 records of said County.

EXCEPTING THEREFROM the South 330 feet thereof.

PARCEL TWO:

Parcel A:

That portion of Lot 40, as shown on the "Plat of Subdivision of Section 11 of Rancho Del Paso," recorded in book 14 of Maps, Map No. A5 records of said County, which lies South and East of the Southerly and Easterly line of the strip of land 70 feet in width acquired by the United States of America, the centerline of said strips of land being described as follows:

BEGINNING at a point on the North line of Lot 39 of said subdivision of Section 11, Rancho Del Paso, being the centerline of Joan Avenue located South 89°10'20" East 766.79 feet from the Southwest corner of lot 25, of said subdivision of Section 11, Rancho Del Paso, being the West 1/4 corner of Subdivision of Section 11, Rancho Del Paso; thence South 0°59' West 42.40 feet; thence South 37°08' West 59.81 feet; thence South 62°07' West 79.74 feet; thence South 75°58' West 347.40 feet; thence South 68°01' West 158.26 feet; thence South 71°48' West 80.27 feet; thence South 51°21' West 114.11 feet to a point located North 00°02' East 2310.60 feet from the Southwest corner of lot 57, of said Subdivision of Section 11, Rancho Del Paso, being the Southwest corner of Section 11, Rancho Del Paso and thence, South 23°14' West 96.04 feet, bearings being referred to a true meridian at longitude 121°23'58" West of prime meridian.

EXCEPTING THEREFROM the following:

BEGINNING at a point on the West line of Lot 40 and on the center line of public road 60.00 feet in width, located South 01°46'30" East 371.29 feet along said West line of Lot 40 and the centerline of said road, from the Northwest corner of lot 40; said point of beginning also being the intersection of the West line of lot 40 with the South line of a 70.00 foot drainage canal right of way, described in Judgment recorded May 6, 1946 in book 1225 of Official Records, page 333; thence from said point of beginning and along the Southern line of said drainage canal the following 4 courses and sistanceces (1) North 49°33'50" East 134.53 feet (2) North 70°00'50" East 69.28 feet (3) South 85°13'50" East 156.97 feet and (4) North 74°10'50" East 342.55 feet to a point on the East line of lot 40 located South

SCHEDULE A
CLTA Preliminary Report

continued

8

ORDINANCE No. 85-107
DEC 23 1985

001473

01°46'30" East 164.96 feet from the Northeast corner of lot 40; thence along the East line of lot 40, South 01°46'30" East 21.06 feet to the center line of a 40.00 foot drainage canal, described in deed recorded May 24, 1961, book 4250 page 96 Official Records; thence along the centerline of said 40.00 foot drainage canal and along the arc of a curve to the right on a radius of 500.00 feet, said arc being subtended by a chord bearing South 48°50'40" West 70.77 feet; thence along an arc of a curve to the left on a radius of 700.00 feet, said arc being subtended by a chord bearing South 44°41'48" West 199.83 feet; thence leaving said centerline and parallel with the North line of lot 40, South 89°02'30" West 460.40 feet to the point of beginning.

EXCEPTING THEREFROM the East 10.00 feet of the West 40.00 feet of said lot 40.

Parcel B:

Lot 41 as shown on the "Plat of Subdivision of Section No. 11, Rancho Del Paso", recorded in book 14 of Maps, Map No. 5 records of said County.

The subdivision of said lot being made on the basis that the lot area includes one-half of the adjoining roads.

EXCEPTING THEREFROM any portion lying within boundaries of the Glenwood Park, Unit No. 1, filed in the office of the Recorder of Sacramento County on December 6, 1960 in book 63 of Maps, Map No. 17.

EXCEPTING THEREFROM the East 10.00 feet of the West 40.00 feet of said lot 41.

FURTHER EXCEPTING THEREFROM said parcels A and B all that portion described as follows:

BEGINNING at a point in said lot 40, from which the Northwest corner thereof bears the following two (2) courses and distances: (1) South 89°02'30" West 40.00 feet to a point on the West line of said lot 40 and (2) along said West line North 01°46'30" West 371.29 feet, said point of beginning being marked by a 1 1/4 inch iron pipe monument tagged L.S. 3185; thence from said point of beginning, parallel to and distant 40.00 feet Easterly measured at right angles, from the West line of said lot 40 and lot 41, South 01°46'30" East 670.00 feet in a similar iron pipe monument; thence North 89°02'30" East 250.00 feet to a similar iron pipe monument marking a point on the West line of that certain 40.00 foot strip of land described in that certain deed, recorded in the office of said Recorder in book 4250 page 96 Official Records; thence continuing North 89°02'30" East 20.00 feet to a point located on the centerline of said 40.00 foot strip of land; thence, along the centerline of said 40.00 foot strip of land, the following two (2) courses and distances: (1) North 01°46'30" West 234.32 feet and (2) curving to the right on an arc of 700.00 feet radius, said arc being subtended by a chord bearing North 12°21'42" West 17.21 feet.

continued 9

ORDINANCE No. 85-107

001474

EXHIBIT H - PAGE #5

500687

East 458.88 feet; thence South 89°02'30" West 420.43 feet to the point of beginning.

PARCEL THREE:

Parcel 2 as shown on the Parcel Map entitled "South one-half lot 39, Section 11-Rancho Del Paso 14 BMS", filed in the office of the Recorder of Sacramento County, California on June 6, 1977 in book 32 of Parcel Maps, Map No. 32.

APN 237-100-04
237-100-13
237-100-10
237-100-17
237-100-23

10
ORDINANCE No. 85-107
APR 16 1992

P91-242

April 16, 1992


001475

Item No. 7

MITIGATION AGREEMENT

I, LAWARD CONE for M.S. Partnership, P., agree to amend the application (P91-242) to incorporate the attached mitigation measures in the initial study. I understand that by agreeing to these mitigation measures, all identified potential significant environmental impacts should be reduced below a level of significance, thereby enabling the Environmental Coordinator to prepare a Negative Declaration of environmental impact on the above referenced project.

I also understand that the City of Sacramento is contemplating the adoption of a mitigation monitoring ordinance. I acknowledge that this project would be subject to this ordinance at the time of its adoption and agree to abide by the provisions of such ordinance.


Signature Div. Mgr.

10/22/91
Date

EXHIBIT - I



DEPARTMENT OF
POLICE

CITY OF SACRAMENTO
CALIFORNIA

HALL OF JUSTICE
813 SIXTH STREET
SACRAMENTO, CA
95814-2495

April 6, 1992
REF: 4-5

916-449-5121

JOHN P. KEARNS
CHIEF OF POLICE

M E M O R A N D U M

TO: DAWN HOLM, PLANNER
CITY PLANNING DIVISION

FROM: JERRY V. FINNEY
ASSISTANT CHIEF OF POLICE

SUBJECT: SPECIAL PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES NEAR
NORWOOD AND JESSIE AVENUES.

This is to confirm your telephone conversation of April 4, 1992, with Officer Jim Barclay. We are opposed to the granting of any more permits for the sale of alcoholic beverages for off-site consumption in the vicinity of Norwood and Jessie Avenues.

This area has a lengthy history of police related problems. Since December 1, 1991, we have received in excess of fifteen calls for service at the Willowtree Apartments, located on the 4200 block of Norwood, and six additional calls for service at the small apartment building located at 450 Jessie Avenue. The Arco AM/PM Market, located at 4000 Norwood Avenue, has been a major source of demand for police service. Since December 1, 1991, we have received thirty-seven calls to that location. Many of the fifty-eight calls recorded for these three sites involved assaults and disturbances of the peace.

001477

P91-242

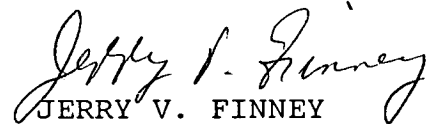
APRIL 16, 1992

ITEM NO. _____

Dawn Holm
April 6, 1992
Page 2

It is our understanding that the shopping center proposed for the northwest corner of Norwood and Jessie will have both a grocery store and a drugstore which will be selling alcohol for off-site consumption. Since both of these businesses will exceed 15,000 square feet in floor space, they will not come under the provisions of the special permit review process.

Given these circumstances, we will oppose any further special permit requests for this area which would allow the sale of alcoholic beverages.


JERRY V. FINNEY
Assistant Chief of Police

JVF:pg

001478

P91-242

APRIL 16, 1992

ITEM NO. _____

EXHIBIT - J

G.R.I.N.

(Group of Residents Improving Neighborhoods)

ACTION

for proposed development

file # P91-242

G.R.I.N., a Robla/North Natomas/North Sacramento community awareness group, has reviewed the above mentioned file information received by mail. The file was reviewed at G.R.I.N.'S regular monthly meeting (2nd Wednesday of each month at 7:00PM at Robla School). The following comments/recommendations were made.

circle one

approve as received

approve with the following conditions

reject

Additional
Comments:

restricted Hours of sale of any AND ALL
Alcohol not to exceed surrounding Alcohol sale hours,
ALSO GRIN WANTS Design review on the
LANDSCAPE AND structures. We have had 1
meeting with the builder and architect

1-8-92

DATE

Rodney B. Rose
Rodney B. Rose, Chairman

Shirley McNabb
Shirley McNabb, Co-Chairman

P91-242

At APRIL 16, 1992

001479

ITEM NO. _____

EXHIBIT - K

CITY OF SACRAMENTO
CITY PLANNING DIVISION

DEC 30 1991

RECEIVED

December 28, 1991

Arek Firman
157 Gunnison Ave.
Sacramento, Ca. 95838

City of Sacramento Planning Commission
Attn. Dawn Holm, Current Planning
1231 I Street, Suite 200
Sacramento, Ca. 95814-2987

RE: NEC Norwood & Jessie Avenue
Sacramento, Ca.
P 91-242

Dear Dawn,

On behalf of the residents of the Meadows Development Association, we wish to state our strong disapproval of any attempt to change the previously agreed to conditions for this parcel.

We know that our community needs businesses that can provide services for the residents (full service market, dry cleaner, and other community oriented business). This proposal for another convenience store across from AM PM does not fill that community need. The plain facts are, convenience stores require high traffic volume generated by freeway access for profitability. This store will only provide another place to buy easily accessible beer & wine and create one more area for people to congregate to drink, use drugs, and commit violent acts. Both Council Person Lyla Ferris and the police department are aware of the drug & alcohol related violence this area is experiencing. To add another place for quick and easy booze will only exasperate an already intolerable situation.

Sincerely,



Arek Firman
For the Meadows Development Association

cc: Lyla Ferris

001480

P91-242

APRIL 16, 1992

ITEM NO. _____



EXHIBIT - L

23 signatures
in support.

LA MANCHA DEVELOPMENT COMPANY

JACK LONDON SQUARE, 100 WEBSTER STREET, PENTHOUSE
OAKLAND, CALIFORNIA 94607

(415) 465-3130

PETITION

RECEIVED

MAR 17 1992

Ans'd.....

To support development and construction of a convenience shopping center including a convenience market selling beer and wine at the North East Corner of Norwood Avenue and Jessie Avenue.

Dear Neighbor,

La Mancha Development Company is attempting to develop and construct a neighborhood convenience shopping center on the North East Corner of Norwood Avenue and Jessie Avenue. The businesses that would like to locate in our center are stores that primarily cater to residents such as yourselves who live within a one (1) to two (2) mile radius of the property.

As you know there currently exists virtually limited or no valuable retail services in your neighborhood. Our proposed shopping center will alleviate this problem by providing such services as a video store, dry cleaner, print shop, and market as well as food stores which sell pizza, submarine sandwiches, hamburgers and yogurt, etc. These uses are an integral part of any shopping center of this size and without them, a useful center that people want to use cannot survive.

The City of Sacramento's General Plan restricts commercial development of this nature in your neighborhood to this intersection and nowhere else. Your neighborhood is changing for the better and we want to be a part of that evolution but it requires your input.

The existing zoning of the property currently restricts some of the above described businesses from locating upon the property including a market which sells beer and wine. We have discussed with the City Planning staff and proposed to Councilwoman Ferris that any market that sells beer and wine, if allowed, would have conditions placed on it that would make it a safe and pleasant place to shop including an 11p.m. curfew, and security personnel in the evening to name just a few.

If you support the development of our shopping center and a market which will sell beer and wine Please let your Planning Commission and City Councilperson know by acknowledging your approval below and sending it back to us in the enclosed stamped, self addressed envelope. Thank you for taking the time to help us and your community.

3/16/92 Gary Miller 363 BERTHOLD ST
Name Address SA 90838

001481



EXHIBIT - L

LA MANCHA DEVELOPMENT COMPANY

JACK LONDON SQUARE, 100 WEBSTER STREET, PENTHOUSE
OAKLAND, CALIFORNIA 94607

(415) 465-3130

PETITION

RECEIVED

MAR 17 1992

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Kevin G. Word
Name

216 Peach Leaf Way Sacramento, CA 95838
Address



EXHIBIT - L

LA MANCHA DEVELOPMENT COMPANY

JACK LONDON SQUARE, 100 WEBSTER STREET, PENTHOUSE
OAKLAND, CALIFORNIA 94607

(415) 465-3130

PETITION

RECEIVED

MAR 17 1992

Ans'd.....

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If you support the development of our shopping center and a market which will sell beer and wine Please let your Planning Commission and City Councilperson know by acknowledging your approval below and sending it back to us in the enclosed stamped, self addressed envelope. Thank you for taking the time to help us and your community.

Witch Whitman
Name

10 Lauderdale Ct.
Address

P91-242

April 16, 1992

001483

Item No. 7

EXHIBIT - L
PETITION

RECEIVED

MAR 18 1992

To support development and construction of a convenience shopping center including a convenience market sell beer and wine at the North East Corner of Norwood Avenue and Jessie Avenue.

Dear Neighbor,

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If you support the development of our shopping center and a market which will sell beer and wine Please let your Planning Commission and City Councilperson know by acknowledging your approval below. Thank you for taking the time to help your community.

Lyn Christopulos
1. Name

4354 Burgess Dr., SMC 95838
Address

A. Michele Young
2. Name

1351 Burgess Drive
Address

001484

P91-240

October 24, 1991

City Planning Commission
Sacramento, California

Members in Session:

Subject: Regency Tower (P91-240) - Notice of Preparation

Location: Northeast corner of 8th and L Streets

Summary:

The City of Sacramento Environmental Services Division is the lead agency for the preparation of an Environmental Impact Report (EIR) for the Regency Tower project. On Month Date, 1991, the Notice of Preparation (NOP) (see Attachment) was released. The NOP will be circulated for a 30 day public comment period in which the Environmental Services Division will accept comments on the proposed outline and scope of work for the EIR. The NOP was mailed to people and organizations believed to be concerned with the environmental effects of the proposed project including State, Regional, County, and City agencies, as well as interested community groups and neighbors of the project site. The Environmental Services Division will prepare the EIR. This report is provided for the information of the Commission.

Background Information:

The City Planning Department has received an application to develop a 355,492 square foot (sq.ft.), 28 story office building with 573 parking spaces on 0.55 acres in the Central Business District (CBD). The project site is located on the northeast corner of 8th and L Streets in the Central City Community Plan (CCCP) area of the City of Sacramento. (See Attachment A, page 1 location map). The site is identified as Assessor's Parcel Numbers 006-0098-014 and 006-0098-021.

The project is designed primarily to develop office space in the CBD. The proposed project includes 348,292 sq.ft. of office, and 7,200 sq.ft. ground floor retail uses. The site is currently zoned Central Business District-Special Planning District (C-3(CBD-SPD) - 0.55 acres.

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- E Compare predicted carbon monoxide levels with the State and Federal standards; identify effects on the Non-Attainment Plan for carbon monoxide; prepare analyses of the projects' relationship and conformity to adopted measures to achieve attainment of the Federal ambient air quality standards under the Clean Air Act as contained in the State Implementation Plan.
- F. Evaluate the PM-10 vehicular emissions that will result from the additional traffic generated by the project. Evaluate the PM-10 generated by stirring of road dust as a result of this project. Evaluate PM-10 generated during construction.
- F. Outline feasible mitigation measures, including features such as mass transit, which can reduce potential air quality impacts within the study area and regionally, and obtain State and Federal air quality standards. Develop feasible mitigation measures for air quality impacts, including those set forth in the Sacramento Air Quality Plan. Discuss the effectiveness and feasibility of each mitigation measure.

4. Noise

- A. Identify all sensitive noise receptors in the project vicinity.
- B. Estimate existing and future noise levels along nearby streets using the noise modeling techniques specified by the U.S. Department of Housing and Urban Development.
- C. Evaluate noise levels generated by the project with respect to standards defined in the City's General Plan Noise Element and Ordinance as well as those established by the appropriate regulatory agencies (i.e., State, Federal).
- D. Determine the compatibility of future noise levels with existing and planned land uses near the project sites.
- E. Define project-related construction noise impacts with respect to duration, nature, and level for various activities associated with the projects' development.
- F. Recommend appropriate noise abatement measures for short-term construction noise and long-term noise levels resulting from daily business operations.

5. Sewer and Drainage System

- A. Analyze the existing sewer and drainage system and discuss any planned improvements to sanitary sewers and drainage systems. Evaluate the capacity

- H. Evaluate the effects of the parking component of the projects. This assessment would include an analysis of: entrance and exit designs, the structure's relationship to other parking facilities, safety elements in access design, impact on and pedestrian safety.
- I. Evaluate the existing demand and supply for on-street parking demand in the project study area. Project the supply and demand for each of the alternatives. Discuss any needed mitigation measures.
- J. Analyze the total demand for parking under the project and all alternatives. If sufficient parking spaces are not provided on-site, develop mitigation measures to enhance alternative transportation modes.
- K. Evaluate projected public transit usage. Compare the project usage with the existing and planned future supply of public transit serving the project.
- M. Given the parking spaces are provided under each alternative, analyze the parking and transportation alternatives available to commuters and the incentives required to achieve increased ridership for these transit alternatives. Include in the analysis a projection of the percentage of commuters who would utilize transit, carpool/vanpool, City parking facilities and utilization of on-street parking in adjacent uses.

3. Air Quality

- A. Estimate area-wide ozone precursor emissions (hydrocarbons and oxides and nitrogen) for the alternatives using VMT estimates from the traffic assessment and vehicle emission rates from EMFAC 7 and URBEMIS 3.
- B. Utilize CALINE-4 to model carbon monoxide levels at build out conditions for four intersections depicting severe congestion and high traffic volumes (as indicated by traffic assessment). Air quality modeling shall be performed for each of the alternatives and shall reflect traffic volumes associated with each alternative, levels of congestion, and carbon monoxide generation.
- C. Discuss extrapolation of modeling results to other congested intersections in the study area or other critical intersections/interchanges.
- D. Evaluate potential air quality impacts within the parking garages using modeling techniques developed by the Air Resources Board for such structures. Assess the potential for exceeding indoor air quality standards specified by CAL-OSHA through comparisons of modeling air quality levels with the standards. Recommend appropriate mitigation measures to minimize the deterioration of and attainment of CAL-OSHA indoor standards.

1. 5th and I Street
2. 8th and I Street
3. 3rd and J Street
4. 8th and J Street
5. 9th and J Street
6. 12th and J Street
7. 16th and J Street
8. 8th and L Street
9. 9th and L Street
10. 10th and L Street
11. 12th and L Street
12. 8th and Capital Mall

Additional analysis shall include at least the following on- and off-ramps:

1. I-5 and J Street
2. I-5 and I Street

- C. Provide a summary of trip distribution based on existing traffic modified to reflect cumulative development. Utilize information from past studies in the area if applicable.
- D. For all the alternatives analyzed above, study cumulative long range traffic impacts by assuming the 2010 build out condition as provided by the City's General Plan.
- E. Quantify the traffic generated for both existing conditions and the development scenarios on current and proposed street systems, intersections, and interchanges.
- F. Provide alternative development and circulation conditions to be studied using the computer traffic model including, but not limited to, the existing traffic base, the proposed project and the four alternatives.
- G. Develop mitigation measures for traffic impacts including traffic signal installation, intersection and roadway improvements, roadway signing and striping modifications, transit subsidies, shuttle buses, etc. Quantify the costs associated with the suggested mitigation measures. If recommended mitigation is determined to be too costly, interim measures should be suggested to forestall or minimize identified impacts. In addition, transportation system management (TSM), including light rail, transit incentives, car pooling and bicycle/pedestrian programs, should be considered as potential alternative mitigation measures.

ENVIRONMENTAL ASSESSMENT

Each of the following subject areas will be assessed utilizing existing conditions as the base. The environmental consultant shall be responsible for utilizing base data to fully analyze the specific impacts and cumulative impacts for each of the following subject areas for each of the alternative development plans. The analysis will be either quantitative or qualitative, as appropriate, for each of the alternatives, and the analysis will identify mitigation measures for all of the impacts for each alternative.

1. Land Use, Zoning, and Adopted Plans

- A. Review appropriate plans and policies of the City General Plan, the Central City Community Plan, and any other appropriate plans or policies affecting existing and planned land uses in the study area of the proposed project. Discuss consistency of the project and the alternatives with land use policies.
- B. Identify and map projects which are existing, approved, and planned within the Central City. This analysis should address the cumulative effects of the following types of projects: existing uses; approved projects; major developments under construction; major developments which are completed but unoccupied; projects with applications in-house; and the proposed project.
- C. Assess the relationship of the proposed project to other planned development within the project study area and evaluate the overall effects of the development on the character of the study area. This section will describe the changes in land use patterns and potential conflicts between different types of land uses.

2. Transportation and Circulation

- A. Review existing City traffic reports for current baseline data. Describe the existing transportation system in terms of roadways, bikeways, pedestrian connections and public transit. Develop methodologies and models to estimate future traffic volumes and estimates of trip generation and distribution. Contact all appropriate agencies and collect data relevant to the traffic assessment.
- B. Analyze shifts and traffic patterns caused by the project and the alternatives. Traffic Engineering staff shall review and approve the computer model, roadway network, traffic zones, traffic generation rates and other assumptions for the study area, including each development alternative, prior to running the traffic projections for average daily trips (ADT, AM and PM peak traffic volumes). Traffic counts should be conducted at no fewer than the following intersections:

Alternative 1 - No Project Alternative: No development of the site would occur under the No Project Alternative. This alternative is the existing setting and will be the baseline by which impacts from the proposed project and other alternatives are measured. Under this alternative the site would remain the same with approximately 40,000 sq.ft. of office space.

Alternative 2 - Zoning Buildout Alternative: The Zoning Buildout Alternative would be consistent with all aspects of the City of Sacramento Zoning Ordinance; no special permits would be required. This alternative would involve the demolition of the existing structures and the construction of a building containing 75,000 sq.ft, including 67,200 of office space and 7,200 of retail space. The alternative would provide 78 parking spaces which would be provided on-site. This alternative would be approximately five stories in height.

Alternative 3 - Two-Thirds Reduction of Office Space: Alternative 3 would be about one-third of the size of the proposed project. This alternative would involve the demolition of an existing structures on the project site. A new building would be constructed containing approximately 116,000 sq.ft. of office space, 7,200 of retail space and 5,000 sq.ft. of childcare space with 160 on-site parking spaces. This alternative would be approximately eight stories in height.

Alternative 4 - One-Third Reduction of Office Space: Alternative 4 would be about two-thirds of the size of the proposed project. This alternative would involve the demolition of an existing structures on the project site. A new building would be constructed containing approximately of 233,000 sq.ft. of office space, 7,200 of retail space, and 9,000 sq.ft. of childcare space with 355 on-site parking spaces. This alternative would be approximately fourteen stories in height.

The above alternatives will reduce environmental impacts, however, further analysis will be conducted in the EIR to quantify the reduction of each alternative as compared to the proposed project.

5. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
6. Any significant irreversible environmental changes which would be involved in the proposed project should it be implemented.
7. The growth-inducing impact of the proposed project.

ATTACHMENT C
OUTLINE AND SCOPE OF WORK FOR
THE REGENCY TOWER EIR (P91-240)

PREFACE

Summary of why the EIR is being prepared, the purpose of the Program EIR and the relationship of the EIR to the planning process.

PROJECT DESCRIPTION

Description of the proposed project and its characteristics (including site plans and elevations), and a description of the environment in the vicinity of the project site as it exists prior to commencement of project.

SUMMARY OF FINDINGS

Discuss all phases of the project as outlined in Section 15126 of the CEQA Guidelines.

1. The significant environmental impacts of the proposed project .
2. Any significant environmental effects of the proposed project which cannot be avoided if the proposal is implemented.
3. Mitigation measures proposed to minimize the significant effects. Mitigation measures should be developed that can reasonably be expected to reduce significant adverse impacts of development to less than a significant level. The expected reduction of impacts should be quantified in the text of the report. Mitigation measures shall be specific and shall be written to be incorporated into a monitoring program.
4. Alternatives: Evaluate the alternatives as provided by the City. The purpose of the evaluation of the alternatives is to provide decision-makers with a summary assessment of the comparative effects of each of the alternatives, focusing on the significant, unavoidable impacts, both short- and long-term, and on mitigation measures to such impacts. The evaluation of alternatives shall compare key impacts such as traffic/circulation, air and visual quality impacts to the City. Provide a summary table containing a comparative evaluation of the impacts and mitigation of each of the alternatives. Complete the comparative evaluation utilizing adopted City policies on an order-of-magnitude basis. The specific alternatives to be evaluated are:

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Realizing that urban design features were a significant component of the development process, in 1987 the City Council adopted the UDP. This UDP has become the urban design standard by which much proposed downtown development is evaluated.

The geographic focus of the UDP is the C-3 CBD (roughly between I Street and Capitol Mall). The Merged Downtown Redevelopment Project Area is also included in the UDP, and the Proposed Project is within this Merged Downtown Redevelopment Project Area. Consequently, Proposed Project is subject to the design elements of the UDP. The design of the proposed project may potentially be inconsistent with the goals of the UDP.

Impact. A potential significant impact may occur as the result of the proposed project.

19. Recreation

A proposed Ordinance is being developed which will require a dedication of 5 acres of park land per 9000 employees for non-residential development. The Ordinance is being written to reduce the impacts that non-residential uses have on recreational facilities. Therefore, proposed project may result in impacts to recreational facilities since the Ordinance has not yet been adopted.

Impact. The proposed project may result in a significant recreational impact.

20. Cultural Resources

The proposed project is located in a Sensitive Cultural Resource Area (SGPU DEIR V-5). The main source of data for this discussion was the California Archaeological Inventory North Central California Information Center. Numerous records were examined to locate archaeological sites on the project site and in the vicinity. According to the records search, the project site has not been previously surveyed for cultural resources. According to the Archaeological Inventory, the site has a fairly low sensitivity for pre-historic resources and a fairly high sensitivity for historic cultural resources. If construction of the project would result in discovery of and/or damage to cultural resources, this would be considered a significant impact.

Impact. The project may have a significant impact on cultural resources.

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The proposed project will generate approximately 3,642 daily trips using trip rates from the Institute of Transportation Engineers Trip Generation Manual. This is an increase of trips to the existing daily trips for the project site area. An increase of traffic from the proposed project may result in LOS levels to significantly increase on existing arterials and freeways.

Impact. The proposed project could result in a significant impact. A traffic study would be needed to analyze the impacts from the proposed project, alternatives and cumulative buildout.

14. Public Services

The proposed project may significantly impact fire services, police services, schools, parks or other recreational facilities, or other governmental services. The public services needed for the CCCP area have been previously planned in the SGPU; however, the proposed project is may be more intense than estimated in the SGPU. Therefore, the proposed project may create additional public services needs for the area.

Impact. A significant impact may result to public services.

15/16. Energy/Utilities

The proposed project may result in a change in the intensity of uses from that which was originally analyzed in the SGPU DEIR and the CCCP which serve as the base documents for public service planning. The change of intensity may require added facilities or reinforced infrastructure to support the change.

Impact. There may be a significant impact to energy/utilities from the proposed project.

17. Human Health

Potential flooding may result in the creation of health hazards or expose people to potential health hazards. A review of current documents regarding flooding in the CCCP will be conducted to further assess the level of significance.

Impact. The proposal may result in the exposure of people to potential health hazards.

18. Aesthetics

The site has been identified in the SGPU and CCCP as an appropriate location for urban development. In addition, the proposed project will be required to meet the design and performance standards identified in the Urban Design Plan (UDP).

High volume streets in the Central City grid system are one-way facilities serving the major commercial and office areas of the City. These streets are typically three lanes in width and controlled by signalization. The two-way streets serve primarily residential and less dense office, commercial and industrial areas.

The primary streets within the downtown which will serve the proposal development are 7th, 8th, "L" and "J" Streets. These streets provide circulation through the study area and access to the regional freeway network. The average daily traffic on "L" is approximately 14,900 trips, "J" is approximately 18,300 trips, 7th is approximately 9,000 trips, and the average daily traffic on 8th is approximately 7,900 trips (1989 Traffic Flow Map, City of Sacramento).

Level of Service (LOS) is a term used to describe the quality of traffic operations at an intersection. Letters ranging from A to F denote levels of service. Definitions for the LOS' used in this discussion are as follows:

- | | |
|-------|--|
| LOS A | Uncongested operations at intersections, all queues clear in a single-signal cycle. |
| LOS B | Uncongested operations at intersections, all queues clear in a signal cycle. |
| LOS C | Light congestion at intersections, occasional backups on critical approaches. |
| LOS D | Significant congestion of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. |
| LOS E | Severe congestion with some long-standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection upstream of critical approaches. |
| LOS F | Total breakdown, stop-and-go operation. |

The City's Transportation Division has used C as the threshold for acceptable and unacceptable LOS, as well as less-than-significant and significant adverse impacts (SGPU DEIR Y-59). At SGPU Buildout the LOS for "L" and "J" has been estimated to be at Level of Service D.

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these employees require public services the demand was assumed to be an environmental impact. Indeed it is not uncommon that the line between social and economic impacts and physical, environmental impacts becomes blurred. This is probably due to the desire to use the DEIR as a full disclosure document, making certain that all impacts are identified and in so doing, sometimes the distinction between social and economic issues and physical, environmental impacts is lost.

The environmental document does not treat population as an environmental impact, but rather as a social-economic impact. If there are clear secondary impacts created by the population increase generated by the project, those secondary impacts will be addressed in each affected area (i.e. solid waste, sewage etc.).

Impact. The proposed project will not result in a significant impact from the increase in population.

12. Housing

In the past City environmental documents have attempted to trace that chain of cause and effect and point out how individual office projects create environmental impacts that are related to the housing demand they generate. The analysis has relied on the premise that office development generates a demand for housing by bringing new employees to the City. Since these employees require a place to live, the housing demand was assumed to be an environmental impact. Indeed it is not uncommon that the line between social and economic impacts and physical, environmental impacts becomes blurred. This is probably due to the desire to use the DEIR as a full disclosure document, making certain that all impacts are identified and in so doing, sometimes the distinction between social and economic issues and physical, environmental impacts is lost.

The environmental document does not treat housing as an environmental impact, but rather as a social-economic impact. If there are clear secondary impacts created by the housing demand generated by the project, those secondary impacts will be addressed in each affected area (i.e. air quality, transportation, etc.).

Impact. The proposed project will not result in a significant impact from the increase in housing.

13. Transportation/Circulation

The Central City street system consists of a grid system of both one-way and two-way roadways circumvented on three sides by Business 80, the W-X freeway and Interstate 5. Access to the regional freeway system in the vicinity of the project is provided by a number of on- and off-ramps. The three freeways all provide a minimum of six through lanes with additional auxiliary lanes in many locations.

with City-imposed design restrictions aimed at reducing the risk of flood-related property damage and personal injury.

Impact. The potential inconsistency with Goals of the SGPU and CCCP may have a significant impact on land use.

9. Natural Resources

Future development of the site will result in the loss of those natural resources associated with the construction of facilities associated with the proposed projects development. The development is not expected to substantially increase the rate of use of natural resources, or the depletion of nonrenewable resources.

On January 1, 1990 the state adopted AB 939 which requires cities and counties in the State of California to reduce or recycle 25% of its waste stream by 1995 and 50% by the year 2000. As a result of AB939, the City has adopted Section 34 of the zoning ordinance. Section 34 of the zoning ordinance includes Recycling and Solid Waste Disposal Regulations for new and existing development. The regulations require that the developer submit a plan showing receptacles and design specifications for recycling and trash enclosures; a construction plan specifying recycled building construction materials to be used in the proposed development, and an education and public relations program to promote recycling by tenants of the proposed development. Therefore, compliance with Section 34 will reduce the impacts to a less-than-significant level.

Impact. The proposed project is expected to result in a less-than-significant impact on natural resources.

10. Risk of Upset

Industrial or warehouse uses are not proposed in the project's design. The proposed project will be made up of office development. Office development has a less-than-significant impact of an explosion or the release of hazardous substances in the event of an accident or upset condition. Because, typically office uses are not associated with storage of explosive, corrosive or flammable chemicals, the proposed project will not interfere with emergency response or evacuation plans.

Impact. The proposed project is expected to result in a less-than-significant impact.

11. Population

In the past City environmental documents have attempted to trace that chain of cause and effect and point out how individual office projects create environmental impacts that are related to the housing demand they generate. The analysis has relied on the premise that office development increases the population by bringing new employees to the City. Since

Impact. Existing and future noise levels may have a significant impact on the proposed project's development and project vicinity.

7. Light and Glare

The design of the proposed project is schematic and gives a visual rendition of the amount of glass that will be used. The proposed project is required by the City to be reviewed and approved by the Design Review/Preservation Board. The Design Review/Preservation Board will reduce impacts from light and glare by requiring non-reflective glass and lighting that would be conditioned to not impact surrounding land uses. The Design Review/Preservation Board may not be able to reduce impacts below a level of significance because of technical restraints; therefore, a significant impact from light and glare may result.

Impact. Development of the proposed project may create light and glare impacts.

8. Land Use

The project site is currently designated Regional and Commercial Office and zoned Central Business District-Special Planning District (C-3(CBD-SPD)). The proposed project is consistent with the General Plan designation and the existing zoning; however, the intensity of development studied in the SGPU DEIR for the project site may be less intense than the proposed project. Therefore, the proposed project may potentially be inconsistent with the Goals of the SGPU and the CCCP.

A99 Flood Zone

The overflow of water onto land which is not generally covered by water is known as flooding. There are three main factors which could lead to flooding in Sacramento. These are: river-induced flooding, rainfall-induced flooding, and seismic-induced flooding. Although these potential flood hazards are similar in nature, they differ in terms of what areas are directly affected and what measures can be taken to minimize the risk of flooding.

A General Plan goal for flood hazards is to "protect against flood related hazards wherever feasible. An established policy to implement this goal is to "prohibit development of areas subject to unreasonable risk of flood unless measures can be implemented to eliminate or reduce the risk of flooding" (Section 8-19).

The proposed project is located within an area of the 100-year floodplain designated as Zone A-99 on the Sacramento Community's Official Flood Insurance Rate Map dated November 15, 1989. Under applicable provisions of the Sacramento City Code, new development is permitted on the project site provided building permit applicants, by agreement with the City, assume the risk of all flood-related damage to any permitted new construction, agree to notify subsequent purchasers of the flood risk, and ensure that any new construction complies

February 6, 1990. The EIR is available through the Department of Planning and Development, 1231 I Street, Room 300, Sacramento, California. This document serves as a Program EIR addressing the flood-related risks to people and property created by new development in the 100-year floodplain in the City. The flood-related risks created by the proposed project fall within the scope of the Program EIR. Accordingly, the findings adopted by the Council in connection with its certification of the Program EIR and its adoption of the Policy are applicable to the proposed project. These findings are set forth in the Findings of Fact/Statement of Overriding Considerations for the Land Use Planning Policy Within the 100-Year Floodplain in the City of Sacramento. This document is appended to the Program EIR available through the Department of Planning and Development.

The design of the proposed project has no underground facilities proposed. However, during construction of the proposed project dewatering may occur impacting streets, structures and the drainage system.

Impact. There is a potential for significant flooding and dewatering impacts to the project site.

4/5. Plant/Animal Life

The project site is located in an Urban Land Habitat. Urban Land Habitat does not support foraging or nesting habitat for any animal species on the State or Federal Endangered Species Lists. The project site is currently developed and the site does not support any plant or animal life (site visit September 23, 1991). When present, the dominant vegetation consists of artificially irrigated ornamental plantings (SGPU, DEIR, pg. U-14).

Impact. Development of the proposed project will not impact plant or animal life on the project site.

6. Noise

The project site is located in an area where the noise from L Street is expected to exceed the 65 dB Ldn limit for exterior environments specified by the City of Sacramento Noise Element at buildout of the General Plan (SGPU, DEIR, pg. AA-27). The noise level of L Street is currently measured at 66 dB Ldn, with an increase of 1 dB Ldn expected at buildout (pg. AA-13).

The traffic generated by the proposed project along with higher intensity cumulative buildout may increase the estimated levels for L Street and other arterials in the Central City.

Construction of the proposed project will impact the project vicinity, primarily the existing residential development surrounding the project site.

Impact. The UBC and the Building Division require a geological/soils report prior to the issuance of any building permits; therefore, no significant geological/soil impacts will result from the proposed project.

2. Air Quality

The 1986-2006 SGPU DEIR identified urban emission sources as the primary source for existing air quality problems (Z-6). The aforementioned document states that federal air quality standards for ozone and carbon monoxide (CO) are being exceeded several times per year in Sacramento County.

Ozone is a secondary pollutant produced over time by a complicated series of chemical reactions involving nitric oxide, nitrogen dioxide, various organic compounds, ultraviolet light, and normal components of the atmosphere. Ozone problems have been identified as the cumulative result of regional development patterns, rather than the result of a few incremental significant emission sources (SGPU DEIR, Z-9). Carbon monoxide is a primarily a winter period pollution problem. The SGPU DEIR states that motor vehicle emissions are the dominant source of CO in most areas (Z-17). The document further states that CO problems are usually localized, often the result of a combination of high traffic volumes and significant traffic congestion (Z-17).

Vehicles associated with the project will produce those emissions that contribute to regional ozone and localized CO air quality impacts. Traffic originating within the CCCP area produced twenty-one (21) percent of the City-generated traffic emissions in 1986 (Z-14).

The net increase in regional emissions of carbon monoxide and ozone are significant environmental effects. The SGPU DEIR found that these emissions are significant environmental effects that would arise from the cumulative development of the Central City.

The proposed project may alter air movement within the project site area. The potential of wind impacts from the development of the proposed project is significant.

Impact. Traffic increases (Transportation Section) and wind flows associated with the development of this project are expected to contribute to significant adverse air quality impacts.

3. Water

The proposed project is located in an area of the City determined to have less than 100-year flood protection. Implementation of the project will therefore expose people and/or property to the risk of injury and damage in the event of a 100-year or lesser flood. These risks are considered significant adverse impacts under CEQA. The City Council has evaluated these impacts in the Environmental Impact Report (EIR) prepared in connection with the Land Use Planning Policy Within the 100-Year Floodplain (M89-054) adopted by the City Council on

ATTACHMENT B
DISCUSSION OF INITIAL STUDY

PROJECT INFORMATION

Project Number: P91-240

Project Name: Regency Tower

Project Location:

The proposed project is located on the northeast corner of 8th and L Streets in the Central City Community Plan (CCCP) area of the City of Sacramento. (See Attachment A, location map). The site is identified as Assessor's Parcel Numbers 006-0098-014 and 006-0098-021.

Project Description:

An application was submitted to the City of Sacramento's Planning and Development Department for the necessary entitlements to develop a Major Project on the project site. The project is designed primarily to develop office space in the Central Business District (CBD). The proposed project includes 348,292 sq.ft. of office, and 7,200 sq.ft. ground floor retail uses with 573 parking spaces. The site is currently zoned Central Business District-Special Planning District (C-3(CBD-SPD)) - on 0.55 acres. The applicant has requested the following entitlements:

Special Permit to allow a Major Project totaling 355,492 sq.ft. and 28 stories of office building on 0.55 acres in the Central Business District-Special Planning District (C-3(CBD-SPD)).

Lot Line Adjustment to merge two parcels totaling 0.55 acres into one parcel.

ENVIRONMENTAL EFFECTS

1. Earth

The proposed office building will result in the compaction and overcovering of soil to provide proper drainage, building foundation, parking and vehicular maneuvering area. The subject site is designated for urban uses in the General Plan. No unique geologic features are known to occur on the site. Development within the SGPU area is subject to potential damage from earthquake groundshaking at a maximum intensity of VIII of the Modified Mercalli Scale (SGPU, DEIR, pg. T-16). Currently, the City requires that all new structures be designed to withstand this intensity level, since the City is within Zone 3 of the Uniform Building Code (UBC) Seismic Risk Map of the United States (SGPU, DEIR, pg. T-20).

YES/MAYBE/NO

- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)
- d. Does the project have environment effects which will cause substantial adverse effects on human beings, either directly or indirectly?

MAYBE

NO

MITIGATION MEASURES

_____ The applicant has agreed to revise the project to incorporate the mitigation measures contained in Attachment A, Discussion of Initial Study.

_____ A discussion of the project's impacts is contained in Attachment A, Discussion of Initial Study. No Mitigation is required for this project.

REFERENCES

- ☒ City of Sacramento General Plan Update EIR, 1988
- ☒ City of Sacramento Zoning Ordinance
- _____ North Natomas Community Plan EIR
- _____ South Natomas Community Plan EIR & SEIR
- _____ Airport-Meadowview Community Plan EIR
- _____ North Sacramento Community Plan EIR
- _____ South Sacramento Community Plan EIR
- _____ Pocket Community Plan Update
- _____ Downtown Redevelopment Plan Update and EIR, 1985
- ☒ Central City Community Plan EIR
- ☒ ITE Trip Generation Manual, Fifth Edition
- _____ South Coast Air Quality Maintenance District "Air Quality Handbook for Preparing EIR's"
- _____ Land Use Planning Policy Within the 100 Year Flood Plain in the City and County of Sacramento EIR
- _____ Urbemis - 3
- _____ Emfac 7 PC
- _____ CALINE 4
- _____ Traffic Study _____
- _____ Noise Study _____
- _____ Preliminary Site Assessment: _____
- _____ Other: _____

DETERMINATION

On the basis of this initial evaluation:

- _____ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- _____ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this Initial Study have been added to the project. A NEGATIVE DECLARATION WITH MITIGATION MEASURES WILL BE PREPARED.
- ☒ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

P91-240

DATE: October 2, 1991

October 24, 1991

SIGNATURE: Thomas W. Lawrence

Item 18/4

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YES/MAYBE/NO

14. **Public Services.** Will the proposal have an effect upon, or result in need for new or altered governmental services in any of the following areas:
- a. Fire protection? MAYBE
 - b. Police protection? MAYBE
 - c. Schools? NO
 - d. Parks or other recreational facilities? MAYBE
 - e. Maintenance of public facilities, including roads? MAYBE
 - f. Other governmental services? MAYBE
15. **Energy.** Will the proposal result in:
- a. Use of substantial amounts of fuel or energy? MAYBE
 - b. Substantial increase in demand upon existing sources of energy or require the development of new sources of energy? MAYBE
16. **Utilities.** Will the proposal result in a need for a new system, or substantial alterations to the following utilities:
- a. Power or natural gas? MAYBE
 - b. Communications systems? MAYBE
 - c. Water? MAYBE
 - d. Sewer or septic tanks? MAYBE
 - e. Storm water drainage? MAYBE
 - f. Solid waste and disposal? MAYBE
17. **Human Health.** Will the proposal result in:
- a. Creation of any health hazard or potential health hazard (excluding mental health)? NO
 - b. Exposure of people to potential health hazards? NO
18. **Aesthetics.** Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? MAYBE
19. **Recreation.** Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities? MAYBE
20. **Cultural Resources.**
- a. Will the proposal result in the alteration or destruction of a prehistoric or historic archaeological site? MAYBE
 - b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure or object? MAYBE
 - c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? MAYBE
 - d. Will the proposal restrict existing religious or sacred uses within the potential impact area? NO
21. **Mandatory Findings of Significance.**
- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? NO
 - b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) MAYBE

YES/MAYBE/NO

4. **Plant Life.** Will the proposal result in:
- a. Change in the diversity of species, or number of any species of plants? NO
 - b. Reduction of the numbers of any unique, rare or endangered species of plants? NO
 - c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? NO
 - d. Reduction in acreage of any agricultural crop? NO
5. **Animal Life.** Will the proposal result in:
- a. Change in the diversity of species, or number of any species of animals? NO
 - b. Reduction of the numbers of any unique, rare or endangered species of animals? NO
 - c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? NO
 - d. Deterioration of existing fish or wildlife habitat? NO
6. **Noise.** Will the proposal result in:
- a. Increases in existing noise levels? MAYBE
 - b. Exposure of people to severe noise levels? MAYBE
7. **Light and Glare.** Will the proposal produce new light or glare? MAYBE
8. **Land Use.** Will the proposal result in a substantial alteration of the present or planned land use of an area? MAYBE
9. **Natural Resources.** Will the proposal result in:
- a. Increase in the rate of use of any natural resources? NO
 - b. Substantial depletion of any nonrenewable natural resource? NO
10. **Risk of Upset.** Does the proposal involve:
- a. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? NO
 - b. Possible interference with an emergency response plan or an emergency evacuation plan? NO
11. **Population.** Will the proposal alter the location, distribution, density, or growth rate of the human population of an area? NO
12. **Housing.** Will the proposal affect existing housing, or create a demand for additional housing? NO
13. **Transportation/Circulation.** Will the proposal result in:
- a. Generation of substantial additional vehicular movement? MAYBE
 - b. Effects on existing parking facilities, or demand for new parking? MAYBE
 - c. Substantial impact upon existing transportation systems? MAYBE
 - d. Alterations to present patterns of circulation or movement of people and/or goods? MAYBE
 - e. Alterations to waterborne, rail or air traffic? NO
 - f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? MAYBE

CITY OF SACRAMENTO

INITIAL STUDY

This Initial Study has been required and prepared by the Department of Planning and Development, Environmental Services Division, 1231 I Street, Room 301, Sacramento, CA 95814, (916) 449-2037, pursuant to CEQA Guidelines, Section 15063 (August 1, 1983).

File No. and/or Project Name: P91-240
Project Location: Northeast Corner of 8th & L Streets
Applicant - Name: John Saca Properties
Address: 17 Cadillac Drive
Sacramento, CA 95825

ENVIRONMENTAL IMPACTS

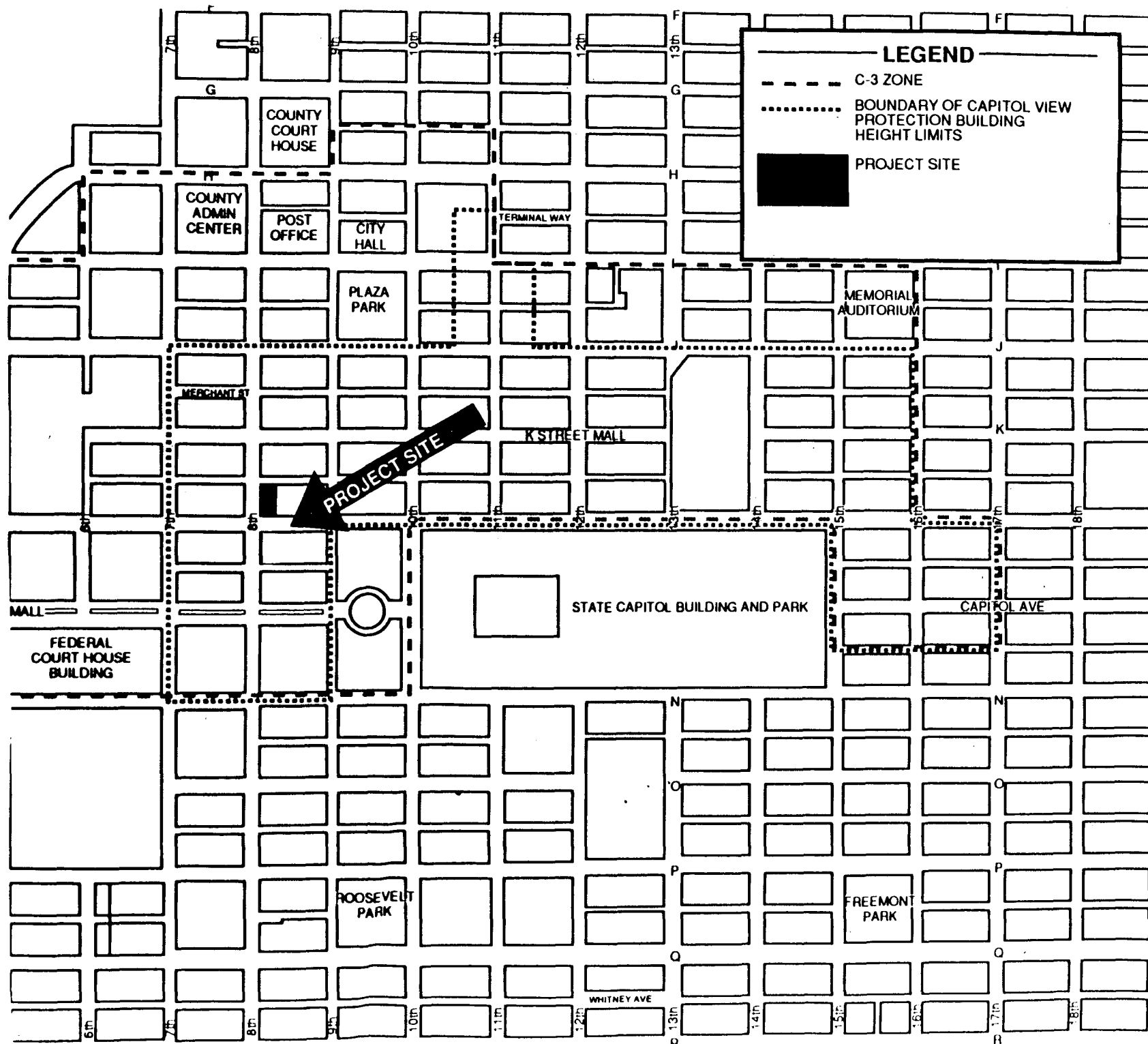
- | | YES/MAYBE/NO |
|---|--------------|
| 1. <u>Earth.</u> Will the proposal result in: | |
| a. Unstable earth conditions or in changes in geologic substructures? | <u>NO</u> |
| b. Disruptions, displacements, compaction or overcovering of the soil? | <u>NO</u> |
| c. Change in topography or ground surface relief features? | <u>NO</u> |
| d. The destruction, covering or modification of any unique geologic or physical features? | <u>NO</u> |
| e. Any increase in wind or water erosion of soils, either on or off the site? | <u>NO</u> |
| f. Changes in deposition or erosion of beach sands, or changes in siltation deposition or erosion which may modify the channel of a river, stream, inlet or lake? | <u>NO</u> |
| g. Exposure of people or property to geologic hazards such as earthquakes, ground failure, or similar hazards? | <u>NO</u> |
| 2. <u>Air.</u> Will the proposal result in: | |
| a. Substantial air emissions or deterioration of ambient air quality? | <u>MAYBE</u> |
| b. The creation of objectionable odors? | <u>NO</u> |
| c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? | <u>MAYBE</u> |
| 3. <u>Water.</u> Will the proposal result in: | |
| a. Changes in currents, or the course of direction movements, in either marine or fresh waters? | <u>NO</u> |
| b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | <u>NO</u> |
| c. Alterations to the course of flow of flood waters? | <u>NO</u> |
| d. Change in the amount of surface water in any water body? | <u>NO</u> |
| e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? | <u>NO</u> |
| f. Alteration of the direction or rate of flow of ground waters? | <u>NO</u> |
| g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | <u>NO</u> |
| h. Substantial reduction in the amount of water otherwise available for public water supplies? | <u>NO</u> |
| i. Exposure of people or property to water related hazards such as flooding? | <u>MAYBE</u> |

P91-240

October 24, 1991

001361

Item 2814



2. Lot Line Adjustment to merge two parcels totaling 0.55 acres into one parcel.

An Initial Study (Attachment B) has been prepared for the project which identified the following areas where impacts may be significant:

1. Land Use
2. Transportation and Circulation
3. Air quality
4. Noise
5. Wind, Light and Glare
6. Sewer and Drainage System
7. Water
8. Utilities
9. Aesthetics
10. Cultural Resources
11. Recreation

Based on the Initial Study, the Manager, Environmental Services Division has determined that an EIR should be prepared to address the above issues. A proposed outline of the scope and content for the EIR is included as Attachment C.

Please review the proposed EIR focus, scope, and content. Should you feel that additional topics should be addressed in the EIR please respond as quickly as possible, but no later than 5:00, Monday, November 4, 1991 to the following address.

Thomas W. Harris, Project Manager
Environmental Services Division
City of Sacramento, Planning and Development
1231 I Street, Room 301
Sacramento, CA 95814

If you have any questions, you may call me at (916) 449-2037.

A public meeting to discuss the scope and content of the EIR will be held on Thursday, October 24, 5:30 pm in room 102, 1231 I Street, Sacramento, California.

DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
SACRAMENTO, CA

ADMINISTRATION
ROOM 300
95814-2987
916-449-5571

ECONOMIC DEVELOPMENT
ROOM 300
95814-2987
916-449-1223

ENVIRONMENTAL SERVICES
ROOM 301
95814-3982
PH 916-449-2037
FAX 916-449-1221

TO: Interested Persons

FROM: Thomas W. Harris, Project Manager

DATE: October 2, 1991

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL
IMPACT REPORT FOR REGENCY TOWER (P91-240)

The City of Sacramento Environmental Services Division is the lead agency for the preparation of an Environmental Impact Report (EIR) for the development of a 355,492 square foot (sq.ft.), 28 story office building with 573 parking spaces on 0.55 acres in the Central Business District (CBD). The project site is located on the northeast corner of 8th and L Streets in the Central City Community Plan (CCCP) area of the City of Sacramento. (See Attachment A, location map). The site is identified as Assessor's Parcel Numbers 006-0098-014 and 006-0098-021.

Project Description:

The project is designed primarily to develop office space in the CBD. The proposed project includes 348,292 sq.ft. of office, and 7,200 sq.ft. ground floor retail uses. The site is currently zoned Central Business District-Special Planning District (C-3(CBD-SPD)) - 0.55 acres.

The project will require the following entitlements:

1. Special Permit to allow a Major Project totaling 355,492 sq.ft. and 28 stories of office building on 0.55 acres in the Central Business District-Special Planning District (C-3(CBD-SPD)).

P91-240

October 24, 1991

001363

Item D814

P91-240

October 24, 1991

ATTACHMENT A: NOTICE OF PREPARATION

P91-240

October 24, 1991

001364 Item 18/4

P91-240

October 24, 1991

Recommendation:

This report is provided for informational purposes to the Commission.

Thomas W. Harris

Thomas W. Harris
Project Manager
Environmental Services

Attachment A

P91-240

October 24, 1991

001365 Item DA/4

The project will require the following entitlements:

1. Special Permit to allow a Major Project totaling 355,492 sq.ft. and 28 stories of office building on 0.55 acres in the Central Business District-Special Planning District (C-3(CBD-SPD)).
2. Lot Line Adjustment to merge two parcels totaling 0.55 acres into one parcel.

A general overview of the alternatives to be studied in the EIR are as follows:

Alternative 1 - No Project Alternative: No development of the site would occur under the No Project Alternative. This alternative is the existing setting and will be the baseline by which impacts from the proposed project and other alternatives are measured. Under this alternative, the site would remain as presently developed with approximately 40,000 sq.ft. of office space.

Alternative 2 - Zoning Buildout Alternative: The Zoning Buildout Alternative would be consistent with all aspects of the City of Sacramento Zoning Ordinance; no special permits would be required. This alternative would involve the demolition of the existing structures and the construction of a building containing 75,000 sq.ft., including 67,200 of office space and 7,200 of retail space. The alternative would provide 78 on-site parking spaces. The building would be approximately five stories in height.

Alternative 3 - Two-Thirds Reduction of Office Space: This alternative would involve the demolition of an existing structures on the project site. A new building would be constructed containing approximately 116,000 sq.ft. of office space, 7,200 of retail space and 5,000 sq.ft. of childcare space with 160 on-site parking spaces. The building would be approximately eight stories in height.

Alternative 4 - One-Third Reduction of Office Space: This alternative would involve the demolition of an existing structures on the project site. A new building would be constructed containing approximately of 233,000 sq.ft. of office space, 7,200 of retail space, and 9,000 sq.ft. of childcare space with 355 on-site parking spaces. The building would be approximately fourteen stories in height.

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

APPLICANT	Dorothy Bouvia 5949 Adana Circle Carmichael CA. 95608				
OWNER	Greg Dennis 1340 Trails End Way Sacto. CA. 95834				
PLANS BY	Ray Alexander 5949 Adana Circle Carmichael CA. 95608				
FILING DATE	8-12-91	ENVIR. DET.	Exempt 15305(a)	REPORT BY	bw
ASSESSOR'S PCL. NO.	265-130-002				

APPLICATION: Variance to reduce the minimum required 15 foot rearyard setback to 10 feet for an existing 80 square foot utility room on 0.11+ developed acres in the Standard Single Family (R-1) zone.

LOCATION: 2964 Clay Street

PROPOSAL: The applicant is requesting the necessary entitlements to allow an existing utility room attached to an existing single family dwelling in the R-1 zone.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential (4-15 du/na)
1984 North Sacramento Community	
Plan Designation:	Residential (4-8 du/na)
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Single Family Unit

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Residential; R-1	Front:	25'	18'
South: Residential; R-2	Side(Int):	5'	9'-25'
East: Residential; R-1			
West: Residential; R-1	Rear:	15'	10'

Parking Required:	2 spaces
Parking Provided:	2 spaces
Property Dimensions:	68' x 76'
Property Area:	0.11+
Existing Dwelling Square Footage:	1,440 sq.ft.
Existing Utility Room Square Footage:	80 sq.ft.
	Total 1,520 sq.ft.
Height of Building:	12'6"
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Utility Building Material:	Vertical Wood Siding
Roof Materials:	Gravel
Exterior Building Colors:	Grey & Blue

APPLIC. NO. P91-239

MEETING DATE October 10, 1991

ITEM NO. 21

001305

PROJECT EVALUATION: Staff has the following comments:A. Land Use and Zoning

The subject site consists of one developed parcel on 0.11+ acres in the Standard Single Family (R-1) zone. The General Plan designates the site for Low Density Residential (4-15 du/na) and the 1984 North Sacramento Community Plan designates the site for Residential (4-8 du/na). Surrounding land use and zoning includes residential to the north, east and west, in the R-1 zone; and residential to the south in R-2 zone.

B. Applicant's Proposal

The applicant is requesting a Variance to allow a utility room to encroach five feet within the minimum 15 foot rearyard setback area. A single family dwelling currently exists on the subject site on which the 80 square foot utility room is attached (see Exhibit A). The utility room was constructed in order to house a washer and dryer.

C. Staff's Analysis

As previously mentioned, a single family unit currently exists on the subject property with an attached utility room located at the rear. The existing utility room was added onto the existing structure in November 1990. The applicant obtained the necessary building permits to construct the utility room. At that time, the applicant used the existing fence line as the property line to determine adequate setbacks. The plans submitted to the Building Division, therefore, reflected an additional five feet of property area along the rearyard (see Exhibit B). Exhibit B attached reflects a 23 foot rearyard setback instead of an 18 foot rearyard setback which is the actual setback area. After completion of the utility room and final issuance of building permits, the applicant was informed by the abutting neighbor to the east and the City Building Division that the fence line does not reflect the actual property line. The applicant has, therefore, submitted plans to the Planning Department to make the addition legal.

Staff has reviewed the existing utility room expansion and feels that the utility room encroachment will not significantly impact the adjacent properties. The abutting property owner is not opposed to the utility room addition. The existing lot size is substandard in depth, therefore, a hardship does exist. The current lot depth is only 76 feet deep. Standard single family lot depths are required to be a minimum of 52 feet wide by 100 feet deep. Staff is, therefore, not opposed to the new addition since the building was built to code, proper permits were obtained and the lot is substandard in depth. The utility room will not be injurious to the public safety of the residents residing on the site and in the immediate neighborhood, in that, the room is minimal in size and is located at the rear of the existing dwelling. There is still usable rearyard area on the subject site. Lastly, the addition was built to match the existing building materials and design.

D. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering and Building Inspections. No comments were received.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15303(a)).

RECOMMENDATION: Staff recommends the following action:

- A. Approve the Variance to reduce the minimum required 15 foot rearyard setback to 10 feet for an existing 80 square foot utility room on 0.11+ developed acres in the (R-1) zone subject to conditions and based on findings of fact which follow.

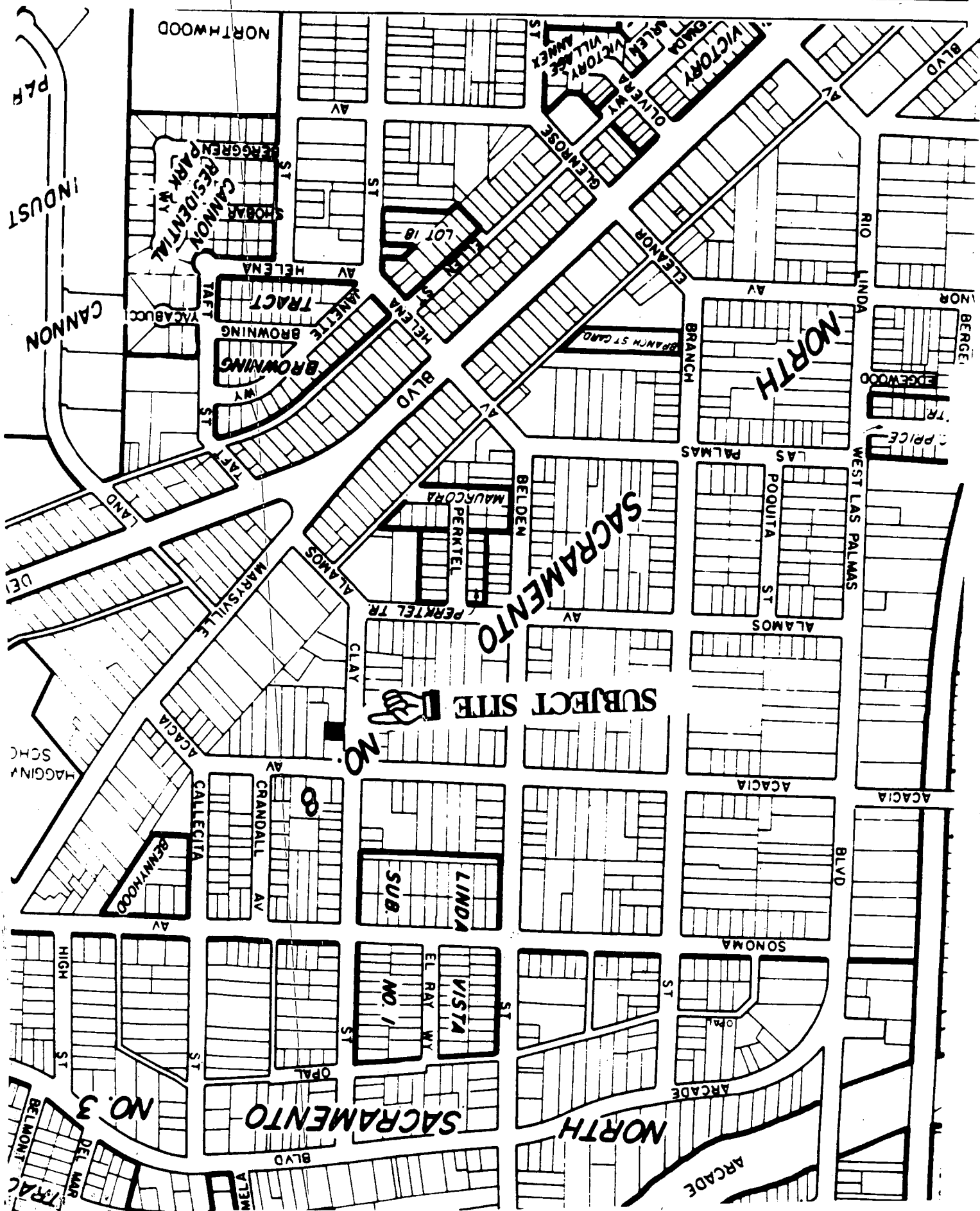
Conditions

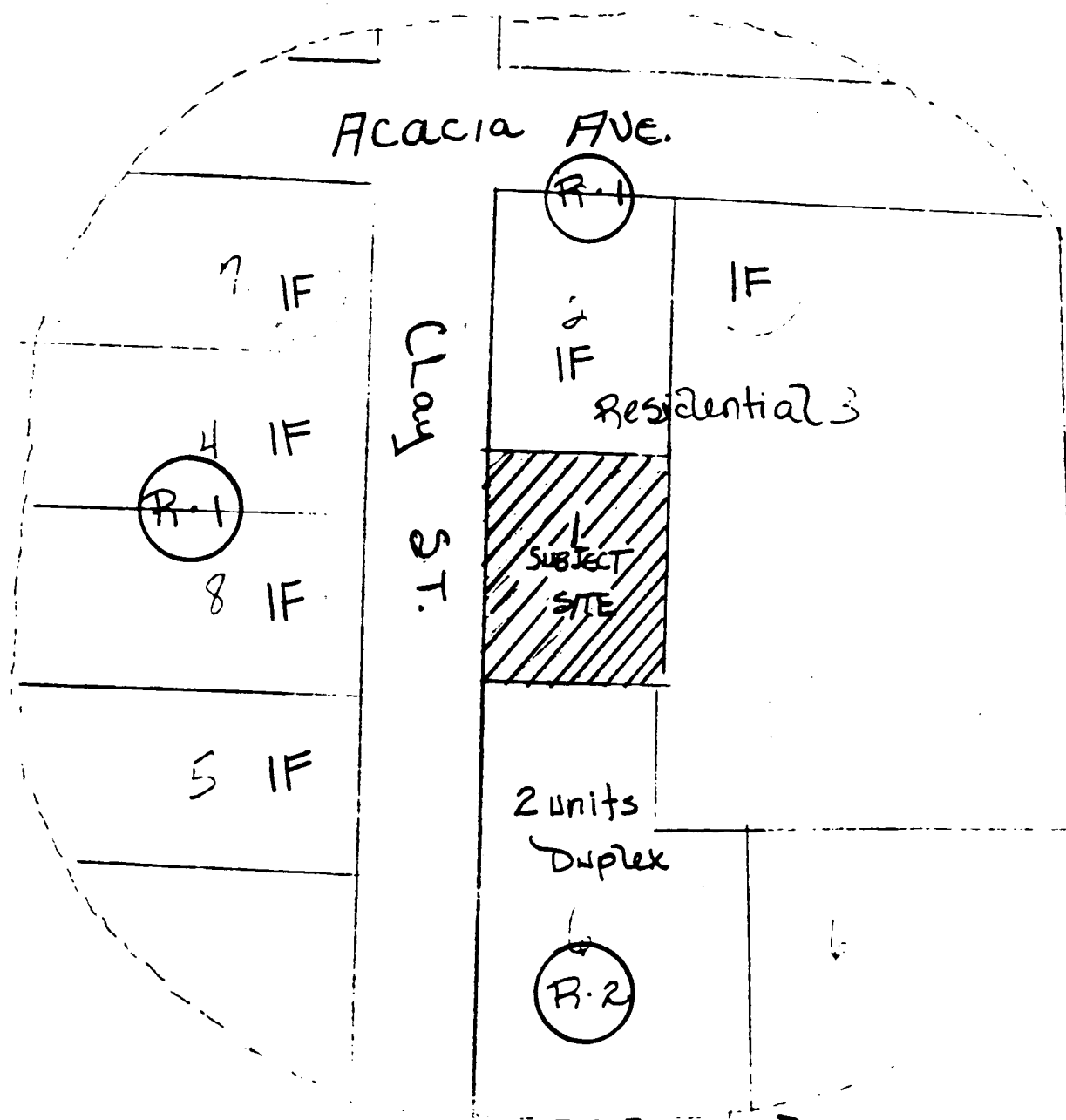
1. Any new additions to the existing dwelling shall comply with setback requirements prior to issuance of building permits.

Findings of Fact

1. Granting the Variance is not granting a use Variance in that a single family residence with a utility room is allowed in the R-1 zone.
2. Granting the Variance does not constitute granting a special privilege in that:
 - a. a hardship does exist because of the substandard lot depth; and
 - b. a Variance would be granted to any other property owner facing similar circumstances.
3. Granting the Variance will not be injurious to the public safety nor create a nuisance in that:
 - a. the utility room currently meets building code and has obtained the necessary building permits;
 - b. a 10 foot rearyard setback for an 80 square foot addition will not significantly impact abutting property owners;
 - c. the utility room addition is compatible with the existing dwelling's building materials, color and design.
4. The project is consistent with the General Plan and North Sacramento Community Plan which designates the site for Low Density Residential (4-15 du/na) and Residential (4-8 du/na) respectively.

VICINITY MAP





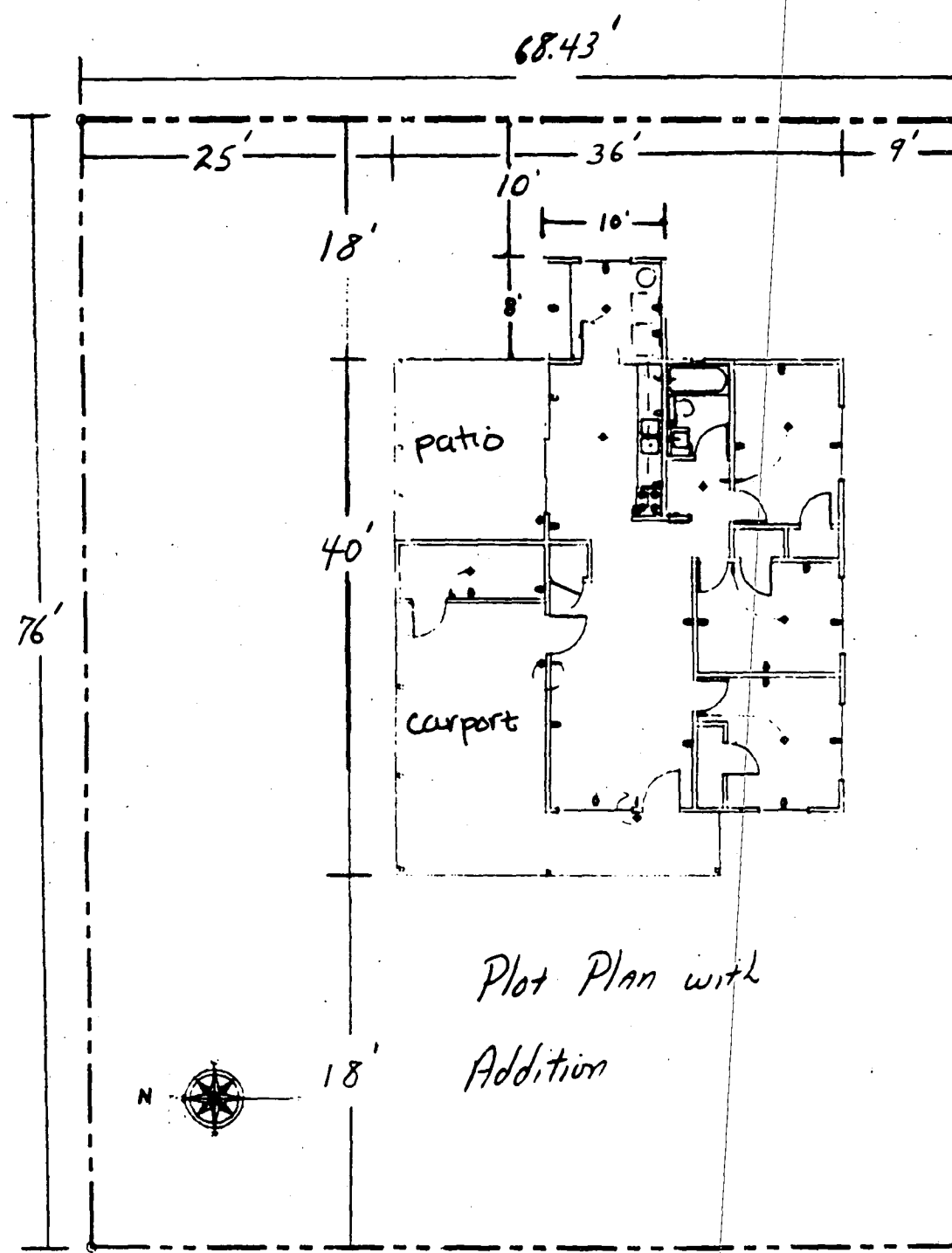
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001309

LAND USE & ZONING MAP



Exhibit A



Plot Plan with
Addition

1964
SACI

CLAY Street

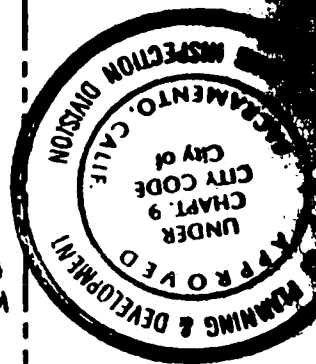
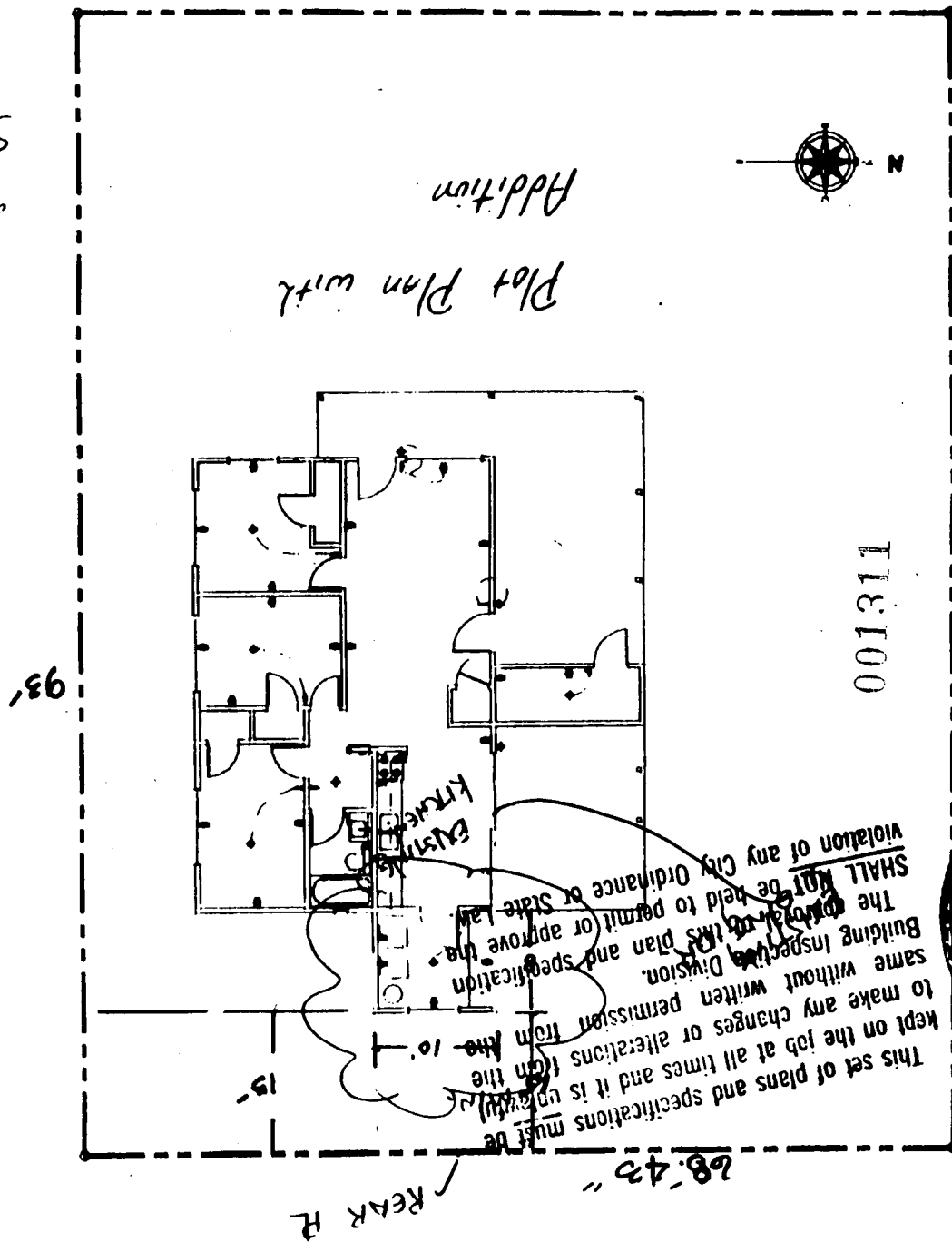


EXHIBIT 2

ASSET: 10

2

3964 Clay St.
Sacramento



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SACRAMENTO
BUILDING

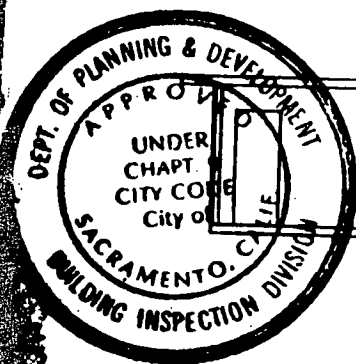
16-01-01

West

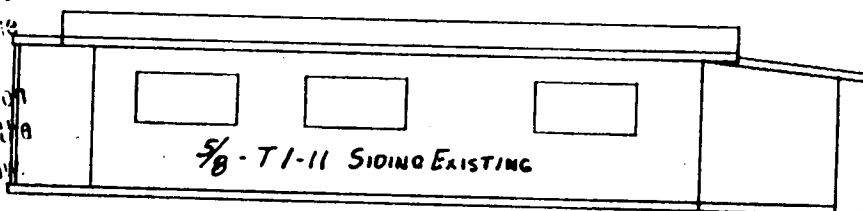
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P91-239

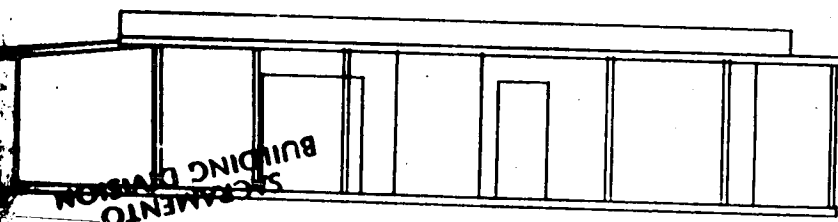
001312



This set of plans and specifications must be kept on the job at all times and it is unlawful to make any changes or alterations from the same without written permission from the Building Inspection Division. The approval of this plan and specification SHALL NOT be held to permit or approve the violation of any City Ordinance or State Law.



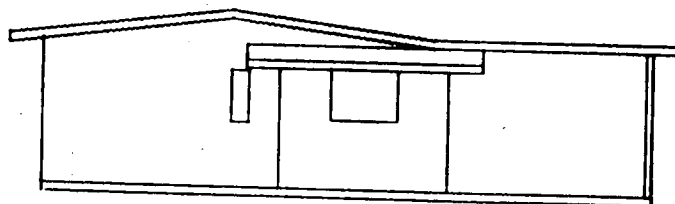
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ISSUED

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W REAR

Exhibit C

2964 C/L S C

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

APPLICANT	Michael Schiele, 6356 Navion Drive, Citrus Heights, CA 95621				
OWNER	Val and Jean Schiele, PO Box 823, Georgetown, CA 95634				
PLANS BY	Michael Schiele, 6356 Navion Drive, Citrus Heights, CA 95621				
FILING DATE	June 10, 1991	ENVIR DET	Exempt 15061 (b)	REPORT BY	D Holm
ASSESSOR'S PCL. NO.	226-0190-021-0000				

APPLICATION: Variance to develop a parcel without public street frontage (land-locked), totaling 0.21 \pm vacant acres in the Standard Single Family (R-1) zone.

LOCATION: 4952 5th Street (North Sacramento)

PROPOSAL: The applicant is requesting the necessary entitlements to construct a single family home on a parcel that is located off of an unpaved private road.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential (4-15 du/na)
1985 North Sacramento	
Community Plan Designation:	Residential (4-8 du/na)
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Vacant

Surrounding Land Use and Zoning:	Setbacks	Required	Provided
North: Single Family; R-1	Front:	25'	30'
South: Single Family; R-1	Side(North):	5'	6'
East: Single Family; R-1	Side(South):	5'	10'
West: Single Family; R-1	Rear:	15'	52'

Parking Required	One Car Garage
Parking Provided	Two Car Garage
Property Dimensions:	55 feet x 165 feet
Property Area:	0.21 \pm acres
Square Footage of Proposed Residence:	1,900 square feet
Height of Building:	14 feet
Topography:	Flat
Street Improvements:	To be provided
Utilities:	Existing
Exterior Building Materials:	Vertical Grooved Wood & Horizontal lap siding
Roof Material:	Composition shingles

APPLC. NO. P91-238

MEETING DATE January 9, 1991

ITEM NO.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site is a vacant lot totaling 0.21 \pm acres in the Standard Single Family (R-1) zone. The General Plan designates the subject site as Low Density Residential (4-15 du/na) and the 1984 North Sacramento Community Plan designates the site as Residential (4-8 du/na). Surrounding land uses and zoning include vacant parcels and single family residences, zoned Standard Single Family (R-1), to the north, south, east, and west.

B. Applicant's Proposal

The applicant is proposing to construct a single family residence on a lot that is located off of an unpaved private road. The parcel is land-locked because it does not have public street frontage. The private road is accessed off of Santa Ana Avenue. The proposed house will be a three bedroom unit with an enclosed two car garage (See Exhibits A, B, C, and D).

C. Staff Analysis

Site Plan

The subject site fronts on an unpaved private street (5th Street). The Zoning Ordinance requires a residential lot have a minimum of 20 feet of public street frontage in order to be developed. The applicant is seeking to vary this requirement in order to develop the subject lot with a single family residence. There are other single family residences which have access off of 5th Street.

On August 22, 1991, the City Planning Commission approved a variance (P91-137) to allow the development of two land-locked parcels on 5th Street. The applicant on the previous project and the current project is the same. In order to develop the proposed residences the applicant was required to pave 5th Street from Santa Ana to a point 30 feet past the second single family residence's driveway. This will provide adequate access for emergency vehicles and others to the subject site as well as other lots along 5th Street. The applicant has recorded utility easements for the private street. The applicant will also need to record reciprocal access agreements to insure that access is provided from the public street to the homes. The site plan indicates a ten foot dedication in order to provide improvements for the private street.

The proposed structure will be set back 30 feet from the paved portion of 5th Street. The residence as proposed will meet all of the required front, rear and side yard setbacks as if it were off of a public street. Staff has no objection to the site design. The residence will be consistent with others in the area.

The applicant proposes to provide a lawn with an irrigation system for the front yard. The site plan also indicates a six foot high wooden fence to enclose the subject property. Staff recommends that the applicant also provide a lawn and irrigation system for the rear of the property.

Building Materials and Design:

The applicant is proposing to construct a single story residence that will be 1,900 square feet which includes an attached two car garage. The residence will have three bedrooms and two baths. The exterior building materials include horizontal lap siding on the front elevation wrapped around to form a two foot vertical column on each side elevation. The remainder of the elevations are proposed to be vertical grooved wood siding.

The applicant proposes a metal sectional garage door and a metal raised six panel front door for the residence. The elevations indicate that a 25 year dimensional composition shingle will be utilized on the roof. Staff recommends that the applicant utilize a 25 year laminated dimensional composition shingle on the roof.

Staff supports the approval of the variance to develop a single family residence on the land-locked parcel in that the private street will be paved beyond the proposed single family residence providing adequate access for emergency vehicles, adequate access for the single family residence to a public street, and easements will be provided.

D. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering Development, Building Inspections, and the Fire Department. The following comments were received:

Traffic Engineering and Engineering Development

This project should be handled consistently with P91-137 which was a similar variance request and had the following conditions imposed:

1. Provide reciprocal access easements for parcels along 5th Street.
2. Waive frontage improvements along 5th Street. Owners shall agree to participate in any future assessment district to provide street improvements and public drainage.
3. Provide building setbacks to allow 20 foot long driveways behind an ultimate 22 foot wide half street.
4. Provide paved access to the satisfaction of the Fire Department.

Building Inspections

Verify that permanent access easements to the parcels are recorded.

Fire Department

The Fire Department is satisfied with the applicant's proposed paving plan for this project.

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that this project is exempt from environmental review pursuant to State EIR Guidelines (California Environmental Quality Act, Section 15061 (b)).

RECOMMENDATION: Staff recommends that the Planning Commission approve the Variance to develop a parcel without public street frontage subject to conditions and based upon findings of fact which follow:

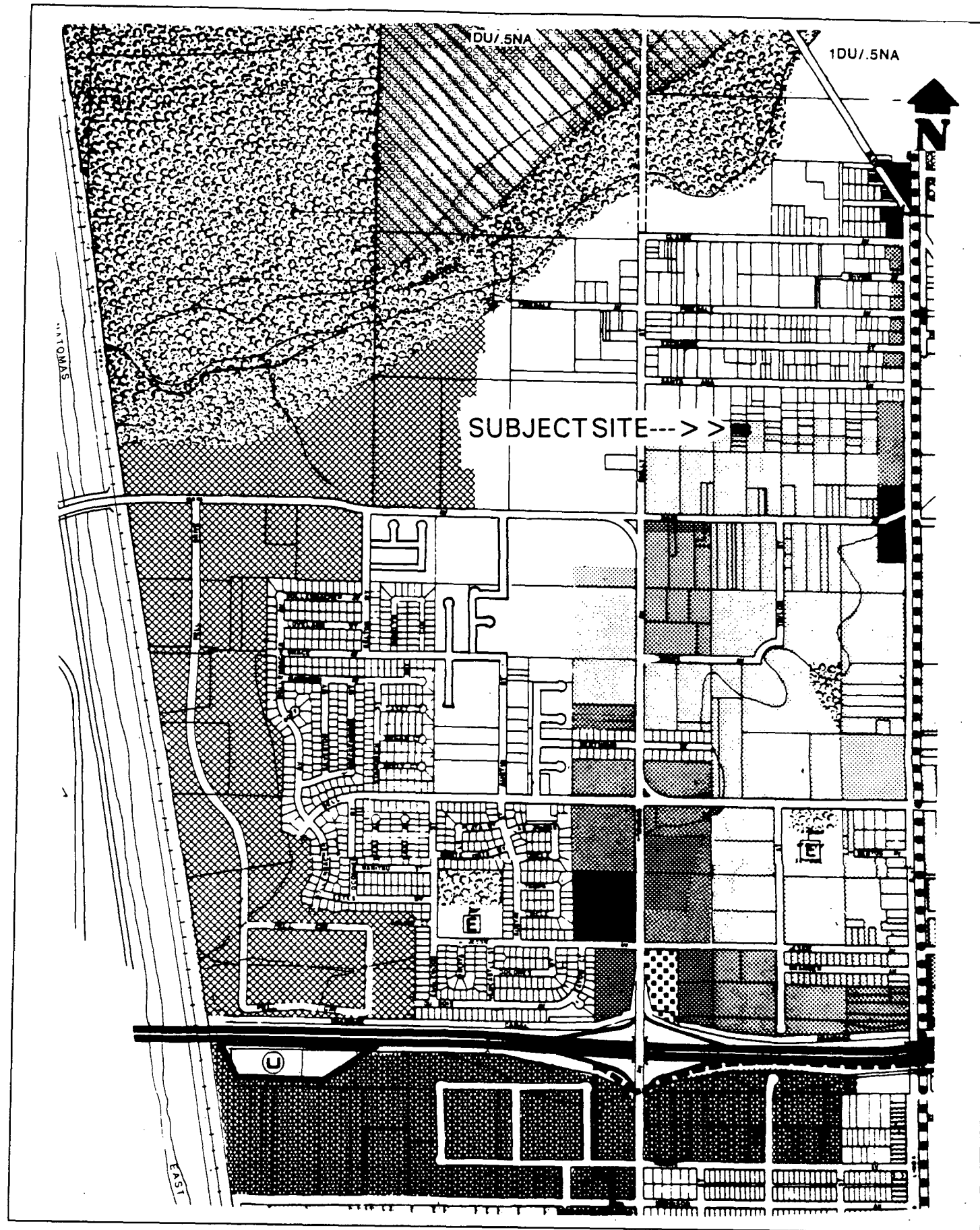
Conditions:

1. The applicant shall provide a lawn, irrigation system, and six foot high wooden fence to enclose the rear of the property for the south lot. The applicant shall submit revised site plans for Planning Director review and approval prior to the issuance of building permits.
2. The roofing material shall be 25 year laminated dimensional composition shingles which shall be indicated on revised site plans submitted for Planning Director review and approval prior to the issuance of building permits.
3. The applicant shall comply with all applicable ordinances pertaining to hours of operation for on-going construction. All equipment and debris shall remain on the subject parcel.
4. Size, design, and location of the proposed unit shall conform to the plans submitted.
5. The applicant shall obtain all necessary building permits prior to commencing construction.
6. The applicant shall provide reciprocal access easements for parcels along 5th Street and these easements shall be recorded prior to the issuance of building permits.
7. The owners shall agree to participate in any future assessment district to provide street improvements and public drainage.
8. The applicant shall provide a minimum front building setback to allow for a 20 foot long driveway behind an ultimate 22 foot wide half street.
9. The applicant shall provide paved access to the satisfaction of the Fire Department. The paving shall be completed prior to issuance of the final building inspection for the houses.

Findings of Fact:

1. Granting the variance does not constitute a special privilege extended to an individual applicant in that:
 - a. the variance would be and has been granted to other property owner facing a similar circumstance, and
 - b. there are other single family homes which have their access off of 5th street.

2. Granting the variance request does not constitute a use variance in that a single family residence is allowed in the R-1 zone.
3. Granting the request will not be injurious to public welfare nor to property in the vicinity in that:
 - a. the private road to the unit will be paved to the standards required to allow access for emergency vehicles;
 - b. the private road is of an adequate size for a single family development;
 - c. the proposed residence is compatible with the surrounding residences; and
 - d. adequate setbacks and landscaping will be provided.
4. The proposed use is consistent with the General Plan and the 1984 North Sacramento Community Plan which designate the subject site for Low Density Residential (4-15 du/na) and Residential (4-8 du/na), respectively.



VICINITY MAP

P91-238

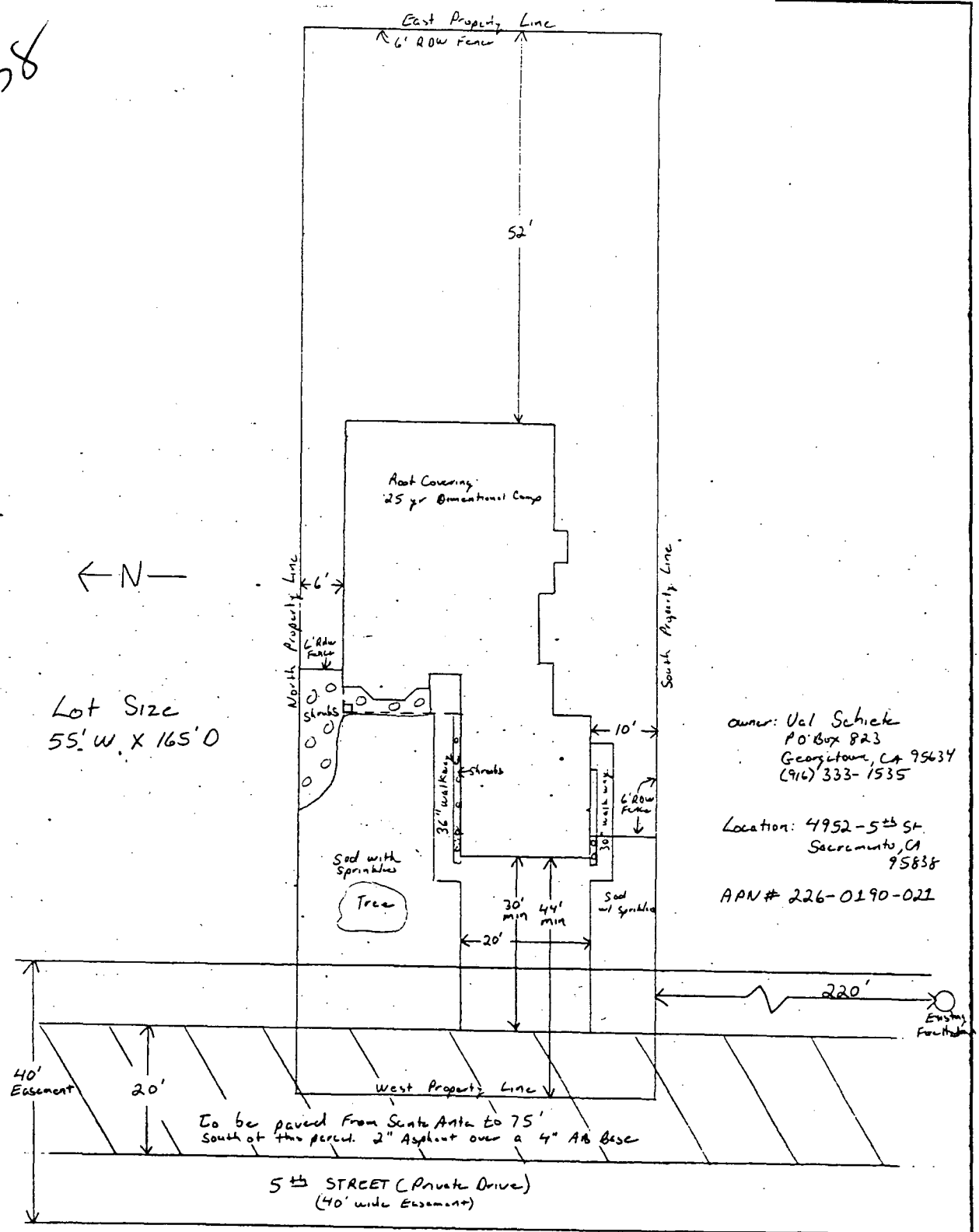
January 9, 1991

Item No. ____



LAND USE & ZONING MAP

pa1-238



P91-238

01/09/92

Item#

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REVISIONS	BY

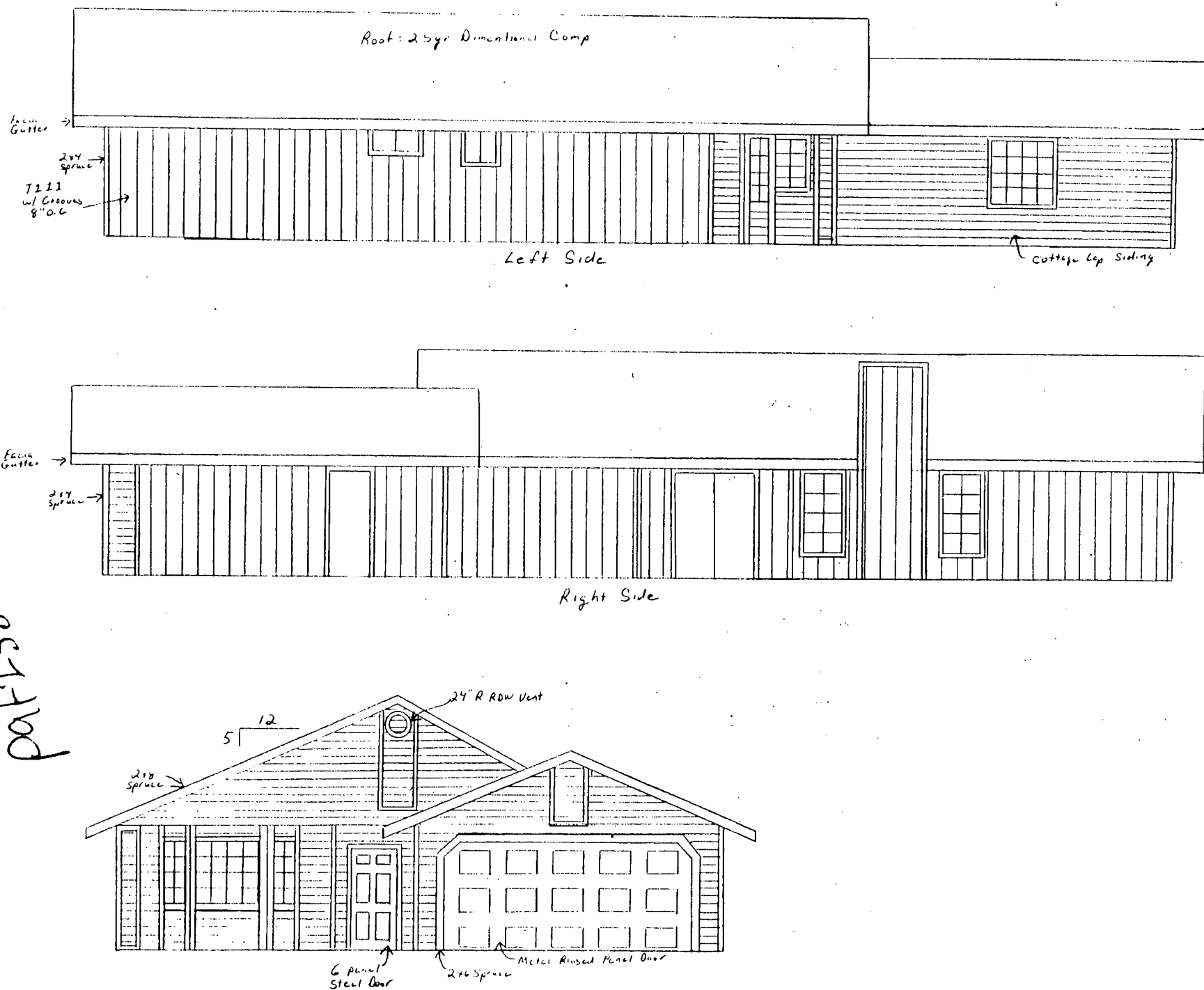
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P91-238

01/09/92

Item #

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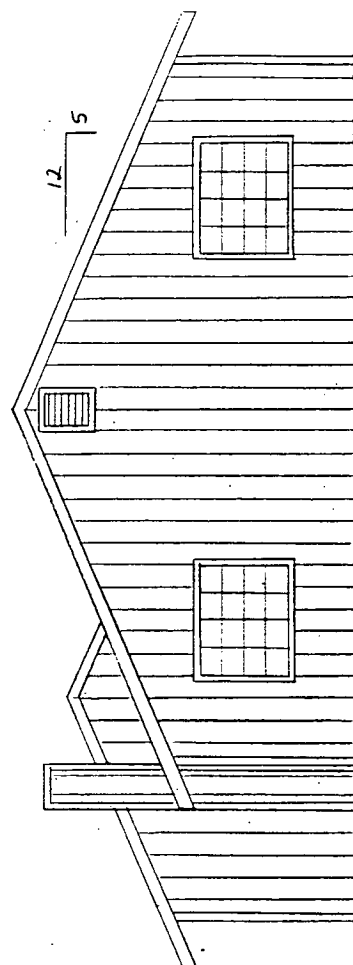
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EXHIBIT - C - ELEVATIONS

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REVISIONS	BY

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Of	Sheets



Rear Elevation

82c-16d

Item#

comments were received:

Engineering Development:

- A. File a Certificate of Compliance, submit all required documents according to the submitted requirements checklist, and pay necessary fees.
- B. File a waiver of Parcel Map.
- C. Coordinate with Arcade Water District and appropriately abandon any excess water services if necessary.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15305 (a)).

RECOMMENDATION: Staff recommends the Planning Commission approve the lot line adjustment by adopting the attached resolution.

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY PLANNING COMMISSION ON DATE OF

APPROVING A LOT LINE ADJUSTMENT TO MERGE
LOTS 55 AND 56, AS SHOWN ON THE OFFICIAL
"PLAT OF SUNSHINE TRACT", FILED IN THE OFFICE
OF THE COUNTY RECORDER OF SACRAMENTO
COUNTY, ON OCTOBER 14, 1926, IN BOOK 19 OF
MAPS, MAP NO. 6.
(APN 266-0170-038, 039)
(P91-237)

WHEREAS, the Planning Director has submitted to the Planning
Commission a report and recommendation concerning the lot merger
for property located at 2011 Marconi Ave.; and

WHEREAS, the lot line adjustment is categorically exempt
pursuant to Section 15305(a) of the California Environmental Quality
Act (CEQA) Guidelines; and

WHEREAS, the lot line adjustment is consistent with the General
Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission
of the City of Sacramento: that the lot line adjustment for property
located at 2011 Marconi Ave., City of Sacramento, be approved as
shown and described in Exhibits A and B attached hereto, subject to
the following conditions:

Applicant shall complete the following at the Public Works Department,
Development Services Division, prior to a lot line adjustment being
recorded:

- A. File a Certificate of Compliance, submit all required
documents according to the submitted requirements
checklist, and pay necessary fees.
- B. File a waiver of Parcel Map.
- C. Coordinate with Arcade Water District and

APPLC. NO. P91-237

MEETING DATE October 10, 1991

ITEM NO. 10

appropriately abandon any excess water services if necessary.

CHAIRPERSON

ATTEST:

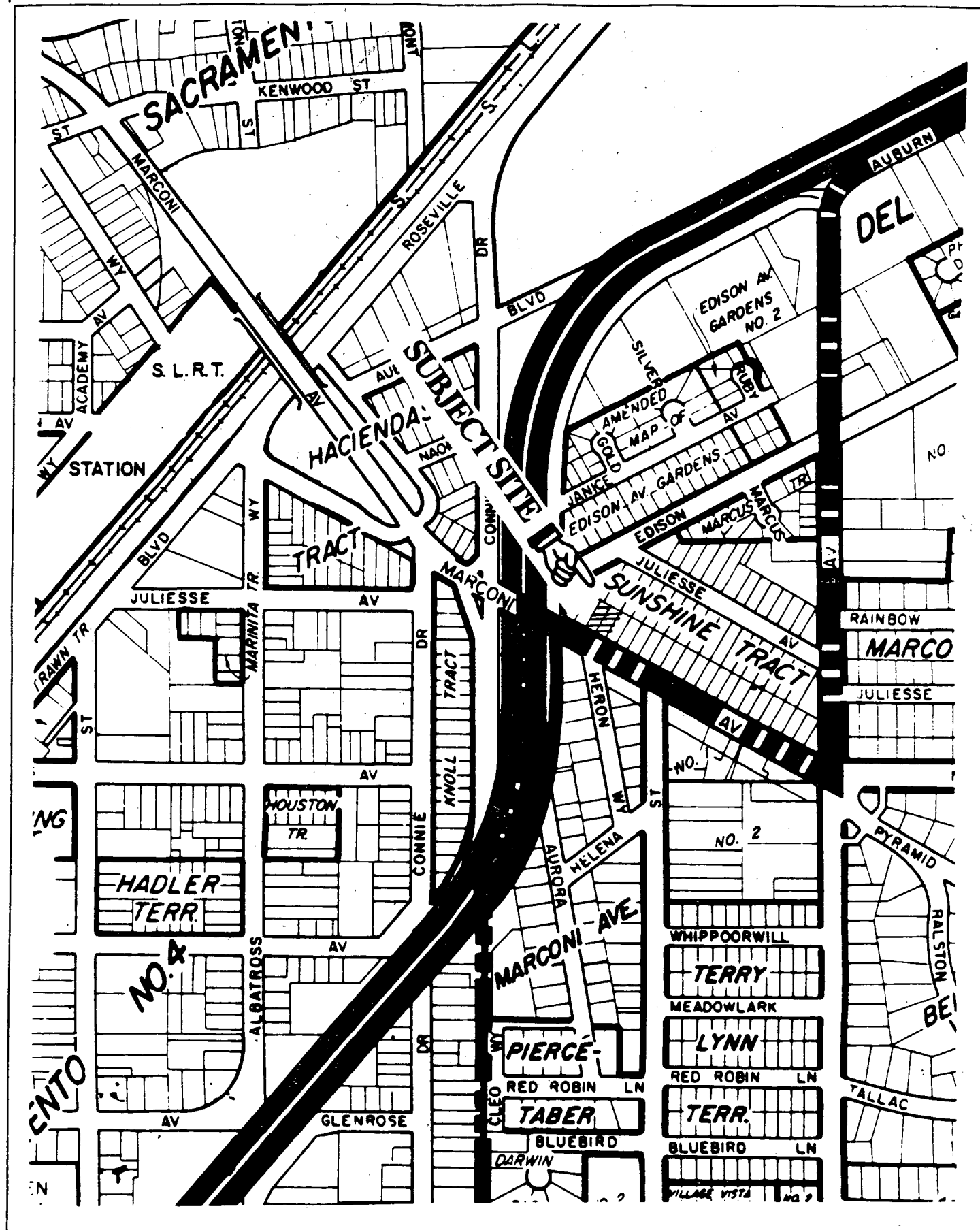
SECRETARY TO THE CITY PLANNING COMMISSION

APPLC. NO. P91-237

MEETING DATE October 10, 1991

ITEM NO. 10

001245



VICINITY MAP

RESOLUTION NO. 1276

ADOPTED BY THE SACRAMENTO CITY PLANNING COMMISSION ON DATE OF
October 10, 1991

APPROVING A LOT LINE ADJUSTMENT TO MERGE
LOTS 55 AND 56, AS SHOWN ON THE OFFICIAL
"PLAT OF SUNSHINE TRACT", FILED IN THE OFFICE
OF THE COUNTY RECORDER OF SACRAMENTO
COUNTY, ON OCTOBER 14, 1926, IN BOOK 19 OF
MAPS, MAP NO. 6.

(APN 266-0170-038, 039)
(P91-237)

WHEREAS, the Planning Director has submitted to the Planning
Commission a report and recommendation concerning the lot merger
for property located at 2011 Marconi Ave.; and

WHEREAS, the lot line adjustment is categorically exempt
pursuant to Section 15305(a) of the California Environmental Quality
Act (CEQA) Guidelines; and

WHEREAS, the lot line adjustment is consistent with the General
Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission
of the City of Sacramento: that the lot line adjustment for property
located at 2011 Marconi Ave., City of Sacramento, be approved as
shown and described in Exhibits A and B attached hereto, subject to
the following conditions:

Applicant shall complete the following at the Public Works Department,
Development Services Division, prior to a lot line adjustment being
recorded:

- A. File a Certificate of Compliance, submit all required
documents according to the submitted requirements
checklist, and pay necessary fees.
- B. File a waiver of Parcel Map.
- C. Coordinate with Arcade Water District and

APPLC. NO. P91-237

MEETING DATE October 10, 1991

ITEM NO. 10

001251

appropriately abandon any excess water services if necessary.


CHAIRPERSON

ATTEST:


SECRETARY TO THE CITY PLANNING COMMISSION

APPLC. NO. P91-237

MEETING DATE October 10, 1991

ITEM NO. 10

001252

City Planning Commission
Sacramento, California

Members in Session:

Subject: Appeal of the Planning Director's decision to approve a variance to reduce the five foot side yard setback to four feet on 0.22± developed acres in the Standard Single Family Planned Unit Development (R-1(PUD)) zone.

Location: 5 Stillshore Court

Background Information: On December 5, 1991, the Planning Director approve a variance to reduce the five foot side yard setback to four feet for an existing 3,829± square foot single family home. The variance was requested since the house was constructed with a four foot setback. An adjacent neighbor has appealed the Planning Director's approval of the variance.

Staff Analysis: Attached is the staff report for the Planning Director's Variance. Staff could find no impacts associated with the proposed request for the variance. The existing house was constructed on the site with the four foot setback. The adjacent house was constructed with a six foot side yard setback, thus providing ten feet between houses. Staff recognizes that it would be impractical to move the existing structure or reduce the structure by a foot at this time. The applicant's appeal request is attached (Exhibit 1).

Recommendation: Staff recommends the Planning Commission deny the appeal of the Planning Director's decision based upon findings of fact identified in the attached staff report.

Respectfully submitted,


Joy Patterson
Senior Planner

Report Prepared By:

Jeanne Corcoran
Assistant Planner

CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT
1231 "I" STREET, SACRAMENTO, CA 95814

PLANNING
ROOM 200 449-5604

APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING DIRECTOR

DATE: DECEMBER 19, 1991

DEC 19 1991

TO THE PLANNING DIRECTOR:

RECEIVED

I do hereby make application to appeal the decision of the City Planning
Director of DECEMBER 5, 1991 (approval date), project # P 91-235,
when:

Special Permit For _____

Variance For SIDEYARD SETBACK

was: ☒ Granted / ☐ Denied by the City Planning Director

GROUND'S FOR APPEAL: (explain in detail) THE VARIANCE PROVIDES SPECIAL
PRIVILEGE TO ONE INDIVIDUAL PROPERTY OWNER. ADDITIONALLY, IT
IS INJURIOUS TO MY PROPERTY TO WHICH IS NEXT TO THE
APPLICANT'S PROPERTY. THE CITY IS GRANTING THE VARIANCE DESPITE
PREVIOUS ASSERTION THAT IT WOULD NOT DO SO. PLEASE ALSO SEE
ATTACHMENT

PROPERTY LOCATION: 5 STILLSHORE COURT

APPELLANT: JOHN CHEN (print) PHONE # (916) 324-8608

ADDRESS: 7 STILLSHORE COURT, SACRAMENTO, CA 95831

APPELLANT'S SIGNATURE: [Signature]

THIS BOX FOR OFFICE USE ONLY

Filing Fee: _____ by Applicant: \$125.00 _____ by 3rd Party \$ ^{NP} ~~40.00~~

Received By: _____ Date: _____

Distribute Copies To: MVD AG WW SG (original & receipt)

P# 91-235 Scheduled for Commission On: _____

P91-235
rev. 9/89

1-23-92

ITEM NO. 18

STEPHEN J. KOVACIK
ATTORNEY AT LAW
6564 HEATHERWOOD WAY
SACRAMENTO, CA 95831
(916) 421-6431

EXHIBIT 1 -PAGE 2 of 8

November 13, 1991

Mr. Gary Stonehouse, Director
Department of Planning & Development
1231 I Street, Room 300
Sacramento, CA 95814

Dear Mr. Stonehouse:

I represent Mr. & Mrs. John Y. Chen. On October 30, 1989, we reported a building violation occurring on a lot adjacent to his house. Essentially, the contractor, Mr. Steve Mishler, violated the 5 feet side set back requirement by building a house 4 feet from the property line which is an illegal encroachment (see Attachment A).

Since the filing of our complaint, Mr. Mishler filed an application for Planning Director's Variance with your department. Shortly thereafter, your department allowed Mr. Mishler to transfer title of that property to Mr. Anthony Grose. Mr. Will White, then City Planner, informed Mr. Chen that the transfer was allowed after assurance from Mr. Mishler that he would take the necessary action to resolve our dispute in order to obtain approval for the Planning Director's Variance.

Mr. Mishler has not taken any action to resolve the issue. In fact, the problem was compounded when Mr. Anthony Grose erected a fence on Mr. Chen's property without his approval. Mr. Chen informed your department of this problem on January 12, 1990 (see Attachment B).

On October 5, 1990, Ms. Jeanne Corcoran of your staff informed Mr. Mishler that your department would not support his request for a Planning Director's Variance and advised him to file an application with the Planning Commission. (see Attachment C). Ms. Corcoran stated that the matter will be referred to your Neighborhood Services Division for further enforcement action. Again, Mr. Mishler refused to act on this matter.

In July, 1991, we were informed that Mr. Grose sold the house to Mr. & Mrs. Arum Patel. On July 31, 1991, we received a letter from Ms. Christina J. Savage (see Attachment D). Ms. Savage states that she represents the "Property Owner of 5 Still Shore Court" in requesting a Planning Director's Variance. The property title transferred from Mr. Grose to Mr. & Mrs. Patel in August, 1991.

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1-23-92

ITEM NO. 18

Mr. Gary Stonehouse, Director

-2-

November 13, 1991

We were recently informed by Jeanne Corcoran of your staff that your department is reversing your position and intends to approve the request for Planning Director's Variance. Ms. Corcoran stated that the reason Mr. Mishler's request was not approved because he is a contractor. She figured that a contractor could afford to apply for a Planning whereas a homeowner could not. Ms. Corcoran further stated that all such cases are granted an exemption.

We urged you to reconsider your position. The current owner of the house, Mrs. Patel, informed us that she has a signed written statement from Mr. Mishler acknowledging responsibility for the building code violation as well as for obtaining a variance. As such, Ms. Corcoran's rationale for granting the variance because you do not want to penalize the owner is not valid. We also have questions as to who Ms. Christina Savage actually represents Mr. Mishler, the contractor or Mr. Grose, the prior homeowner.

Furthermore, contrary to Ms. Savage's statement (in her variance request) that the building code violation was an unintentional error, we believe it was a deliberate effort by the contractor to encroach on others' property. If in fact an error was made, the difference between the house and the one on its other side should be six feet. Otherwise, all the interior dimensions would be off. The house is actually 4 feet 9 inches from the property line of the other neighbor's house which is another violation and signifies the contractor's intent to encroach.

As you can see from your files, it has been over two years since we first brought this matter to your department's attention. During this period, the matter was handled by at least three City Planners, the Neighborhood Services Division, and the City Attorney's Office. Nothing has changed. The contractor, Mr. Mishler, is still responsible for the violation and he chose to do nothing. In our view, it would not be appropriate to issue a Planning Director's Variance under these circumstances.

Sincerely,

STEPHEN J. KOVACIK

791-235

1-23-92

ITEM NO. 18

STEPHEN J. KOVACIK
ATTORNEY AT LAW
6564 HEATHERWOOD WAY
SACRAMENTO, CA 95831
(916) 421-6431

EXHIBIT 1-PAGE 4 of 8

REGISTERED MAIL - RETURN RECEIPT REQUESTED

October 30, 1989

Mr. Dick Mortison
Chief Building Inspection Officer
City of Sacramento
1231 J Street
Sacramento, California 95814

Dear Mr. Mortison:

I represent Mr. John Y. Chen. There is a building violation occurring on a lot adjacent to his property. We would like to bring this problem to your attention.

Mr. Chen's property is located on 7 Still Shore Court at the Riverlake area (Parcel Number 031-1340-025, Lot Number 85 of the Stillwater Subdivision). He purchased the property in December 1988 and obtained a building permit in June 1989 to proceed with construction of his personal residence. Upon measuring his lot to determine foundation location, Mr. Chen discovered that the house on the next lot (Lot Number 84 - 5 Still Shore Court) is only 4 feet from the property line which is a violation of the 5 feet side set back requirement.

My client brought this violation to the attention of the building contractor, Mr. Steve Mishler, who also owns the property. Mr. Mishler performed the measurement himself and acknowledged that a mistake has been made. Nevertheless, he proceeded with the construction of the house. Mr. Chen contacted Mr. Mishler repeatedly to rectify the problem. However, Mr. Mishler refused to take any action.

Mr. Chen is upset because the violation is an illegal encroachment and has an adverse impact on future value of his property. We intend to pursue all available legal avenues to resolve this issue. On his behalf, I hereby request that you take appropriate action to remedy this situation.

Sincerely,



Stephen J. Kovacik

CC: Founder's Title
Riverlake Association

FP-235

1-23-92

ITEM NO. 18

DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
SACRAMENTO, CA

ADMINISTRATION
ROOM 300
95814-2987
916-449-5571

ECONOMIC DEVELOPMENT
ROOM 300
95814-2987
916-449-1223

NUISANCE ABATEMENT
ROOM 301
95814-3982
916-449-5948

October 5, 1990

Mishler Enterprises, Inc.
Steven Mishler
6355 Riverside Bl.
Sacramento, CA 95831

Re: P89-404
5 Stillshore Court

Dear Mr. Mishler,

On November 13, 1989 you submitted an application for a Planning Director's Variance for a sideyard setback. This application has been on hold pending the outcome of meetings between your attorney, Lee Savage and the neighbor Mr. and Mrs. Chen. To date this office has not been informed as to when you wish to proceed with this application. Mrs. Chen has informed us that the negotiations are at a standstill and wishes some action from the City of Sacramento.

Since this application is still active I am requesting that you proceed with this action either by withdrawing the application or submitting the additional information needed to proceed with this application.

The Planning Director will not support your request for a Planning Director's Variance due to opposition of the adjacent neighbor. It is therefore suggested that this application be heard by the Planning Commission. In order for this application to be heard by the Planning Commission the following additional information will need to be submitted:

1. A 100 foot radius map and ownership list must be submitted,
2. A letter of agency from the current owner of the property must be submitted, and;
3. A fee of \$1340.00 is required for a hearing before the Planning Commission. This is a minimum fee, additional fees may be required if the cost to process the application is greater than the minimum fee.

791-235

1-23-92

ITEM NO.18

This information must be in this office by 12 noon on October 26, 1990 or your application will be withdrawn.

If this application is withdrawn the matter will be referred to the City's Neighborhood Services Division for further enforcement of the violation of the sideyard setback.

Should you have further questions regarding this application, you may contact me at 449-5604.

Sincerely,

Jeanne Corcoran
Jeanne Corcoran
Planner

cc: Tom Long, Neighborhood Services
Bob Wall, Asst. Director Planning & Development
Mr. & Mrs. Chen
Mr. Anthony Grose
Mr. Lee Savage
Councilmember Lynn Robie

PG-235

1-23-92

ITEM NO. 18

January 12, 1990

Mr. Steve Mishler
Mishler Enterprises
6355 Riverside Blvd
Sacramento, CA 95831

Dear Mr. Mishler:

This is to inform you that the buyer of your house on Stillshore Court, Mr. Anthony Grose, erected a fence on my property. The fence was build without my authorization. In fact, after the fence post was erected, I contacted Mr. Grose to express my concerns. However, Mr. Grose indicated that since both the concrete and the sprinkler line of his house extends to our property line, he had to place the fence post on my property. He therefore proceeded with the construction of the fence.

I consider the above violation a direct result of your encroachment on my property which I notified you in July 1989. Therefore, I am holding you responsible for it.

I also understand that the fence was constructed without prior approval of the Riverlake Association which is required under CC & R for the Stillwater Subdivision. Further review of the CC & R disclosed that the builder is required to construct the fence in conjunction with the house and the fence must be completed prior to final occupancy.

I will pursue this matter with the City Planning Commission in conjunction with your zoning variance request.

Sincerely,


JOHN CHEN

CC: Will White, City Planning Commission
Riverlake Association
Anthony Grose

P91-235

1-23-92

ITEM NO. 18

**HEFNER
STARK &
MAROIS**
Law Offices

July 31, 1991

Gateway Oaks Drive
Suite 300 South
Sacramento, CA 95833-3505
(916) 925-6620
Fax # 925-1127

CERTIFIED MAIL RECEIPT NO. P 329 658 110

John and Sandy Chen
7 Stillshore Court
Sacramento, CA 95831

Dear Mr. and Mrs. Chen:

We are in the process of requesting a Planning Director's Variance for property located at 5 Stillshore Court. The variance is being requested to legitimize the existing building footprint of the home at 5 Stillshore Court. Due to an unintentional error in ascertaining the correct south property line, the 5 Stillshore Court home was constructed only 4 feet -- rather than 5 feet -- from the side property line shared with the residence to the south.

As part of this request, the City Planning Division requires that we notify you. Receipt of this letter does not mean that you approve. If you wish to make any comments regarding this request, use the space provided below and return a copy of this letter to:

City Planning Division
1231 I Street, Room 200
Sacramento, CA 95814

Very truly yours,

HEFNER, STARK & MAROIS

By

Christina J. Savage
Representing the Property Owner
of 5 Stillshore Court

Archie Hefner
(1922-1988)

Theodore M. Marois, Jr.
James M. Woodside
John D. Bessey
Kenneth R. Stone
Timothy D. Taron
William M. Gallagher
Robert S. Willett
Todd A. Murray
Timothy M. Cronan
Joel S. Levy
Christina J. Savage
Dennis L. Viglione
Robert P. Biegler
Ronald H. Sargis
Martin B. Steiner
Kevin F. Schoneman
Lisa Wible Wright
Janice L. Thurston
Jack T. Holland
John W. Feist
Steven R. Crooks
Delbert W. Oros
Ralph T. Ferguson
Helga A. White
Bret R. Rossi
Stephen S. Talt
Jeffrey H. Graybill
Howard S. Nevins
Daniel W. Smith
Douglas R. Thorn
Kirk E. Giberson
Michael J. Cook
Edward E. Jaszewski
Marla J. Winterberger
Marshall K. Jaquish
Julie B. Gustavson
John M. O'Donnell
Christopher R. Cosca
Beverly M. Tobey
Robert A. Zeman
Stephen J. Foondos

Of Counsel
Robert N. Stark
Robert W. Bell
Judy Campos McKeehan

CJS:mms

COMMENTS FROM PROPERTY OWNER:

SEE ATTACHED

Property Owner's Signature

Application Number

791-235

cjs\05770004\propown.ltl

1-23-92

ITEM NO. 18

PLANNING DIRECTOR'S VARIANCE
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT Hefner Stark & Marois, 2710 Gateway Oaks #300 South, Sacramento, CA 95833
OWNER Arun & Carol Patel, 5 Stillshore Ct., Sacramento, CA 95831
PLANS BY Kent Baker & Associates, 7932 Sunset Av., Ste. B, Fair Oaks, CA 95628
FILING DATE 08-06-91 ENVIR. DET. Exempt 15305(a) REPORT BY Jeanne Corcoran
ASSESSOR'S PCL. NO. 031-1340-024

APPLICATION: A. Planning Director's Variance to reduce the five foot setback to four feet on 0.22± developed acres in the Standard Single Family Planned Unit Development (R-1(PUD)) zone.

LOCATION: 5 Stillshore Court

PROPOSAL: The applicant is requesting the necessary entitlements to reduce the side setback to four feet for an existing dwelling unit.

PROJECT INFORMATION:

General Plan Designation: Low Density Residential (4-15 du/ac)
1988 Re-adopted Pocket
Community Plan Designation: Low Density Residential (3-6 du/ac)
Existing Zoning of Site: R-1 (PUD)
Existing Land Use of Site: Single Family

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Single Family; R-1(PUD)	Front:	25'	25'
South: Single Family; R-1(PUD)	Side(So):	5'	4'
East: Lake; A(PUD)	Side(No):	5'	5'
West: Single Family; R-1(PUD)	Rear:	15'	30'

Property Dimensions: 80' X 125'
Property Area: 0.22± acres
Density of Development: 4 du/ac
Square Footage of Building: 3,829± sq. ft.
Height of Building: 2 stories
Topography: Flat
Street Improvements: Existing
Utilities: Existing

Background Information On November 11, 1989, an application was submitted to reduce the side setback from five feet to four feet for the property at 5 Stillshore Court. The adjacent neighbor to the south was in opposition to the request. The applicant was informed that the request would be heard by the Planning Commission and additional information was required. The applicant failed to provide the additional information. Therefore, staff withdrew the application and referred the violation to Neighborhood Services.

APPLC. NO. P91-235

1-23-92

ITEM NO. 18

Project Evaluation: Staff has the following comments:

A. Land Use and Zoning

The subject site consist of 0.22± developed acres in the Standard Single Family Planned Unit Development (R-1(PUD)) zone. The site is developed with a 3,829± square foot home and a 660± square foot garage. The site is located in the LPPT Planned Unit Development. The General Plan designates the site as low density residential (4-15 du/ac). The 1988 re-adopted Pocket Community Plan designates the site as low density residential (3-6 du/ac). The surrounding land uses and zones are single family, R-1(PUD) to the north, south, and west; and lake, A(PUD) to the east.

B. Applicant's Request

The applicant is requesting a waiver of the five foot side yard setback for the existing home which was constructed with a four foot side yard setback.

C. Staff Evaluation

The existing unit on the site is a 3,829± square foot home. The home was constructed with the four foot setback. Construction was substantially underway when the setback error was discovered. The contractor was advised of the setback violation but failed to take any action. The building permit for this unit has not been finalized. Staff recognizes that it would be impractical to move the existing structure or reduce the structure by a foot at this time, therefore, staff supports the variance request since the four foot interior setback will provide adequate light, air and access to this structure.

The adjacent neighbor to the south has expressed concern regarding the placement of the fence. Staff has spoken to the adjacent property owner who expressed concerns with the fence encroachment, the lowering of property values due to the four foot setback and the loss of light and air. The fence seems to be over the property line and encroaches into the neighbor's yard by four to five inches. Staff recommends the applicant survey the property to determine the exact property line and the move the fence so that it is not encroaching into the neighbor's property.

D. Neighbor's Comments

The property owner to the south is opposed to this variance request per the above concerns (Exhibit C). The neighbor to the north has also expressed opposition to the issuance of the Planning Director's Variance and believes the matter should go to the Planning Commission (Exhibit D). The former owner has submitted a statement (Exhibit E) as well as a real estate agent selling the property (Exhibit F).

Environmental Determination: This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301(E-(a))).

APPLC. NO. P91-235

1-23-92

ITEM NO. 18

Recommendation: Staff recommends approval of the variance request to reduce the five foot interior side yard setback to four feet subject to conditions and based upon findings of fact which follow.

Conditions

1. The original building permit shall be finalized within 6 months (May 1, 1992) of Planning Director approval.
2. The property shall be surveyed to determine the property lines and the fence shall be placed on the applicant's property or the property line within 6 months (May 1, 1991) of Planning Director approval.

Findings of Fact

1. The requested variance does not constitute a special privilege in that:
 - a. the reduction in the side yard setback will allow adequate light, air and access to the property.
 - b. a variance would be granted to any other property owner facing similar circumstances.
2. The granting of the variance will not be injurious to the public welfare nor to properties in the vicinity in that:
 - a. it will not interfere with the privacy of the adjacent property owners; and
 - b. it will not alter the characteristics of the surrounding residential neighborhood.
3. The proposed variance does not constitute a use variance in that single family residences are allowed in the R-1 zone.
4. The proposed project is consistent with the City's General Plan and the Pocket Community Plan which designate the site for low density residential uses.

Report Prepared By:

Jeanne Corcoran
Jeanne Corcoran, Assistant Planner

11-27-91
Date

Recommendation Approved:

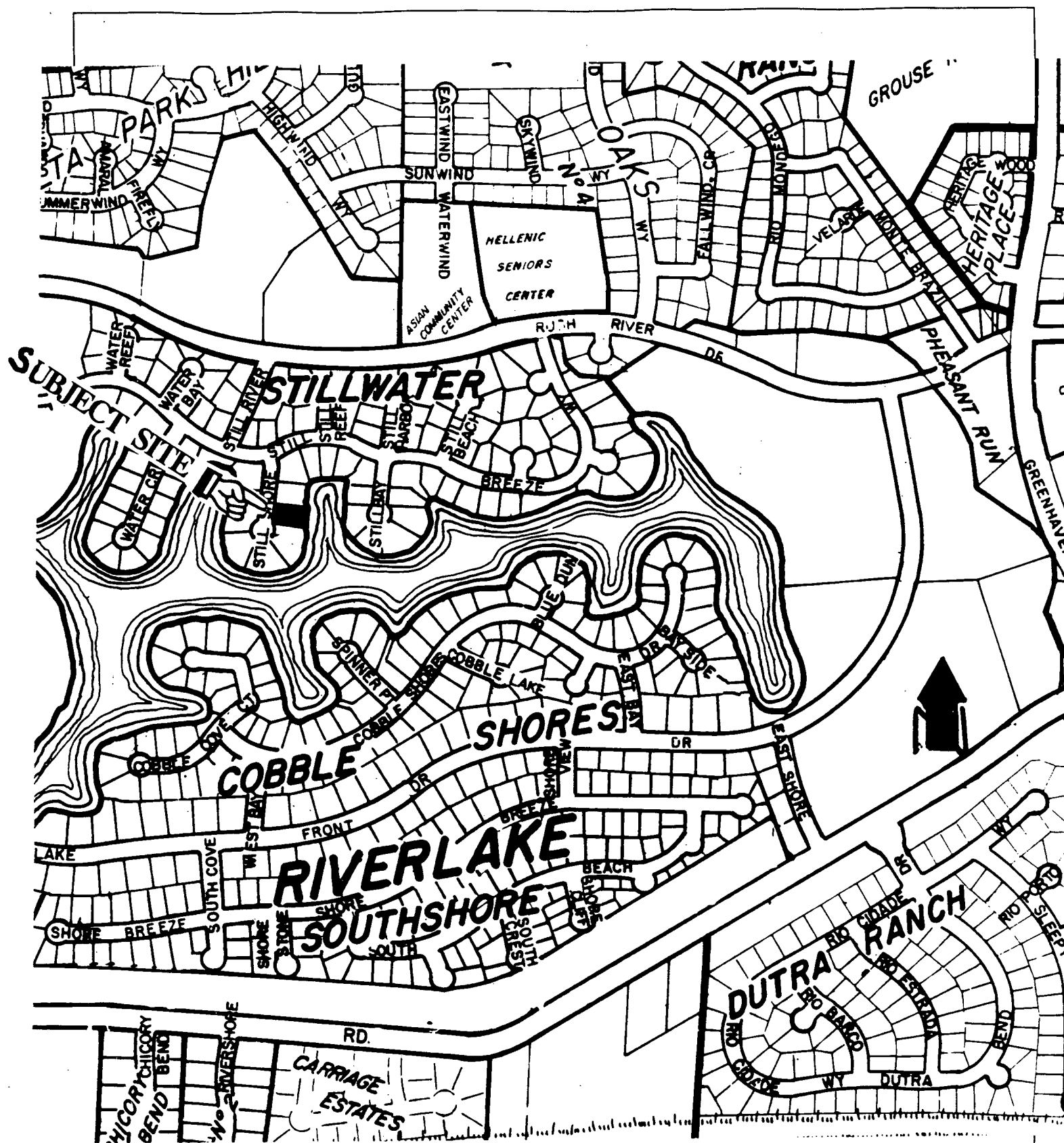
Gary Stonehouse
Gary Stonehouse, Planning Director

12-5-91
Date

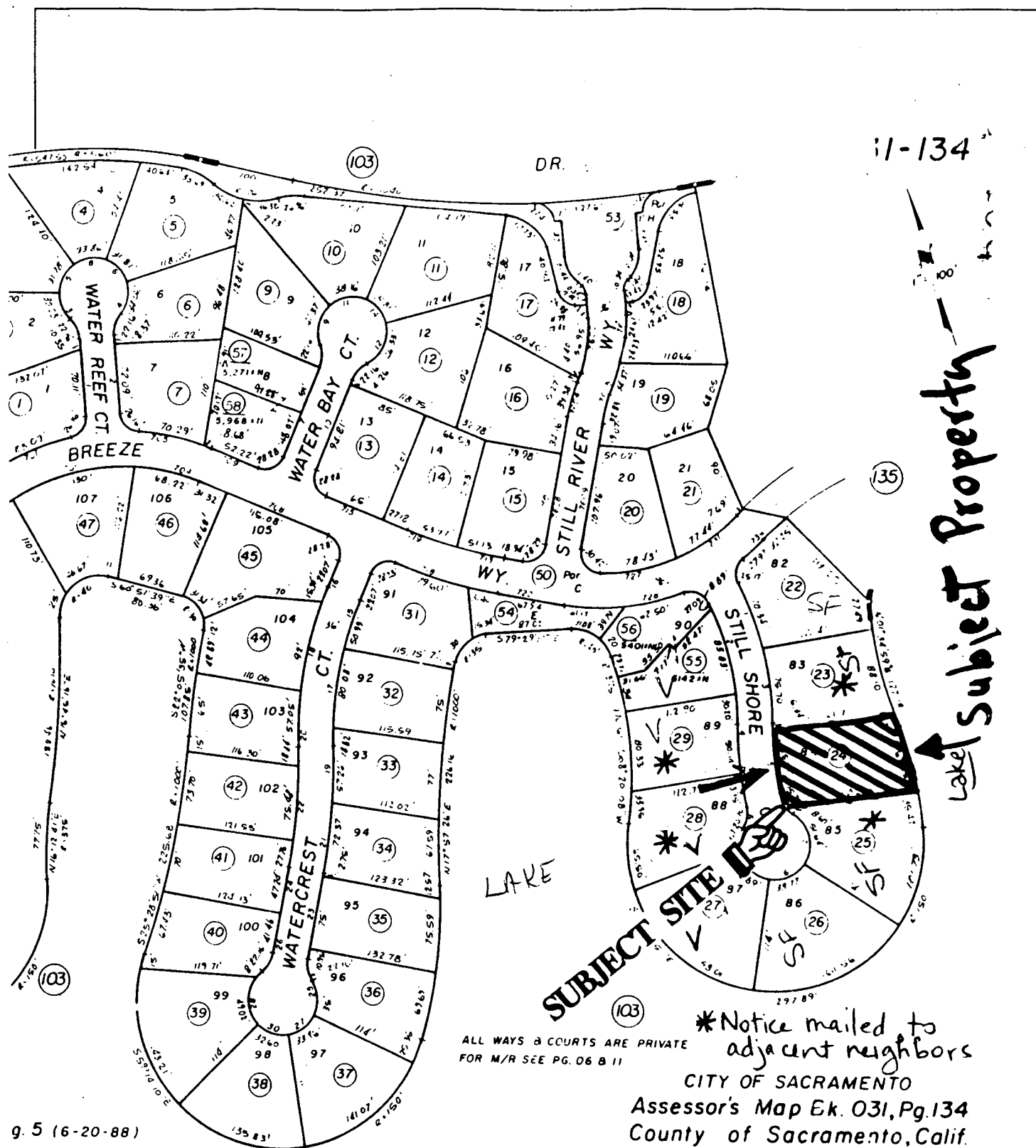
APPLC. NO. P91-235

1-23-92

ITEM NO. 18



VICINITY



LAND USE AND ZONING MAP

EXHIBIT A

SITE PLAN

LOT 84 "STILLWATER AT RIVERLAKE

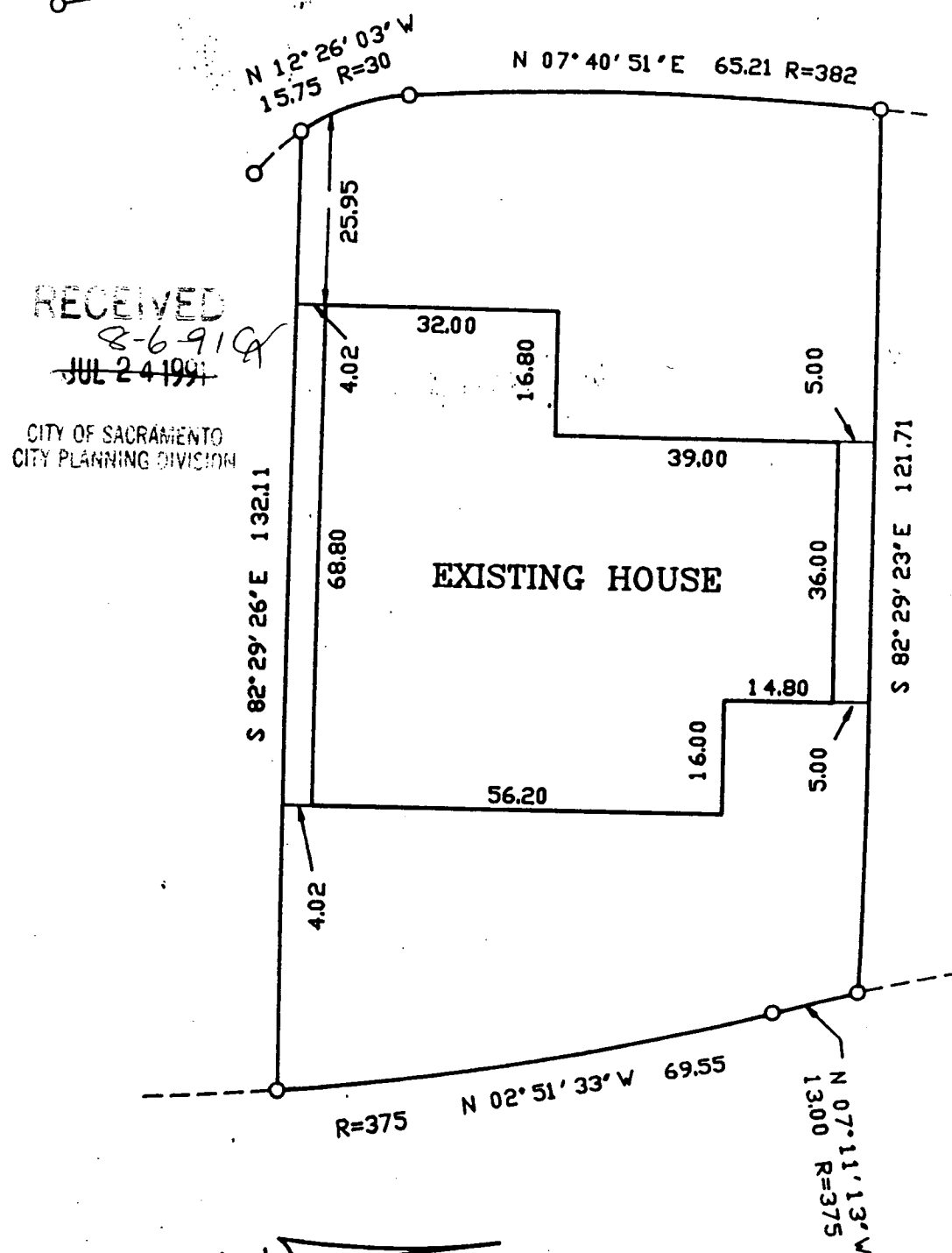
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SAC. CO.

CA.

A.P.N. 031-134-24

STILL SHORE COURT (PRIVATE)



RECEIVED

8-6-91
JUL 24 1991

CITY OF SACRAMENTO
CITY PLANNING DIVISION

EXISTING HOUSE



1-23-92

MR

ENGINEERING
SURVEYING

ITEM NO 18

P91-235

WELT
GAS TAG
TURNED IN 83
NO. 18
NO FINAL INSPECTION
CALLED BY PERMITEE

NOTE DO NOT COVER OR CONCEAL ANY BUILDING, ELECTRICAL, PLUMBING OR MECHANICAL WORK WITHOUT INSPECTOR'S SIGNATURE IN PROPER PLACE.			CITY OF SACRAMENTO BUILDING INSPECTION DIVISION		BUILDING SITE ADDRESS 5 Small Shore Ct.		INSP. AREA 3R	
LEGAL DESCRIPTION LIT 14			ASSESSOR PARCEL 031-1340-024		PLAN CHECK NO. 228			
INSPECTION			INSPECTOR		DATE			
FOUNDATION FORMS			✓		2/10/89			
UFER GROUND			✓					
CONCRETE SLAB FORMS			✓					
PLUMB UNDERFLOOR SLAB			✓		2/27/89			
MECH UNDERFLOOR SLAB			✓					
ELECT. CONDUIT SLAB			✓					
DO NOT COVER UNTIL INSTALLATION ABOVE HAS BEEN SIGNED			✓		2/27/89			
FLOOR JOISTS OR GIRDERS			✓					
DO NOT INSTALL SUB FLOOR UNTIL ABOVE HAS BEEN SIGNED			✓					
TOP PLUMBING			✓		5/12/89			
TOP MECHANICAL			✓					
ROUGH ELECTRICAL			✓					
FRAME			✓					
ROOF PLYWOOD NAIL COMM & APTS			✓					
EXTERIOR LATH			✓					
DO NOT COVER UNTIL INSTALLATION ABOVE HAS BEEN SIGNED			✓					
INT. LATH OR WALL BD. NAILING			✓					
DO NOT TAPE PLASTER OR GYPSUM UNTIL ABOVE HAS BEEN SIGNED			✓					
SERVICE UNDERGRD CONDUIT			✓					
SEWER SERVICE 4" ABS			✓		5/12/89			
WATER SERVICE 1 1/2" PVC			✓					
SPRINKLER SYSTEM			✓					
DO NOT COVER UNTIL INSTALLATION ABOVE HAS BEEN SIGNED			✓					
GAS TEST			✓		7/11/89			
TEMP GAS ISSUED			✓		EXPIRES			
POWER POLE			✓					
TEMP POWER 1840R			✓		7-15-89			
SWIMMING POOLS ONLY			✓					
SEWER SERVICE REROUTE			✓					
WATER SERVICE REROUTE			✓					
GAS TEST			✓					
PLUMBING PRE-GUNITE			✓					
PLUMBING PRE-DECK			✓					
ELECTRICAL PRE-GUNITE			✓					
ELECTRICAL PRE-DECK			✓					
ELECTRICAL UNDERGRD			✓					
DO NOT COVER UNTIL INSTALLATION ABOVE HAS BEEN SIGNED			✓					
ENERGY COMPLIANCE CERTIFICATE TO BE FILED PRIOR TO FINAL APPROVAL			✓					
DATE 3-17-89			SIGNED					
FINAL INSP NO.			FINAL APPROVALS					
BUILDING			11-14-89		23			
ELECTRICAL			11-14-89		23			
PLUMBING			11-14-89		23			
MECHANICAL			11-14-89		23			
DO NOT OCCUPY BUILDING UNTIL ALL OF THE ABOVE HAVE BEEN SIGNED AND CERTIFICATE OF OCCUPANCY ISSUED			✓					
THIS CARD TO BE POSTED ON JOB AT ALL			✓					
BUILDING DIV. - 449-5716			PLBG. & MECH. DIV. 449-5661		COMMUNITY IMPVMT DIV. 449-5404			
ELECT. DIV. - 449-5671			WORKERS' COMPENSATION DECLARATION					
			I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3800, Lab. C).		X1112			
POLICY NO.			COMPANY		1345			
<input type="checkbox"/> Certified copy is hereby furnished.			<input checked="" type="checkbox"/> Certified copy is filed with the City Building Inspection Department or City Finance Department.					
11/7/89			APPLICANT					
I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above mentioned property for inspection purposes.			2/1/88		Date			
TOTAL FEES \$			1111.12					

EXHIBIT B

EXHIBIT C

Page 1 of 2

John Y. Chen, being first duly sworn, states that:

He is a resident of the City and County of Sacramento, California.

That he is the owner of the home located at 7 Still Shore Court, Sacramento, California.

Affiant states that, on November 16, 1989, he submitted an affidavit to the Planning Department opposing the granting of the Planning Director Variance to Steven Mishler. Mr. Mishler was the owner of the home located on 5 Still Shore Court, Sacramento, California. The November 16, 1989 affidavit is attached hereto and made part hereof this affidavit.

Affiant states that the City Planning Department withheld issuance of the Planning Director Variance to Steven Mishler because of opposition from the affiant.

Affiant states that, in January 1990, the new owner of the home on 5 Still Shore Court, Mr. Anthony Grose, erected a fence on his property without his authorization. Affiant further states that he notified Anthony Grose of the violation prior to the erection of the fence and Mr. Grose chose to proceed with the construction of the fence. A copy of the letter from the affiant to Steven Mishler on this subject is attached hereto and made part hereof this affidavit.

Affiant states that the City Planning Department notified Mr. Steven Mishler on October 5, 1990 that, unless action is taken to resolve this issue, the matter will be referred to the City's Neighborhood Services Division for enforcement of the violation. A copy of the letter from the City to Steven Mishler is attached hereto and made part hereof this affidavit.

Affiant states that Steven Mishler has not taken any action to resolve this issue and the matter is now pending before the City Attorney's Office.

P91-235

1-23-92

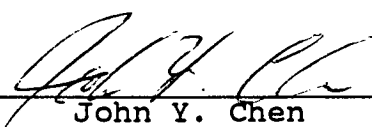
ITEM NO. 18

EXHIBIT C

Page 2 of 2

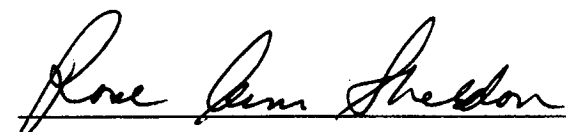
Affiant request the City of Sacramento to reject the request for issuance of the Planning Director Variance.

Further, Affiant sayeth not.


John Y. Chen

Sworn to me and subscribed by me Rose Ann Sheldon
at Sacramento, California. on Aug. 7, 1991




NOTARY

PG1-235

1-23-92

ITEM NO. 18



EXHIBIT D

July 31, 1991

AUG 09 1991

0 Gateway Oaks Drive
Suite 300 South
Sacramento, CA 95833-3505
(916) 925-6620
Fax # 925-1127

RECEIVED

CERTIFIED MAIL RECEIPT NO. P 329 658 109

Vince and Lynn Schmitz
3 Stillshore Court
Sacramento, CA 95831

Dear Mr. and Mrs. Schmitz:

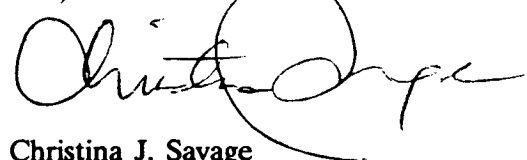
We are in the process of requesting a Planning Director's Variance for property located at 5 Stillshore Court. The variance is being requested to legitimize the existing building footprint of the home at 5 Stillshore Court. Due to an unintentional error in ascertaining the correct south property line, the 5 Stillshore Court home was constructed only 4 feet -- rather than 5 feet -- from the side property line shared with the residence to the south.

As part of this request, the City Planning Division requires that we notify you. Receipt of this letter does not mean that you approve. If you wish to make any comments regarding this request, use the space provided below and return a copy of this letter to:

City Planning Division
1231 I Street, Room 200
Sacramento, CA 95814

Very truly yours,

HEFNER, STARK & MAROIS

By 
Christina J. Savage
Representing the Property Owner
of 5 Stillshore Court

CJS:mms

COMMENTS FROM PROPERTY OWNER:

We are opposed to the issuance of the Planning Director Variance. We believe the matter should go before the Planning Commission for consideration and resolution.

Property Owner's Signature

Vince and Lynn Schmitz

Application Number

Archie Hefner
(1922-1988)

Theodore M. Marois, Jr.
James M. Woodside
John D. Bessey
Kenneth R. Stone
Timothy D. Taron
William M. Gallagher
Robert S. Willett
Todd A. Murray
Timothy M. Cronan
Joel S. Levy
Christina J. Savage
Dennis L. Viglione
Robert P. Biegler
Ronald H. Sargis
Martin B. Steiner
Kevin F. Schoneman
Lisa Wible Wright
Janice L. Thurston
Jack T. Holland
John W. Feist
Steven R. Crooks
Delbert W. Oros
Ralph T. Ferguson
Helga A. White
Bret R. Rossi
Stephen S. Talt
Jeffrey H. Graybill
Howard S. Nevins
Daniel W. Smith
Douglas R. Thorn
Kirk E. Giberson
Michael J. Cook
Edward E. Jaszewski
Marla J. Winterberger
Marshall K. Jaquish
Julie B. Gustavson
John M. O'Donnell
Christopher R. Cosca
Beverly M. Tobey
Robert A. Zeman
Stephen J. Foondos

Of Counsel
Robert N. Stark
Robert W. Bell
Judy Campos McKeehan

P91-235

cjs\05770004\propowa.ltl

1-23-92

ITEM NO-18

STATEMENT

By Anthony Grouse

1. At the time I purchased the property and home at 5 Stillshore Court, I was aware of the 1-foot sideyard setback problem which my builder, Steven Mishler, assured me he would cure by obtaining a variance.

2. At the time the fenceposts were initially installed, Mr. Chen complained that the posts encroached over the property line.

3. On several occasions thereafter, Mr. Chen and I discussed the design of the fence to be built between the posts. At Mr. Chen's request, the existing, uncommonly expensive capped or boxed fence design was selected. At Mr. Chen's request, the nicer or more finished side of the fence faces Mr. Chen's parcel.

4. Because I was aware of Mr. Chen's initial encroachment complaint, I readily agreed to all of Mr. Chen's design and construction requests and I never exercised my right to receive payment for one-half of the cost of the fence on our shared property line. Mr. Chen has never offered to pay for any part of the fence on our joint property line.

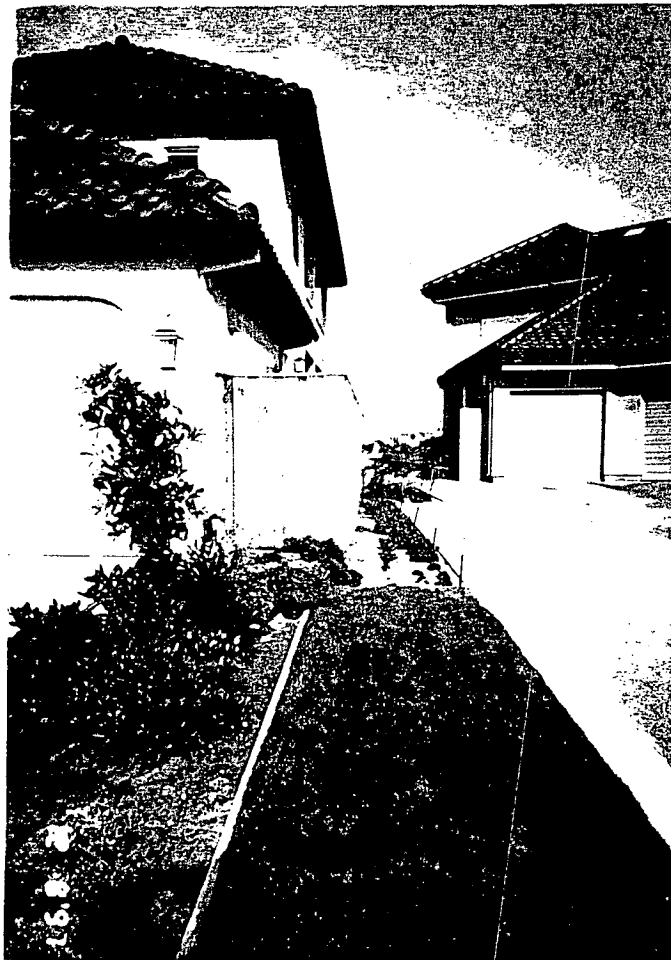
5. Because of Mr. Chen's initial complaint at the time of fencepost installation, I also refrained from exercising my legal right to complaint about Mr. Chen's CC&R fence violations. It is my understanding that the CC&Rs require completed wing fences/gates prior to occupancy of any residence. Mr. Chen's north wing fence, adjacent to my property, has never had a gate, resulting in a large opening from which unsightly views into Chen's sideyard occur to this day. The sideyard is the location of the Chen trash can and other typical -- but nonetheless unsightly -- construction, painting and gardening debris.

6. In further reliance on Mr. Chen's implied acquiescence to the fence on our shared property line, I did not seek to enforce the CC&R requirement which requires the construction of complete side lot line fencing as soon as possible after occupancy. Mr. Chen has not yet constructed a fence, as required by the CC&Rs, on his south property line. The lot to the south has, until very recently, been vacant; a home is now under construction. Accordingly, it was/is solely Mr. Chen's responsibility to build the fence on his south property line because Mr. Chen's occupancy commenced long before his future neighbors will occupy their new home.

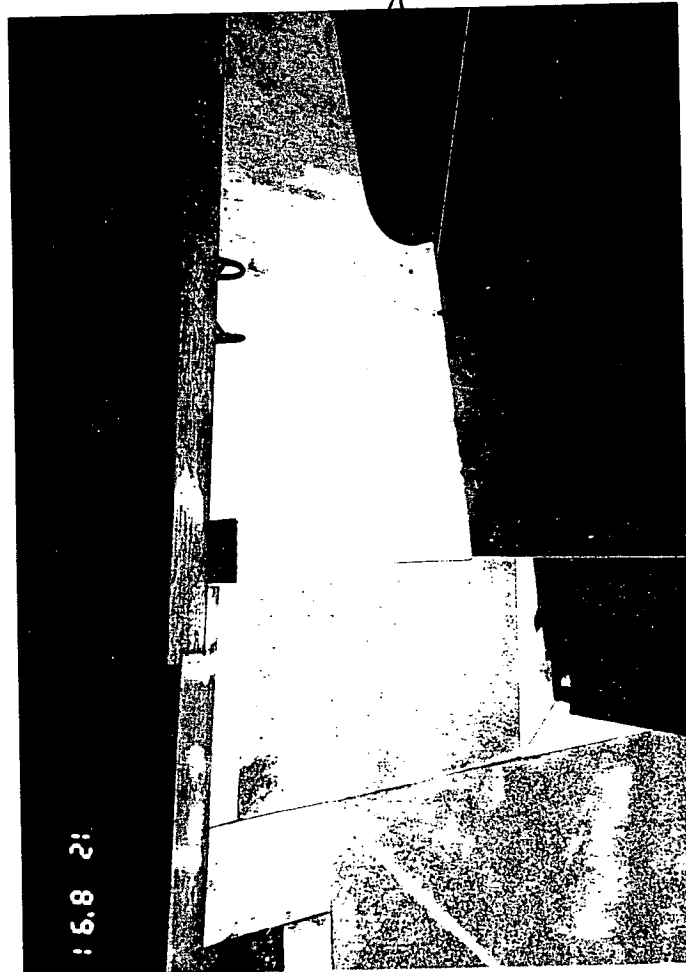
Signed under penalty of perjury.

Dated: 8-29-91


ANTHONY GROUSE



Street view of 5 Stillshore fence &
Chen CC&R gate violation



DP91-235



EXHIBIT E

Page 2 of 2

Non-encroaching expanse of fence



Chen CC&R violation at their
ITEM No. 18

F-23-92

August 16, 1991

Christy Savage
Hefner, Stark & Marois
2710 Gateway Oaks Drive, Suite 300 South
Sacramento, CA 95833

Dear Christy,

Per your telephone request and one by Steven Mishler, the following is a brief recital of events pertaining to the property at 5 Still Shore Court.

I have been the listing agent for Anthony Gross at 5 Still Shore Court since January 17, 1991. In the first part of July, my client's need to sell became more motivated, at a tremendous discount to himself. A significant number of people expressed serious interest in the property. Neighbors are frequently our best sales contacts in marketing property, so information regarding the availability of the home was provided to the neighbors.

At that time John Chen expressed that a family member of his would be seriously interested in purchasing the discounted property and holding it as a rental. I advised him to have them get in touch with me or their agent as soon as possible as the interest I was getting was quite serious.

As a matter of fact, between June 30 and July 9, I received four written offers on the property. On July 9, one contract was selected and as of July 20, the contingencies in that contract were removed.

During an unaccompanied tour of the property after the 20th, the new buyers had the opportunity to meet the Chens. At that time they expressed their intention to move into the property.

On Thursday, July 25, I received a call from Mrs. Chen. She asked me if I was aware that the issue of a variance on 5 Still Shore Court had been taken to the city attorney's office. She expressed that she and her husband, John, were quite dissatisfied with the failure of the builder, Steven Mishler of Mishler Enterprises, to satisfy their requests and that they were pursuing the issue.

Mrs. Chen provided a list of people to contact at the city and their phone numbers in order to clarify the situation. I put calls into the various people but was unsuccessful in speaking to them until the next day.

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ITEM NO. 18

Page 2

That same Thursday afternoon, Mr. Chen called me so that I could pursue clarifying what was involved. Mr. Chen explained the levels of review, as he understood them, for the variance as 1) at the Director of the Planning Department level and, another, 2) at the Planning Commission Level - more expensive to the processor and more time delaying.

I asked Mr. Chen what would personally satisfy him. He expressly stated that if he were to receive \$5000 he would not oppose the request for a director's variance. If not, he would continue to oppose it as long as possible.

I clarified with him that this seemed to be an amount I had heard discussed before and was this all that he wanted. He relied that \$5000 would settle this issue with him.

Mr. Chen also brought up, at this time, a question regarding a fence placement. He agreed it was a separate issue with Anthony Gross from the variance issue with Mishler Enterprises. I asked him to send me a statement of his request regarding the details of the fence and what the issues were. To date I have not received anything further nor heard personally from the Chens.

If there is any further assistance I can provide to expedite this variance process, please let me know.

Sincerely,



Beverly Lewis

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1-23-92

ITEM NO. 18

REPORT AMENDED BY CPC 10-24-91
CITY PLANNING COMMISSION
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT: David Scurfield, The Scurfield Company, 2707 K Street, Sacto, Ca 95816
OWNER: Margaret L. Lial, 455 University Ave, Suite 360, Sacto, CA 95825
PLANS BY: Owen Consultants, 77 Cadillac Drive, Suite 200, Sacto, CA 95825
FILING DATE: July 25, 1991 ENVIR. DET. Neg. Dec. REPORT BY: Doug Holmen
ASSESSOR'S PCL. NO. 250-0040-59, 61; 250-0050-51, 52

APPLICATION:

- A. Negative Declaration
- B. Mitigation Monitoring Plan
- C. Special Permit to allow 2,880 sq. ft. of office use in a 9,600 sq. ft. warehouse where the Zoning Ordinance allows 2,400 sq. ft. (25%) on 1.67 vacant acres in the Light Industrial- Labor Intensive (Planned Unit Development) (M-1-LI(PUD)) zone.
- D. Special Permit to allow the construction of a 9,600 sq. ft. warehouse on 1.67 vacant acres in the Norwood I-80 Business Park Planned Unit Development (PUD).
- E. Lot Line Adjustment to move the interior lot line 46 feet to the west between lots 250-0040-59, 61 on the west and lots 250-0050-51, 52 on the east in the Light Industrial- Labor Intensive (Planned Unit Development) (M-1-LI(PUD)) zone.

LOCATION: North side of Display Way at the terminus of Taylor Street

PROPOSAL: The applicant is requesting the necessary entitlements to construct a 9,600 sq. ft. water bottling plant.

PROJECT INFORMATION:

General Plan Designation:	Industrial- Employee Intensive
North Sacramento Community	
Plan Designation:	Labor Intensive- Office, Commercial, Light Industrial
Existing Zoning of Site:	Light Industrial Labor Intensive (M-1-LI)
Existing Land Use of Site:	Vacant

Surrounding Land Use and Zoning:

North:	Freeway (I-80); Transportation Corridor (TC)
South:	Warehousing, Industrial; M-1
East:	Vacant; M-1
West:	Warehousing/ Offices; M-1

Parking Required:

Warehouse area: 7 spaces (1 spaces for every 1,000 sq. ft. of floor area, there would be 6,720 sq. ft.); Office area: 10 spaces (one space for every 300 sq. ft. of gross floor area- there would be 2,880 sq. ft.); Total parking spaces required: 17 spaces.

Parking Provided:

28 spaces (excluding delivery truck storage area).

Property Dimensions:

Irregular

APPLC. NO. P91-233

MEETING DATE October 24, 1991

ITEM NO. 11

001022

Property Area:	1.677 acres
Height of Building:	26 feet
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Concrete tilt-up
Roof Material:	

BACKGROUND INFORMATION: The subject site is located in the Norwood/ I-80 Business Park PUD established on June 11, 1985 by the City Council (P85-167).

PROJECT EVALUATION:

A. Land Use and Zoning

The subject site consists of 1.63 vacant acres in the Light Industrial-Labor Intensive (Planned Unit Development)(M-1-LI(PUD)) zone. The surrounding land uses consists of light industrial warehouses with associated office uses to the south and west. The Interstate freeway (I-80) is to the north. There is vacant land to the east with residential uses beyond. The subject site is located in the Norwood/ I-80 Business Park PUD. The subject site is designated Industrial- Employee Intensive in the General Plan and Labor Intensive Office, Commercial, and Light Industrial in the North Sacramento Community Plan.

B. Applicant's Proposal

The applicant is proposing to construct a 9,600 sq. ft. office/warehouse tilt-up building to be used as a water bottling facility. The facility will employ 12 people to begin with and approximately 30- 40 people within three years. Special Permits are required for the more than 25% office use and because the subject site is within a PUD. The applicant is also seeking a lot line adjustment in order to reduce the lot width on which the water bottling facility would be located from 211 feet to 165 feet.

C. Policy Considerations

The proposed office warehouse use is consistent with the North Sacramento Community Plan Industrial Land Use Objectives to:

Reduce local unemployment by the creation of employment opportunities within the community.

Coordinate skill training programs for local residents with new employment opportunities.

D. Staff Analysis

1. Site Plan

The proposed project site plan shows the required 25 foot setback from Display Way. The site plan also shows a six foot continuous planting strip along the interior and back property lines. The PUD guidelines require a four foot continuous landscaped strip. The site plan shows the required trees in the setback area, however, the trees need to be identified on a more detailed landscape and irrigation plan to be approved by staff before issuance of a building permit. The landscape plan should also show the required berming in the front 25' setback area.

2. Building Design

The building design would consist of a concrete tilt-up structure (80' x 120') light grey in color with a two foot wide aqua green fascia band around the entire building two feet below the parapet line of the building. The applicant is proposing to have an ultramarine tile facade on the front (south) and rear (north) elevations to serve as a backdrop for the Company name-logo which would be a pearl white color. The fascia band and tile colors would be compatible with colors on other buildings in the PUD. There would be three water storage tanks on the west side of the building. Two of the water tanks would be approximately 24 feet tall and one would be approximately 22 feet tall. The tanks would be painted the same light grey color as the building walls. There would be metal roll up doors on the west and north sides of the building. The doors would also be painted light grey. There would be windows at both the ground floor and second floor levels at the front of the building and along the west and east sides extending 28' from the front of the building. The window glazing would be emerald green with aqua green frames. The windows at the second floor level are intended to provide light to the second floor office uses which the applicant wishes to install at a future time which would need a separate Special Permit. The interior of the building would consist of 2,880 sq. ft. of office use, drinking water processing machinery and a large work area. Staff feels that the building design meets the intent of the design guidelines for the PUD.

The subject site is located in the Del Paso Heights Design Review District. The Design Review Board reviewed the proposed project at its October 8, 1991 Board meeting and made comments on the building and site design. The project will go back to the Design Review Board for final approval and their comments shall be incorporated into the proposed project prior to issuance of a building permit.

3. Signage

The signs do not conform to the sign guidelines for the PUD. The sign guidelines allow for only one attached sign for a maximum of 60 sq. ft. and one monument sign. The sign guidelines were amended (P89-283) to allow one attached sign and it could be oriented toward the freeway if it did not exceed 30 sq. ft. in area. The applicant proposes two signs, one on the north and one on the south elevation. The sign on the north elevation would be oriented toward the freeway. The word "Crystal" exceeds the two foot height limit and exceeds both the 30 sq. ft. and 60 sq. ft. area requirements. The "drinking water" sign beneath the "Crystal" sign is not permitted by the sign guidelines which prohibit signs identifying the product being produced. The applicant would need to comply with the sign guidelines of the PUD before a sign permit is issued. Staff recommends that the north elevation sign facing the freeway be removed, the sign on the south elevation be reduced in size to meet the PUD sign guidelines, the "drinking waters" lettering be removed, and a monument sign be installed according to the PUD sign guidelines if the applicant so desires.

4. Parking

The applicant is proposing to install 28 automobile parking spaces in the front of the building and 28 delivery truck spaces in the back of the project. The present parking requirement is one parking space for each 1,000 sq. ft. of gross floor area for the warehouse portion and one parking space for each 300 sq. ft. of office space. Therefore, the warehouse area would require seven parking spaces for the 6,720 sq. ft. and the office portion would require 10 spaces. The total requirement is 17 spaces. The applicant intends to add an additional 2,400 sq. ft. of office space on a second floor in a few years. The applicant would need to apply for a Planning Director's Special Permit at that time which would be evaluated by staff for the increase in office use and parking spaces. The parking requirement may revert back to the Norwood/ I-80 Business Park PUD standard of 1 space per 225 sq. ft. of gross floor area next year if the interim parking measures for PUD's is resinded. Therefore, the parking requirement would be eleven spaces. The total parking requirement would be 28 spaces. This is the number the applicant proposes to provide. Staff recommends that the requested parking spaces be reduced by eleven for a total of 17 spaces and the additional area where the eleven additional spaces are planned for be landscaped with plantings

which could be removed in the future should the applicant indeed expand the office use portion.

6. Lot Line Adjustment

The applicant proposes to adjust the interior lot line in order to reduce the width of the lot on which the water bottling facility would be located from 211 feet to 165 feet. Staff has no objection to this request.

AGENCY COMMENTS

The applicant's proposal has been routed to the Transportation, Development, Flood Control and other Divisions in the Public Works Department as well as the Fire Marshall, Police Department and the City Council member for the area. Cal Trans was also sent a copy of the proposal for review and comment. The Engineering Development Division had the following comments:

1. On site paving, grading and drainage shall be approved by Public Works prior to issuance of a building permit. Note: The existing easement on APN 250-0050-51 and 52 will no longer be adjacent to west property line creating a larger unbuildable area.
2. Driveways shall be a minimum of 10' from property line.
3. Easterly driveway shall be one-way only.
4. Two-way driveway shall be minimum 24 feet wide.

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B) 1 of the California Environmental Quality Act Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified effects or to mitigate such effects to a point where clearly no significant effects will occur. A Mitigation Monitoring Plan has been developed and is attached as Exhibit E.

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

- A. Ratify the Negative Declaration.
- B. Approve the Mitigation Monitoring Program by adopting the attached resolution.
- C. Approve the Special Permit to allow 2,880 sq. ft. of office use in a 9,600 sq. ft. warehouse where the Zoning Ordinance allows 2,400 sq. ft. (25%) on 1.67 vacant acres in the Light Industrial Labor Intensive (Planned Unit Development) (M-1-LI(PUD)) zone subject to conditions and based upon findings of fact which follow.
- D. Approve the Special Permit to allow the construction of a 9,600 sq. ft. warehouse on 1.67 vacant acres in the Norwood I-80 Business Park Planned Unit Development (PUD) subject to conditions and based upon findings of fact which follow.
- E. Approve the Lot Line Adjustment to move the interior lot line 46 feet to the west between lots 250-0040-59, 61 on the west and lots 250-0050-51, 52 on the east in the Light Industrial- Labor Intensive (Planned Unit Development)(M-1-LI(PUD)) zone by adopting the attached resolution.

Conditions

1. The applicant shall submit a detailed landscape plan for review and approval of the Planning Director prior to the issuance of a Building Permit. The landscape plan shall show where the additional eleven parking spaces where

APPLC. NO. P91-233

MEETING DATE October 24, 1991

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001025

replaced with appropriate landscaping. *The applicant can provide a less permanent type of landscaping in the 11 space area, such as planter boxes. The temporary landscaping for this area shall be subject to Planning staff review and approval prior to issuance of building permits. (CPC amended)*

2. A revised sign program which conforms to the Norwood/ I-80 Business Park PUD sign guidelines shall be submitted to the Planning Director for review and approval prior to issuance of any sign permit.
3. The trash enclosure shall comply with the PUD trash enclosure guidelines. Landscaping shall be planted adjacent to the enclosure to screen it.
4. All lighting shall be directed on-site.
5. The applicant/employer shall make every effort to employ people from the North Sacramento Area and develop and implement a skill training program for the employees.
6. A Planning Director's Special Permit shall be applied for when the applicant plans to increase the office use.
7. The project shall be subject to the review and approval of the Design Review/ Preservation Board prior to issuance of building permits.
8. The development shall comply with the provisions of the Norwood/ I-80 Business Park Planned Unit Development Guidelines.
9. Prior to the final inspection by the Building Division, the site is subject to the Planning Director's inspection to insure compliance with all conditions of approval.

Findings of Fact

1. The project, as conditioned, is based upon sound principles of land use in that it is:
 - a. harmonious with the guidelines set forth in the PUD guidelines.
 - b. it is a warehouse/ office development located in an industrial zone.
2. The project, as conditioned, will not be detrimental to the public health, safety, or welfare nor result in the creation of a nuisance in that:
 - a. adequate parking is provided;
 - b. adequate landscaping is provided.
3. The proposed project is consistent with the City's General Plan and North Sacramento Community Plan in that the site is designated for Labor Intensive Industrial uses.

RESOLUTION NO. 1285

ADOPTED BY THE SACRAMENTO CITY PLANNING COMMISSION
ON DATE OF OCTOBER 24, 1991

APPROVING A LOT LINE ADJUSTMENT TO ADJUST
THE LOT LINE BETWEEN PARCEL 3 AND PARCEL 2 AS
SAID PARCELS ARE SHOWN AND SO DESIGNATED
ON THAT CERTAIN PARCEL MAP FILED IN BOOK 120
OF PARCEL MAPS, AT PAGE 2, OFFICIAL RECORDS
OF SACRAMENTO COUNTY (APN 250-0040-59,61;
250-0050-51,52) (P91-233)

WHEREAS, the Planning Director has submitted to the Planning Commission a report and recommendation concerning the lot line adjustment for property located at Display Way and Taylor Street; and

WHEREAS, the lot line adjustment has received a Negative Declaration pursuant to Section 15070 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the lot line adjustment is consistent with the General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Sacramento: that the lot line adjustment for property located at Display Way and Taylor Streets, City of Sacramento, be approved as shown and described in Exhibit C and D attached hereto, subject to the following conditions:

Applicant shall complete the following at the Public Works Department, Development Services Division, prior to a lot line adjustment being recorded:

- A. File a Certificate of Compliance, submit all required documents according to the submitted requirements checklist, and pay necessary fees.
- B. File a waiver of Parcel Map.
- C. Pay off or segregate any existing assessments.
- D. Notice: Property to be adjusted 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 at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street.


CHAIRPERSON

ATTEST:


SECRETARY TO THE CITY PLANNING COMMISSION

APPLC. NO. P91-233

MEETING DATE October 24, 1991

ITEM NO. 11

001040

RESOLUTION NO. 1284

ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SACRAMENTO

ON DATE OF October 24, 1991

MITIGATION MONITORING PLAN FOR P91-233, TO CONSTRUCT THE CRYSTAL WATER BUILDING LOCATED IN THE NORTH SACRAMENTO COMMUNITY PLAN AREA. (APN: #250-0040-59,61; 250-0050-51,52)

WHEREAS, the Planning Commission held a public hearing to review the above described project;

WHEREAS, the above described project has been given a Negative Declaration by the Environmental Coordinator; and

WHEREAS, the proposed Negative Declaration finds that the proposed project will not have a significant effect on the environment because mitigation measures have been added to the project; and

WHEREAS, in accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan be developed for implementing mitigation measures as identified in the Initial Study for the project; and

WHEREAS, the applicant for the project has agreed to the provisions of the Mitigation Monitoring Plan as indicated on the Agreement contained in the attached Mitigation Monitoring Plan.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The Mitigation Monitoring Plan for the Crystal Water Building (P91-233) project be approved and adopted as shown in the attached Mitigation Monitoring Plan dated August 28, 1991.


CHAIRPERSON

ATTEST:

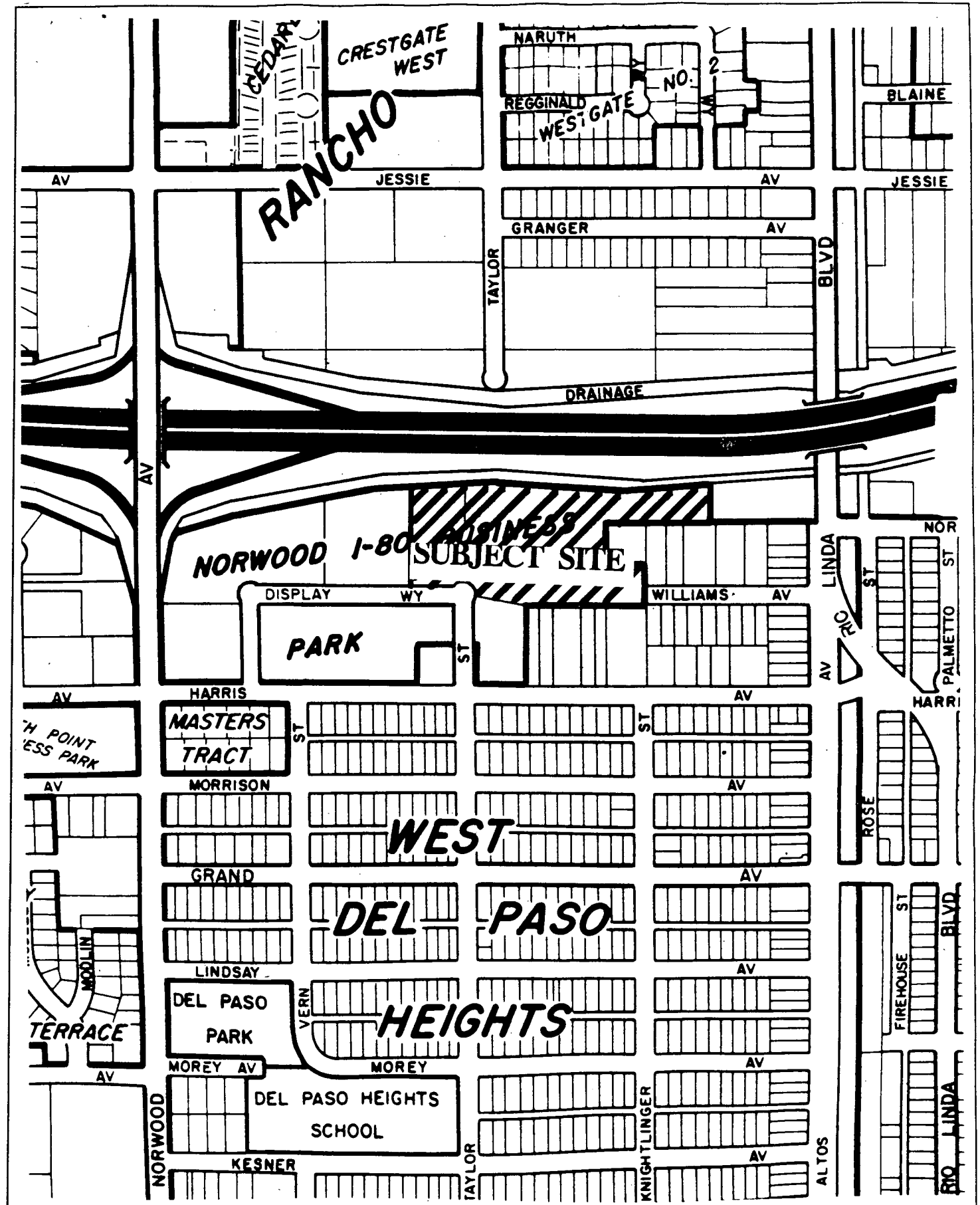

SECRETARY TO THE PLANNING COMMISSION

APPLC. NO. P91-233

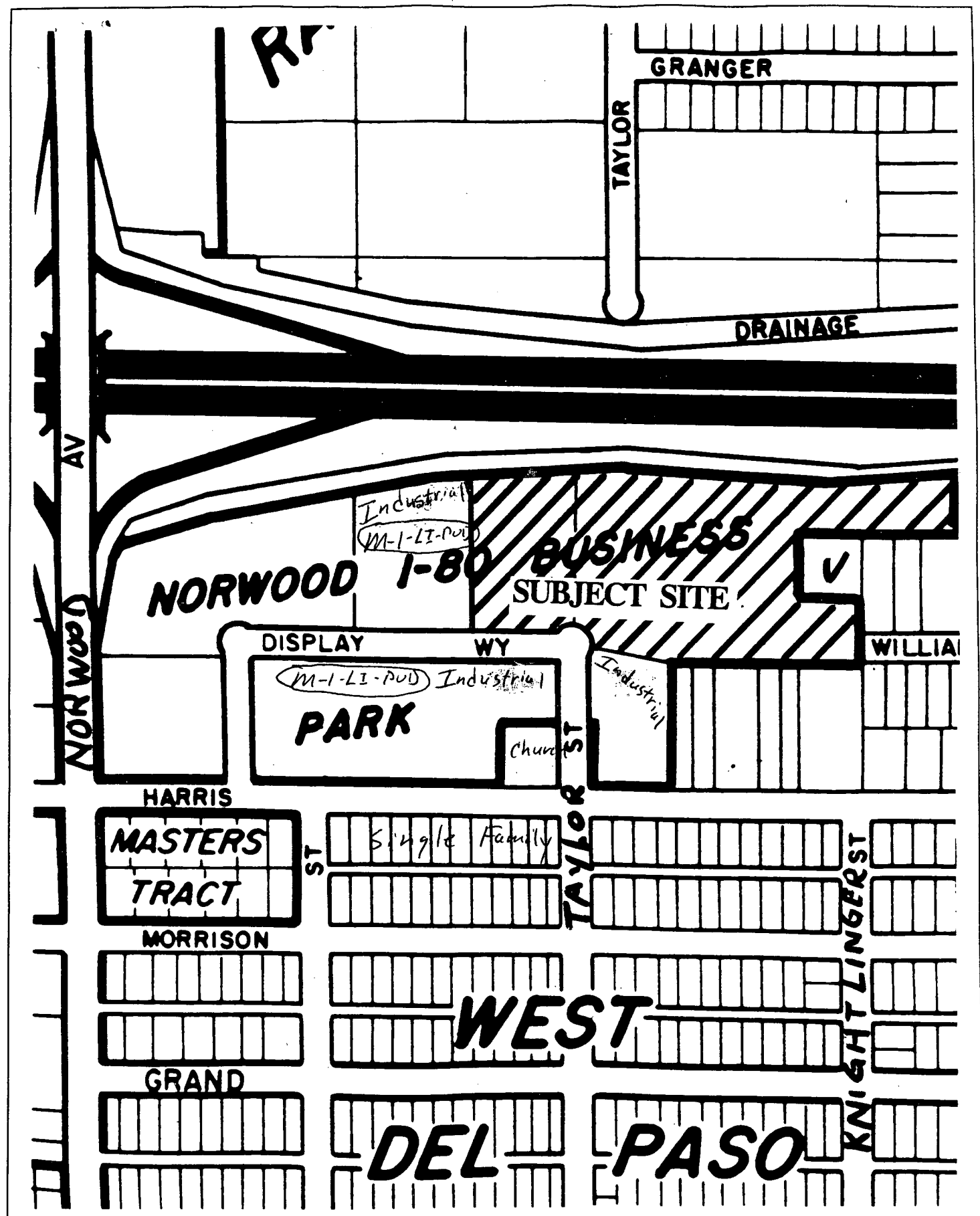
MEETING DATE October 24, 1991

ITEM NO. 11

001039



VICINITY MAP



LAND USE & ZONING MAP

11#

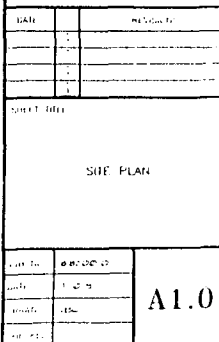
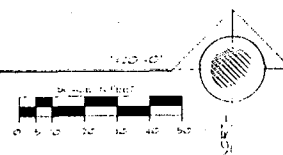


EXHIBIT - A

SITE PLAN

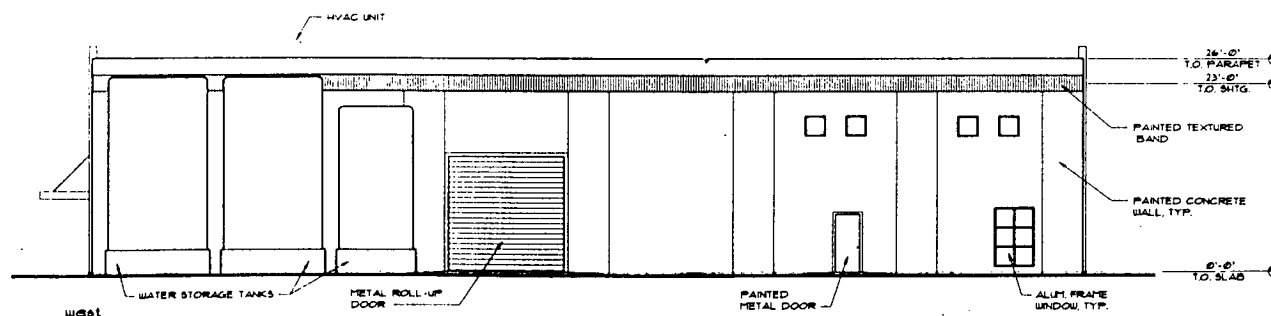
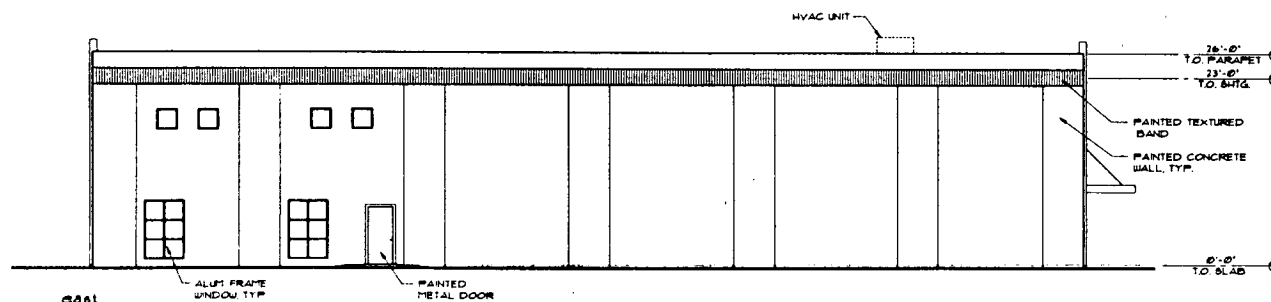
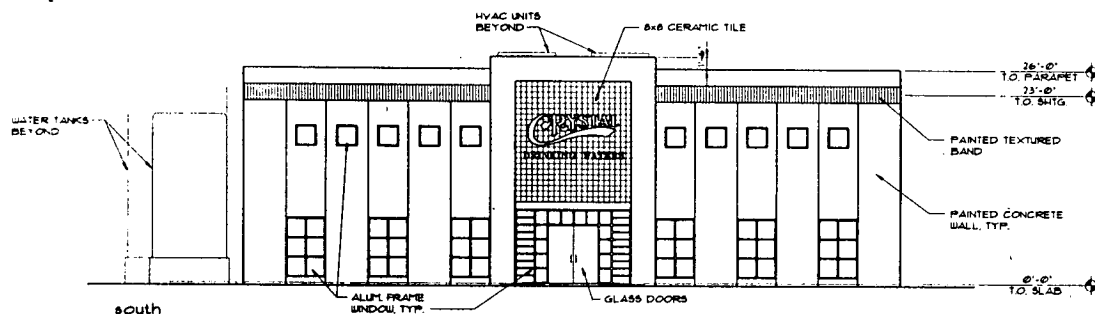
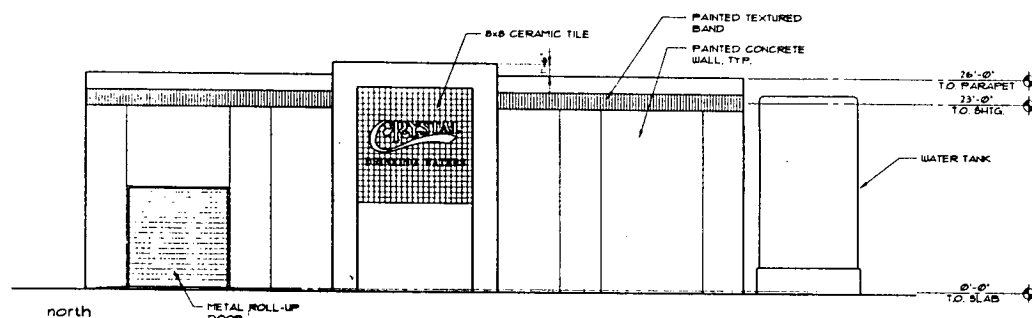
P 91-233

001030

10-24-91

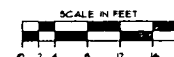
#11

COLORS:	
WALLS	LIGHT COOL GREY
TEXTURED BAND	AQUA GREEN
DOORS	LIGHT COOL GREY
GLASS	EMERALD GREEN
WINDOW FRAMES	AQUA GREEN
CERAMIC TILE	ULTRAMARINE BLUE
LETTERING	PEARL WHITE
WATER TANKS	LIGHT COOL GREY



EXTERIOR ELEVATIONS

1/8"=1'-0"



☐ SAN DIEGO (619) 695-3150
 10065 OLD GROVE ROAD
 SAN DIEGO, CA 92131
☐ NEWPORT BEACH (714) 756-0935
 3440 IRVINE AVENUE
 NEWPORT BEACH, CA 92660
☒ SACRAMENTO (916) 649-1195
 77 CADILLAC DRIVE, STE. #200
 SACRAMENTO, CA 95825

BOTTLING COMPANY
 2485 NATOMA PARK DRIVE, SUITE #340
 SACRAMENTO, CALIFORNIA 95833

DATE	REVISIONS

SHEET TITLE: EXTERIOR ELEVATIONS

JOB No	
DATE	7-10-91
DRAWN	JBW
CHECKED	

A3.0

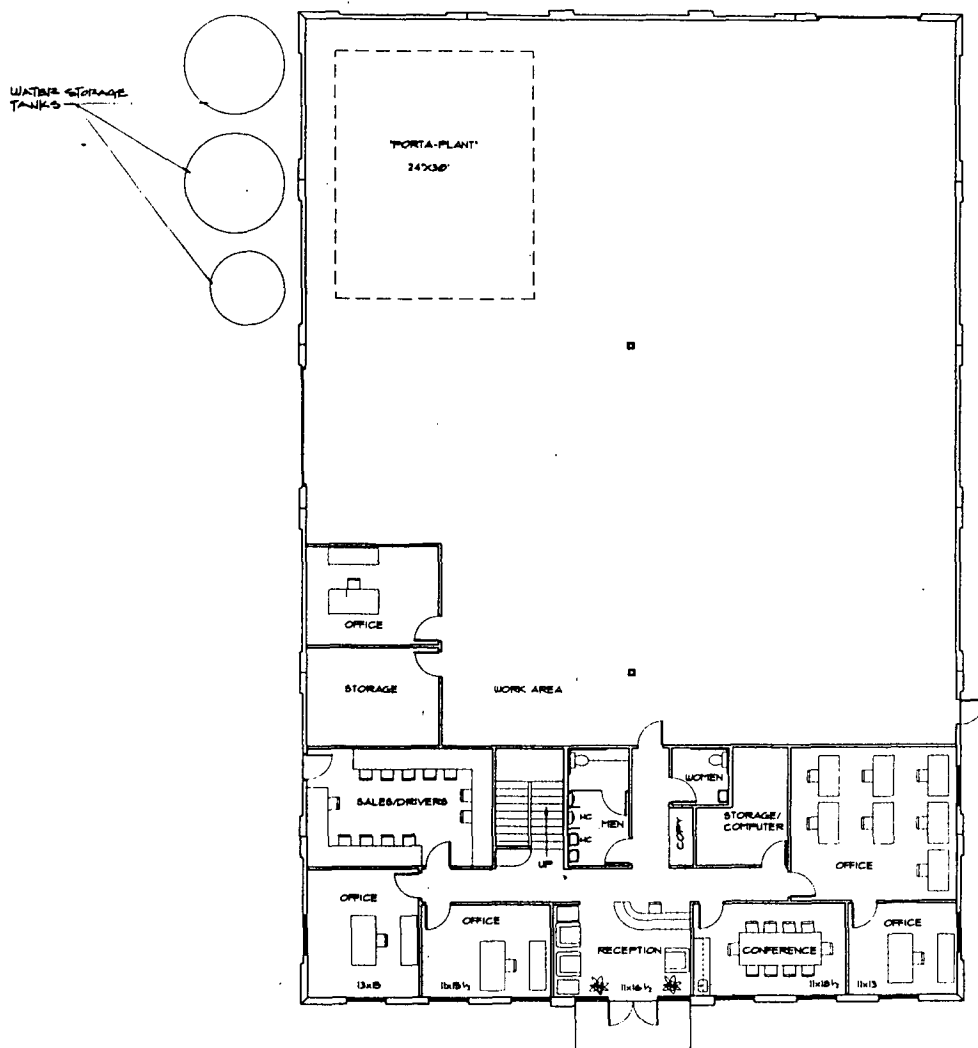
EXHIBIT - B
ELEVATIONS

P91-233

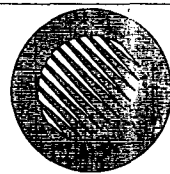
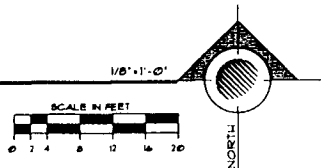
001031

10-24-91

#11



FLOOR PLAN



OWEN
CONSULTANTS

☐ SAN DIEGO (619) 695-3150
 10085 OLD GROVE ROAD
 SAN DIEGO, CA 92131
☐ NEWPORT BEACH (714) 756-0935
 3440 URVINE AVENUE
 NEWPORT BEACH, CA 92660
☒ SACRAMENTO (916) 649-1195
 77 CADILLAC DRIVE, STE. #200
 SACRAMENTO, CA 95825

DATE	REVISIONS
SHEET TITLE:	
FLOOR PLAN	
JOB No.	8175.0010
DATE	7-10-91
DRAWN	JDU
CHECKED	

A2.0

EXHIBIT - C
FLOOR PLANS

P 91-233



SCALE: 1"=100'

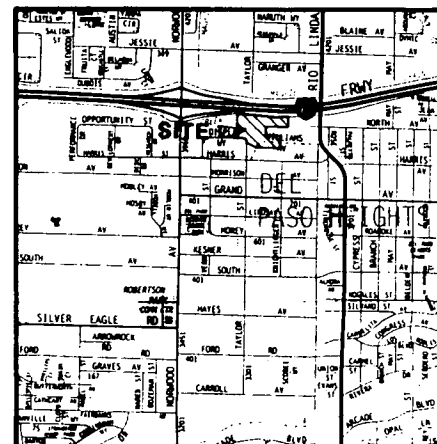
001032

10-24-91

#11

LOT LINE ADJUSTMENT CRYSTAL BOTTLING CITY OF SACRAMENTO JULY 1991

mp MORTON & PITALO, INC.
CIVIL ENGINEERING - PLANNING - SURVEYING



VICINITY MAP
NO SCALE

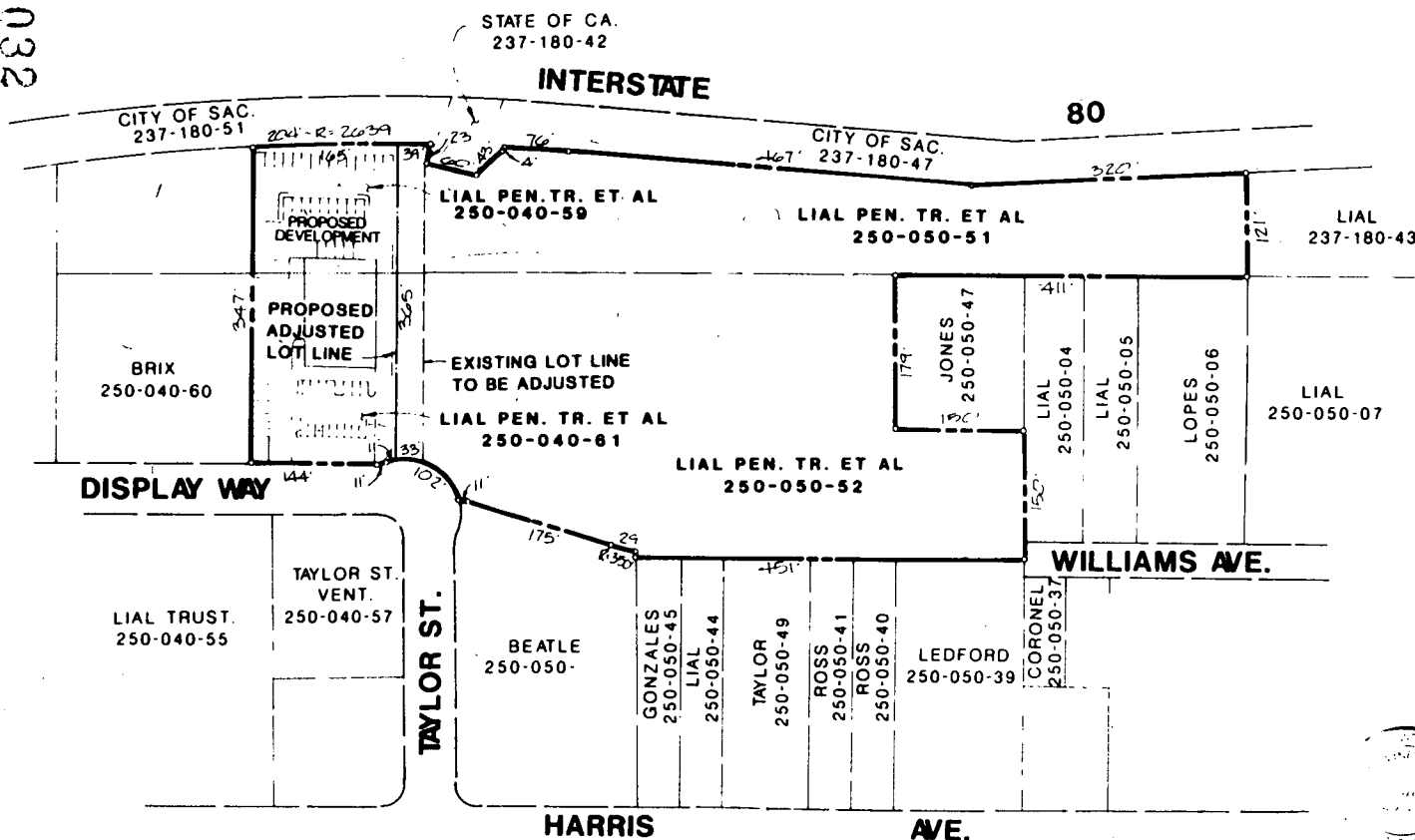


EXHIBIT - D

JULY 17, 1991
910137

DESCRIPTION
NEW PARCEL 2

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF
SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA
DESCRIBED AS FOLLOWS;

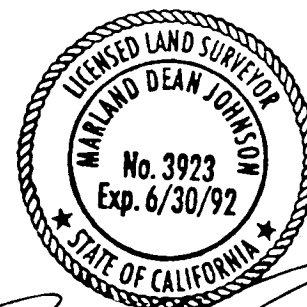
A PORTION OF PARCEL 2 AS SAID PARCEL IS SHOWN AND SO
DESIGNATED ON THAT CERTAIN PARCEL MAP FILED IN BOOK 120
OF PARCEL MAPS AT PAGE 2, OFFICIAL RECORDS OF SAID COUNTY
DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 2;
THENCE ALONG THE NORTH LINE OF SAID PARCEL 2 AND EASTERLY
ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE TO
THE SOUTH, HAVING A RADIUS OF 2639.46 FEET AND BEING SUBTENDED
BY A CHORD BEARING NORTH 88°34'38" EAST 165.09 FEET;
THENCE SOUTH 00°25'42" WEST 365.44 FEET TO A POINT ON THE
SOUTH LINE OF SAID PARCEL 2; THENCE ALONG THE SOUTHERLY AND
WESTERLY LINES OF SAID PARCEL 2 THE FOLLOWING FOUR (4) COURSES;
1. WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT
CONCAVE TO THE SOUTH, HAVING A RADIUS OF 64.00 FEET AND BEING
SUBTENDED BY A CHORD BEARING SOUTH 74°38'34" WEST 10.70 FEET;
2. WESTERLY ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT,
CONCAVE TO THE NORTH, HAVING A RADIUS OF 30.00 FEET AND BEING
SUBTENDED BY A CHORD BEARING SOUTH 80°08'15" WEST 10.72 FEET;
3. NORTH 89°34'18" WEST 144.15 FEET AND
4. NORTH 00°25'42" EAST 364.93 FEET TO THE POINT OF BEGINNING.

001033

P91-233 233

10-24-91



#11

JULY 17, 1991
910137

DESCRIPTION
NEW PARCEL 3

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF
SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA
DESCRIBED AS FOLLOWS;

PARCEL 3 AND A PORTION OF PARCEL 2 AS SAID PARCELS ARE SHOWN
AND SO DESIGNATED ON THAT CERTAIN PARCEL MAP FILED IN BOOK
120 OF PARCEL MAPS AT PAGE 2, OFFICIAL RECORDS OF SAID COUNTY
DESCRIBED AS FOLLOWS;

BEGINNING AT THE NOTRH WEST CORNER OF SAID PARCEL 3; THENCE
ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY LINES OF SAID
PARCEL 3 THE FOLLOWING SEVENTEEN (17) COURSES;

1. SOUTH 76°38'24" EAST 60.01 FEET;
 2. NORTH 47°58'00" EAST 43.16 FEET;
 3. NORTH 03°13'05" WEST 4.16 FEET;
 4. SOUTH 86°16'06" EAST 76.30 FEET;
 5. SOUTH 85°06'20" EAST 467.58 FEET;
 6. NORTH 87°26'30" EAST 319.93 FEET;
 7. SOUTH 00°19'30" EAST 120.70 FEET;
 8. NORTH 89°33'06" WEST 411.16 FEET;
 9. SOUTH 00°21'10" EAST 179.38 FEET;
 10. SOUTH 89°30'26" EAST 150.29 FEET;
 11. SOUTH 00°20'59" EAST 150.00 FEET;
 12. NORTH 89°30'26" WEST 450.83 FEET;
 13. NORTH 00°21'43" WEST 7.09 FEET;
 14. WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT
CONCAVE TO THE NORTH, HAVING A RADIUS OF 350.00 FEET AND BEING
SUBTENDED BY A CHORD BEARING NORTH 75°35'09" WEST 28.91 FEET;
 15. NORTH 73°13'09" WEST 174.60 FEET;
 16. WESTERLY ALONG THE ARC OF A TANGENT CURVE TO THE LEFT,
CONCAVE TO THE SOUTH, HAVING A RADIUS OF 350.00 FEET AND BEING
SUBTENDED BY A CHORD BEARING NORTH 74°06'05" WEST 10.78 FEET AND
 17. NORTHWESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE
LEFT, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 64.00 FEET AND
BEING SUBTENDED BY A CHORD BEARING NORTH 42°53'12" WEST 58.60
FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2;
- THENCE ALONG THE SOUTH LINE WESTERLY ALONG THE ARC OF A COMPOUND
CURVE TO THE LEFT, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 64.00
FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 85°20'46" WEST
33.59 FEET;
- THENCE NORTH 00°25'42" EAST 365.44 FEET TO A POINT ON THE NORTH
LINE OF SAID PARCEL 2;
- THENCE ALONG SAID NORTH LINE AND EASTERLY ALONG THE ARC OF A NON-
TANGENT CURVE TO THE RIGHT, CONCAVE TO THE SOUTH, HAVING A RADIUS
OF 2639.46 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 89°12'
39" EAST 38.69 FEET AND
- SOUTH 13°21'36" WEST 23.17 FEET TO THE POINT OF BEGINNING.



P 91-233

001034

10-24-91

11

JULY 17, 1991
910137

DESCRIPTION
AREA FROM PARCEL 2
TO BE ADDED TO PARCEL 3

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF
SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA
DESCRIBED AS FOLLOWS;

A PORTION OF PARCEL 2 AS SAID PARCEL IS SHOWN AND SO
DESIGNATED ON THAT CERTAIN PARCEL MAP FILED IN BOOK 120
OF PARCEL MAPS AT PAGE 2, OFFICIAL RECORDS OF SAID COUNTY
DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 2;
THENCE ALONG THE EASTERLY AND SOUTHERLY LINES OF SAID
PARCEL 2 THE FOLLOWING THREE (3) COURSES;
1. SOUTH 13°21'36" WEST 23.17 FEET;
2. SOUTH 00°25'42" WEST 345.09 FEET AND
3. WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE
LEFT, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 64.00 FEET AND
BEING SUBTENDED BY A CHORD BEARING NORTH 85°20'46" WEST 33.59
FEET;
THENCE NORTH 00°25'42" EAST 365.44 FEET TO A POINT ON THE NORTH
LINE OF SAID PARCEL 2;
THENCE ALONG SAID NORTH LINE EASTERLY ALONG THE ARC OF A NON-
TANGENT CURVE TO THE RIGHT, CONCAVE TO THE SOUTH, HAVING A RADIUS
OF 2639.46 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH
89°12'39" EAST 38.69 FEET TO THE POINT OF BEGINNING.

001035

P 91-233

P 91-233

10-24-91

11

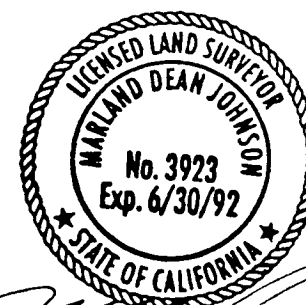


Exhibit D-5

JULY 25, 1991
91-0137

EXISTING DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO,
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 3 AND PARCEL 2 AS SAID PARCELS ARE SHOWN AND SO DESIGNATED
ON THAT CERTAIN PARCEL MAP FILED IN BOOK 120 OF PARCEL MAPS, AT
PAGE 2, OFFICIAL RECORDS OF SAID COUNTY.

001036

P91-233

1 P91 33

10-24-91

#11

MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been required and prepared by the Department of Planning and Development, Environmental Services Division, 1231 I Street, Suite 301, Sacramento, CA 95814, (916) 449-2037, pursuant to California Environmental Quality Act Guidelines Section 21081.

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: Crystal Water / P91-233
Applicant/Developer/Owner - Name: David Scurfield, The Scurfield Company
Address: 2707 K Street, #2, Sacramento, CA. 95816

Project Location / Legal Description of Property (if recorded):

North Sacramento Community Plan area within the Norwood I-80 Business Park Planned Unit Development. The project site is located at Display Way and Taylor Street. (APN# 250-0040-59,61; 250-0050-51,52).

SECTION 2: GENERAL INFORMATION

The project as approved includes mitigation measures for noise impacts. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Negative Declaration. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the applicant/developer/owner.

SECTION 3: PLAN CONTENTS**A: Noise Exposure**

1. All joints in exterior walls shall be grouted or caulked airtight.
2. Window or through-the-wall ventilation and air conditioning units shall not be permitted.
3. All penetrations of exterior walls shall include a 1/2 inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
4. Windows must have a minimum STC rating of 29 or better. Windows facing the noise source should comprise less than 25 percent of the wall area. Windows shall have an air filtration rate of less than or equal to 0.20 CFM/lin. ft. when tested with a 25 mile an hour wind per ASTM standards.
5. Exterior entrance doors should have a minimum STC rating of 30. They must include complete perimeter door seals.

001037

P91-233

10-24-91

11

6. Alternative methods and materials may be used subject to approval of the Environmental Services Division.

ENTITY RESPONSIBLE FOR ENSURING COMPLIANCE

Department of Planning and Development, City of Sacramento

MONITORING PROGRAM

Prior to issuance of Building Permit the Building Division shall require that the final building plans incorporate the applicable noise attenuation measures. The Building Division shall also require that site inspections are included on the Special Conditions Attachment. Prior to final permits, the Building Division shall require full compliance and completion of the specified noise attenuation measures.

001038

P91-233

10-24-91

#11

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

APPLICANT	Michael Brent Davis, 8632 Cherrington Lane, Sacramento, CA 95824		
OWNER	Anto Sacta, David Karacozoff, 4699 24th Street, Sacramento, CA 95822		
PLANS BY	Espinoza Architectural Group, 77 Cadillac Drive Suite #200, Sacramento, CA 95825		
FILING DATE	7/25/91	ENVIR. DET.	Exemption 15061 (3)
		REPORT BY:	D Holm
ASSESSOR'S PCL. NO.	025-0410-021-0000		

APPLICATION: Special Permit to allow the sale of beer and wine for off premises consumption within a proposed 1,200 \pm square foot convenience market which is to be located within an existing commercial shopping center located on 1.2 \pm developed acres in the General Commercial Executive Airport Overlay 4 (C-2 EA/4) zone.

LOCATION: 5635 Freeport Boulevard

PROPOSAL: The applicant is requesting the necessary entitlements in order to sell beer and wine for off premises consumption within a proposed 1,200 \pm square foot convenience market.

PROJECT INFORMATION:

General Plan Designation:	Community/Neighborhood Commercial & Offices
Existing Zoning of Site:	General Commercial (C-2 EA/4)
Existing Land Use of Site:	Shopping Center

Surrounding Land Use and Zoning:

North:	Retail; C-2 EA/4
South:	Retail; C-2 EA/4
East:	Single Family; R-1 EA/4
West:	Retail/Commercial; C-2 EA/4

Property Dimensions:	Irregular
Property Area:	1.2 \pm acres
Proposed Hours of Operation:	6:00 a.m. to 11:00 p.m.
Square Footage of Proposed Convenience Market:	1,200 \pm square feet
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

BACKGROUND INFORMATION: The subject site is located less than 150 feet south of an existing BP Gas Station which is located on the southwest corner of Fruitridge Road and Freeport Boulevard. On April 26, 1990 the City Planning Commission heard testimony regarding a proposed off sale beer and wine license for a proposed convenience market/gas station at the southwest corner of Fruitridge Road and Freeport Boulevard. The Planning Commission considered the fact that there were 11 other liquor licenses (off sale and bars) within the surrounding area and determined that there was an overconcentration of liquor within the area surrounding the proposed convenience market. The Planning Commission denied the requested special permit with a vote of 6 ayes and 3 absent.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of 1.2± developed acres located in the General Commercial Executive Airport Overlay 4 (C-2 EA/4) zone. A 12,600 square foot shopping center is under construction on the subject site. The General Plan designates the site for Community/ Neighborhood Commercial and Offices. Surrounding land uses and zoning include retail and restaurants, zoned General Commercial Executive Airport Overlay 4 zone (C-2 EA/4), to the north; retail and commercial, zoned General Commercial Executive Airport Overlay 4 zone (C-2 EA/4), to the west; restaurants and retail, zoned General Commercial Executive Airport Overlay 4 zone (C-2 EA/4), to the south; and single family residences, zoned Standard Single Family Executive Airport Overlay 4 zone (R-1 EA/4) to the east.

B. Applicant's Proposal

The applicant is requesting the necessary special permit to allow the sale of beer and wine for off premises consumption within a 1,200± square foot tenant space of an existing retail shopping center. The applicant is proposing to be open from 6:00 a.m. until 11:00 p.m., therefore, a special permit for the sale of beer and wine for off premises consumption is the only entitlement being requested.

C. Plan Consistency

It is the policy of the City to enhance and maintain the quality of life by adhering to high standards for project and plan evaluation. In considering the high concentration of uses within the area of the subject site that currently sell alcohol for off premise consumption the addition of another off premise alcohol license to an already impacted area could lead to loitering and subsequent crime and blight. Approval of the requested special permit would be contrary to the goals of the "Quality of Life" policy of the General Plan.

D. Staff Analysis

The applicant is requesting to operate a convenience market which will sell beer and wine within a 1,200± square foot retail store. Staff has surveyed Freeport Boulevard and found that in a mile and three-quarter stretch along Freeport Boulevard, there are twelve other establishments which sell alcohol (see Exhibit D for location map). The attached survey is representative of the businesses which would currently require a special permit under the City's Zoning Ordinance (bars and retail stores under 15,000 square feet). Staff did not include the numerous restaurants within the 1 3/4 mile stretch of Freeport Boulevard that also have licenses to sell alcoholic beverages. Along the portion of Freeport Boulevard that was surveyed there are two bars, six businesses with off sale general (beer, wine and liquor) licenses and four businesses with off sale beer and wine licenses. Staff feels that there is an adequate supply of businesses which sell beer and wine in this area. The approval of the requested special permit would add to the existing over-concentration of businesses that sell alcoholic beverages in this area.

E. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering Development Services, Building Inspections, Police and the South Land Park Neighborhood Association. The following comments were received from the Police Department:

Police Department

The memo sent to the Planning Division on September 23, 1991 (See Exhibit E), from Jerry Finney, Assistant Chief of Police is worded less strongly than the intent of the Police Department regarding this application for a Special Permit.

The Department believes that the relatively low number of calls for service for this area is due to the minimal number of liquor licenses in the immediate vicinity. We do not wish to add another licensed premises to this neighborhood to increase the availability of alcohol which could lead to an increase in calls for service. If this site receives a special planning permit there would be a store, restaurant, or bar offering alcohol approximately every two blocks along Freeport Boulevard from Sutterville Road to Kitchner Road. Last year, the premises across the street from this applicant, BP gas station/convenience store, application for beer and wine sales was rejected by the Planning Commission, due to the concentration of licenses. We believe that this application should be reviewed by the same standards that the BP application was reviewed.

If the permit is granted, we would recommend the conditions as originally detailed in the September 23 letter as described in Exhibit E.

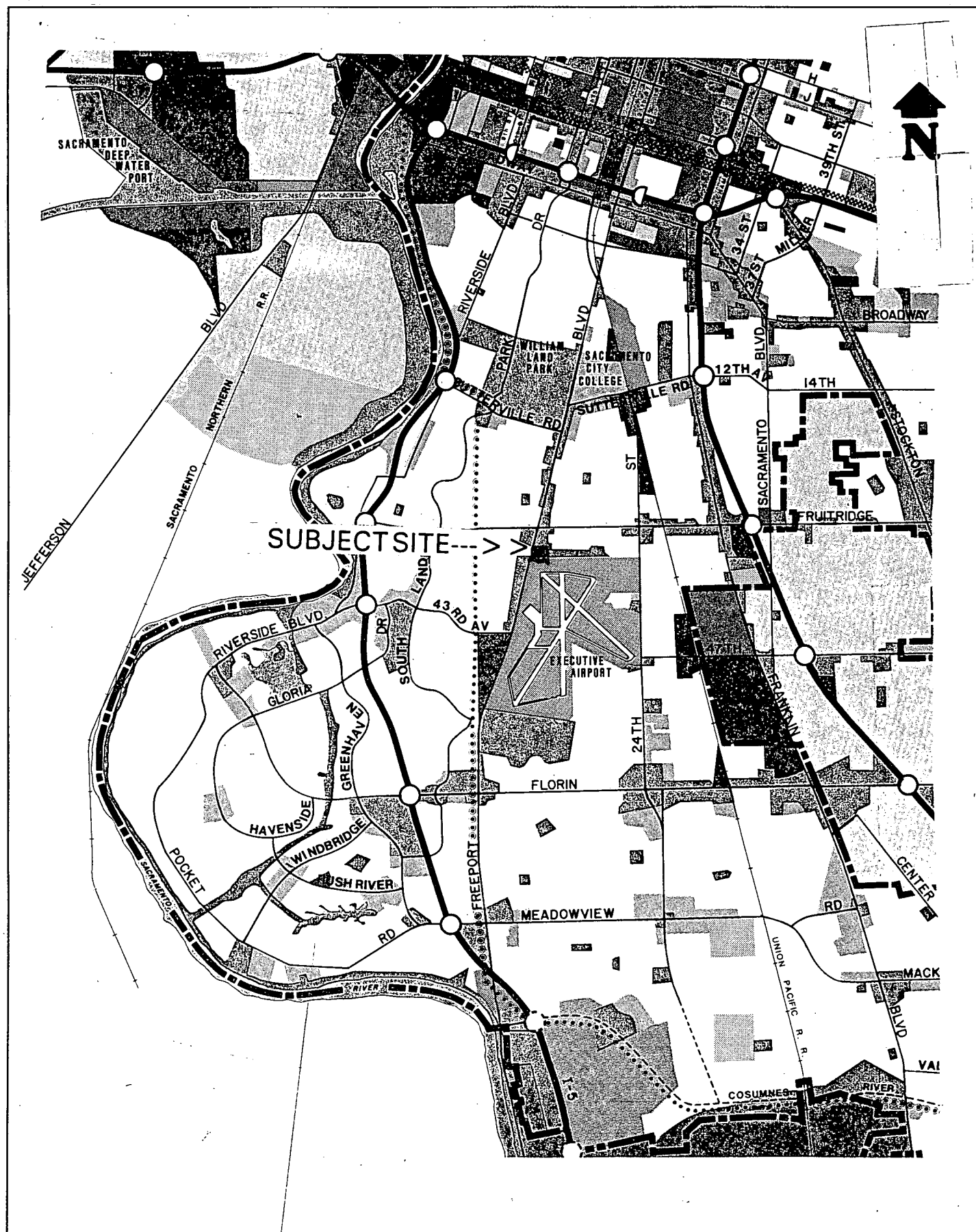
ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15061 {3}).

RECOMMENDATION: Staff recommends the Planning Commission deny the Special Permit to allow the sale of beer and wine for off premises consumption based upon the findings of fact which follow.

Findings of Fact

1. The project's special permit for the sale of beer and wine is not based upon sound principles of land use in that:
 - a. the proposed use will adversely affect the peace and general welfare of the surrounding residential and commercial neighborhood;
 - b. the proposed use will result in an undue concentration of establishments dispensing alcoholic beverages in that there are twelve establishments in a 1-3/4 mile stretch along Freeport Boulevard; and

- c. the proposed use has a potential to create the development of a crime problem in the area.
- 2. Granting the special permit would be injurious to the welfare of the public and neighboring residences in that the proposed special permit to allow the sale of beer and wine for off premises consumption increases the potential for an increase in crime in the area.
- 3. The special permit is inconsistent with the General Plan which designate the site Community/Neighborhood Commercial and Offices. The sale of beer and wine in this location is in conflict with the policy of the General Plan to enhance and maintain the quality of life.



VICINITY MAP

P91-232

000930

November 14, 1991

Item No. 8

P91-232

000912

November 14, 1991

Item No. 8

EXHIBIT - A

SITE PLAN

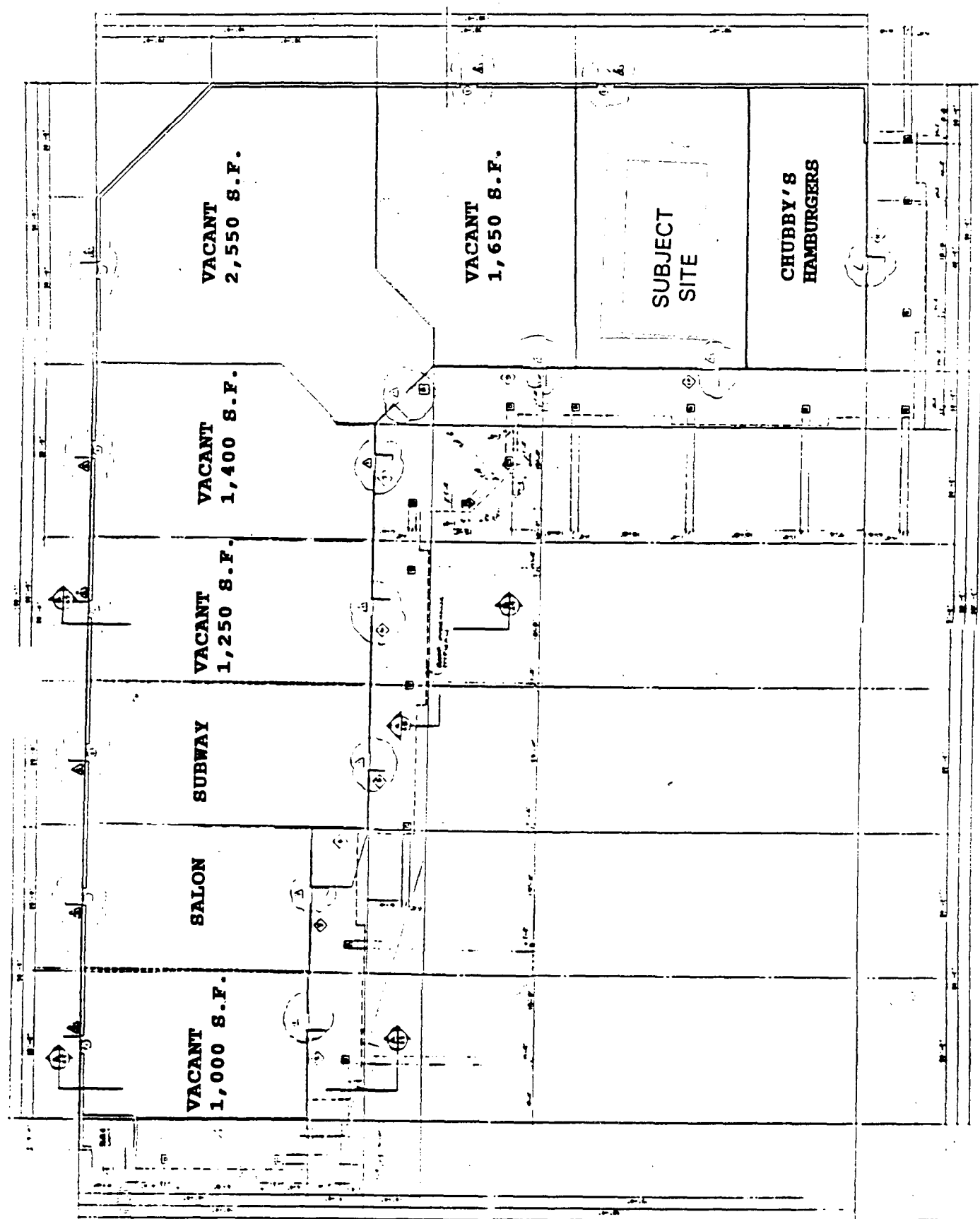
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2	11/21/91		
3	12/21/91		
4	1/21/92		
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EXHIBIT - B

FLOOR PLAN



P91-232

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November 14, 1991

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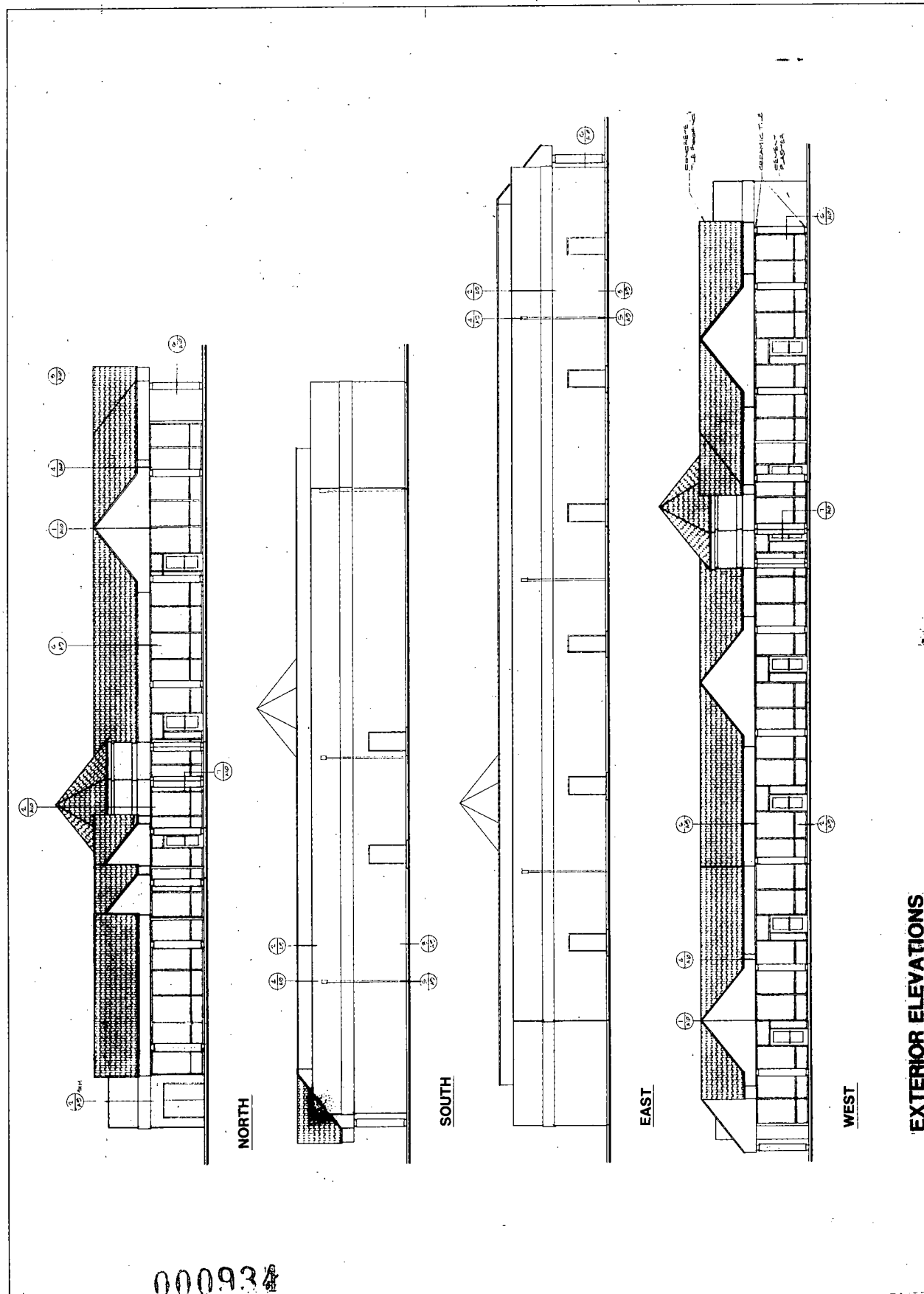
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EXHIBIT - C ELEVATIONS

ESPINOZA ARCHITECTS
77 CAPITOL DRIVE
SHERBORN, MASSACHUSETTS 01901

REPORT
DATE 7/2/91
JOB NO. 2031

REVISION
DATE 7/2/91
JOB NO. 2031



EXTERIOR ELEVATIONS

000934

P91-232

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P91 232

EXHIBIT - D

CONCENTRATION MAP

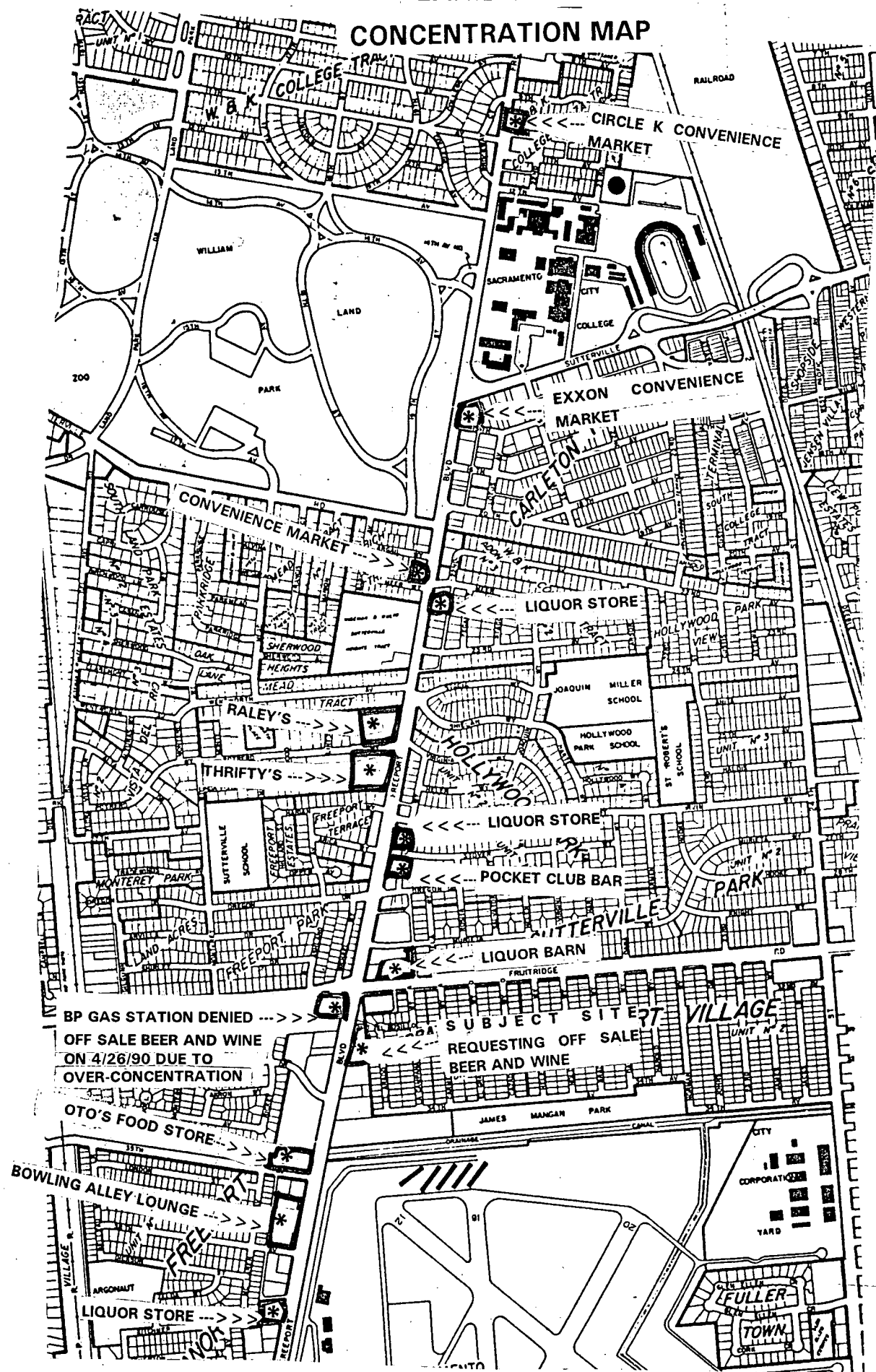


EXHIBIT E - PAGE 1



DEPARTMENT OF
POLICE

CITY OF SACRAMENTO
CALIFORNIA

HALL OF JUSTICE
813 SIXTH STREET
SACRAMENTO, CA
95814-2495

September 23, 1991

Ref. 9-13

916-449-5121

JOHN P. KEARNS
CHIEF OF POLICE

M E M O R A N D U M

TO: DAWN HOLM, PLANNER
City Planning Division

FROM: JERRY V. FINNEY, ASSISTANT CHIEF
Sacramento Police Department

SUBJECT: SPECIAL PERMIT -- BEER AND WINE SALES
5635 FREEPORT BLVD. (P91 - 232)

The Sacramento Police Department is concerned about the impact on calls for service from this location as a result of this special permit request. This area has been relatively free of calls for service which is due to the absence of stores selling wine and beer, with the exception of a Liquor Barn near the corner of Fruitridge and Freeport and a Raley's Store north of this intersection. We believe that the proposed Speedy Minimart will not only be a neighborhood market but will cater to passing traffic.

To maintain the minimal call for service history of this area, we recommend that the following conditions be placed on this special permit:

1. The sale of beer shall be in quantities of not less than one six pack.
2. The sale of wine shall be in bottles or containers no smaller than 750 ml. except for wine coolers in original factory packaged four packs.

P91-232 000936

November 14, 1991

Item No. 8

EXHIBIT E - PAGE 2

MEMORANDUM

DAWN HOLM
September 23, 1991
Page 2

3. Licensee shall post and maintain on the premises and in the parking lot used in conjunction therewith notices clearly visible to the patrons of the licensee and parking lot and to persons on the public sidewalk stating, in block lettering, the following:

UNLAWFUL TO ENTER, BE OR REMAIN ON
ADJACENT PARKING LOT OR ADJACENT
PUBLIC SIDEWALK WITH AN OPEN
ALCOHOLIC BEVERAGE CONTAINER.
C.P.C. 647E(A); S.C.C. 26.24(c)

4. Lighting levels shall be as follows: 1.5 footcandles of minimum maintained illumination per square foot of parking space between the hours of dusk and one hour after sunrise. A minimum of .25 footcandles of illumination shall be provided at the surface of any walkway, alcove or passageway related to the project during the same hours.
5. The parking area must be visible for internal monitoring. Where windows are not appropriate for this purpose, closed circuit television shall be used.
6. Applicant shall provide bicycle security racks at the front of the business.
7. The following minimum security standards shall be incorporated into the interior design of the building.
 - a. The cashier station shall be raised to provide noticeable height advantage to employees.
 - b. Mirrors or closed circuit television shall be placed in such a manner as to provide employees with the ability to observe all hidden corners and blind spots.
 - c. Coldboxes shall be equipped with an audible enunciator to alert employees when the doors are opened.

EXHIBIT E - PAGE 3

MEMORANDUM

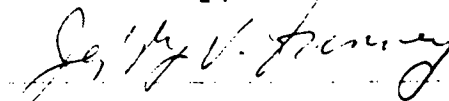
Dawn Holm
September 23, 1991
Page 3

- d. The facility shall be equipped with UL approved money safes. Signs shall be prominently posted stating that employees do not have access to the safe.
8. The applicant shall be responsible for the removal of all litter generated by the business in the immediate neighborhood.
9. All illegal activities observed on or around the business shall be promptly reported to police.
10. No alcoholic beverages shall be sold between the hours of 10:00 p.m. and 8:00 a.m.
11. Store windows shall be left unobstructed to all viewing of interior of the business by patrolling police. Advertisements for beer and wine shall not be visible from the exterior of the building.

Nothing in these conditions shall preclude the applicant from exceeding the minimum standards set forth therein. The applicant is encouraged to consult with the Police Department's Crime Prevention Unit before submitting final plans.

None of the sector sergeants expressed any concern regarding this request, and three of the seventeen neighborhood residents and businesses contacted were opposed.

Sincerely,



JERRY V. FINNEY
Assistant Chief of Police

JVF:mw

CITY OF SACRAMENTO
CITY PLANNING DIVISION

DEC 17 1991

RECEIVED

Michael Davis
8632 Cherrington Lane
Elk Grove, CA 95624

Sacramento, 12/12/91

To whom it may concern,

I, Michael Davis am withdrawing application file # P91-232



Michael B. Davis

000939